

**ALLEN COUNTY CODE TITLE 8  
PUBLIC SAFETY**

**ARTICLE 20  
AIR POLLUTION CONTROL ORDINANCE**

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**8-20-1 Chapter 1: Definitions**

**8-20-1-1 Authorized Enforcement Officer**

The term “authorized enforcement officer” shall mean Allen County Health Officer, Sheriff of Allen County, Allen County Emergency Director, Allen County Environmental Affairs Director, Fire Chief of applicable jurisdiction or their designated representative.

**8-20-1-2 Non-combustible Container**

The term “non-combustible container” shall mean a container that can withstand a temperature of 1500 degrees Fahrenheit.

**8-20-1-3 Open Burning or Open Fire**

The term “open burning” or “open fire” shall mean any burning of combustible materials wherein the products of combustion are emitted directly into the open air without passing through a stack or chimney.

**8-20-1-4 Refuse**

The term “refuse” shall mean and include garbage, rubbish, trade waste and trash.

**8-20-1-5 Smoke**

The term “smoke” shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively of carbon ash and other combustible material which form a visible plume in the air.

**8-20-1-6 Wood Products**

“Wood products” shall mean dry materials consisting of clean wood and boards, and vegetation such as branches, leaves and other similar materials.

## **8-20-2 Chapter 2: Open Burning Restricted; General Prohibitions**

### **8-20-2-1**

It shall be a violation of this ordinance to cause, suffer or allow open burning of any material on any real estate zoned or used for businesses, apartment complexes or mobile home parks, or residences containing five or more units unless a variance from 326 IAC 4-1 has been approved and issued by the Indiana Department of Environmental Management.

### **8-20-2-2**

It shall be a violation of this ordinance to cause, suffer or allow any open burning of any substance other than wood products at any place within Allen County. Wood products may be burned in accordance with A.C. 8-20-3 and 4 except that no person shall cause, suffer, allow or permit the omission into the atmosphere of any substance or combination of any substances from the burning of wood products as otherwise allowed herein in such quantities as to cause annoyance or to constitute a nuisance so as to interfere with the health or well being of any individual in his or her home or place of employment or recreation or as to interfere with the normal use and enjoyment of any such place.

## **8-20-3 Chapter 3: Agricultural and Residential Burning Exceptions**

### **8-20-3-1**

Open burning shall be allowed in areas zones are RS1, RSP1, and AE, A-1, A-2, and A-3 according to the Allen County Zoning Ordinance. Such burning shall be of wood products only, which products originated on the premises and do not constitute structures, except as permitted in Ac-8-20-3-2. Permitted burning may not be commenced before 8:00 a.m. or added to after 5:30 p.m. Nor shall permitted burning be commenced nor added to if the wind speed is less than five (5) miles per hour or greater than 20 miles per hour according to the office of the National Weather Service. Burning shall be more than 20 feet from any owned structure, road or power line and 100 feet from any fuel storage area, pipeline or non-owned structure.

### **8-20-3-2 Agricultural Burning Limited**

Open burning of an undesirable wood structure shall be allowed in areas zone A-E according to the Allen County Zoning Ordinance. The person owns or leases real property shall obtain a notification permit from the fire department that provides service to the area. Such burning shall be conducted in accordance with the time and wind speed requirements of 8-20-3-1. All fires must be attended at all times during burning until

completely extinguished. Burning shall be more than 200 feet from any structure, road or power line and 200 feet from any fuel storage area, pipeline or non-owned structure.

### **8-20-3-3**

- a. To obtain a notification permit to burn material on real property, a person should submit an application, 10 calendar days prior to burning, to the fire department described under subsection that contains the following information: 8-20-3-2.
  - (1) The person's name and address.
  - (2) The location of the real property.
  - (3) The dates and times that the burning on the real property will occur.
  - (4) A description of the material that will be burned.
  - (5) Any other information required by the Allen County Fire Department, Board of Health, Emergency Management Department, or the Department of Environmental Affairs.
- b. If an application submitted by a person under subsection meets the requirements of this section, the fire department shall issue a permit to the person.

### **8-20-3-4**

Any department that issues a burning permit may charge a permit fee to offset the any cost incurred by that department.

## **8-20-4 Chapter 4: Limited Burning for Special Purposes**

### **8-20-4-1**

With the exception of the distance requirements of 3-1, open burning for the following special purposes shall be allowed without restrictions:

1. Camp fires and fires for cookouts;
2. Fires required for personal comfort: A bonfire in connection with recreational activities, including, but not limited to, sledding and ice skating;
3. Department of Natural Resources burning: In order to facilitate "prescribed" burning on DNR controlled properties for wildlife habitat maintenance, forestry purposes, and natural area management;
4. Ceremonial fires and bonfires: Upon advance notice to the fire department of jurisdiction, a bonfire in connection with a ceremony, school pep rallies, scouting activities and similar purposes; and
5. Variances: Open burning, other than mentioned above, may be permitted when a variance from 326 IAC 4-1 has been approved by the Indiana Department of Environmental Management.

## **8-20-5 Chapter 5: Penalties for Violation of This Article**

### **8-20-5-1**

A person violating sections 1 through 5 of this article shall be guilty of an infraction and subject to a fine of \$25.00. The person may either admit liability to the infraction and pay the penalty to the violation bureau, or must appear in court on the date, place and time specified on the citation. Payment must be made within five (5) business days prior to the court date, and may be mailed to or paid at the address designated on the citation.

### **8-20-5-2**

A person who willfully violates sections 1 through 5 of AC 8-20 shall be guilty of an infraction and subject to a fine not to exceed \$2,500.00. The County shall cause a summons and order to appear to be issued which shall require that the offender appear in court on the date, place and time specified on the order to plead.

### **8-20-5-3**

The above penalties do not preclude the Department of Environmental Management from seeking legal action for violation (s) of 326 IAC 4-1.

### **8-20-5-4**

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 ordinance on the basis that said fire was said by vandals, accident or an act of God.

Amended July 20, 1994

(Worthman/Rousseau,McComb)