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1. Fires may be allowed for land and forest management purposes in areas that are zoned agricultural or operated as a farm, the boundaries of which are at least 300 feet from the boundaries of the nearest improved residential zoning district (R1, R2 or R3) if:

- a. Such fires are conducted by the property owner; and
- b. They are kept under the property owner's direct and constant supervision.

2. Fires shall be allowed for land and forest management purposes in areas that are zoned agricultural or operated as a farm, the boundaries of which are less than 300 feet away from the boundaries of the nearest improved residential zoning district (R1, R2 or R3), or in areas that are not zoned agricultural if:

- a. the fire is conducted by the property owner; and
- b. the fire is kept under the property owner's direct and constant supervision; and
- c. the property owner or his or her representative has obtained a fire permit from the Indiana Department of Environmental Management (IDEM); and
- d. the property owner has submitted to the Hobart Fire Department the IDEM permit and the related Burn Plan within seven (7) days of its receipt; and
- e. At least 48 hours before the proposed time of commencement of the burn, the property owner must submit the following in writing to the Hobart Fire Department:
 - (i) the street address and legal description of the property that will be burned; and
 - (ii) the date and time of the commencement of the proposed burn and its expected duration; and
 - (iii) the written consent of the property owner contained in an instrument bearing his or her signature, approving the burn and indicating their agreement to accept liability for any costs or liability incurred by the Hobart Fire Department due to the proposed burn; and

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(iv) a certificate of insurance showing that the property owner is covered by a policy of general liability insurance with an aggregate limit of not less than \$1 million covering any damage caused by the proposed fire; and

(v) a list, in writing, of the names and qualifications of the individuals who will be managing the fire and a list of the safety and fire suppression equipment that will be on site during the fire; and

(vi) the anticipated weather on the date of the fire and a description of the weather under which the fire should be allowed; and

(vii) in the event a proposed burn is canceled and the property owner reapplies for a new burn date(s) the same materials may be resubmitted in support of the new date where applicable; and

(viii) a fifty (50) dollar fee to the Hobart Fire Department to defray the Fire Department's administrative costs.

f. At least 48 hours before the proposed time of the commencement of the burn, actual burning, the property owner must provide written notice to every resident located within 300 feet of the boundaries of the parcel of property to be burned. The written notice shall include:

(i) the location of the proposed burn; and

(ii) the proposed date and time of commencement of the burn, the burn and its expected duration (the notice may indicate that the proposed burn will be conducted on a single date or on one of two consecutive dates; and

(iii) contact information for the property owner in charge of the fire; and

(iv) information on whom to contact with questions at the Hobart Fire Department; and

(v) in the event a proposed burn is canceled, and the owner or owners reapply for new burn date(s), the neighboring residents shall be notified of the new date(s) in the same manner as in the initial notice; and

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142 (vi) the Fire Chief shall determine what constitutes
143 adequate written notice and may substitute alternative
144 messaging methods or techniques as he deems appropriate.
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146 g. The Hobart Fire Department may approve or deny a burn plan
147 upon any reasonable ground.
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149 3. The Hobart Fire Department may inspect the site of the proposed fire
150 for land or forest management purposes before, during or after the burn.
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152 4. The Hobart Fire Department may extinguish or order the
153 extinguishment of any fire for land or forest management purposes upon
154 its sole determination that a dangerous condition exists or is likely to be
155 created if the fire continues, or if it determines in its sole judgment that the
156 burn plan governing the fire is not being followed or implemented.
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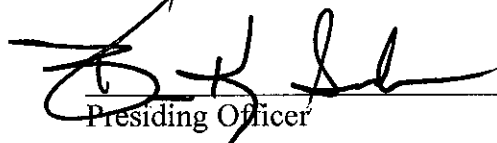
158 (E) As used in this section, "property owner" means at least one person who has
159 an ownership interest in the property to be burned or at least one officer of a
160 corporation that has title to the property and is authorized to act for the
161 corporation, or a general partner or managing member of a partnership or limited
162 liability company, respectively, holding title to the property. In the event that title
163 is held by more than one entity, all entities must consent in writing to the burn and
164 all filings required by this section.
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166 (F) Fires shall be allowed for land or forest management purposes if conducted by
167 or on land owned by governmental entities such as the Indiana Department of
168 Natural Resources, U. S. Forest Service or National Park Service without
169 restriction.
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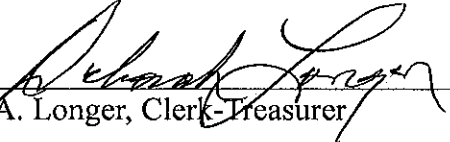
171 *SECTION TWO:* This ordinance shall become effective upon its adoption in the
172 manner required by law, and upon publication thereof pursuant to I.C. §36- 3-4-6-14(b) in
173 two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4
174 (a).
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176 *SECTION THREE:* All ordinances or portions thereof in effect prior to the
177 effective date and in conflict with the provisions of this ordinance are hereby
178 repealed.
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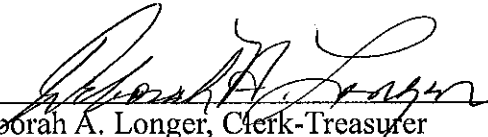
180 ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of
181 Hobart, Indiana on this 16th day of JANUARY, 2017.
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186 Presiding Officer

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ATTEST: 
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 18th day of
JANUARY, 2017 at the hour of 6:45 pm.


Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of
the City of Hobart on this 18th day of JANUARY, 2017.


Brian K. Snedecor, Mayor

ATTEST: 
Deborah A. Longer, Clerk-Treasurer