

**COUNCIL OF THE TOWN OF INDIAN HEAD**

**Ordinance No. 08-01-08**

<b>Introduced By:</b>	<b>Mayor Dennis J. Scheessele</b>
<b>Date Introduced:</b>	<b>August 4, 2008</b>
<b>Date Adopted:</b>	<b>September 2, 2008</b>
<b>Date Effective:</b>	<b>September 22, 2008</b>

**AN ORDINANCE** concerning

**OPEN BURNING**

**FOR** the purpose of modifying existing laws relating to open burning, bonfires and recreational fires in the Town of Indian Head; and generally relating to restrictions on open burning in the Town of Indian Head.

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**BY** adding  
Code of the Town of Indian Head (1990 edition as amended)  
Chapter 43, BUILDING CONSTRUCTION  
Section 43-21.Q.

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF INDIAN HEAD,** That new Section 43-21.Q be and it hereby is added to the Code of the Town of Indian Head (1990 Edition as amended), Chapter 43, BUILDING CONSTRUCTION, to follow immediately after Section 43-21.P thereof and to read as follows:

**Chapter 43**

**BUILDING CONSTRUCTION**

**§ 43-21. Modification of standards.**

The International Fire Code 2003, as adopted by § 43-20, is modified as set forth below:

**Q. SECTION 307 ON PAGES 26 THROUGH 27 IS AMENDED TO READ AS FOLLOWS:**

**SECTION 307**

**OPEN BURNING AND RECREATIONAL FIRES**

**307.1 GENERAL.** A PERSON SHALL NOT KINDLE OR MAINTAIN, OR AUTHORIZE TO BE KINDLED OR MAINTAINED, ANY OPEN BURNING, BONFIRE OR RECREATIONAL FIRE EXCEPT AS MAY BE EXPRESSLY AUTHORIZED BY THIS SECTION 307.

**307.2 PERMIT REQUIRED.** A PERMIT SHALL BE OBTAINED FROM THE FIRE CODE OFFICIAL IN ACCORDANCE WITH SECTION 105.6 BEFORE KINDLING A RECREATIONAL FIRE OR A BONFIRE, OR OPEN BURNING THAT MAY BE REQUIRED BY LAW. APPLICATION FOR SUCH APPROVAL SHALL BE SUBMITTED BY AND ISSUED TO

THE OWNER OF THE LAND UPON WHICH THE FIRE IS TO BE KINDLED.

**307.3 REQUIRED OPEN BURNING.** ANY OPEN BURNING REQUIRED BY LAW SHALL BE CONDUCTED IN ACCORDANCE WITH ALL LAWS AND REGULATIONS THAT REQUIRE AND REGULATE THE BURNING, AND WITH ALL PERMITS OR APPROVALS THAT MAY BE ISSUED PURSUANT TO SUCH LAWS OR REGULATIONS.

**307.4. LOCATION OF REQUIRED OPEN BURNING.** ANY OPEN BURNING REQUIRED BY LAW SHALL BE CONDUCTED AT LEAST 50 FEET FROM ANY STRUCTURE, AND PROVISIONS SHALL BE MADE TO ENSURE THAT SUCH FIRE DOES NOT SPREAD TO WITHIN 50 FEET OF ANY STRUCTURE, EXCEPT THAT (I) THE FIRE MAY BE LOCATED NOT LESS THAN 15 FEET FROM A STRUCTURE WHEN THE FIRE IS WITHIN AN APPROVED CONTAINER; AND (II) THE FIRE MAY BE LOCATED NOT LESS THAN 25 FEET FROM A STRUCTURE WHERE THE PILE SIZE IS 3 FEET OR LESS IN DIAMETER AND 2 FEET OR LESS IN HEIGHT.

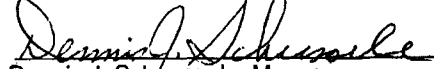
**307.5. BONFIRES.** A BONFIRE MAY BE IGNITED AND MAINTAINED AS LONG AS THE BONFIRE IS NOT BE CONDUCTED WITHIN 50 FEET OF A STRUCTURE OR COMBUSTIBLE MATERIAL UNLESS THE FIRE IS CONTAINED IN A BARBECUE PIT. CONDITIONS WHICH COULD CAUSE A FIRE TO SPREAD WITHIN 50 FEET OF A STRUCTURE SHALL BE ELIMINATED PRIOR TO IGNITION.

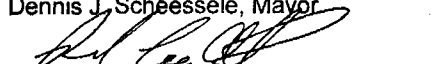
**307.6. RECREATIONAL FIRES.** RECREATIONAL FIRES MAY BE IGNITED AND MAINTAINED AS LONG AS THE RECREATIONAL FIRE IS NOT CONDUCTED WITHIN 25 FEET OF A STRUCTURE OR COMBUSTIBLE MATERIAL. CONDITIONS WHICH COULD CAUSE A FIRE TO SPREAD WITHIN 25 FEET OF A STRUCTURE SHALL BE ELIMINATED PRIOR TO IGNITION.

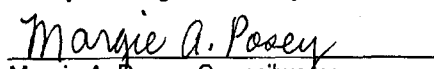
**307.7. ATTENDANCE.** REQUIRED OPEN BURNING, BONFIRES AND RECREATIONAL FIRES SHALL BE CONSTANTLY ATTENDED UNTIL THE FIRE IS EXTINGUISHED. A MINIMUM OF ONE PORTABLE FIRE EXTINGUISHER COMPLYING WITH SECTION 906 WITH A MINIMUM 4-A RATING OR OTHER APPROVED ON-SITE FIRE-EXTINGUISHING EQUIPMENT, SUCH AS DIRT, SAND, WATER BARREL, GARDEN HOSE OR WATER TRUCK, SHALL BE AVAILABLE FOR IMMEDIATE UTILIZATION.

**SECTION 3. AND BE IT FURTHER ENACTED,** that this Ordinance shall become effective at the expiration of twenty (20) calendar days after its approval by the Council.

INDIAN HEAD TOWN COUNCIL

  
Dennis J. Scheessele, Mayor

  
Randy L. Albright, Vice Mayor

  
Margie A. Posey, Councilwoman

ATTEST:

*Heidi Arnold*  
Clerk to the Council

9-2-08  
Date

Key:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
((Double Parenthesis)) indicate matter deleted from existing law.