

Portion of Vigo County Code 3-44 Relating to Open Burning

3-44-10

C. Open Burning.

1. APPLICABILITY: No person shall open burn any material except as provided in the following exemptions:
2. EXEMPTIONS: The following types of fires are permitted:
 - A. Fires celebrating school pep rallies, scouting activities and camp fires used solely for recreation purposes, where such fires are properly controlled by a responsible person.
 - B. Residential burning where residence contains two or fewer units. Burning shall be in a non-combustible container with enclosed sides, a bottom and mesh covering with openings no larger than 1/4" square. Burning is prohibited in apartment complexes and mobile home parks.
 - C. Farm burning of wood or wood products derived from farming operations. Clearing operations are not considered farm operations.
 - D. These exceptions apply in all areas where they are not prohibited by local ordinances or by other officials having jurisdiction, such as local fire officials.

All exemptions shall be subject to the following:

- 1) Only wood products shall be burned.
 - 2) Fires shall be attended at all times until completely extinguished.
 - iii. If a fire creates an air pollution problem, a nuisance, or a fire hazard, it shall be extinguished.
 - **** 4) All residential and farm burning shall be conducted during daylight hours and shall be extinguished at sunset.
 - **** 5) No burning shall be conducted during unfavorable meteorological conditions, such as temperature inversions, high winds, air stagnation, etc.
- **** During the months of October through March, the burning of leaves is prohibited before 10:00 AM and after 5:00 PM each day.

Enforcement of the open burning regulations is also extended to the Vigo County Volunteer Fire Departments.

In such cases where enforcement is deemed necessary by the volunteer fire department of jurisdiction, a copy of the fire report shall be forwarded to the Director of the Vigo County Air Pollution Control Department.

D. NUISANCE AND AIRBORNE PARTICULATE

1. **APPLICABILITY:** This regulation shall apply to all persons in Vigo County.
2. **LIMITATIONS:**
 - A. It shall constitute a nuisance for any person to permit or cause the preventable emission of such quantities of air contaminants from whatever source, in such place or manner as to endanger the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. This provision shall specifically include the incineration of garbage, rubbish, trash, or any other material which produces smoke or noxious or offensive odors in such quantity, or of such duration as to interfere with the comfortable enjoyment of life or property or the conduct of business.
 - B. It shall be unlawful for any person to cause or permit the handling, transporting, or disposition of any substance or material which is likely to be scattered by the wind, or is susceptible to being windborne, without taking reasonable precautions or measures to minimize atmospheric pollution. It shall be unlawful for any person to operate or maintain or cause to be operated or maintained, any premises, open area, right of way, storage pile of materials, or vehicles, or construction, alteration, demolition, or wrecking operation, or any other enterprise, which involves any material or substance likely to be scattered by the wind, or susceptible to being windborne, without taking reasonable precautions or measures to minimize atmospheric pollution. No person shall maintain or conduct, or cause to be maintained or conducted, any parking lot, or automobile and/or truck sales lot, or use any roadway unless such lot or roadway is maintained in such manner as to minimize atmospheric pollution.
3. **WAIVER:** Nothing in any section of this ordinance relating to regulation of emission of air contaminants shall in any manner be construed as authorizing or legalizing the erection or maintenance of a nuisance.