

IC 13-17-9

Chapter 9. Open Burning

IC 13-17-9-1

Open burning of certain vegetation and wood items; no permit required

Sec. 1. (a) Subject to section 3 of this chapter, a person may open burn the following for maintenance purposes:

(1) Vegetation from:

- (A) a farm;
- (B) an orchard;
- (C) a nursery;
- (D) a tree farm;
- (E) a cemetery; or
- (F) a drainage ditch.

(2) Vegetation from agricultural land if the open burn occurs in an unincorporated area.

(3) Wood products derived from pruning or clearing a roadside by a county highway department.

(4) Wood products derived from the initial clearing of a public utility right-of-way if the open burn occurs in an unincorporated area.

(5) Undesirable:

- (A) wood structures on real property; or
- (B) wood remnants of the demolition of a predominantly wooden structure originally located on real property; located in an unincorporated area.

(b) A person who is allowed to open burn under subsection (a) is not required to obtain:

- (1) a permit; or
- (2) any other authorization;

from the department, a unit of local government, or a volunteer fire department before conducting the open burning.

As added by P.L.1-1996, SEC.7. Amended by P.L.1-1999, SEC.35; P.L.238-2003, SEC.1.

IC 13-17-9-2

Railroad maintenance and repair

Sec. 2. Subject to section 3 of this chapter, a person may open burn clean petroleum products for the purpose of maintaining or repairing railroad tracks, including the railroad rights-of-way. A person may not open burn railroad ties.

As added by P.L.1-1996, SEC.7.

IC 13-17-9-3

Conditions of open burning

Sec. 3. All open burning that is allowed under this chapter must comply with the following conditions:

- (1) A person who open burns any material shall extinguish the

fire if the fire creates a nuisance or fire hazard.

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

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

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

(5) Asbestos containing materials may not be burned.

(6) Except as provided under section 1 of this chapter, all burning must comply with state and federal laws.

As added by P.L.1-1996, SEC.7.