

§ 660.20 OPEN BURNING.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL WASTE. Any matter generated by crop, horticultural or livestock production practices, and includes such items as bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

ECONOMIC POISONS. Include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

GARBAGE. Any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.

LANDSCAPE WASTE. Any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

LAND CLEARING WASTE. Plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.

OPEN BURNING. The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. **OPEN BURNING** includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or 3745-17-10.

RESIDENTIAL WASTE. Any matter, including landscape wastes, generated on a one-, two- or three- family residence as a result of residential activities, but not including garbage.

(B) *Relation to other laws.*

(1) Notwithstanding any provision of this section or of O.A.C. Ch.3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under O.A.C. Ch. 3745-25 is in effect.

(2) No provision of this section or of O.A.C. Ch. 3745-19 permitting open burning, and no permission to open burn granted by the Fire Division, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any state department, or any local ordinance or regulation dealing with open burning.

(C) *Open burning within the city limits.*

(1) No property owner or other person shall cause or allow open burning within the city limits, except as provided in divisions (C)(2) to (C)(4) below or in Ohio R.C. 3704.11.

(2) Open burning shall be allowed for the following purposes without notification to or permission from the Fire Division:

(a) *Cooking for human consumption.*

1. For a maximum of three hours per day, from 12:00 p.m. (noon) until 10:00 p.m.;
2. The fire shall be no larger than three feet by three feet, measured at the base;
3. The fire must not be smoldering;
4. Clean, dried, and chemically untreated wood must be used; no trash;
5. The fire shall be located at least 20 feet from any structure and 15 feet from a property line;
6. The fire must be attended by an adult at all times, until extinguished;
7. Fire extinguishing equipment such as dirt, sand, water barrel, garden hose or fire extinguisher with a minimum 4-A rating shall be on site and available for immediate utilization;
8. If a larger fire is needed, or a fire is needed for a longer duration, a permit must be obtained from the City Fire Marshal; and
9. If the officer in charge from the unit responding to a complaint determines that a fire is unsafe or a nuisance, it shall be immediately extinguished.

(b) *Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.* Fires allowed by divisions (C)(2)(a) and (C)(2)(9b) of this section shall not be used for waste disposal purposes and shall be the minimum size sufficient for their intended purpose. The fuel shall be chosen to minimize the generation and emission of air contaminants.

(3) Open burning shall be allowed for the following purposes with prior notification to the Fire Division and a permit from Ohio EPA (Akron Air Quality):

(a) Prevention or control of disease or pests, with written or verbal verification to the Fire Division from the local health department, the cooperative extension service, the Ohio Department of Agriculture or the United States Department of Agriculture, that open burning is the only appropriate disposal method;

(b) Ceremonial fires; provided that, all of the following conditions are met:

1. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;

2. The ceremonial fires shall not be used for waste disposal purposes; and

3. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.

(4) Open burning shall be allowed for the following purposes upon receipt of written permission from the Fire Division; provided that, any conditions specified in the permission are followed:

(a) Disposal of ignitable or explosive materials where the Fire Division determines that there is no practical alternative method of disposal;

(b) Instruction in methods of fire fighting or for research in the control of fires;

(c) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Fire Division; and

(d) Recognized horticultural, silvicultural, range or wildlife management practices.

(D) *Permission to individuals and notification to the Fire Division.*

(1) *Permission.*

(a) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Fire Division.

(b) Such applications shall contain, at a minimum, information regarding:

1. The purpose of the proposed burning;

2. The nature and quantities of material to be burned;

3. The date or dates when such burning will take place;

4. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks; and

5. The methods or actions which will be taken to reduce the emissions of air contaminants.

(c) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Fire Division that open burning is necessary to the public interest; will be conducted in a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Fire Division may impose such conditions as may be necessary to accomplish the purpose of O.A.C. Ch. 3745-19.

(d) Permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with the oral permission of the Fire Division.

(e) Violations of any of the conditions set forth by the Fire Division in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(2) *Notification.*

(a) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Fire Division.

(b) Such notification shall inform the Fire Division regarding:

1. The purpose of the proposed burning;

2. The nature and quantities of materials to be burned;

3. The date or dates when such burning will take place; and

4. The location of the burning site.

(c) The Fire Division, after receiving notification, may determine that the open burning is not allowed under O.A.C. Ch. 3745-19 and the Fire Division shall notify the applicant to this effect.

(E) *Penalty.* Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree and

shall be subject to the penalty provided in § 698.02 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. In addition, the offender shall be required to pay the cost of proper disposal of the materials burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water and solid waste laws, ordinances and regulations of the municipality and the state.

(Ord. 164-1999, passed 7-12-1999; Ord. 63-2010, passed 5-10-2010)

Statutory reference:

Similar regulatory provisions, see O.A.C. Rules 3745-19-01, 3745-19-02, 3745-19-03, 3745-19-04 and 3745-19-05