

TITLE THREE - Local Provisions  
Chap. 1511. Open Burning.

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CHAPTER 1511

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CROSS REFERENCES

See sectional histories for similar State law  
Air pollution control - see Ohio R.C. Ch. 3704  
Open burning - see O.A.C. Ch. 3745  
Penalties - see O.R.C. Ch. 3737.99 (B)  
Fire Code Violations; civil penalties - see O.R.C. Ch. 3737.51

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1511.01 DEFINITIONS.

As used in this Chapter, certain terms are defined as follows:

- (a) "Bonfire" means an outdoor fire utilized for ceremonial purposes.
- (b) "Combustible" means capable of catching fire and burning.
- (c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (d) "Landscape waste" means any vegetable or plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.
- (e) "Ohio EPA" means the Ohio Environmental Protection Agency and its delegate agencies or its Director as the context or applicable law may require.
- (f) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted into the ambient air.
- (g) "Recreational fire" means an outdoor fire utilized to cook food for human consumption.
- (h) "Residential waste" means any matter, including landscape wastes, generated on a one, two or three-family residence as a result of residential activities, but not including garbage.

(i) "Structure" means that which is built or constructed.

(j) "Waste" means any discarded or useless material, including, but not limited to, agricultural waste, garbage, land clearing waste, landscape waste, residential waste and trash.

#### 1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in this Chapter, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code is in effect.

(b) No provisions of this Chapter permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any state or any local ordinance or regulation dealing with open burning.

(c) The code enforcement officer shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous. The code enforcement officer shall order the extinguishment, by the permit holder or the fire department, of any open burning that creates or adds to a hazardous or objectionable situation.

#### 1511.03 RESTRICTIONS; NOTICE AND PERMISSION.

(a) No person shall cause or allow open burning in the Municipality, except as provided in Subsections (b) through (d) herein.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA or the code enforcement officer:

(1) Cooking of food for human consumption utilizing appliances designed for cooking with charcoal, wood, stove fuel or cooking gas. The following conditions shall be met when cooking, utilizing open burning or open flame:

- A. Charcoal burners and other open flame cooking devices shall not be operated on balconies, porches, decks or within 15 feet (4,572 mm) of any combustible structure.
- B. Liquefied petroleum, gas-fueled cooking devices shall not be located on balconies, porches, decks or within 15 feet (4,572 mm) of any combustible structure.
- C. Fires in appliances designed for cooking utilizing seasoned dry firewood shall be permitted, provided that such devices are not located on balconies, porches, decks or within 15 feet (4,572 mm) of any combustible structure.

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- D. Recreational fires shall not be conducted within 25 feet (7,620) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. Pile size shall be limited to 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

(2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers, smudge pots and similar occupational needs.

Fires allowed by Subsection (b)(1) and (2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with paragraph (B) of Rule 3745-19-05 of the Ohio Administrative Code, and after the issuance of a permit by the City for the following purposes:

- (1) For the open burning of beach debris only on the beaches of Lake Erie and inaccessible beaches of the Rocky River Harbor, which border the City, and only if such burning is supervised at all times. Beach debris which may be burned under this section shall be limited to natural wood or untreated lumber.

Every applicant for a permit under this subsection shall file with the Fire Prevention Bureau a written application stating his full name, complete address of the applicant, phone number, and a copy of the letter from the EPA agent granting permission to "open burn". The application shall also state the following:

- A. the reason the open burning is necessary;
- B. the location and/or the premises where the open burning is to be conducted;
- C. the date and time at which the applicant desires to conduct the open burning;
- D. a description of the debris which is to be burned;
- E. the signature of the applicant/responsible person who will be supervising the open burning.

The Fire Chief/Fire Prevention Officer shall issue only those permits that are reasonably necessary to guarantee the public health and safety.

- (2) Prevention or control of disease or pets.

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- (3) Ceremonial purposes (bonfire) provided the following conditions are met:
- A. Ceremonial fires shall be less than five (5) feet by five (5) feet by unless it is determined that the fire safety requirements of the situation and the desirable duration of burn warrant the increase.
  - B. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper.
  - C. A bonfire shall not be conducted within fifty (50) feet (15,240 mm) of a structure or combustible material. Conditions which could cause a fire to spread within fifty feet of a structure shall be eliminated prior to ignition.
  - D. Bonfires shall be constantly attended by a responsible person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use as deemed necessary by the code enforcement officer.

All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled following the requirements outlined in Section (c)(1)(A).

Fires allowed by Subsections (c)(1), (c)(2) and (c)(3) hereof shall not be used for waste disposal purposes, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA as provided by Ohio Administrative Code 3745-19-05, provided that any conditions specified in the permission are followed:

- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines no practical alternate method of disposal;
- (2) Instruction in methods of fire fighting or for research in the control of fires;
- (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and
- (4) Recognized horticultural, silvicultural, range or wildlife management practices; and

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- (5) Fires and/or pyrotechnic effects, for the purposes other than waste disposal, set as part of commercial film making or video production activities for motion pictures and television.  
(OAC 3745-19-03)

1511.04. NUISANCE

The emission or escape of air contaminants into the open air from any source or sources or control equipment in such manner or in such amounts, as to endanger or tend to endanger the health, comfort, safety or welfare of the public, or that is reasonably offensive and objectionable to the public, or that shall cause unreasonable injury or damage to property or interferes with the comfortable enjoyment of property or normal conduct of business, is hereby found and declared to be a public nuisance. No person shall cause, permit or maintain any such public nuisance.

1511.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months, or both.  
(Ord. No. 186-03. Passed 10/27/03.)