

DELTA COUNTY HEALTH DEPARTMENT

PUBLIC HEALTH NUISANCE REGULATION No. 3

Open Burning Regulation

Section I Purpose:

This regulation is enacted pursuant to 25-1-507(1)(d) C.R.S. as amended in order to protect, preserve and promote the health and welfare of the citizens of Delta County and to facilitate the enjoyment and use of the scenic, natural air quality resources of the county. The Delta County Board of Health recognizes the need for some types of open burning. However, it is generally recognized that the open burning of residential household trash and other toxic substances is an unnecessary noxious practice. Therefore, in order to control such practices, the Delta County Board of Health declares the open burning of household trash and the open burning of dense smoke and toxic gas-producing materials to be a Public Health Nuisance.

Section II Definitions:

2.1 Agricultural Open Burning: Any open burning activity conducted in the course of agricultural, commercial crop production, or cultivation involving the open burning of cover vegetation for the purpose of preparing the soil, weed control, cleaning out irrigation drainage ditches, water courses, and fence lines.

2.2 Household Trash: Any mixture or quantity of flammable and/or inflammable waste materials such as garbage, rubbish waste paper, plastics, wood fabric, metal cans, etc. discarded from any home, institution, or business.

2.3 Open Burning: The burning of any material or substance in the ambient air or in a receptacle, such as a barrel incinerator or enclosure, other than a properly designed and approved device which is permitted by the Colorado Air Pollution Control Division.

Section III Prohibited Burning Regulation:

3.1 The open burning of any household trash, rubber, plastics, tires, asphaltic shingles, insulation or similar dense smoke-producing substances by any person, firm, corporation, cooperative, or the agents thereof, in any area of Delta County is prohibited.

Section IV Permitted Burning Regulation:

4.1 Any person may open burn dry weeds, garden waste, and tree brush or shrub waste as subject to applicable local fire protection agency codes and requirements.

4.2 Agricultural open burning, safety flares, official emergency or fire training exercises, the preparation of food for human consumption, the heating of homes by fireplaces and stoves, and recreational campfires and bonfires are permitted. Applicable local fire protection agency codes and requirements are to be complied with.

Section V Enforcement:

5.1 The Health Officer or designated representative shall investigate all complaints filed with the Delta County Health Department regarding open burning.

5.2 The Health Officer or designated representative shall deem any such prohibited burning practice a public health nuisance, and shall give written notice and order to the party or parties responsible to cease and desist from such practices and abate the nuisance.

5.3 Nothing in this regulation shall interfere with nor supersede the regulations adopted pursuant to the "Air Pollution Control Act" Section 25-7-128 C.R.S. as amended.

ADOPTED: JULY 5, 1989

DELTA COUNTY BOARD OF HEALTH