ORDINANCE NUMBER 1488-09-09

AN ORDINANCE AMENDING SECTION 94.01 OF THE TOWN OF AVILLA INDIANA CODE OF ORDINANCES

WHEREAS, on November 11, 1992, the Town Council of the Town of Avilla passed Ordinance Number 1266(A) pertaining to burning regulations; and

WHEREAS, subsequent thereto, said Ordinance Number 1266(A) was incorporated into the Code of Ordinance's as SECTION 94.01 "BURNING REGULATIONS"; and

WHEREAS, the Town Council of the Town of Avilla Indiana is, in the interest of public health, safety, and welfare, desirous of amending Section 94.01.

NOW THEREFORE BE IT ORDAINED that Section 94.01 be revised to read as follows:

1. Private residential burning (where a building contains four (4) or fewer dwelling units, and is not an apartment, condominium complex, or mobile home park) will be allowed only between the hours of one (1) hour after dawn through one (1) hour before dusk, in an approved container, and only of paper and paper products.

   In addition, the container must be located a minimum of twelve (12) feet from an existing structure and have a grate or wire mesh on the top while burning.

2. Recreational or ceremonial fires, such as bonfires or campfires, shall be allowed only under the following conditions:

   A. The diameter of the fire must never exceed thirty-six (36) inches.
   B. Only clean wood products, paper, charcoal, or clean petroleum products may be burned.
   C. Fires shall not be ignited more than two (2) hours before the recreational activity takes place, and shall be extinguished upon the conclusion of the activity.
   D. All Recreational and ceremonial fires shall be attended at all times while they are burning.

3. No permit shall be required for private residential burning or recreational or ceremonial fires.

4. Violation of this Section shall carry a fine of Twenty-five Dollars ($25.00) per incident; provided however, if the offense is admitted before the Violation Bureau Clerk within ten (10) days of the alleged violation of the ordinance, the fine shall be Ten dollars ($10) if paid to the Avilla Ordinance Violation Bureau within said 10 day period.

ALL OF WHICH IS ORDAINED this 16th day of Sept 2009.

AVILLA TOWN COUNCIL MEMBERS