

7.5 Resolution adopting standard fire code
(RC 505.373, RC 505.374, RC 505.99)

Whereas, in order to properly protect the health, safety and welfare of the inhabitants of the Township, this Board considers it necessary and advisable to adopt a standard code pertaining to fire, fire hazards and fire prevention: it is therefore

Resolved, that:

1. Pursuant to RC 505.373, this board hereby adopts the open burning regulations contained in Chapter 3745-19-01 thru 3745-19-06 of the Ohio Administrative Code. A complete copy of the code is attached to and incorporated by reference in this resolution.
2. The clerk is directed to:
 - a. Maintain a complete copy of the code on file in the Township office, for inspection by the public;
 - b. Keep copies of the code available for distribution to the public at cost;
 - c. Certify a copy of this resolution, together with a complete copy of the code, to the Lorain County Law Library, to be kept on file there; and
 - d. Post notice of adoption of the code in five conspicuous places in the Township for at least 30 days, and also cause such notice to be published in a newspaper of general circulation in the Township for three consecutive weeks. The notice shall clearly identify the code and state its purpose, and state that complete copies of the code are on file with _____ Township Clerk and the Lorain County Law Library for inspection by the public and that the Clerk has copies available for distribution to the public at cost.
3. The code shall become effective and apply throughout the township on the 31st day following the day the above notice is first posted in the Township.
4. Pursuant to R.C. 505.374, no person shall violate a provision of a standard code or regulation adopted under section 505.373. Each day of continued violation of this section shall constitute a separate offense.
5. Pursuant to R.C. 505.99, whoever violates this code is guilty of a minor misdemeanor.

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OAC Ann. 3745-19-01

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July 17, 2009 ***

3745 Ohio Environmental Protection Agency
Chapter 3745-19 Open Burning Standards

OAC Ann. 3745-19-01 (2009)

3745-19-01. Definitions.

As used in [Chapter 3745-19 of the Administrative Code](#):

(A) "Agricultural waste" means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

(B) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.

(C) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

(1) A tornado.

(2) High winds.

(3) An earthquake.

(4) An explosion.

(5) A flood.

(6) A hail storm, a rain storm, or an ice storm.

(D) "Garbage" means any waste material resulting from the handling, processing,

preparation, cooking and consumption of food or food products.

(E) "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

(F) "Land clearing waste" means waste material which is removed from land, including plant waste material 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. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

(G) "Ohio EPA" means the Ohio environmental protection agency director or agencies delegated authority by the director of the Ohio environmental protection agency pursuant to section 3704.03 of the Revised Code or the chief of any Ohio environmental protection agency district office.

(H) "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 Administrative Code.

(I) "Residential waste" means any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

(J) "Restricted area" means the following:

(1) Except as provided in paragraph (I)(2) of this rule, the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Revised Code, plus a zone extending one thousand feet beyond the boundaries of any such municipal corporation having a population of one thousand to ten thousand persons and a zone extending one mile beyond any such municipal corporation having a population of ten thousand persons or more according to the latest federal census.

(2) "Restricted area" shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of rule 3745-19-03 of the Administrative Code.

(K) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in paragraph (I) of this rule.

(L) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

National fire protection association. Information on the national protection association

codes may be obtained by contacting association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered www.nfpa.org/catalog/home/index.asp. Copies of the code at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

NFPA publication 1403; "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures;" November 2001 edition.

History:Effective: 07/07/2006.


R.C. [119.032](#) review dates: 01/20/2006 and 07/07/2011.

Promulgated Under: 119.03.

Statutory Authority: [R.C. Section 3704.03\(E\)](#).

Rule Amplifies: [R.C. Section 3704.03\(A\)](#), [3704.03\(E\)](#).

Prior Effective Dates: 6/21/76, 10/30/87, 12/20/88, 11/27/00.

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OAC Ann. 3745-19-02

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3745 Ohio Environmental Protection Agency
Chapter 3745-19 Open Burning Standards

OAC Ann. 3745-19-02 (2009)

3745-19-02. Relations to other prohibitions.

(A) Notwithstanding any provision in [Chapter 3745-19 of the Administrative Code](#), no open burning shall be conducted in an area where an air alert, warning, or emergency under [Chapter 3745-25 of the Administrative Code](#) is in effect.

(B) No provisions of [Chapter 3745-19 of the Administrative Code](#), 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 Revised Code, or any regulation of any state department, or any local ordinance or regulation dealing with open burning.

History:Effective: 07/07/2006.

R.C. [119.032](#) review dates: 01/20/2006 and 07/07/2011.

Promulgated Under: [119.03](#).

Statutory Authority: [R.C. Section 3704.03\(E\)](#).

Rule Amplifies: [R.C. Section 3704.03\(A\)](#), [3704.03\(E\)](#).

Prior Effective Dates: 9/21/73, 10/20/87.


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OAC Ann. 3745-19-03

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3745 Ohio Environmental Protection Agency
Chapter 3745-19 Open Burning Standards

OAC Ann. 3745-19-03 (2009)

3745-19-03. Open burning in restricted areas.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule [3745-19-01](#) of the [Administrative Code](#) titled "Incorporation by reference."]

(A) No person or property owner shall cause or allow open burning in a restricted area except as provided in paragraphs (B) to (D) of this rule or in [section 3704.11](#) of the [Revised Code](#).

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

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

(2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

(a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;

(b) They are not used for waste disposal purposes; and

(c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that

require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of rule 3745-50-45 of the Administrative Code.

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by paragraphs (B)(1), (B)(2), and (B)(4) of this rule 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 Administrative Code:

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio department of agriculture, or U.S. department of agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of paragraph (B)(2) of this rule, provided the following conditions are met:

(a) They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;

(b) They are not used for waste disposal purposes; and

(c) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

(a) The fire is set only when atmospheric conditions will readily dissipate contaminants;

(b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

(c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;

(d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

(e) No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(D) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05 of the Administrative Code, provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in paragraph (B)(3) of this rule;

(2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State fire marshal division of the Ohio department of commerce and the guidelines set forth in the national fire protection association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in paragraph (A)(1) of rule 3745-19-05 of the Administrative Code is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the director and performed as identified in the appendix of this rule. If deemed necessary, the open burning may be authorized with prior oral approval by the director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Recognized horticultural, silvicultural, range, or wildlife management practices; and

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

History:Effective: 07/07/2006.


R.C. 119.032 review dates: 01/20/2006 and 07/07/2011.

Promulgated Under: 119.03.

Statutory Authority: 3704.03(E).

Rule Amplifies: 3704.03(A), 3704.03(E).

Prior Effective Dates: 6/21/76, 10/30/87, 12/20/88, 11/27/00.

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
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OAC Ann. 3745-19-04

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3745 Ohio Environmental Protection Agency
Chapter 3745-19 Open Burning Standards

OAC Ann. 3745-19-04 (2009)

3745-19-04. Open burning in unrestricted areas.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule [3745-19-01](#) of the [Administrative Code](#) titled "Incorporation by reference."]

(A) No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (C) of this rule or in [section 3704.11](#) of the [Revised Code](#).

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

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

(2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

(a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;

(b) They are not used for waste disposal purposes; and

(c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.