

ORDINANCE NO. 28-10 (AMENDED)

**AN ORDINANCE REGULATING OPEN BURNING
WITHIN THE CITY OF WEST LAFAYETTE**

WHEREAS, burning within the City of West Lafayette has traditionally not been tolerated as an acceptable means of waste or refuse disposal;

WHEREAS, unregulated open burning within the City constitutes a threat to the health, safety, and welfare of the people living within the City; and

WHEREAS, unregulated open burning constitutes a threat of damage or harm to property;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

CHAPTER 63 of the West Lafayette City Code shall be AMENDED to include a NEW ARTICLE V to read as follows:

ARTICLE V. OPEN BURNING

Sec. 63.50. Definitions.

For the purposes of this Article, “open burning” is defined as the burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney. Open burning does not include smoking, as defined by Section 64.01 of the West Lafayette City Code.

Sec. 63.51. General

No person shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this ordinance or except as permitted, in writing, by the West Lafayette Fire Department.

Sec. 63.52. Exemptions

Provided that the burning complies with applicable state and federal statutes, regulations, or other law and that the size of the fire does not exceed one foot high by two feet wide and two feet long, the following types of open burning shall be allowed:

(a) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

(b) The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fire place, or other reasonably safe outdoor fire pit or outdoor fire place provided that:

- (i) The fire is wholly contained within the fire pit or fire place;
- (ii) The fire pit or fire place is covered by a screen if necessary to control the emission of ash and embers;
- (iii) The fire does not constitute a nuisance;
- (iv) The fire is not within 10 feet of combustible materials;
- (v) The fire is not unattended;
- (vi) There is not more than one fire pit or fire place located on the lot; and
- ~~(vii) The fire is not located on a lot containing more than two dwelling units or at a fraternity, sorority, or similar housing.~~

~~For purposes of this subsection, a dwelling unit is the abode of a person or persons acting as a single housekeeping unit.~~

(c) Burning for bona fide ceremonial or bona fide religious purposes.

Sec. 63.53. Fire Department.

(a) Even if the burning would be otherwise allowed under this Article, no open burning shall occur if, in the discretion of the West Lafayette Fire Department, said burning represents a danger to the public health, safety, or welfare.

(b) Burning by any government subdivision or government agency for training or other purposes shall not be prohibited by any section of this Article.

Sec. 63.54. Leaves.

No person shall burn leaves, refuse or any other similar substance except by the express written approval of the West Lafayette Fire Department.

Sec. 63.55. Enforcement

Whoever violates any provision of this article shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

CHAPTER 67, ARTICLE I, SECTION 4 of the West Lafayette City Code shall be and is hereby REPEALED.