

AN ORDINANCE REPEALING SECTIONS 1513.01 THROUGH 1513.04 OF CHAPTER 1513 AND ENACTING A NEW SECTION 1513.01 REGULATING OPEN BURNING

WHEREAS, current Chapter 1513 of the Code providing for regulations pertaining to open burning was enacted in 1973; and

WHEREAS, effective December 20, 1988, the Ohio Environmental Agency has enacted new rules and regulations pertaining to open burning; and

WHEREAS, this Council wishes to update its regulations pertaining to open burning to make them consistent with the OEPA standards.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That currently effective Sections 1513.01 through 1513.04 be, and the same hereby are, repealed.

SECTION 2. That there is enacted a new Section 1513.01 to read as follows:

"1513.01 OPEN BURNING.

(a) Definitions. As used in this section:

- (1) "Ohio Environmental Protection Agency" means the Ohio Environmental Protection Agency Director, agencies delegated authority by the Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency District Office.
- (2) "Open burning" means 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 Rule 3745-17-09 or 3745-17-10 of the Ohio Administrative Code.

(b) General Regulations.

- (1) No person shall cause or allow open burning in the Municipality except as provided in paragraphs (b)(2) to (4) hereof or in Ohio R.C. 3704.11.
- (2) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio Environmental Protection Agency or the Fire Department:
  - A. Cooking for human consumption; and
  - 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 this paragraph shall not be used for waste disposal purposes and shall be of a 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 ceremonial purposes with prior notification to the Ohio Environmental Protection Agency or the Fire Department if the following conditions are met:
  - A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours.
  - B. The ceremonial fires shall not be used for waste disposal purposes.
  - C. 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 Ohio Environmental Protection Agency or the Fire Department, provided that conditions specified in the permission are followed:
  - A. Disposal of ignitable or explosive materials where the Ohio Environmental Protection Agency or the Fire Department 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 Ohio Environmental Protection Agency or the Fire Department;
  - D. Recognized horticultural, silvicultural, range or wildlife management practices; and
  - E. Prevention or control of disease or pests, with written verification from the local Health Department, the County Agricultural Extension Agency, the Ohio Department of Agriculture or the U.S. Department of Agriculture that open burning is the only appropriate disposal method.

(c) Other Prohibitions.

- (1) Notwithstanding any provision of this section, no open burning shall be conducted in an area where an air alert, warning or emergency under Chapter 3745-25 of the Ohio Administrative Code is in effect.
- (2) No provision of this section permitting open burning, and no permission to open burn granted by the Ohio Environmental Protection Agency or the Fire Department, shall exempt any person from compliance with any section of the Ohio Revised Code, any

regulation of any State department or any local ordinance or regulation dealing with open burning.

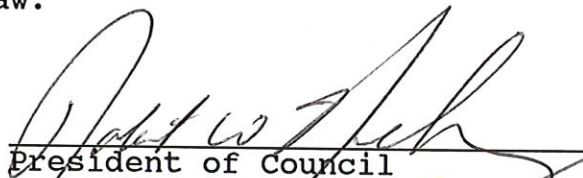
- Burn  
XXXXX
- (d) Permission to Burn
- (1) An application for permission to open <sup>burn</sup>~~burn~~ shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio Environmental Protection Agency or the Fire Department.
- (2) Such application shall contain, as a minimum, information regarding:
- A. The purpose of the proposed burning;
  - B. The nature and quantities of material to be burned;
  - C. The date or dates when such burning will take place;
  - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks; and
  - E. The methods or actions which will be taken to reduce the emission of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio Environmental Protection Agency or the Fire Department that open burning is necessary to the public interest; that it will be conducted in a time, place and manner as to minimize the emission of air contaminants; and that it will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio Environmental Protection Agency or the Fire Department may impose such conditions as may be necessary to accomplish the purpose of this section.
- (4) Permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by a delay while written permission is sought, the fire may be set with oral permission of the Ohio Environmental Protection Agency or the Fire Department.
- (5) Violations of any of the conditions set forth by the Ohio Environmental Protection Agency or the Fire Department 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.
- (e) Notification.
- (1) 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 re-

- quired by the Ohio Environmental Protection Agency or the Fire Department.
- (2) Such notification shall inform the Ohio Environmental Protection Agency or the Fire Department regarding:
- A. The purpose of the proposed burning;
  - B. The nature and quantities of materials to be burned;
  - C. The date or dates when such burning will take place; and
  - D. The location of the burning site.
- (3) The Ohio Environmental Protection Agency or the Fire Department, after receiving notification, may determine that the open burning is not allowed under this section, and the Ohio Environmental Protection Agency or the Fire Department shall notify the applicant to this effect."

SECTION 3.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that the regulations enacted herein are immediately necessary to protect the environment; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect and be in force from and after its signature by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed 12-17-91

  
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 President of Council

  
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 Mayor

Dated: 12/12/91

ATTEST:

  
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 Clerk of Council