

**ORDINANCE #960
CITY OF KNOX
BURNING BAN**

WHEREAS, the Common Council, City of Knox, has the authority to propose and adopt ordinances to Improve the health and safety of its citizenry, and real property; and,
WHEREAS, the burning of leaves and other residential rubbish has, in the past, been tolerated as a means of trash disposal; and,
WHEREAS, in recent years the City of Knox has improved upon its trash pickup provided to the citizenry of the City of Knox, including the addition of the recycling program and regular and routine pickup and disposal of yard waste, including grass clippings and trimmings; and,
WHEREAS, burning of yard waste, including leaves and residential trash generates smoke by which, in its nature contains pollutants and contaminants to the environment that are harmful to the health of the citizenry of City of Knox;
and,
WHEREAS, the health and safety factors far out weigh the traditional tolerance of burning as a means of trash disposal;

NOW, THEREFORE, BE IT ORDAINED by the Common Council, City of Knox, Starke County, State of Indiana, as follows:

1. That no person shall start, kindle, cause, allow, or maintain any form of leaf burning, wood burning of any kind, or the burning of trash, rubbish or garbage, on private or public property, except as specifically authorized by this Ordinance.
2. That the following types of fires are permitted:
 - (a) customary burning of logs and other wood products in residential fireplace;
 - (b) burning of charcoal and other food cooking fuels customarily used in outdoor grills or traditional food cooking devices;
 - (c) fire celebrating Twelfth Night Ceremony;
 - (d) fire celebrating school pep rallies;
 - (e) fire celebrating scouting activities;
 - (f) fire used for recreational cooking purposes. i.e., campfires;
 - (g) industrial and/or commercial burning through methods specifically and previously approved by the Indiana Department of Environmental Management, or other appropriate state, local and/or federal regulatory agencies; and,
any other type of fires whereby a citizen of the City of Knox has obtained a variance from the provisions of this Ordinance by petitioning the Common Council, providing, however that the Common Council cannot grant a variance that would otherwise violate the provisions of 326 Indiana Administrative Code 4-1 et. seq. and as amended,
3. Any person found in violation of this Ordinance shall be subject to the following procedures:
 - (a) The Police Department personnel shall issue warning notice to a first time violator stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish a fire shall result in a citation then being issued.
 - (b) Issuance of a citation to the violator shall result in an imposition of a Fifty Dollar (\$50.00) fine administered by the Ordinance Violation Bureau through the Clerk of the City of Knox.

(c) Failure or refusal by the violator to immediately extinguish the fire in violation of this Ordinance shall also result in the Fire Department having the authority to go upon private property to extinguish said fire. Furthermore, in such instances where a leaf or rubbish fire results in damage to property other than the violators, including damage to public property. e.g., asphalt, or results in injury to another person, the imminent threat or damage to other party's property including public property that said fire is determined to be caused by negligence a or the willful disregard or violation of this Ordinance, a fine of the cost expended by the City of Knox to send fire suppression personnel or equipment to the location shall be assessed with said fine not to exceed One Thousand Dollars (\$1,000.00).

(d) Each subsequent starting, kindling, causing or allowing of a new fire after notice of violation has been issued shall be considered a separate offense.

IT IS FURTHER ORDAINED by the Common Council, City of Knox, Starke County. State of Indiana, that this Ordinance shall be in full force and effect from and after its passage by the Common Council, approved by the Mayor, and legal publication.