

Ordinance No. 81-12

Passed 19

AN ORDINANCE PROHIBITING OPEN BURNING WITHIN THE VILLAGE OF BUCKEYE LAKE, OHIO, CREATING CERTAIN EXCEPTIONS AND DECLARING AN EMERGENCY.

WHEREAS, this Council desires to regulate open burning as hereinafter defined in this ordinance, due to the likelihood of these fires spreading and causing damages to persons and property; and

WHEREAS, many of the inhabitants of the Village of Buckeye Lake, Ohio, reside in dwellings which are very susceptible to fire due to their location and construction.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF BUCKEYE LAKE, COUNTY OF LICKING AND STATE OF OHIO, THAT:

Section 1: Definitions:

(a) "Open burning" means the burning of any materials wherein air contaminates resulting from combustion are admitted directly into the air, without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, an enclosed chamber is one which has only those ducts, stacks or chimneys necessary to provide combustion air and to permit the escape of exhaust gas. The burning of any materials in metal cans, barrels, containers, wire baskets or any homemade device is open burning. The burning of materials in incinerators is governed by Ohio Environmental Protection Agency Regulations 3745-17-012 and 3745-17-13.

(b) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(c) "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.

Section 2: No person shall cause or allow open burning within the Village of Buckeye Lake, Ohio, except as provided in Sections 3 through 5 hereof.

Section 3: Open burning shall be allowed for the following purposes:

- (a) Cooking food for human consumption; and
- (b) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers, smug pots and similar occupational needs. Fires allowed by this Section shall not be used to burn garbage, landscape waste, or any other waste material and shall be of minimum size sufficient for their intended purpose. The fuel used shall be a clean fuel, that is, a fuel chosen to minimize the generation and admission of air contaminates.

Section 4: Open burning shall be allowed for the following purposes with prior notification to both the Municipal Fire Department and the District Office of the Ohio Environmental Protection Agency, as provided by Ohio Environmental Protection Agency Regulation 3745-19-05:

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- (a) Prevention or control of disease or pest; and
- (b) Ceremonial purposes. Ceremonial fires shall be less than five feet by five feet by five feet and shall burn no longer than three hours. Fires allowed by this Section shall not be used to burn garbage, landscape waste or any waste material. The fire used shall be a clean fuel, that is, a fuel chosen to minimize the generation and admission of air contaminates.

Section 5: Open burning shall be allowed for the following purposes upon receipt of written permission from the District Office of the Ohio Environmental Protection Agencies, provided that any condition specified in the permit are followed:

- (a) Disposal of hazardous or toxic materials where the Ohio Environmental Protection Agency determines that there in no practical alternate method of disposal;
- (b) Instruction in methods of fire fighting or for research in the control of fire; and
- (c) In emergency or other extraordinary circumstances for which purpose determine to be necessary by the Ohio Environmental Protection Agency. Receipt of written permission shall be obtained as provided by Ohio Environmental Protection Agency Regulation 3745-19-5.

Section 6: Whoever violates any of the provisions of this Section is guilty of a minor misdemeanor. Punishment shall not exceed a one hundred dollar (\$100) fine. In addition, the offender shall be required to pay the cost of proper disposal of the material burned. The cost of proper disposal of the materials burned shall be the amount it would of cost to dispose of the materials in a manner that is consistant with the air, water and solid waste laws, ordinances and regulations of the Village of Buckeye Lake, Ohio and the State of Ohio.

Passed the _____ day of _____, 1981.

ATTEST:

CLERK

Charles E. Slater

MAYOR

Form Approved:

[Signature]

LAW DIRECTOR