

TOWN ORDINANCE NO. 1992-2-17-A

AN ORDINANCE AMENDING LAGRANGE TOWN ORDINANCE NO. 46.10.

WHEREAS, the Town of LaGrange has an ordinance in effect making it illegal to cause to be burned leaves, brush or other refuse on any alley or street in the Town of LaGrange; and

WHEREAS, citizen complaints to the Board of Trustees of the Town of LaGrange has made said Board of Trustees aware that citizens in and about the Town of LaGrange desire further protection from residents of the Town of LaGrange who cause to be burned upon their own property, leaves, brush, trash and other refuse causing to emit from said private property smoke and derivative by-products of the burning process causing health problems, sight problems, inconvenience, diminution in property value, cleanliness problems, and nuisance to be spread around and across the surrounding properties from where said smoke, fire, and other by-products emit.

WHEREAS, the Board of Trustees have considered other measures to resolve the health and safety problem brought to their attention, but other such methods do not seem to be sufficient to resolve the problem that exists.

LET IT NOW THEREFORE BE RESOLVED that LaGrange Town Ordinance No. 46.10 is hereby amended as follows:

1. Paragraph A is amended by its deletion and in its place the insertion of the following language:

"A. Section 1. It shall be unlawful to burn any garbage, trash or other organic refuse, outside of any building at any time within the Town.

It shall unlawful to burn grass or leaves at any time.

It shall be unlawful to burn papers in the Town unless burned in a stove, fireplace, or furnace, or in any incinerator sufficiently fine to prevent the escape of ignited particles.

Section 2. No person shall openly burn any material except as provided in Section 3.

Section 3. Exemptions: The following types of Fires are Permitted:

- 1.) Fires celebrating school pep rallies
- 2.) fires used for recreational cooking purposes, camp fires
- 3.) Gas & Charcoal grills for cooking

Section 4. All exemptions under Section 3 shall be subject to the following:

- 1.) Only wood products derived from wood shall be burned unless otherwise stated above
- 2.) Fires shall be attended at all times until completely extinguished
- 3.) If fires create a nuisance or a fire hazard, they shall be extinguished immediately
- 4.) No burning shall be conducted during unfavorable, meteorological conditions such as temperature invasions, highwinds, air stagnation, etc."

2. Said Ordinance No. 46.10 and 46.99 is further amended by the deletion wherever such term is contained of the language "LaGrange Leaf Burning Ordinance" and the insertion in its place of the language "LaGrange Burning Ordinance".

3. LaGrange Town Ordinance No. 46.99 is hereby amended by its deletion and in its place the insertion of the following language:

"46.99 PENALTY

Any person who violates any portion of LaGrange Town Ordinance Section 46.10 shall be deemed to have committed a Class B Infraction and shall be fined for each such violation an amount consistent with the Indiana law as such relates to the violation of same. Be it further provided that any person who should desire to make payment to the Town Clerk of LaGrange prior to the filing and docketing of any such violation with the courts of the County of LaGrange, shall make payment of a fine in the amount of \$100.00 for each such violation noticed."

In all other respects LaGrange Town Ordinance Section 46.10 is re-affirmed.

BE IT THEREFORE FURTHER RESOLVED that this Ordinance shall take effect upon publication and promulgation according to law.

ALL OF WHICH IS DULY ORDAINED this 2<sup>nd</sup> day of March, 1992.

LAGRANGE TOWN BOARD OF TRUSTEES

Richard D. Ohe Town board President  
Richard D. Cash  
Tom Helmer  
E. G. Seeth  
Sherry L. Huggman

ATTEST:

Kelli S. Conley  
Kelli Conley, Clerk-Treasurer