

REQUESTED BY:  
FLASK

LAW DEPARTMENT  
DRAFT NO. 3512

TITLE

AN ORDINANCE FOR THE PURPOSE OF REPEALING AND RE-ENACTING THE SECTION 1505.06 ("OPEN BURNING") OF CHAPTER 15 OF CODIFIED ORDINANCES OF THE CITY OF WARREN, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12592/15

WHEREAS, this Council deems it to be in the best interests of the City of Warren to update various sections of Chapter 15 of the Codified Ordinances of the City of Warren; and

WHEREAS, Section 1505.06 of the City of Warren's existing burning ordinance regulating various type of fires was adopted in 1992 and has not changed since that time, despite changes in State Laws and introduction of new burning devices; and

WHEREAS, the City of Warren now finds that while control of "Opening Burning" is necessary, it can have a negative impact upon citizen's rights to quiet enjoyment of their homestead that is contrary to the public welfare; and

WHEREAS, the City of Warren finds that this Ordinance strikes an appropriate balance between property owner's rights to enjoy the outside use of their property and maintaining control of open burning that might create a danger to the other residents of the City; and

WHEREAS, this Ordinance acknowledges and promotes the continuing necessity to monitor and control open burning within the City of Warren, as well as provide measures that will allow citizens to quiet enjoyment of their property within the City; and

WHEREAS, the City of Warren is empowered to promote the health, safety, welfare and integrity of the residents of the City of Warren, and others; and

WHEREAS, this Ordinance is necessary to promote and protect public health, safety and welfare;  
NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That Section 1505.06 ("Open Burning") of Chapter 15 of the Codified Ordinances of the City of Warren, and each and every section of said Section 1505.06, be and the same hereby are, repealed in their entirety.

Section 2: That Chapter 1505.06, and the various sections thereof, be, and the same hereby are, reenacted to and within the Fire Prevention Code of the Codified Ordinances of the City of Warren as follows:

“CHAPTER 15”  
Section 1505.06

OPEN BURNING

1505.06 PURPOSE  
1505.06(A) DEFINITIONS  
1505.06(B) OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACE REQUIREMENTS.

1505.06

A. Definitions

(1) Bonfire. An outdoor fire utilized for ceremonial purposes.

(2) Open Burning. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots, and similar devices associated with safety or occupational uses typically considered open flames, recreational fires, or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks or chimneys necessary to provide combustion air and permit the escape of exhaust gasses are open.

(3) Portable Outdoor Fireplaces. A portable, outdoor, solid burning fireplace that may be constructed steel, concrete, clay or other non-combustible material. A portable outdoor fireplace may be open ion design, or may be equipped with a small hearth opening and a short chimney or chimney operating in the top. A portable outdoor fireplace must be designed, manufactured, or constructed for the exclusive use as an outdoor fireplace.

(4) Recreational Fires. An outdoor fire where the fuel being burnt is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace or barbecue grill.

B. Open Burning, Recreational Fires, and Portable Outdoor Fireplace Requirements:

(1) Open Burning. A person shall not kindle, maintain or authorize to be kindled or maintained any open burning in The City of Warren, unless conducted and approved in accordance with these regulations:

(a) Permit required. A permit shall be obtained from the Fire Code Official in accordance with Rule 1301:7-7-01 of the Administrative Code prior to kindling a fire defined as open burning or a bonfire. Applications for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(b) Prohibited Open Burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make fires hazardous.

(c) Location. The location for open burning or a bonfire shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of any structure.

(d) When open burning has created or adds to a hazardous condition, or the required permit has not been obtained, the Fire Code Official or Fire Officer in charge is authorized to order the extinguishment of the open burning operation.

(2) Recreational Fires. Recreational fires in the City of Warren shall not be permitted.



(3) Portable Outdoor Fireplaces. A portable outdoor fireplace may be installed and used in the City of Warren only in accordance with all of the following provisions:

(a) Portable Outdoor Fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material \* Exception. Portable outdoor fireplaces used at one and/or two-family dwellings.

(b) The portable outdoor fireplace shall not be used to burn refuse.

(c) The portable outdoor fireplace shall burn only clean wood, charcoal or other manufactured fireplace logs.

(d) The portable outdoor fireplace shall be located at least twenty-five (25) feet from the nearest structure which is not on the same property as the portable outdoor fireplace.

(4) The use of portable outdoor fireplaces shall be prohibited when atmospheric conditions make such fires hazardous.

(5) Attendance. Open burning bonfires and the use of portable outdoor fireplaces in the City of Warren shall be constantly attended by a responsible person of at least eighteen (18) years of age until the fire is extinguished. A minimum of one portable fire extinguisher complying with paragraph (F)(906) of Rule 1301:7-7-09 of the Administrative Code with a minimum 4-A rating or other approved on-site-fire-extinguishing equipment, such as dirt, sand, water barrel, or garden hose shall be available for immediate utilization.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety; and for the further reason that the integrity of the safeness of the City of Warren may be more fully insured at the earliest possible time without undue delay.


WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 22nd day of April, 2015.

SIGNED: [Signature] ATTEST: [Signature]  
PRESIDENT OF COUNCIL CLERK OF COUNCIL

FILED WITH THE MAYOR: 4-22-15

DATE APPROVED: 4-22-15

  
MAYOR, CITY OF WARREN, OHIO

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LEA

**RENOUR**