

Leaf Burning

An ordinance allowing the burning of leaves and amending the New Castle City Code Section 9-4.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA

I. Leaf Burning: Provisions, Limitations and Restrictions.

The burning of leaves shall be permitted between October 1 and and November 30 of each year. Said burning shall be restricted by the following limitations:

A. Residential Burning.

The burning of leaves shall be permitted where residences contain four or fewer units. Said burning is prohibited in apartment complexes and trailer parks.

B. Burning by Municipal Departments.

Departments of the City of New Castle, Indiana are permitted to burn leaves. Said burning shall take place on city owned property and be no less than five hundred feet (500 ') from any privately owned residence. The burning site shall be inspected by the New Castle Fire Department prior to commencement of burning and the fire department shall be notified in advance of the dates and time burning is to take place.

C. Residential burning shall be in a noncombustible container with enclosed sides, a bottom, and a mesh covering with openings no large than $\frac{1}{4}$ " square. Burning is prohibited in apartment complexes and mobile home parks.

D. There shall be no residential or municipal burning on public streets or alleys.

E. Only leaves shall be burned.

F. Residential and municipal fires shall be attended at all times by a responsible adult in close proximity until completely extinguished.

G. If residential or municipal fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished.

H. All residential and municipal burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that nearly all of the burning material is consumed by sunset, at which time all fires must be extinguished.

I. No residential or municipal burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.

II. Definitions and Air Pollution Problem:

- A. Nuisance and air pollution problem shall be defined as a fire creating dense smoke, noxious odor, or extended smoldering so as to be offensive to the neighborhood generally as determined by the New Castle Fire Department, New Castle Police Department, or New Castle City Building Inspector.
- B. Noncombustible Container. Any question regarding the sufficiency of a noncombustible container as referred to in I(c) above shall be referred to the office of the New Castle City Building Inspector who shall, within 24 hours of receiving the question, inspect the subject container and render his opinion to the parties involved.
- C. Unfavorable meteorological conditions shall be determined and declared by the National Weather Service, Indiana Air Pollution Control Board or the United States Environmental Protection Agency.
- D. Fire Hazard, shall be determined to exist by a physical inspection of the fire in question by the New Castle Fire Department, New Castle Police Department or New Castle Building Inspector.

III. Application to New Castle Code

This ordinance amends Section 9-4 of the New Castle City Code repealing only those ordinances, rules and regulations which are directly in conflict with these provisions all other provisions remaining in full force and effect.

IV. Severability

This ordinance shall be strictly construed. Should any provision hereof be found to violate an existing state or federal regulation or statute, said provision shall be stricken and replaced by the more restrictive regulation or statute leaving all other provisions unchanged.