

CHAPTER 133: OPEN BURNING

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§ 133.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY. All unincorporated areas of Warrick County, Indiana.

OPEN BURN. The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

PERSON. Any individual, firm, partnership, corporation, association, society or other entity.

WOOD PRODUCTS. Material consisting of, or wholly derived from, wood or vegetation.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.02 ALLOWANCE OF OPEN BURNING BY STATE LAW.

I.C. 13-17-9 and 326 IAC 4-1-3, as amended from time to time, allow various types of open burning, and this chapter supplements, but does not replace, the state statutes and state regulations on open burning.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.03 OPEN BURNING PROHIBITED.

(A) No person may openly burn in the county, except as allowed by this chapter or otherwise allowed by state law or regulation.

(B) After giving all notice required by state law, the Board of Commissioners may act to protect the public safety and welfare by declaring an open burn emergency.

(1) The declaration of open burn emergency may contain an expiration date or be continued until revoked by the Board.

(2) The restrictions imposed by the emergency may be limited to specific portions of the county, or may be limited to particular times of the day.

(3) Subject to Indiana and federal law, no person shall set, start, or attempt to set or start, an open burn within the county during the duration of a declared emergency, unless a permit has first been obtained from a local fire department within the county, and the permit is within the possession of the person or entity attempting to set or start such open burn.

(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

§ 133.04 EXCEPTIONS.

(A) Open burning of wood products, except for leaves, shall be allowed for the following:

- (1) School pep rallies;
- (2) Fires used for cooking purposes;
- (3) Fires used in scouting activities;
- (4) Any allowed open burning of wood products as provided for by state law and state regulation; and
- (5) Upon permit from a local fire department within the county.

(B) Except as allowed by state law and regulation, open burning of non-wood products shall be allowed pursuant to a permit issued by the Indiana Air Pollution Control Board, the Indiana Department of Environmental Management, and a

permit by the Board of Commissioners.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.05 GENERAL REQUIREMENTS.

All allowable open burning shall conform to this section, unless exempted by the Board of Commissioners, state law or federal law:

(A) A person who open burns any material shall extinguish the fire if it creates a nuisance or fire hazard.

(B) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions, or air stagnation.

(C) All fires must be attended at all times during burning until completely extinguished.

(D) All asbestos-containing materials must be removed before the burning of a structure.

(E) Asbestos-containing materials may not be burned.

(F) All burning must comply with state and federal laws.

(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

§ 133.06 ENFORCEMENT.

The county may bring an action for an injunction, as prescribed by state law, to obtain an order restraining or enjoining continuing violations of this chapter.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.99 PENALTY.

(A) Any person who violates any provision of this order shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:

(1) First offense in a calendar year: \$50;

(2) Second offense in a calendar year: \$100; and

(3) Third offense in a calendar year: \$150.

(B) Each day that a violation occurs constitutes a separate offense.

(BC Ord. 2008-10, passed 12-17-08)