



OLDHAM COUNTY EMERGENCY MANAGEMENT

PRESS RELEASE

OPEN BURN RESTRICTIONS BEGIN May 1, 2024

May 1, 2024 FOR IMMEDIATE RELEASE

Due to being designated by the Federal Environmental Protection Agency as “non-attainment” air quality for ozone and particulate matter because pollution levels have exceeded those permitted by the Clean Air Act, beginning May 1, 2024, and continuing until September 30, 2023, open burning is prohibited in Oldham County.

All questions concerning Open Burning should be addressed to the KY Division of Air Quality at **502-782-6592** or via email burnlaw@ky.gov. Additional information can also be found on the Department of Environmental Protection website at: <http://bit.ly/OpenBurningKY>.

Violating state air quality regulations could result in a fine of up to **\$25,000** per day.

Attached is the Oldham County Open Burn Ordinance that references what kind of burning is allowed in Oldham County during the open burn restrictions period. The complete ordinance can be found on the county’s website at www.oldhamcountyky.gov scroll to the bottom of the front page and click on Code of Ordinances. Then click on Title IX: General Regulations, Chapter 92, Fires and Smoking.

§ 92.03 PROHIBITION OF OPEN BURNING.

(A) Except as provided in this section, open burning is prohibited. Fires may be set for the purposes specified in this section throughout the year in any county, or portion of a county, of the state except in areas designated or previously designated moderate non-attainment for ozone pursuant to 401 KAR 51:010, or areas designated or previously designated non-attainment for the eight-hour ozone or PM_{2.5} (particulate matter) national ambient air quality standard, pursuant to 401 KAR 51:010 if the fires do not violate KRS Chapters 149, 150, 227, other laws of the state or the federal government, or local ordinances. No extraneous materials such as tires or heavy oil, which tend to produce dense smoke, shall be used to cause ignition or aid combustion. Burning shall be done on days when conditions do not pose a threat of igniting a forest fire, and all allowable fires shall be continuously monitored and maintained so as not to present a danger to human health, safety or the environment.

(B) Purposes for which open burning is allowed are:

- (1) Fires set for the cooking of food for human consumption;
- (2) Fires set for recreational or ceremonial purposes;
- (3) Small fires set by construction and other workers for comfort heating purposes if:
 - (a) The ambient temperature is below 50°F;
 - (b) Excessive or unusual smoke is not created;
 - (c) Only clean lumber or vegetative matter is burned; and
 - (d) The fire is burned in a container not exceeding 55 gallons in size.
- (4) Fire set for prevention of a fire hazard, including the disposal of dangerous materials if no safe alternative is available; notice to the county dispatch and Cabinet for Natural Resources and Environmental Protection is required;
- (5) Fires training of public and industrial employees in the methods of fighting fires; notice to the county dispatch and Cabinet for Natural Resources and Environmental Protection required;
- (6) Fires set for recognized agricultural, silvicultural, range or wildlife management practices;
- (7) Fires set by individual homeowners for burning of leaves;
- (8) Fires set for disposal of household rubbish, not to include garbage, originating at dwelling of five family units or less, if the fire is attended and monitored by an occupant of the dwelling;

(9) Fires set for the purpose of disposing of accidental spills or leaks of crude oil, petroleum products or other organic materials, and the disposal of absorbent material used in their removal, if not other economically feasible means of disposal is available and practical. Permission shall be obtained from the Cabinet prior to burning;

(10) Fires set for disposal of natural growth for land clearing and trees and tree limbs felled by storms and shall be limited to two contiguous acres; and

(11) Fires set for the disposal of debris as a result of an officially declared emergency or disaster, except in those instances where this 60-day deadline falls in the months of May, June, July, August or September, in ozone non-attainment counties or counties previously designated non-attainment for ozone. Open burning of this material in these counties is prohibited from May 1 through September 30.

(Ord. KOC 05-320-315, passed 12-6-2005) Penalty, see § [92.99](#)

§ 92.04 ADDITIONAL RESTRICTIONS.

(A) Additional restrictions for counties, or portions of counties, designated or previously designated non-attainment for particulate matter for those counties, or portions of counties, which are, or were previously, designated moderate non-attainment for ozone pursuant to 401 KAR 51:010, or those counties, or portions of counties, which are or were designated non-attainment for the eight-hour ozone or PM_{2.5} (particulate matter) national ambient air quality standard, pursuant to 401 KAR 51:010. Fires may be set according to provisions of § [92.03](#) except during the months of May, June, July, August and September.

(B) During these months, the only open burning activities allowed are:

(1) Fires set for the cooking of food for human consumption;

(2) Fires set for prevention of a fire hazard, including disposal of dangerous materials if no safe alternative is available;

(3) Fires set for recognized agricultural, silviculture, range or wildlife management practices;

(4) Fires set for the purpose of disposing of accidental spills or leaks of crude oil, petroleum products or other organic materials, and the disposal of absorbent material used in their removal, if no other economically feasible means of disposal is available and practical. Permission shall be obtained from the Cabinet and the County Fiscal Court prior to burning;

(5) Fires set for recreational or ceremonial purposes;

(6) Open burning shall comply with the fire hazard season requirements of KRS 149.400; and

(7) No open burning will be allowed if the Governor of the state or the County Judge-Executive has declared a fire emergency.

(C) Open burning for land clearing purposes associated with residential, commercial or industrial development shall be limited to two contiguous acres at any one time.

(Ord. KOC 05-320-315, passed 12-6-2005)