

ORDINANCE NO. 2 -2021

AN ORDINANCE AMENDING CHAPTER 101 (Open Burning)
OF THE BEDFORD CITY CODE

WHEREAS, there is a need to revise City of Bedford Code §§ 101.03 (Limited Permits) and 101.04 (Exemptions, Variances);

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Bedford as follows:

Section I. That Bedford City Code § 101.03 shall be and is hereby amended to read as follows:

101.03. **Limited Permits**

The City of Bedford Fire Department may grant permits to land owners who are developing one (1) acre or more of real estate for either commercial purposes or residential development. Said permits shall be limited in duration for a period of time to be determined by the Fire Chief or his designated employee. The cost of said permit shall be \$100.00 for each 30-day period with a minimum cost of \$100.00. Permits may be obtained at the Bedford Fire Department between the hours of 8 a.m. and 4 p.m. Monday through Friday.

Section II. That Bedford City Code § 101.04 shall be and is hereby amended to read as follows:

101.04. **Exemptions; Variances**

(A) Exemptions. The following types of burning are allowed:

- (I) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill, traditional food cooking devices, or campfires.
 - (a) Campfires must be contained in a fire pit which is designed to contain and control outdoor wood fires. Commercial fire pits must be used in accordance with the manufacturer's instructions. Fire pits must be placed on a non-combustible surface at least twice the diameter of the fire pit.
 - (b) fire pits must not exceed three (3) feet in diameter. The fire may not extend more than two (2) feet above the fire pit. The fire pit must be

surrounded on the outside, above the ground, by a non-combustible material such as, but not limited to, concrete block, bricks, or rocks.

- (c) Burn barrels are prohibited.
- (2) Fires used for recreational or ceremonial purposes such as school pep rally fires or the celebration of scout activities. Recreational or ceremonial fires shall meet the following conditions:
 - (a) Only clean untreated wood or charcoal shall be used. Paper products can be used for ignition purposes only.
 - (b) The fire shall not be ignited more than two (2) hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.
 - (c) The pile to be burned shall be less than 1000 cubic feet (for example: 10ft. x 10ft. x 10ft.).
 - (d) The local fire department shall be notified 24 hours in advance if the pile to be burned is more than 125 cubic feet (for example: 5ft. x 5ft. x 5ft.).
 - (e) The fire shall not be used for disposing of refuse.
 - (i) If said property is one (1) acre or more, tree limbs, leaves and grass clippings may be burned with approved permit from the City of Bedford Fire Department.
 - (ii) Property owner may only burn tree limbs, leaves and grass clippings from 6 a.m. to 6 p.m. Property owner must notify City of Bedford Fire Department of burn at least twenty-four (24) hours in advance.

(B) *Variances.* Other types of fires may be approved as follows:

- (1) A person may obtain a variance from the provisions of this chapter by submitting a petition to the Bedford Board of Zoning. A person must submit said petition to the Fire Chief in writing on a proscribed form which can be obtained from the City of Bedford Fire Department. The Fire Chief or his designated employee shall review said petition and make a recommendation to the Board of Zoning at a special or regular public meeting. The Board of Zoning shall review the petition and recommendation from the Fire Chief or his designee and either grant or deny the Petition for Variance at the first meeting following the date the Petition is submitted to the Board of Zoning by the Fire Chief
- (2) The City of Bedford Fire Department may place restrictions on said variance in addition to the conditions set forth below as it may deem appropriate; however, the Fire Chief or his designated employee shall not grant a variance for burning that would otherwise violate the provisions of the 326 I.A.C. 4-1 et seq., as amended, and Indiana Code § 13-17-9.

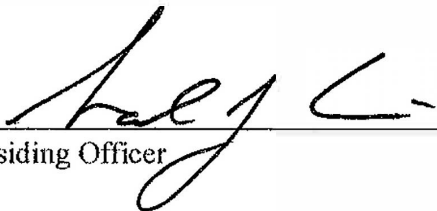
(C) *Conditions on exemptions and variances.* The following conditions apply to all exemptions and variances:

- (1) Burning shall be done during safe weather conditions. Burning shall not occur during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.
- (2) Fires must be attended at all times until completely extinguished.
- (3) Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat of public health as determined by enforcing agency.
- (4) The property owner and nearby shall have firefighting equipment adequate for the size of the fire on-site and nearby during times of burning.
- (5) Burning shall not be for disposal of garbage, refuse (unless it complies with (A) Exemptions (2)(e)(i) or trash as defined in § 94.01 and of the Bedford City Code).
- (6) All burning shall comply with other federal, state, and local laws, rules and ordinances.

Section III. Unless specifically modified herein, all other parts of Chapter 101: Open Burning of the City of Bedford Code shall remain in full force and effect

Section IV. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and proper publication as required by Indiana Law

Passed and adopted by the Common Council of the City of Bedford, Indiana, this 16 day of February, 2021.




Presiding Officer

ATTEST:



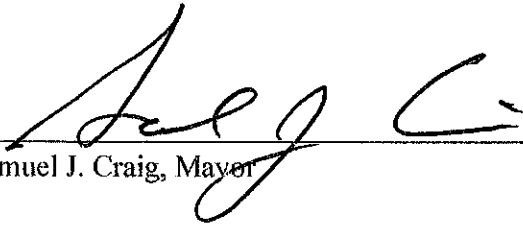
Marsha Pfeiffer, Clerk-Treasurer

Presented by me to the Mayor of the City of Bedford, Indiana, this 16 day of February, 2021.



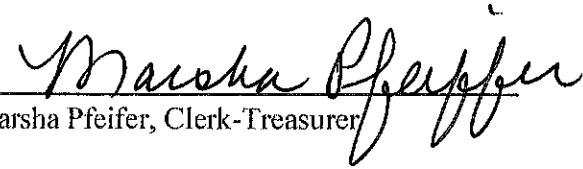
Marsha Pfeiffer, Clerk-Treasurer

This ordinance approved and signed by me this 16 day of February, 2021.



Samuel J. Craig, Mayor

ATTEST:



Marsha Pfeifer, Clerk-Treasurer

City of Bedford Fire Department
Permit for Commercial / Residential Burning

PERMIT # _____

Applicant: _____ Address: _____ Phone: _____

Burn Overseer: (if not the applicant) _____ Phone: _____

Tentative Dates of Fire/Burn: _____

Location of Fire/Burn: _____ **Burning Times are between 6:00 A.M. and 6:00 P.M. only.**

Size of Fire/Burn (Sq. Ft.): _____

Material to Burn: _____

Nearest Structure to the Fire/Burn (in Feet) _____

Cost \$100 (per 30 day period) \$ _____ [] CHECK # _____

I understand that I assume all liability and responsibility for the fire/burn and any damages and/or injuries that might occur due to this fire/burn.

Applicant's Signature: _____ Date: _____

This permit must be approved by the Fire Chief or Appointee.

Signature of Approval-Fire Chief or Appointee: _____

Signature of Police Chief: _____

Applicant must call Bedford Fire Department and notify them on the day of each fire/burn. 812-275-4544

Date of 1st Fire/Burn: _____ Date of Permit Expiration: _____

Burning Times are between 6:00 A.M. and 6:00 P.M. only.

**BEDFORD BOARD
OF ZONING APPEALS
1102 16th STREET • BEDFORD, IN 47421**

VARIANCE OF USE

DATE FILED _____ DATE SET FOR HEARING _____

FEE PAID _____ APPLICANT PHONE # _____

NAME OF APPLICANT _____

ADDRESS OF APPLICANT _____

NAME OF PROPERTY OWNER _____

ADDRESS OF PROPERTY OWNER _____

LOCATION OF PROPERTY: LOT# _____ ADDITION _____

STREET ADDRESS _____

PRESENT USE _____ ZONED _____

A VARIANCE IS REQUESTED IN CONFORMITY WITH THE POWERS VESTED IN THE BOARD TO PERMIT THE APPLICANT/OWNER TO USE THE PROPERTY LISTED ABOVE IN THE FOLLOWING MANNER:

ACTION BY BOARD: __ APPROVED __ DENIED __ TABLED __ OTHER

SIGNATURE OF APPLICANT

DATED

SIGNATURE OF OWNER

DATED

**BEDFORD BOARD
OF ZONING APPEALS
1102 16th STREET • BEDFORD, IN 47421**

VARIANCE OF USE SUMMARY

DATE OF HEARING _____

NAME OF APPLICANT _____

LOCATION/ADDRESS OF PROPERTY _____

VARIANCE REQUEST _____

ACTION BY BOARD: APPROVED DENIED TABLED OTHER

As per IC 36-7-4-918.4 The member's of the Bedford Board of Zoning Appeals finds that:

- 1) The approval *will* *will not* be injurious to the public health, safety, morals, and general welfare of the community;
- 2) The use and value of the area adjacent to the property included in the variance *will* *will not* be affected in a substantially adverse manner;
- 3) The need for the variance *does* *does not* arise from some condition peculiar to the property involved;
- 4) The strict application of the terms of the zoning ordinance *will* *will not* constitute an unnecessary hardship if applied to the property for which the variance was sought; and
- 5) The approval *does* *does not* interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.

Comments: _____

Chairman

Secretary