

**COMMONWEALTH OF KENTUCKY
COUNTY OF PENDLETON
PENDLETON COUNTY FISCAL COURT
ORDINANCE NO. 341.1**

PENDLETON COUNTY OPEN BURN ORDINANCE

WHEREAS, KRS 67.083 authorizes counties to enact ordinances in the interest of public health, safety, and welfare; and

WHEREAS, KRS 149.401 authorizes counties to restrict or prohibit open burning during periods of elevated fire hazard; and

WHEREAS, the Pendleton County Fiscal Court finds it necessary to establish clear, reasonable, and common-sense rules for open burning that protect life and property while allowing responsible recreational and agricultural burning;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF PENDLETON COUNTY, KENTUCKY, AS FOLLOWS:

Purpose:

The purpose of this ordinance is to promote public safety, protect property, and setting guidelines and requirements for notification to ensure compliance with Kentucky law while allowing responsible outdoor burning within Pendleton County.

Definitions

For the purposes of this ordinance:

Open burning: means any fire that emits smoke directly into the air without passing through a chimney or stack.

Recreational Fire: means a small, controlled fire used for pleasure, cooking, or warmth, contained in a commercially manufactured fire pit, chiminea, outdoor fireplace, or similar device.

Agricultural Burn: means burning conducted for legitimate farming purposes, including brush, fence rows, and field clearing.

Burn Ban: means a temporary prohibition on open burning issued when hazardous fire conditions exist.

Dispatch Notification: means contacting Kentucky State Police Dispatch (859-428-1212) and/or the appropriate fire district to advise of a planned burn.

Burning Allowed Without Notification – Smaller Fires

The following activities are permitted at any time unless a burn ban is in effect and do **not** require notification to dispatch:

- Recreational fires in store-bought or permanently installed fire pits, chimineas, or outdoor fireplaces
- Cooking fires, including grills, smokers, and camp stoves
- Small ceremonial fires not exceeding three feet in diameter and three feet in height
- Burning of clean, dry, untreated wood in the above devices

**All open burning must comply with the following:
Safety Requirements listed below**

Burning Requiring Notification – Brush Fires

Residents must notify Kentucky State Police Dispatch (859-428-1212) prior to:

- Agricultural burns
- Large debris burns exceeding five feet in diameter or height
- Controlled burns for land management or habitat improvement

Notification is for awareness and safety only and does not constitute a permit.

*Failure to make this notification and a neighbor, passerby or anyone else calls 911 Dispatch to report the fire, the Fire Department will be dispatched to your location. You will then be responsible for Fire Department fees that could be as much as \$500.00. Additionally, you could be fined for failing to make the notification.

OPEN BURNING ANYTIME OF THE YEAR – Brush Fires

1. Call 911 Dispatch at 859-428-1212 prior to doing any outdoor burning at all.
2. Call 911 Dispatch at 859-428-1212 when the fire is out and the burn is complete.

Precautions:

- Do not burn within 50 ft of any structure
- Do not burn near utility lines
- Do not burn on windy days

**All open burning must comply with the following:
Safety Requirements listed below**

BURNING SEASON RESTRICTIONS – Brush Fires

Kentucky Law (**Forest Fire Hazard Seasons - KRS 149.400**) states that during the Spring and Fall Forest Fire Hazard seasons, **it is illegal to burn anything within 150 feet of any woodland or brush land between the hours of 6:00 A.M. to 6:00 P.M.**

Spring Forest Fire Hazard Season: Feb. 15 - April 30.

Fall Forest Fire Hazard Season: Oct. 1 - Dec. 15.

So, if you are within 150 feet of a woodland or brush land, you can only burn between the hours of 6:00 P.M. to 6:00 A.M. However, you can burn at any time if you are beyond the 150-foot restriction. You can only burn Natural Plant Matter, such as Brush and Woody Debris...see "OPEN BURNING RESTRICTIONS" below for more information.

OPEN BURNING RESTRICTIONS – Small Fires and Brush Fires

In accordance with Open Burning Regulation - 401 KAR 63:005 **it is illegal to burn garbage or any other materials, except Natural Plant Matter, such as Brush and Woody Debris.**

These regulations are enforced by the Division for Air Quality . Violating state air quality regulations could result in a fine of up to \$25,000 per day.

Illegal Open Burning and Prohibited Materials

The following materials shall not be burned. These prohibitions are established under **Kentucky State Law**, specifically, **401 KAR 63:005**, enforced pursuant to **KRS Chapter 224**:

Home & Farm:

Animal Bedding	Grass Clippings
Hay	Agricultural Plastic
Muck Piles (manure/hay)	Structures of any kind including barns, sheds and trailers

Construction:

Construction, demolition or renovation debris	Drywall
Asbestos	Structures of any kind
Shingles	

Household Garbage:

Animal or Vegetable Matter	Coated paper products
Plastic or products containing plastic	Styrofoam
Glass	Diapers
Cans	

Wood Materials:

Fence Posts	Pallets
Wood Mulch, chips or shavings	Painted, stained, or pressure-treated wood
Sawdust	All wooden building materials

Miscellaneous:

Tires	Rubber
Furniture	Used oil
Carpeting	Chemical Containers
Insulation	Coated wire

Waste from Industries, Businesses, Schools, Churches and Farms

Safety Requirements

All open burning must comply with the following:

- A responsible adult must be present at all times for all open burning fires
- A water source or fire extinguisher must be immediately available
- Do not burn near utility lines
- Burning is prohibited during sustained winds over fifteen miles per hour
- Fires must not create excessive smoke, a nuisance, or a roadway visibility hazard
- All fires must be fully extinguished before being left unattended
- No open burning is allowed during a county or state burn ban

Burn Bans

The Pendleton County Judge/Executive may issue a burn ban when a drought condition exists, with the advisement of the County Fire Dept Chief, Emergency Management, and or if notified by the Kentucky Division of Forestry that hazardous fire conditions exist for a burn ban:

- All open burning is prohibited except for cooking devices and small recreational fires in commercially manufactured fire pits equipped with spark screens
- Agricultural and debris burning is not permitted during a Burn Ban
- If conditions of drought become extreme a complete Burn Ban can be put in place in the same manner as above **prohibiting all open fires**

Penalties

Violations of this ordinance may be enforced by Local and State Law Enforcement, Ky Division of Air Quality, Ky Division of Forestry.

Penalties may include:

- Fines as provided under KRS 149.990

- Civil penalties established by the Fiscal Court:
Any person, organization or business who violates any part of this Ordinance may be fined not less than One Hundred (\$100.00) Dollars nor more than Two Hundred (\$200.00) Dollars, or be sentenced to no more than Ten (10) days in jail, or both fines and incarceration; each separate violation or each day that a violation exists shall be a separate offense.
- Liability for damages caused by negligent or unlawful burning

Repeal of Ordinance 341.0

This Ordinance by its passage, repeals prior Pendleton County Ordinance No. 341.0 in its entirety.

Severability

If any part of this ordinance is found invalid, the remaining provisions shall remain in full force and effect.

Effective Date:

This ordinance shall take effect upon passage and publication as required by law.

ENACTED AND APPROVED BY THE PENDLETON COUNTY FISCAL COURT

APPROVED: April 14, 2026, in regular scheduled Fiscal Court meeting



Pendleton County Judge/Executive

4-15-2026

Date

ATTEST:



Pendleton County Court Clerk

First Reading: March 24, 2026
Second Reading: April 14, 2026
Adopted: April 14, 2026
Publication: April 28, 2026