

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

**TO:** Christopher C.T. Stephen, City Attorney for the City of Greensburg, Indiana  
Alan W. Campbell, Greensburg Fire Department Fire Inspector  
**FROM:** Fire Prevention and Building Safety Commission (Commission) Staff  
**DATE:** Wednesday, November 4, 2020  
**RE:** Commission Review of Ordinance No. 2020-4 – City of Greensburg, Indiana Burn Ordinance – Staff Review Memo

The information contained in this memo is advisory only. The Commission's staff does not have the authority to approve or deny ordinances or other regulations adopted by a political subdivision that qualify as fire safety or building laws. The decision to approve or deny ordinances or other regulations is left solely to the Commission.

## GENERAL INFORMATION

Political Subdivision	Ordinance Number	Ordinance Type
City of Greensburg	2020-4	Burn (Fire Prevention/Safety)
Date of Adoption	Date of Submission	First Commission Meeting
July 6, 2020	September 10, 2020	October 6, 2020
Fire Safety/Building Law	Follow Template?	Recommendation
Fire Safety Law(s)	No	Denial

## PROVISIONS THAT DUPLICATE, CONFLICT, OR OVERLAP WITH STATEWIDE CODE

The following is a list of potential defects identified between this ordinance and the state's building and fire safety laws:

#	Ordinance Citation	State Citation	Explanation of Defect
1	Section I, A Bonfire.	2014 IFC, Section 202	The ordinance's definition of "Bonfire" conflicts with the 2014 Indiana Fire Codes definition of "Bonfire" – "An outdoor fire utilized for ceremonial purposes." Staff's recommendation is to revise ordinance to incorporate the 2014 Indiana Fire Code's definition by reference. Also, see definitions of "open burning" and "recreational fires" in Section 202 of the 2014 Indiana Fire Code to determine if it is more or additionally appropriate to incorporate those specific definitions by reference.

2	Section III Discontinuance.	2014 IFC, Section 307.1.1 [as amended in 675 IAC 22-2.5-4(e)]	Section III of Ordinance No. 2020-4 conflicts with Section 307.1.1 of the 2014 Indiana Fire Code – “Discontinuance. The fire chief is authorized to require open burning be immediately discontinued if such open burning constitutes a hazardous condition.” Staff’s recommendation is to revise ordinance to incorporate the requirements of this section by reference.
3	Section IV, B Discontinuance.	2014 IFC, Section 307.1.1 [as amended in 675 IAC 22-2.5-4(e)]	See conflict cited in Item #2 above.
4	Section IV, E Extinguishment authority.	675 IAC 22-2.5-4(h)	Section IV, E of Ordinance No. 2020-4 conflicts with 675 IAC 22-2.5-4(h). Section 307.3 (Extinguishment authority) of the 2014 Indiana Fire Code is deleted without substitution in 675 IAC 22-2.5-4(h), and, as such, may not be mandated by local ordinance.
5	Section IV, F Wood Fire Pits.	2014 IFC, Section 307.2.1 [as amended in 675 IAC 22-2.5-4(g)] & 2014 IFC, Sec. 307.4 (including subsection 307.4.1 through 307.4.3)	Section IV, F of Ordinance No. 2020-4 appears to conflict with provisions of Section 307.2.1 of the 2014 Indiana Fire Code [as amended in 675 IAC 22-2.5-4(g)] and Section 307.4 of 2014 Indiana Fire Code, including 307.4.1 through 307.4.3. Staff’s recommendation is to revise the ordinance to incorporate the requirements of Section 307.2.1 of the 2014 Indiana Fire Code [as amended in 675 IAC 22-2.5-4(g)] and Section 307.4, including 307.4.1 through 307.4.3, by reference.
6	Section IV, G Portable outdoor fireplaces.	2014 IFC, Section 307.4.3 (subsection of Section 307.4)	Section 307.4.3 (subsection of Section 307.4) of the 2014 Indiana Fire Code includes an exception for portable outdoor fireplaces used at one- and two-family dwellings. Staff’s recommendation is to revise the ordinance to incorporate the requirements of Section 307.4.3 by reference.
7	Section IV, I Attendance.	2014 IFC, Section 307.5 [as amended in 675 IAC 22-2.5-4(i)]	Section IV, I of Ordinance No. 2020-4 is similar but not identical to the requirements of Section 307.5 [as amended in 675 IAC 22-2.5-4(i)] of the 2014 Indiana Fire Code. Staff’s recommendation is to revise the ordinance to incorporate the requirements of Section 307.5 [as amended in 675 IAC 22-2.5-4(i)] by reference, to avoid any conflicts and duplication.

## **ADDITIONAL COMMENTS**

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The Commission's staff advises that the language of Section IV, C of Ordinance No. 2020-4 is unclear as to what the provision is explicitly granting exceptions or special use which may be approved at the discretion of the fire chief (likely compliance with the requirements of the ordinance). The Commission's staff recommends that the City of Greensburg should consider revising Section IV, C for clarity, and should also carefully review the 2014 Indiana Fire Code to ensure that it will not be granting exceptions or special use which is prohibited by the statewide code.