

BURNING REGULATIONS FROM THE CITY OF EVANSVILLE
3.30.18.214 BURNING REGULATIONS

(A) No person shall burn any material except by permitted by the section. This section does not apply to indoor heating units using coal, clean wood, fuel oils, white gas, propane, sterno, or natural gas as fuel for heating purposes.

(1) Open burning is permitted outside the City limits but within the jurisdiction of the Evansville EPA (as provided in M.C.E. 3.30.18.195), for the following:

(a) Open Burn Permit - Open burning in a container may be conducted if an Open Burn Permit has been obtained for burning that is conducted in a non-combustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth inch (1/4") square; however, burning is prohibited in apartment complexes and mobile home parks.

(b) Open Burn Variance - Open burning on the ground may be conducted if an Open Burn Variance has been obtained to burn on the ground for the following:

- (1) Burning of refuse consisting of material resulting from a natural disaster.
- (2) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land where every reasonable means possible shall be utilized to reclaim the cleared, marketable trees or portions thereof for lumber, pulpwood, firewood, etc. before a variance will be considered.

(2) Open burning is permitted within the City limits and the jurisdiction of the Evansville EPA with an Open Burn Variance for the following:

- (a) Burning for the purpose of fire training, in the City or the County, subject to the requirements found in 326 IAC 14-10 and with written notice to the Evansville EPA. All asbestos containing material must be removed before the burning of a structure
- (b) Fires celebrating school pep rallies

(3) An Open Burn Permit and an Open Burn Variance shall be reviewed on an individual basis by the Air Manager or Director provided that:

- (a) A written application is filed with the Evansville EPA Office.
- (b) All applicable fees are paid as provided in Section 3.30.18.224.
- (c) Open Burn Permits and Open Burn Variances shall be issued for a thirty (30) day period. After review and inspection, the application shall be approved in writing by the Air Manager or the Director so long as it meets the requirements of this Section, the remainder of the Municipal Code and the conditions imposed by the Air Manager or Director which he shall deem necessary to prevent the creation of a nuisance. If a permit is denied, the applicant may appeal pursuant to Section 3.30.18.202.

(4) Emergency Variance - Burning may be conducted with prior approval of the Air Manager, the Director of the Evansville EPA, Fire Chief, Police Chief or Emergency Management Agency Director in an emergency situation only for the following:

- (a) Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem.
- (b) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is unreasonable or impractical.

(B) EXEMPTIONS.

The following types of fires are allowed without a permit or variance:

- (1) Fire celebrating scouting activities having adult supervision.
- (2) Fires not directly on the ground used for recreational or cooking purposes.
- (3) Fires on the ground used solely for recreational or cooking purposes with material limited to three feet (3) diameter two feet (2) high in size, provided, they are registered with the Evansville EPA prior to starting. No bonfires are allowed.
- (4) Burning of vegetation from a farm, orchard, nursery, tree farm or drainage ditch.
- (5) Burning of wood products derived from pruning or clearing a road side by the County Highway Department.
- (6) Burning of wood products derived from the initial clearing of a public utility right-of-way so long as the open burn occurs in an unincorporated area.
- (7) Burning of undesirable wood structures on real property located in an unincorporated area for maintenance purposes subject to the requirements in 326 IC 14-10. All asbestos containing material must be removed before the burning of a structure.
- (8) A person may open burn clean petroleum products for the purpose of maintaining or repairing railroad tracks, including the railroad right-of-way. A person may not burn railroad ties.
- (9) Wood products and vegetation derived from the following farm maintenance operations:
 - (a) Clearing of fence rows and fields of materials derived therefrom;
 - (b) Clearing of natural growth derived from cleaning of a drainage ditch provided they have not been chemically treated;

or

- (c) Clearing of limbs and prunings.
 - (10) Department of Natural Resources burning in order to facilitate "prescribed" burning on DNR controlled properties for wild life habitat and maintenance, forestry purposes and natural area management.
- (C) All burning under this Section shall be subject to the following:
- (1) Only wood products shall be burned unless otherwise stated above; however, no root balls or stumps shall be burned.
 - (2) The fire shall be extinguished if the fire creates a nuisance or fire hazard.
 - (3) All fires must be attended at all times during burning until completely extinguished,
 - (4) No burning shall be conducted during unfavorable meteorological conditions including, but not limited to, temperature inversions, high winds, air stagnation or ozone alerts.
 - (5) Asbestos containing materials may not be burned.
 - (6) Adequate means shall be maintained for extinguishing the fire.
 - (7) No poison ivy, poison oak, poison sumac or similar allergenic material shall be burned,
 - (8) No material contaminated or treated with preservatives, paint, coatings or pesticides shall be burned.
 - (9) All residential, farm and waste oil burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that nearly all the burning materials are consumed before sunset
 - (10) All burning must comply with other State and federal Laws and this Municipal Code. Violation of this Section may result in revocation of a permit or variance, and the issuance of a citation or request for legal action for the collection of the fines provided by Section 3.30.18.247 or other enforcement provided in Section 1. 10. 17.

(D) LIABILITY FOR FIRE.

Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this Section 3.30.18.214 on the basis that said fire was set by vandals, accidental or an act of God.

(E) AIR CURTAIN DESTRUCTORS.

(1) Application. An owner or operator of an air curtain destructor shall submit an application to the Air Manager to obtain a permit prior to its installation or operation at a new site. The owner or operator shall not operate the air curtain destructor unless the owner or operator holds a valid permit from the Air Manager and shall maintain the permit at the air curtain destructor site at all times for verification by the department.

(2) Approval Conditions.

(a) In order to obtain an air curtain destructor permit, the owner or operator shall ensure that installation and operation of such air curtain destructor will comply with subdivisions (1) through (10) of this subsection. Burning shall be terminated immediately at any air curtain destructor site which does not comply with this section. The Air Manager may add conditions to the permit as necessary to prevent a public nuisance or protect the public health.

(1) Only wood products shall be burned, except for minimal amounts of uncontaminated petroleum products which may be used for ignition.

Merchantable wood products shall not be burned.

(2) Burning shall not be conducted during unfavorable meteorological conditions, including but not limited to, high winds or air stagnation.

(3) The air curtain destructor shall not be operated prior to one (1) hour after sunrise and combustion shall be complete before sunset.

(4) An air curtain destructor site shall be located no less than five hundred (500) feet from any private residence, public roadway, power line, pipeline, fuel storage area, or business.

(5) An air curtain destructor site shall not be located at a landfill or transfer station as defined in 329 IAC 1.5.

(6) An air curtain destructor shall not be permanently located at any site.

(7) An air curtain destructor shall be attended at all times while burning and until combustion is complete. Adequate fire-fighting equipment shall be maintained at an air curtain destructor site at all times during operation.

(8) Burning shall not create or contribute to an air pollution problem, a nuisance, or a fire hazard.

(9) An air curtain destructor shall be maintained and operated according to the manufacturer's recommendations.

(10) The owner or operator shall provide notification in advance to the local fire department and the local health department of the dates and times that the air curtain destructor will be in operation.

(3) Approval Revocation.

(a) The Air Manager or Director may, upon good cause, after notice and hearing, revoke an air curtain destructor permit if the owner or operator:

(i). violates any requirement of section (2) (a)(1) through (10) of this rule;

(ii). violates any condition added to the permit under section (2) of this rule;

(iii). violates any other state or local rule or ordinance pertaining to the installation or operation of air curtain destructors;

(iv). falsifies information on an application for a permit; or

(v). operates in air curtain destructor in a manner which is hazardous to the public health.

(4) The fees hereunder shall be provided in Section 3.30.18.224.

(F) INCINERATORS.

(1) This Section establishes standards for the use of incinerators which emit regulated pollutants. This Section does not apply to incinerators in residential units consisting of four (4) or fewer families. All other incinerators are subject to this section.

(2) All incinerators shall:

(a) consist of a primary chamber in which waste material is ignited and burned and a secondary chamber, in which combustible solids, vapors, or gases from the primary chamber are collected, ignited, or burned, or the equivalent exhausting through a stack or chimney into the ambient air;

(b) be equipped with a primary burner unless burning wood products;

(c) comply with 326 IAC 5-1 and 326 IAC 2;

(d) be maintained properly as specified by the manufacturer and approved by the Commissioner,

(e) be operated according to the manufacturer's recommendations and only burn waste approved by the Commissioner;

(f) comply with other state and local rules or ordinances regarding installation and operation of incinerators;

(g) be operated so that emissions of hazardous material including, but not limited to, viable pathogenic bacteria, dangerous chemicals or gases, or noxious odors are prevented;

(h) not emit particulate matter in excess of the following:

(1) incinerators with a maximum 3.30.18,214 refuse-burning capacity of two hundred (200) or more pounds per hour: three-tenths (0.3) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; or

(2) all other incinerators: five tenths (0.5) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; and

(i) not create a nuisance or fire hazard,

If any of the above result, the burning shall be terminated immediately.

(G) No person shall conduct any salvage operation or open dump by open burning or burn, cause or allow the burning of any solid waste in any manner which violates I.C.13-1-1 or Section 3.30.18.214. ('62 Code, Art. 3, Ch. 17, § 9, Ord. G-81-53, passed 12-14-81) ('62 Code, Art. 3, Ch. 17, § 20, Ord. G-81-53, passed 12-14-91) (Am. Ord '82 Code, Title 3, Ch. 30, G-91-20, passed 6-25-91) ('82 Code, § 30.214) (Ord. G-93-19, passed 08-24-93) (Ord. G-95-2 as amended, passed 7-10-95)