

## **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.*