

RESOLUTION NO. 2012- 5

EXECUTIVE ORDER

BURN BAN

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF GIBSON COUNTY, INDIANA as follows:

WHEREAS, the Board of Commissioners (hereinafter "Board") of Gibson County, (hereinafter "County") find that the county is in a prolonged period of drought; and

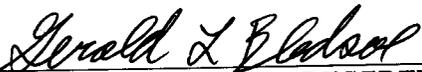
WHEREAS, the effect of the lack of rainfall has dried vegetation to the point it may easily combust and has thus become a fire hazard; and

NOW THEREFORE, The Board of Commissioners of Gibson County, Indiana, pursuant to Indiana Code 10-4-1 et. seq. resolve and request that there be no open burning or discarding of matches, ashes or any burning materials from vehicles within the confines of Gibson County, Indiana.

NOW THEREFORE, The Board of Commissioners of Gibson County, Indiana, do not wish to prohibit previously scheduled ceremonial and celebratory burning events such as bonfires and organized cookouts, however such events shall be approved and/or monitored by the respective fire department under which their jurisdiction falls.

THIS EXECUTIVE ORDER issued this 19th day of June, 2012, and shall continue until rescinded, but shall be reviewed every thirty (30) days.

BOARD OF COMMISSIONERS OF GIBSON COUNTY, INDIANA


GERALD BLEDSOE, PRESIDENT


BOB TOWNSEND


ALAN DOUGLAS

ATTEST: (SEAL)


C.T. MONTGOMERY, AUDITOR

We've received a lot of questions about burn bans and restricting fireworks usage. We've compiled the following information to help you in case your jurisdiction decides it needs to declare a burn ban. This information is also available on the Indiana Department of Homeland Security website at www.in.gov/dhs/3766.htm.

Issuing Burn Bans

Restrictions on outdoor burning activities or "burn bans" can be ordered by any local fire chief for his or her jurisdiction, or may be imposed by the legislative body of a city, town or county. While the Indiana State Fire Marshal's Office does not declare local burn bans, the Indiana State Fire Marshal supports local efforts to reduce the fire risk escalated by continuing dry weather.

The Indiana State Fire Marshal's Office is a division of the Indiana Department of Homeland Security.

According to the 2008 Indiana Fire Code, Section 307.1.1 "The fire chief is authorized to require open burning be immediately discontinued if such open burning constitutes a hazardous condition."

The local fire chief or local municipality that orders or imposes a burn ban is responsible for determining what activities will be permitted or restricted, who will enforce the ban, and how long the restrictions will last.

[Click here for an example of a burn ban that was enacted by the Johnson County Board of Commissioners in 2010.](#)

The Indiana State Fire Marshal's Office has compiled a map to indicate what areas are currently under burn bans. This map is available at <http://www.in.gov/dhs/files/burn-ban/>.

To have your burn ban included on this map you must notify IDHS through your county Emergency Management Agency (EMA). Contact information for all Indiana EMAs is available at <http://www.in.gov/dhs/2797.htm>.

If you have questions about burn bans, contact the Indiana State Fire Marshal's Office at (317) 232-2222.

Restricting the Use of Fireworks

The use of fireworks is NOT covered under the "open burning" provisions of Section 307.1.1 of the Fire Code. In other words, issuing a burn ban does NOT prohibit or restrict fireworks use in your jurisdiction.

Indiana Code 22-11-14-10.5* prevents local ordinances from prohibiting the use of fireworks

(A) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4.

However, local fire departments and legislative bodies can certainly appeal to their constituents to voluntarily refrain from using fireworks during these times.

Local ordinances can prohibit the use of fireworks on the other days of the year.

When considering restricting the use of fireworks during a drought condition, you may want to seek the advice of your municipal or county attorney to determine the appropriate vehicle to contain fireworks use restrictions.

*IC 22-11-14-10.5

"Use" defined; adoption of ordinance by county or municipality concerning use of consumer fireworks

Sec. 10.5. (a) As used in this section, the term "use" means the ability of a county or municipality to regulate the days and hours when consumer fireworks may be

used, ignited, or discharged.

(b) Notwithstanding any other provision of this chapter:

(1) a county may adopt an ordinance concerning the use of consumer fireworks in the unincorporated areas of the county; and

(2) a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality.

(c) An ordinance adopted under this section:

(1) may limit the use of consumer fireworks in the county or municipality;

(2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and

(3) may not limit the use of consumer fireworks:

(A) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

Leadership for a Safe and Secure Indiana