

## ORDINANCE 12-26

### AN ORDINANCE OF THE CITY OF WESTFIELD EXTENDING THE EMERGENCY OPEN BURNING BAN BY THE CITY OF WESTFIELD

**WHEREAS**, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

**WHEREAS**, The Mayor has advised the Council that this matter is a result of the emergency conditions present in Central Indiana by the continuing dry conditions with little to no relief in the immediate future that creates an urgent necessity and requires immediate effectiveness; and,

**WHEREAS**, after being duly advised in the issues regarding the dry and possibly dangerous conditions that exist, now finds that the implementation of the following Ordinance is in the best interests of the citizens of the City of Westfield.

**NOW, THEREFORE, BE IT ORDAINED** by the Westfield City Common Council meeting in session as follows:

**Section 1.** As of time of this Ordinance, an emergency exists within the City of Westfield because of the drought conditions which has required the Declaration of Emergency Conditions by the Mayor on June 29, 2012. The Council finds that conditions have not substantially improved and an extension is necessary.

**Section 2.** In order, to the extent possible, to protect the lives and property of the people of the City of Westfield, the Council orders that the following acts are prohibited within the City:

- a. No person shall cause, permit, or allow open burning on any property located within the City.
- b. No person shall discharge or cause to be discharged any fireworks as defined in Indiana Code 22-11-14.
- c. No person shall discharge or cause to be discharged into the air or ground at any location within the City, any device or mechanism which has an open flame attached or included as any part of the device.

**Section 3.** Pursuant to Indiana Code 10-14-3-24, all law enforcement officers of the State of Indiana and the political subdivisions within the State may enforce the terms and conditions of this Ordinance.

**Section 4.** Pursuant to Indiana Code 10-14-3-34, any person who knowingly, intentionally, or recklessly violates this Ordinance commits a Class B Misdemeanor and may be fined and/or imprisoned pursuant to law in addition to the general fines and penalties contained in the Westfield Code of Ordinances.

**Section 5.** This Declaration shall not prohibit a public fireworks display which is:

- a. Sponsored, endorsed, and permitted by the City.
- b. The Fire Chief of the municipality determines the municipality has adequate firemen, adequate fire trucks, and other equipment at the site of the fireworks display to immediately suppress any fire resulting from the fireworks.
- c. Approved by the Fire Chief of the municipality.

**Section 6.** This Ordinance shall remain in full force and effect for 60 calendar days from the date of this Ordinance, unless terminated earlier by the Mayor.

**Section 7.** This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. In the event any portion of this Ordinance is later deemed invalid all remaining portions shall remain in place. All acts taken pursuant to the adoption of this Ordinance are hereby ratified.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

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Jim Ake

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John Dippel

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John Dippel

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John Dippel

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 12-26 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 12-26  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

I hereby VETO ORDINANCE 12-26  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

This document prepared by  
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