

# OPEN BURNING LAWS

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With the warmer weather upon us, the fire department has started receiving calls to investigate open burning complaints inside of the city limits. In 2007 a new Ohio Fire Code was adopted which went into effect last year. I would like to update everyone on the Ohio Open Burning Laws as they apply within the City of Orrville corporation limits and/or within 1000 feet of the City limits. There are a number of rules that are different 1000 feet outside of the City limits, but most of those rules require a permit be obtained from the Ohio EPA in advance of the open burning being conducted. The language in bold italics is the actual code section as written.

Open Burning Rules are covered in the Ohio Administrative Code 1307:7-7-03 and the Ohio Fire Code (OFC) Rule 3 - General Precautions Against Fire.

A couple of definitions (OFC Section 302.1) I feel are very important to look at and understand are as follows:

***#1 Bonfire – An outdoor fire utilized for ceremonial purposes.***

To my knowledge, we only have one “bonfire” in the city limits each year, and it is for the Orrville-Wooster football game pep rally each year. No other fires would fall under this category.

***#2 Recreational fire – An outdoor fire burning materials other than rubbish, where the fuel being burned is not contained in an incinerator, outdoor fire place, barbecue grill, or barbecue pit, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.***

These are the majority of fires that we are being dispatched to ... mostly called in by your unhappy neighbors. There are a number of items in this definition that need to be looked at closer. Note the size 3' x 2' ... and **NO LARGER**. Any fire that exceeds these dimensions is illegal and must either be put out or made smaller in size.

Note the phrase “materials other than rubbish.” This covers just about anything other than firewood. If you are burning a type of material just to dispose of it, then that is rubbish or trash. This section does not allow for burning fresh cut tree trimmings, leaves, or grass. The Ohio EPA rules state that ONLY clean, dry, seasoned firewood or equivalent is permitted to be

used. Note the phrase for pleasure as well as cooking purposes. This allows for a camp fire where people are just sitting around talking and having a good time.

**Section #307 - Open Burning and Recreational Fires** – This section covers a number of items specific to open burning and recreational fires only. It covers Permit Required Fires (307.2) where the Ohio EPA is the **ONLY** one authorized to issue an Open Burning Permit in the State of Ohio. These permits are issued for the clearing of land, prevention and control of diseased vegetation, and bonfires. Orrville has only one of these permits issued annually, and that is to a local landscaping company for the disposal of diseased plants.

**Section 307.4 – Location – The location for open burning shall not be less than 50 feet from any structure and that provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.**

There are, however, two exceptions listed to 307.4 location section and they are as follows:

**#1 - Fires in approved containers that are not less than 15 feet from a structure.**

With this exception, if called, we will decide if the fire is in an approved container. I feel the key word in this section of code is CONTAINER. If the fire is on the ground with bricks or rocks around it as many people do, I interpret this to **NOT** be an approved container, and it would fall into Exception #2 below if the fire size meets this requirement. It is my interpretation that an approved container would be a metal fire ring, store bought fire pits, Chimineas, or masonry constructed fireplace.

**#2 - The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.**

This would be the size requirement for all recreational fires inside of the city that are not in an approved container.

**Section 307.4.2 Recreational Fires – Recreational fires shall not be conducted within 25 feet 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.**

This section only pertains to recreational fires. Remember that this applies to a structure on your property, as well as structures on neighboring properties

**Section 307.5 – Attendance - Open burning, bonfires, or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a**

***minimum of a 4-A rating or other approved on-site fire extinguisher equipment, such as dirt, sand, water barrel, garden hose, or water truck shall be available for immediate utilization.***

With this section if we arrive and no one is physically at the fire, it is an illegal fire and could be ordered to be put out. If you have gone to bed and left the fire burning, it is illegal and will be put out. You must have present some means of extinguishing the fire if it should start to spread or get out of control. Have a garden hose ready and long enough to reach the fire or have enough water in buckets to extinguish any spread of the fire that may occur.

As with any law there is always what I refer to as a Catch All Section and this one is no different. In Section 307.1.1, it states as follows:

***Prohibited Open Burning – Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.***

With this section, if the complainant has a problem with smoke blowing towards their house, getting into their house due to open windows, or has a health problem that the smoke would make worse, there is no option but to have the fire put out. Remember that the smoke and odors emitted from a fire can affect your neighbors also, and they also have a right to NOT have your smoke and odors entering their homes or affecting their health.

If you are burning anything other than dry, seasoned fire wood, if excessive smoke is being generated, or if the smoke is emitting an offensive odor, the fire could be ordered to be put out. Atmospheric conditions refer to extreme drought or high wind situations, in which case open burning will not be permitted.

With habitual violators of the open burning law, we do have the option of sending the information to the Ohio EPA. If this enforcement step is required, fines as high as \$10,000 per incident can be charged. If you would like a copy of the Ohio Fire Code section on this topic, please contact me at the fire department and I will get one to you.

If you have any questions, please feel free to contact me at the fire department at 330-684-5050 and I will try to answer your questions. If you would like to review the Ohio EPA Rules on open burning, go to the following link and there are three PDF file that can be viewed or printed out for future reference. If you live outside of the 1000 foot rule and would like more information on how the open burning rules affect you, also check the website below.

<http://www.epa.ohio.gov/dapc/general/openburning.aspx>

These rules are open for interpretation by the officer responding to the complaint. What is an approved container? Is the fire within the distance guidelines? Is the fire only burning firewood

as required by code? In the past the main criteria for an outdoor fire was for food consumption; however, that is no longer true. In the current law, food consumption (cooking) is only one permitted use, with the others being for pleasure, religious, warmth or similar purposes. So you can all put that package of hotdogs away that you had available to show me and make sure to follow the new open burning rules as reviewed here.

In closing, many people like to enjoy a nice fire in the back yard on a cool summer night, myself included. If we all follow these simple rules when starting a recreational fire, there should be no complaints and everyone will have a great, safe summer.