

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

County
City of Rushville
Town
Village

Local Law No. 2 of the year 2006.

A local law to regulate open burning and emissions of hazardous smoke within the Village of Rushville

Be it enacted by the Village Board of the
County
City of Rushville as follows:
Town
Village

Sec. 1. **General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, including but not limited to bonfires, recreational fires, burning of garbage and debris in any type of container, including outdoor fireplaces, in the open outdoors or inside from a contained burning appliance to protect the health, safety and general welfare of the public. This law shall apply to all districts.

Sec. 2. **Prohibited open burning.** Open burning will not be allowed in any district, including but not limited to bonfires, recreational fires, burning of garbage, burning in any type of container either hand made or manufactured outdoor fireplaces, solid fuel burning outdoor boilers and furnaces.

Sec. 3. **Prohibited Inside burning using an appliance.** A person shall not burn any items or materials in a unit that it was not designed to burn. Including but not limited to Garbage, plastics, painted materials, debris and any other items that will create a smoke emissions with on offensive odor that will effect the quiet enjoyment of another's home and also may be hazardous to the health, safety and general welfare of the public.

Sec. 4. **Exceptions:**

- A. **Municipal:** Any fund raising barbeques.
- B. **Churches:** Any church function, barbeques, or fund raising benefits.
- C. **Non profit agency:** Any non profit agency with the approval from the Village Board to have a barbeque for a benefit to help others.

- D. Home Barbeque's.** A person shall be allowed to have their personal barbeque using the following equipment, barbeque grills using charcoal or LP gas fuel. In the event that the smoke from the grill is a nuisance to the neighbors quiet enjoyment of their property the grill will have to be relocated so that it will not create a nuisance or hazard to the neighbor.

Sec. 5. Enforcement. The Code Enforcement Officer shall be authorized to issue code violation notices for appearances. In addition the fire chief shall have the authority to extinguish immediately any fire upon receiving a complaint from a resident against another person or persons that have created any of the above conditions describe in this law and is in violation of this law which is a nuisance or hazard to the health, safety and general welfare of the public.

Sec. 6. Penalties, notices and fines: Any violation of this article shall be an offense and punishable as follows:

First violation shall be violation not to have anymore open burning or continue violating any section of this law will carry a fine of 250.00 per week per each violation. Second violation shall carry a fine of 350.00. All fines are payable directly to the Village upon receiving a notice from the Village Clerk that a fine is due and payable. In the event the fines are not paid to the Village, the Village will levy the amount owed in fines to against the real property as an additional tax.

Property owners will be held responsible to comply with this law whether or not the property owner is the occupant of the property.

Definitions:

- A. Open burning.** The burning of materials wherein products and smoke of combustion are emitted directly into the air.
- B. Bonfire.** An outdoor fire utilized for ceremonial purposes.
- C. Recreational fire.** An outdoor fire burning materials emitting smoke directly into the air.
- D. Barbeques.** The use of a barbeque grill using charcoal or LP gas fuel for the purpose of cooking food.
- E. Hazardous smoke.** Is any material being burned creating smoke such as garbage, chemical products, debris, paint products, plastics, tar products, and any other item that would have an offensive odor or could be hazardous to breathe in.