

ARTICLE III. - BURNING^[2]

Footnotes:

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Editor's note— Ord. No. 2016-872, § 1, adopted on Aug. 1, 2016, repealed former art. III and enacted a new art. III as set out herein. Former art. III pertained to similar subject matter and derived from the Compiled Ords. of 1988, §§ 101.000(addendum) and 101.002—101.005; Ord. No. 613, adopted Aug. 7, 1995, §§ 2 and 4; Ord. No. 688, adopted June 5, 2000; and Ord. No. 814, § 1, adopted April 6, 2009.

Sec. 18-61. - Definitions.

The following terms, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates to a different meaning:

Approved fire pit or ring means a pit or ring no larger than four feet in diameter and constructed of noncombustible material.

Clean wood means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction or demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling repair and demolition operations on a house, commercial or industrial building, or other structure.

Fire chief means the chief of the Plainfield Township Fire Department or other person(s) designated by the fire chief.

Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

Patio wood-burning unit means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Recreational fire means an outdoor fire or the burning of material other than leaves, yard clippings, rubbish and construction and demolition waste.

Yard clippings means grass clippings, weeds, vegetable, or other garden debris, but does not include shrubbery, brush, tree branches, or tree trimmings.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-62. - General prohibition on open burning.

Open burning is prohibited in the township unless the burning is specifically permitted by this article.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-63. - Open burning of yard clippings, leaves, shrubbery, brush and tree branches and tree trimmings.

- (a) The following provisions shall control the burning of yard clippings, leaves, shrubbery, brush, tree branches and tree trimmings within the township. The following provisions do not prohibit recreational fires or the use of patio wood-burning units.
- (b) Open burning of yard clippings, leaves, shrubbery, brush and tree branches and tree trimmings may occur, subject to the following conditions and requirements.
 - (1) A burning permit shall be obtained from the township fire chief.
 - (2) The open burning event shall only take place from September 1 through June 30.
 - (3) The property owner (or the property owner's agent) shall assure the fire department that the proposed fire is on their property and will remain on their premises, with constant adult supervision and control, during the duration of the open burning event.
 - (4) The open burning may not occur less than 50 feet from the nearest public street or highway right-of-way, and at least 50 feet from the nearest dwelling owned or occupied by any person other than the owner of the premises on which the open burning shall occur.
 - (5) All yard clippings, leaves, shrubbery, brush tree branches, and tree trimmings shall emanate from the property on which the open burning shall occur.
 - (6) Equipment capable of extinguishing the fire shall be conveniently available whenever the open burning takes place.
 - (7) In no event shall any person burn any garbage, plastic, Styrofoam, chemically treated lumber, synthetic material or other hazardous materials, nor shall any rubber or rubber-based material (including, but not limited to, rubber tires) be burned.
 - (8) All combustible materials and growth must be cleared at least five feet from the fire area.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-64. - Recreational fires.

Recreational fires are allowed, subject to the following conditions and requirements:

- (1) No yard clippings, leaves, rubbish, or construction and demolition waste shall be burned in any recreational fire.
- (2) All combustible materials and growth must be cleared at least five feet from the fire pit.
- (3) The fire pit must be at least ten feet from any structure.
- (4) Recreational fires must be contained within an approved fire pit or ring or in an outdoor fireplace.

Sec. 18-65. - Patio wood-burning units.

Patio wood-burning units are allowed, subject to the following conditions and requirements:

- (1) Only clean wood shall be burned in a patio wood-burning unit.
- (2) The patio wood-burning unit may not be used less than 25 feet from the nearest dwelling owned or occupied by any person other than the owner of the premises on which the open burning shall occur.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-66. - Exceptions to open burning prohibition.

The following are exempt from the rules of this article:

- (1) Fires authorized for the training of firefighters or other controlled burnings approved by the fire chief.
- (2) The preparation of food using charcoal, wood, propane, natural gas or any other acceptable conventional fuel in cooking or grilling appliances.
- (3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-67. - Burning construction material or demolition waste prohibited.

No burning of any type of construction material or demolition waste shall occur.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-68. - Supervision of fires.

The property owner is responsible for the supervision of any and all fires which occur on the property owner's land.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-69. - Issuance of burning permit.

Burning permits pursuant to this article shall be issued by the fire chief annually. The fire chief may impose reasonable temporary conditions on the issuance of a burning permit, including, but not limited to, limitations in the size, duration, time of day, location, and manner of burning. When weather conditions or the effect of burning on air pollution warrant, the fire chief may temporarily suspend the issuance of burning permits.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-70. - Revocation of burning permit.

A burning permit may be revoked or temporarily suspended by the fire chief after issuance if the open burning event would likely be unsafe due to the particular circumstances or requests, including, but not limited to, unfavorable weather conditions or the adverse effect of burning on air pollution given the degree of air pollution on the day of burning. Any violation of this article or the burning permit shall void the burning permit.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-71. - Natural disaster event.

In the event of a natural disaster which causes extensive damage to shrubs, bushes, and trees, the limitations on open burning of shrubbery, brush, tree branches, and tree trimmings in this chapter may be waived by the fire chief, upon consulting with the township superintendent prior to the waiver.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-72. - Loss of burning privileges.

Any person found responsible for a violation of a municipal civil infraction offense pursuant to this chapter shall have their burning privileges suspended for at least 60 days from the date of the finding of responsibility for any and all properties which they own within the township.

(Ord. No. 2016-872, § 1, 8-1-2016)

Sec. 18-73. - Violations and penalties.

Any person who violates any provision of this article shall be responsible for a municipal civil infraction. A violation of the conditions of a burning permit shall be deemed a violation of this article.

(Ord. No. 2016-872, § 1, 8-1-2016)

Secs. 18-74—18-90. - Reserved.