

**Ordinance 7-2003**  
**AN ORDINANCE REGULATING BURNING WITHIN**  
**THE CIVIL TOWN OF MOORESVILLE**

BE IT ORDAINED by the Town Council of the Civil Town of Mooresville, Indiana, that:

By the powers vested in the Town Council of the Civil Town of Mooresville, Indiana, and by the laws of the State of Indiana and all Amendments thereto, that it is hereby ordered and ordained that:

WHEREAS it is necessary for the Town to introduce certain ordinances for the safety, health and general welfare of the citizens of the Civil Town of Mooresville, Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Civil Town of Mooresville, Indiana:

**Section 1. Definitions**

Regulation of Burning and Establishing that all businesses must use incinerators approved by the Fire Chief or that meet the standards set out in the Ordinance herein and regulation of burning by private citizens within the Civil Town of Mooresville.

Section A. The following definitions shall apply in the interpretation of enforcement of this Ordinance.

1. "Person" shall mean any person who is a private citizen and not a business entity and is acting as a homeowner or renter in and not on behalf of any firm, partnership, corporations, association or business of any kind.
2. "Garbage" shall mean waste resulting from the handling, preparation, cooking and consumption of food, waste from the handling, storage and sale of produce; including all waste, all accumulation of animal, fruit or vegetable matter, meat, fish or fowl.
3. "Refuse" shall mean combustible trash, including but not limited to paper, cartons, boxes, barrels, woods, excelsior, furniture, bedding; non-combustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock or pieces of concrete, glass, crockery other mineral wastes; street rubbish including but not limited to, street sweepings, dirt, catch-basin dirt, contents of litter receptacles excluding "garbage".
4. "Yard Rubbish" shall include all trimmings, however excluding all leaves and plants and shrubs, discarded with the intention of removing the same from the yard.

5. “Business” shall mean any firm, partnership, corporation, association, company or organization of any kind that disposes of any type of waste by burning on its premises or at any other location within its control.
6. “Waste” shall include garbage, refuse, and yard rubbish or any other by-product of a business.
7. “Leaves” one of the laterals expanded appendages of the stem of a plant, commonly flat, thin and green in color and functioning as the principal area of photosynthesis.

Section B. – It shall be unlawful for any “business” to burn leaves, plants or shrubs within the corporate limits of the Civil Town of Mooresville, Indiana. It shall be unlawful for any “business” within the corporate limits of the Civil Town of Mooresville, Indiana to have any open burning of waste that emits embers or other debris into the air creating a health hazard or fire hazard. Any business receiving notice of a violation of the Ordinance under this section shall be required to install an incinerator or other burning device, which would keep debris, embers and other fire hazards out of the air. All such incinerator or burning devices must have screens or grates to entrap the flammable material from emitting there from. Any “business” that violates the open burning policy after receiving notice of the hazard set out above by the Fire Chief for the Town of Mooresville shall be subject to the fines and penalties set out in Section H of this Ordinance.

Section C. – It shall be unlawful for any “person” to burn leaves, plants or shrubs within the corporate limits of the Civil Town of Mooresville, Indiana. It shall be unlawful for any “person” to burn any type of waste within the corporate limits of the Civil Town of Mooresville, Indiana that emits embers or other debris into the air creating a health hazard or fire hazard. Any person receiving notice of a violation of the Ordinance under this section shall be required to install an incinerator or other burning device, which would keep debris, embers and other fire hazards out of the air. All such incinerator or burning devices must have screens or grates to entrap the flammable material emitting therefrom. Any “person” that violates the open burning policy after receiving notice of the hazard set out above by the Fire Chief for the Town of Mooresville shall be subject to the fines and penalties set out in Section H of this Ordinance.

Section D. – The Fire Chief for the Civil Town of Mooresville, Indiana may prohibit any or all bonfires and outdoor rubbish fires, outdoor or incinerator burning or burning when atmospheric conditions or local circumstances make such fires hazardous. Notice must be delivered in writing to any business or person before they may be cited for violation of this Ordinance for burning after the Fire Chief has prohibited the same under this paragraph.

Section E. – It shall be unlawful for any person or business to burn within the corporate limits of the Civil Town of Mooresville, Indiana, any waste between the hours of 7:00 o'clock p.m. and 9:00 o'clock a.m.

Section F. – It shall be unlawful for any person or business to ignite or burn any trash, leaves, plants, shrubs or other waste on the surface of any improved street, alley or thoroughfare within the Civil Town of Mooresville, Indiana or on any right-of-way of the Civil Town of Mooresville, Indiana.

Section G. – The Town Marshall may enforce this ordinance or the Deputy Town Marshals, the Fire Chief or those deputies of the Fire Chief approved by the Town Council.

Section H. – Violation of this Ordinance is hereby declared to be punishable by a fine of not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). Each violation of this Ordinance shall be deemed a separate offense. Actual damages along with the fine and Court costs may be assessed for violations under Section (f) when the Town property has been so damaged and the actual damages are itemized to the Town Court.

Section I. – This Ordinance specifically repeals Ordinance 15-1961, Ordinance 13-1982 and Ordinance 6 – 1988. This Ordinance shall be in full force and effect from and after its passage and due publication.

Section II. – The Town of Mooresville hereby incorporates the Open Burning Regulations of Indiana Code 326 IAC 4-1-0.5 through 326 IAC 4-2-2 and all Amendments thereto. Any sections that are inconsistent between the Indiana Code Open Burning Regulations and the Town of Mooresville Ordinance set out herein shall be interpreted to enforce the stricter of the two (2) regulations.

**Mooresville Town Council**

Troy Bryant  
John L. Clark  
Toby Dolen  
Mark Mathis  
Tom Warthen

(All original signatures are on file)

Sandy Perry – Clerk Treasurer