

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2019-21	December 26,	19
Ordinance No. _____	Passed _____	, 20 _____

AN ORDINANCE ESTABLISHING GUIDELINES FOR OPEN BURNING WITHIN VILLAGE CORPORATION LIMITS.

WHEREAS, Uncontrolled or unregulated burning of materials may cause personal, environmental, or property damage, and open, unrestricted burning can easily become uncontrollable, and;

WHEREAS, Burning of hazardous materials, may lead to air, water, and other pollution hazards, and use of explosive materials within restricted space may cause severe injury or other damage, and;

WHEREAS, This action is deemed necessary by Council for the health, safety, and well being of the Village of Sabina and its residents.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Sabina, Clinton County, Ohio, by two-thirds or more of its members thereto concurring that;

Section A: Definitions

- 1). Hazardous materials: Any material other than solid wood or commercial charcoal which may release noxious fumes, poison water, or poison land.
- 2). Uncontrolled: Unmonitored, unrestricted, oversized, or uncontained.
- 3). Open burning: Burning of materials outside of an enclosed approved fire pit or manufactured container specifically created for enclosed burning.
- 4). Explosive: Any product, device, material, or refuse which may explode when burned, thus spreading fire, creating projectiles, or causing harm to person or property from an extended distance.
- 5). Garbage: Any wastes created in the process of handling, preparing, cooking or consuming food.
- 6). Dead animals: Any animal, whole or part, not being used for food or which still has fur, scales, or other external hide attached.

Section B: No person or property owner shall cause or allow open burning within Village corporation limits except as provided below:

- 1). Bonfires, campfires and outdoor kitchen or 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, including commercial charcoal, and excluding gasoline.
 - (b) They are not used for waste or clothing disposal purposes.
 - (c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height and shall have a screened or other type of approved manufacturer lid to prevent ashes, sparks, and other ignition sources from spreading outside the imposed diameter.
- 2). Disposal, by approved and trained professionals, 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.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2019-21

December 26,

19

Ordinance No. _____

Passed _____, 20_____

3). Recognized training in the use of fire extinguishers for commercial or industrial fire prevention by trained, qualified, and approved individuals.

Section C: Open burning shall be allowed for the following purposes with prior notification to the Police Department, the Fire Department, and 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 oral verification to the Ohio EPA from the Ohio department of health or local health department, the centers for disease control and prevention, cooperative extension service, Ohio department of agriculture, or United States department of agriculture, that open burning is the only appropriate disposal method.

2). 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 smoke does not create a visibility hazard on roadways or railroad tracks.
- (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.
- (e) No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.

3). Recognized horticultural, silvicultural (forestry), range management, prairie and grassland management, invasive species management, or wildlife management practices, if all of the following conditions are met:

- (a) The fire shall be performed within one hundred eighty days of submitting the notification and when it is anticipated that weather conditions will minimize the dispersion of smoke near populated areas and the smoke does not create a visibility hazard on roadways or railroad tracks. Smoke dispersion conditions shall be evaluated before, during, and after the fire and actions taken to minimize smoke impacts.
- (b) The person making the notification shall notify the Police and Fire departments at least twenty-four hours before the fire is anticipated to occur.
- (c) The person making the notification shall provide reasonable notification to populations potentially impacted by the smoke before the fire occurs. Populations potentially impacted shall include, at a minimum, those within one-quarter mile of the burn site. The notice shall include, at a minimum, the address of the property at which the fire will occur, contact information for the person making the notification and the anticipated date that the fire will occur. Reasonable notification shall include one of the following:
 - (i) Posting notice of intent to burn within open view from a public roadway adjacent to and outside of the property on which the fire will occur.
 - (ii) Posting a notice in a newspaper of general circulation in the local community in which the fire will occur.
 - (iii) Delivering written notice directly to residences and businesses within a minimum of one-quarter mile of the burn site.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

	2019-21	December 26,	19
	Ordinance No. _____	Passed _____,	20 _____
	<p>(d) The person making the notification shall document information on the weather, smoke conditions, any air quality concerns before, during, and after the fire, the actual number of acres burned, the time the fire was initially kindled, the time when active kindling ceased and the time at which mop up activities ceased. The person making the notification shall maintain this information for a minimum of one year from the date of the fire and shall provide this information to the appropriate Ohio EPA district office or local air agency within ten days upon request.</p> <p>(e) Reasonable access to the burn site shall be provided to Ohio EPA representatives at any time during the fire.</p> <p>Section D: The following shall <u>not</u> be permitted within the Village corporation limit:</p> <ol style="list-style-type: none">1). Open burning when air pollution warnings, alerts or emergencies are in effect and fires obscure visibility for roadways, railroad tracks, or other pathways.2). Burning or ignition of explosives, explosive devices, gasoline, oil, projectile devices, or other items which may explode causing fire or injury.3). Burning of garbage, materials containing rubber, grease and asphalt or made from petroleum (such as tires, cars and auto parts), plastics or plastic-coated wire, and dead animals (unless approved for control of disease by a governing agency).4). Fires left unextinguished and unmonitored which may spread outside of containment without warning. <p>Section E: Penalties</p> <ol style="list-style-type: none">1) Whoever violates Section B, Parts 1 and 3 of this Ordinance is guilty of a minor misdemeanor and fined no more than \$150.2) Whoever violates Section B, Part 2 of this Ordinance may be determined to be guilty of a misdemeanor of the third degree and as such, may be fined up to \$500 and sentenced in court to no more than 60 (sixty) days in jail.3) Whoever violates any part of Section C of this Ordinance may be determined to be guilty of a misdemeanor of the first degree and as such, may be fined up to \$1000 and sentenced in court to no more than 6 (six) months in jail.4) Whoever violates any part of Section D of this Ordinance may be determined to be guilty of a misdemeanor of the second degree and as such, may be fined up to \$750 and sentenced in court to no more than 90 (ninety) days in jail.5) Whoever causes, as a direct violation of this Ordinance, serious harm to any animal or individual person, or to any property belonging to another person, shall also be subject to felony charges and fines as found appropriate in a court of law, as well as civil suites. <p>Section F:</p> <p>This Ordinance may be superseded only where it may conflict with current and future State and Federal Fire Codes, and replaces all other legislature in regard to the above given matters currently in place in the Village of Sabina.</p> <p>This Ordinance shall take effect at the earliest time allowed by law.</p>		

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-3094 FORM NO. 30043

2019-21

December 26, 19

Ordinance No. _____ Passed _____, 20_____

1st Reading: 11/26/2019

2nd Reading: 12/12/2019

3rd Reading: 12/26/2019


Passed this 26th day of December, 2019.

Attest:

Approved by:


Nancy L. Cornell, Fiscal Officer


Mike Walls, President of Council


Dean Hawk, Mayor