

CHAPTER 1373
Incinerators

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CROSS REFERENCE

Noxious odors - see GEN. OFF. 521.09
Disposal required before building permit or
Certificate of Occupancy issued - see BLDG. Ch. 1345

1373.01 DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings ascribed to them:

(a) "Incinerator" means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap, or a facility for cremating animal remains.

(b) "Common incinerator" means an incinerator designed and used to burn waste materials of Types 0, 1, 2 and 3 only, in all capacities not exceeding two thousand (2,000) pounds per hour of waste material input.

(c) "Special incinerator" means a pathological waste or trade waste incinerator of any burning capacity, or any incinerator with a burning capacity in excess of two thousand (2,000) pounds per hour.

(d) "Person" means any individual, firm or corporation, and includes the owner of a building in connection with which an incinerator exists, as well as a person directly responsible for the daily operation of an incinerator.

(e) "Pathological waste incinerator" means an incinerator designed and used to burn Type 4 waste materials, in all burning capacities.

(f) "Trade waste incinerator" means an incinerator designed and used to burn waste material primarily of Types 5 and 6, either separately or together with waste materials of Types 0, 1, and 3.

(g) "Type 0 waste" means trash, a mixture of highly combustible waste such as paper, cardboard, cartons, wood boxes and combustible floor sweepings, containing approximately ten percent (10%) moisture and five percent (5%) incombustible solids, and having a heating value of approximately eight thousand five hundred (8,500) BTU per pound as fired, and deriving from commercial and industrial activities. The mixture contains up to ten percent (10%) by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps.

(h) "Type 1 waste" means rubbish, a mixture of combustible waste such as paper, cardboard, cartons, wood scraps, foliage and combustible floor sweepings, containing approximately twenty-five percent (25%) moisture and ten percent (10%) incombustible solids, and having a heating value of approximately six thousand five hundred (6,500) BTU per pound as fired, and deriving from domestic, commercial and industrial activities. The mixture contains up to twenty percent (20%) by weight of restaurant or cafeteria waste, but contains little or no treated paper, plastic or rubber wastes.

(i) "Type 2 waste" means refuse, consisting of an approximately even mixture of rubbish and garbage by weight, containing up to fifty percent (50%) moisture and approximately seven percent (7%) incombustible solids, and having a heating value of approximately four thousand three hundred (4,300) BTU per pound as fired, and commonly deriving from apartment and residential occupancy.

(j) "Type 3 waste" means garbage, consisting of animal and vegetable wastes containing up to seventy percent (70%) moisture and up to five percent (5%) incombustible solids and having a heating value of approximately two thousand five hundred (2,500) BTU per pound as fired and deriving from restaurants, cafeterias, hotels, hospitals, markets and like installations.

(k) "Type 4 waste" means animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, animal pounds and similar sources, consisting of up to eighty-five percent (85%) moisture and approximately five percent (5%) incombustible solids, and having a heating value of approximately two thousand five hundred (2,500) BTU per pound as fired.

(l) "Type 5 waste" means byproduct waste, gaseous, liquid or semiliquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations.

(m) "Type 6 waste" means solid byproduct waste, such as rubber, plastics, wood waste, etc., from industrial operations.

(n) "Multiple-chamber incinerator" means an incinerator with two (2) or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passages, and employing adequate design parameters necessary for maximum combustion of the waste materials, both chambers being auxiliary fuel-fired.

(o) "New incinerator" means an incinerator installed or constructed after the effective date of this Chapter.
(Ord. 42-72. Passed 5-22-72.)

(p) "Existing incinerator" means an incinerator installed or constructed before the effective date of this Chapter.
(Ord. 42-72. Passed 5-22-72.)

(q) "Division" means the Building Division of the City.

(r) "Single flue-fed incinerator" means an incinerator provided with a single flue which serves as both the charging chute and the flue to transport products of combustion to the atmosphere.

(s) "Particles" means any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

(t) "Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

(u) "Solid particles" means particles of rigid shape and definite volume.

(v) "Standard conditions" means seventy (70) degrees and one (1) atmosphere pressure (14.7 psia or 760 mm Hg).

(w) "Auxiliary fuel" means other than waste materials used to attain temperatures sufficiently high to:

- (1) Dry and ignite waste materials.
- (2) Maintain ignition thereof; or
- (3) Effect complete combustion of combustible solids, vapors and gases.

(x) "Smoke" means small gasborne and airborne particles arising from a process of combustion in sufficient number to be observable.

(y) "Ringelmann Smoke Chart" means the Ringelmann Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines or any chart, recorder, indicator or device for the measurement of smoke density which is approved by the Department as the equivalent of such Ringelmann Scale.

(z) "Control apparatus" means any device which prevents or controls the emission of air contaminant.

(aa) "Director" means the Community Development Director.
(Ord. No. 42-72. Passed 5/22/72.)

1373.02 CONSTRUCTION STANDARDS; PROHIBITIONS.

(a) Standards.

- (1) No person shall construct, install, use or cause to be used any new incinerator unless such incinerator is of the multiple-chamber type or controlled-air type or of a type certified by the Director as complying with the emission standards and other requirements of this Chapter.
- (2) No person shall use or cause to be used an existing incinerator unless such incinerator is of a multiple-chamber type or has a control apparatus, such as an afterburner or a roof settling chamber, that will result in compliance with the emission standards and other requirements of this Chapter.

(b) New Single Flue-Fed Incinerators Prohibited. No person shall construct, install, use or cause to be used any new single flue-fed incinerator.
(Ord. 42-72. Passed 5-22-72.)

1373.03 EMISSION STANDARDS.

(a) Particles. No person shall cause, suffer or allow to be emitted into the atmosphere from any incinerator, or to pass a convenient measuring point near the stack outlet, particulate matter in the exhaust gases to exceed: 0.10 pounds per one hundred (100) pounds of combustible refuse charged, for incinerators having capacities equal to or greater than one hundred (100) pounds per hour; or 0.2 pounds per one hundred (100) pounds of combustible refuse charged for incinerators having capacities less than one hundred (100) pounds per hour.

(b) Visible Air Contaminants (Smoke).

- (1) No person shall discharge into the atmosphere from any incinerator Subparagraph (2) hereof.

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- (2) A person may discharge into the atmosphere from an incinerator for a period or periods aggregating not more than three (3) minutes in any sixty (60) minutes or for a period of time deemed necessary by the Director, air contaminants of a shade or density not darker than No. 2 on the Ringelmann Chart or forty percent (40%) capacity.

(c) Unburned Waste and Ash. No person shall cause, suffer, allow or permit the emission of particles of unburned waste or ash from any incinerator which particles are individually large enough to be visible while suspended in the atmosphere.

(d) Odors. No person shall construct, install, use or cause to be used any new or existing incinerator which results in odors being offensive by sense of smell in any area of human use or occupancy.

(e) Emission and Stack Tests. When the Director has reason to believe that an emission in excess of those allowed by this Chapter is occurring or has occurred from time to time, he may order emission and stack tests pursuant to Subparagraphs (1), (2), (3) and (4) of this Subsection (e).

- (1) Any person responsible for the construction, installation, alteration or use of an incinerator shall, when ordered by the Director, provide the facilities and necessary equipment for determining the density of smoke being discharged from a stack or chimney and shall conduct such smoke tests using methods approved by the Director, including, when requested by the Director, tests on a similar unit prior to construction or installation of a new incinerator. All smoke test data shall be recorded in a permanent log at such time intervals as
- (2) Any person responsible for the use of a new or existing incinerator shall, upon request of the Director, provide such sampling facilities and testing facilities exclusive of instruments and sensing devices as may be necessary for the Director to determine the nature and quantity of emissions from such incinerator and shall, during such testing, operate the incinerator at a charging rate of waste no less than the designed capacity of the incinerator using the materials representative of the types of wastes normally burned and, to the extent possible, under standard conditions. Such facilities may

be either permanent or temporary, at the discretion of the person

- (3) When any incinerator has caused an air pollution nuisance by repeated violations of this Chapter, the Director may, at his discretion, require that such incinerator be equipped with an air contaminant recording device with an audible alarm set so as to become activated upon reaching prohibited levels of emission, which device shall be maintained in proper operating conditions at all times. Records from such recording device shall be maintained for a period of not less than one (1) year and shall be available for review by the Director.
 - (4) If emission tests conducted as a result of the action of the Director tests. If the tests do not show that a violation exists, then the City shall be responsible for paying all costs for conducting such tests. In no event shall the City assume costs of providing facilities, utilities and access for such testing. When the person responsible elects to conduct his own emission tests, then the person so electing shall pay for the test or tests notwithstanding other provisions of this Section, and irrespective of the result. The costs of emission tests required by the Director, on newly installed equipment, for the issuance of the permit to install and the issuance of the certificate of operation shall be at the expense of the permittee regardless of results.
- (f) Circumvention and Right of Entry.
- (1) No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an incinerator emission without resulting in a reduction in the total release of air contaminants to the atmosphere nor shall a person do anything nor commit any act with the intent to distort incinerator emission tests or results.
 - (2) Whoever in any manner hinders, obstructs, delays, resists, prevents or in any manner interferes or attempts to interfere with the Director or his representatives in the performance of any duty enjoined by this Chapter, or refuses to permit the Director or such representatives pursuant to an appropriate warrant to perform such duty by refusing

them entrance at reasonable hours to any premises in which the provisions of this Chapter are being violated, or are suspected of being violated, or refuses to permit testing, or permit the inspection or examination of such premises for the purpose of the enforcement of this Chapter shall be subject to cancellation of the certificate of operation, or such other action as may be provided by law or by provisions of this Chapter.

(Ord. 42-72. Passed 5-22-72.)

1373.04 REQUIREMENTS OF OTHER LAWS AND CODES.

(a) Chapter Sets Minimum Requirements. This Chapter is intended to set minimum requirements for the subjects covered by the above Sections of this Chapter as of the date of its enactment (Ord. 42-72. Passed 5-22-72.). Any requirements, as the same may from time to time exist, on the same subject in the following, if the same are stricter in resulting in less air pollution from incinerators, as determined by the Commissioner, than would result from the imposition of the requirements of this Chapter, shall be deemed to be controlling on the subject matter:

2002 Ohio Building Code
International Residential Code
Chapter 3704 of the Ohio Revised Code and regulations adopted thereunder by the Air Pollution Control Board
Requirements for incinerators at Federal facilities as adopted by the Environmental Protection Agency
"Incinerator Standards" (March 1970 Reprint), Incinerator Institute of America
Standards for Gas Fired Incinerators, as may be approved by the United States of America Standards Institute.

(b) Other Incinerator Regulations. Regulations that are not the subject matter of above Sections of this Chapter, applying to incinerators, shall be applied as provided for elsewhere in these Codified Ordinances or in the laws, regulations and standards referred to in Subsection (a) hereof. Where two (2) or more apply to the same subject the strictest shall be deemed, under this Chapter, to apply. (Ord. No. 139-02. Passed 9/23/02.)

1373.05 EXISTING INCINERATORS; COMPLIANCE AND NOTICE TO CITY.

Any person responsible shall notify the City of his plans to conform his existing incinerator to Section 1373.02(a)(2). (Ord. 42-72. Passed 5-22-72.)

1373.06 PERMITS; CONDITIONS AND FEES.

(a) Installation Permit Required. No person shall construct, install, reconstruct or alter any incinerator or control apparatus pertaining thereto or operate or permit to be operated an existing incinerator until an application, including not less than two (2) sets of properly prepared plans and specifications of the incinerator or control apparatus, and structures or buildings used directly in connection therewith have been filed by the person or his agent in the office of, and have been approved by, the Division of Building and until an installation permit has been issued by the Division of Building for such construction, installation, reconstruction or alteration, or such existing incinerator.

Such plans and specifications shall show the form and dimensions of the incinerator or control apparatus, together with the description and dimensions of the building or part thereof in which such equipment is to be located, including: the means provided for admitting the air combustion processes; the character and composition of the auxiliary fuel to be used; the expected air contaminant emission rate; the operating requirements; the use to be made of such incinerator or control apparatus; contaminant concentration, gas volume, and gas temperature at the emission point; physical characteristics of particulates emitted; the location and elevation of the emission point relative to structures and window openings within three hundred (300) feet of the point of emission; and any other reasonable and pertinent information that may be required by the Division of Building. The Division shall issue a permit only if it determines from the plans and specifications, and in the case of a new incinerator from the certification of the Director contemplated by Section 1373.02(a)(1), that the proposed construction, installation, reconstruction or alteration complies with this Chapter, and after securing a certification in writing from the manufacturer that such installation, as manufactured and as recommended to be installed, complies with this Chapter. Failure to comply with any requests for reasonable and pertinent information made by the Division of Building shall be cause for rejection of an application.

(b) Action on Permit Applications. Approval of the application for an installation permit may, at the discretion of the Division, include a condition requiring emission tests to be made upon completion of the installation for which the permit has been issued, to establish compliance with the emission limitations of this Chapter. Upon the approval of the application and upon the payment of the prescribed fees, the Division shall issue a permit for the construction, reconstruction, installation or alteration of such incinerator or control apparatus, or for an existing incinerator.

(c) Applicability of the Permit. No construction, installation, reconstruction or alteration shall be made which is not in strict accordance with the plans, specifications and other pertinent information upon which the installation permit was issued.

(d) Permit Violation. Violation of the installation permit shall be sufficient cause for the Division of Building to stop all work in connection with such permit, and it is hereby authorized to seal the installation without notice. No further work shall be done until the Division is assured that the condition in question shall be corrected and that the work shall proceed in accordance with the installation permit.

(e) Fees. Fees for the examination of applications for the issuance of installation permits, and for the original inspection and certificate of operation, shall be as follows:

Installation Permit and Certificate of Operation

Incinerators, or Control Apparatus Related Thereto Having a Primary Surface Volume of:	Fee
6 cubic feet or less	\$ 5.00
Over 6 cubic feet but less than 50 cubic feet	20.00
Over 50 cubic feet but less than 100 cubic feet	40.00
100 cubic feet or more	60.00

(f) Time Limit on Permits. If construction, reconstruction, installation or alteration is not begun within three (3) months nor completed within six (6) months from the date of the issuance of the installation permit, such permit shall automatically become void and all fees paid shall be forfeited unless an extension of time is granted, for good cause shown, by the Board of Building and Zoning Appeals.(Ord. 42-72. Passed 5-22-72.)

1373.07 CERTIFICATE OF OPERATION.

(a) No person shall operate or cause to be operated any incinerator or control apparatus, or any equipment pertaining thereto, unless a certificate of operation as required by this Section has been issued. The person responsible for such installation, construction, reconstruction or alteration for which an installation permit is required shall notify the Division of Building when the work is completed and ready for final inspection. No incinerator equipment shall be operated for any other purpose or in any manner than that for which the installation permit was approved and/or for which a certificate of operation has been issued. After the installation permit has been issued and it is demonstrated to the satisfaction of the Division that the incinerator or control apparatus can and shall be operated in compliance with this Chapter, and the manufacturer or

installer thereof has certified in writing to the City that it has been installed in strict compliance with the manufacturer's instructions therefor, an initial certificate of operation shall be issued by the Division. Emission tests may be required by the Division before the issuing of a certificate of operation. The certificate of operation shall be kept posted on or near the installation for which it was issued.

The issuance of a certificate of operation shall not operate as a guarantee of immunity from prosecution or other legal action for violations occurring during the period covered by the certificate. Failure to operate under test within the limitations and requirements of this Chapter shall constitute sufficient grounds for ordering changes in the incinerator or control apparatus, or appurtenances thereto, before an initial certificate of operation can be granted. When the Division refuses to issue a certificate of operation, the Division is authorized to seal the incinerator or control apparatus until the person required to procure the certificate of operation has complied with the provisions of this Chapter.

(b) Any person in possession of a certificate of operation for an incinerator shall maintain the certificate readily available on the operating premises. Operating procedures and rated burning capacity of the incinerator shall be posted at a convenient place as near as practical to the point of operation.

(c) Written procedures to be followed for proper operation and maintenance of an incinerator shall be submitted to the Division of Building for review and approval together with the application for a certificate of operation. (Ord. 42-72. Passed 5-22-72.)

1373.08 MISCELLANEOUS LIMITATIONS.

(a) Other Burning.

(1) No person shall cause or allow the burning of waste described in

(2) No person shall cause or allow the burning of waste described in

(b) Nuisances. No person shall continue, use or maintain a building, structure or place for the exercise of a trade, employment or business, including apartment buildings, which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. The test to be applied to the foregoing sentence is whether there is

substantial injury to the owners and occupiers of property, assuming their being persons of ordinary sensibilities, which interferes sensibly with their use and enjoyment of their respective abodes or businesses.
(Ord. 42-72. Passed 5-22-72.)

1373.09 OPERATION.

No person shall use or cause to be used any incinerator unless all components connected or attached to, or serving the incinerator, including control apparatus, are functioning properly and are in use in accordance with the installation permit and the certificate of operation.
(Ord. 42-72. Passed 5-22-72.)

1373.10 SEALING.

(a) Any person who has been found to have violated the provisions of this Chapter two (2) or more times within a twelve (12) month period, shall be notified by registered or certified mail to show cause before the Director within ten (10) days why the offending equipment may not be sealed. The notice shall be directed to the last address of the person to be notified, or if the person or his whereabouts is unknown, then the notice shall be posted on or near the premises at which the violations have occurred. If upon the hearing, at which the violator or his agent or attorney may appear and be heard, the Director finds that adequate corrective measures have not been taken, he may seal the equipment until such time as corrective measures have been taken.

(b) Sealing may also be ordered by the Director and effected after reasonable notice:

- (1) On any equipment being operated without a valid certificate of
- (2) Where necessary repairs or alterations are not accomplished within
- (3) Where the control equipment has been installed in order to enable an
- (4) Where test facilities and access required under Section 1373.03 are

(c) Where incinerator equipment or control apparatus has been constructed, installed, reconstructed or altered without installation permit, or operated without a certificate of operation, or in cases of emergency where operation is or may be dangerous to health or safety, the incinerator may be sealed without notice.

Prima-facie evidence of a violation will support the action of the Director in sealing certain equipment, as provided therein. Sealing of equipment shall not be a bar to other legal action against the owner or operator thereof.

No person shall break or remove a seal or operate equipment sealed by the Director unless such breaking, removal or operation is authorized in writing by the Director.

(Ord. 42-72. Passed 5-22-72.)

1373.11 SEVERABILITY.

If any clause, sentence, paragraph or part of this Chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the controversy in which such judgment has been rendered and to the person, firm, corporation or circumstances involved. It is hereby declared to be the legislative intent of Council that this Chapter would have been adopted had such invalid provisions not been included.

(Ord. 42-72. Passed 5-22-72.)

1373.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ord. 7-82. Passed 2-8-82.)