

WHEREAS, the Board of Trustees for the Town of Knightstown recognizes that smoke from burning rubbish, trash and leaves has created an air pollution and health problem; and

WHEREAS, The Board of Trustees recognizes the need for an ordinance to prohibit the outside burning of rubbish, and to limit the burning of trash and leaves within the Town Boundaries; and

WHEREAS, The Town of Knightstown has the power and the duty to protect the health of the citizens of the Town of Knightstown, Indiana;

Now, therefore, be it ordained by the Board of Trustees for the Town of Knightstown, Indiana, that:

Title 8, Chapter 8.28, Section 8.28.020 is amended to read as follows:

8.28.020 CONTROLLED BURNING

1. Definitions - as used in this ordinance, the following terms shall have the following meanings:

(a) The term "prohibit" shall mean to stop or prevent.

(b) The term "burning" shall mean to be on fire, to give forth light or heat during combustion, or to be charred or scorched by action of fire or heat.

(c) The term "trash" is something readily flammable that would not emit toxic or offensive substance, in a quantity too small to be annoying.

(d) The term "rubbish" shall mean any substance that is not readily combustible such as rubber, oily liquids, cloth and plastics.

(e) The term "garbage" shall mean offal refuse, animal or vegetable, or matters of kitchen food and stove.

2. Responsibilities: No person within the Town of Knightstown shall burn any rubbish or garbage. No person shall burn trash or leaves, at any time within the town boundaries of the Town of Knightstown, except as provided below:

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(A) Burning shall be in a noncombustible container and may have openings not to exceed 2 inches in diameter on sides, top, and bottom.

(B) Burning will only be allowed between the hours of 10:00 a.m. and 3:00 p.m. on Tuesdays, Thursdays, and Saturdays.

(C) All fires must be completely extinguished so that the trash or leaves are not left smoking after 4:00 p.m.

(D) All burning must take place on private property, ~~at least fifteen feet from any building.~~

(E). The noncombustible container shall not be set on any street, alley, sidewalk, or public place.

~~(F) No burning shall take place on any day designated by the Works Manager to be a health hazard day due to adverse atmospheric conditions.~~

(F) Any fire deemed to be an immediate health or fire hazard shall be extinguished immediately upon request of an Knightstown Police officer, health authority, or fire authority. Such a request may be , but is not limited to, the result of complaints by nearby residents.

3. Exceptions.

(A) Notwithstanding the other provisions contained herein, residents shall be allowed to burn charcoal, natural gas, or bottled gas for outdoor cooking and barbecue purposes.

(B) Notwithstanding any provisions contained herein, this ordinance shall be subject to the provisions of and any actions taken by the Town of Knightstown Board of Trustees pursuant to Ordinance No. 5-88, entitled An Ordinance for the Conservation of Water Furnished by the Town of Knightstown.

4. Variances. The Board of Trustees shall consider written application, subject to approval of the Fire Chief, only for such variances from the provision of this ordinance, as will not be contrary to the public interest where, because of special conditions, a literal enforcement of the provision will cause unnecessary hardship. The Board of Trustees and Fire Chief may impose conditions on the granting of the variance as it deems proper

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5. Enforceability. If any section, provision, clause, sentence, or phase of this ordinance is for any reason held to be unenforceable or void, such holding shall not affect the relativity, enforceability, or validity of the remaining portions of this ordinance.
6. Penalties. Any person violating any portion of this ordinance shall, upon conviction, be fined no more than one-hundred (\$100.00), dollars, plus court costs, for each offense
7. Effective Date. This ordinance shall be in full force and effect upon publications following passage.

PASSED AND ADOPTED BY THE TOWN OF KNIGHTSTOWN, INDIANA,
ON THE 21 DAY OF SEPT, 1988.

TOWN BOARD OF TRUSTEES

Harold E. Kirk
David Owens
Wm. Moore
James Cunningham

Attest:

Shirley K. Jones
Clerk-Treasurer

