

OHIO FIRE CODE

SECTION 302 DEFINITIONS (B)

(1) 302.1 Definitions.

The following words and terms shall, for the purposes of this *rule* and as used elsewhere in this code, have the meanings shown herein.

"Bonfire." An outdoor fire utilized for ceremonial purposes.

"Hi-boy." A cart used to transport hot roofing materials on a roof.

"High-voltage transmission line." An electrical power transmission line operating at or above 66 kilovolts.

"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, smudgepots 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, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

"Portable outdoor fireplace." A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney operating in the top.

"Powered industrial truck." A forklift, tractor, platform lift truck or motorized hand truck powered by an electrical motor or internal combustion engine. Powered industrial trucks do not include farm vehicles or automotive vehicles for highway use.

"Recreational fire." An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

OHIO FIRE CODE

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES (G)

(1) 307.1 General.

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this paragraph.

(a) 307.1.1 Prohibited open burning.

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

(2) 307.2 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 for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(a) 307.2.1 Authorization.

Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

(3) 307.3 Extinguishment authority.

The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

(4) 307.4 Location.

The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

(a) 307.4.1 Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

(b) 307.4.2 Recreational fires.

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

(c) 307.4.3 Portable outdoor fireplaces.

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one-and two-family dwellings.

(5) 307.5 Attendance.

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended 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, garden hose or water truck, shall be available for immediate utilization.

INTERPRETATIONS, GUIDELINES

- “Open Burning” is the burning of landscape waste, leaves, construction debris, downed trees, agricultural or sivicultural burns, residential waste, etc.
 - o “Open burning” is restricted. A fire department permit is required for “open burning” and EPA approval and/or permits are typically needed.
 - Permits can only be issued by a certified fire inspector.
 - o Recreational fires, fire pit fires, portable fireplace fires, contained fires for warmth of construction workers are not “open burning” by definition or are not included in “open burning” regulations. Separate regulations may apply to these types of fires.
- Air Quality Control regulations apply to “open burning” and are spelled out in the Ohio Administrative Code. Miami Township has both Restricted Areas and Unrestricted Areas with regard to open burning regulations. The inspector needs to determine which regulations apply.
 - o The key regulation that rules out open burning in Miami Township in most cases is that: “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.”
 - o Due to the developed nature of most of the township, it has become difficult to meet the “thousand foot rule” for open burning.
 - o See attachments for OAC sections related to open burning.
 - o It is the policy of Miami Township Fire & EMS not to issue a Fire Code permit until it is established that an air quality control permit is not required or that a permit has been obtained from the Southwest Ohio Air Quality Agency .
 - o A MTF&EMS permit indicates that the property owner can conduct a fire in a fire-safe manner and in accordance with the Ohio Fire Code.
 - A site evaluation is to be conducted as necessary to establish that conditions are favorable for issuance of a permit.
 - Conditions as outlined on the Fire Dept. permit must be met.
 - By approving the permit, the inspector is attesting that to his knowledge the conditions can be met.
 - By signing the permit, the property owner is attesting that the conditions of the permit can be met and that he/she will follow the conditions of the permit.
 - o A Southwest Ohio Air Quality Agency permit indicates that the property owner can conduct an “open burn” in accordance with air quality control regulations.
 - The inspector should obtain a copy of the permit or verify with Southwest Ohio Air Quality Agency that the permit was issued.
- Bonfires are restricted to ceremonial use and require a site evaluation before issuance of a permit. The permit should clearly indicate any size restrictions, additional fire prevention or protection measures necessary during the fire, and result in an inspector visit prior to ignition of the fire to assure compliance with permit conditions. In some cases it may be necessary for the fire department to be on-site during the fire.

The Southwest Ohio Air Quality Agency web site contains extensive information regarding open burning regulations:

<http://www.southwestohioair.org/businesses/p-e/open-burning.html>

There is a Southwest Ohio Air Quality Agency brochure on the web site that summarizes open burning regulations:

<http://epa.ohio.gov/portals/47/facts/openburn.pdf>

Commentary Excerpts from INTERNATIONAL FIRE CODE® COMMENTARY

OPEN BURNING.

∪ Open burning is any burning that takes place in an unenclosed space. Examples include burning of leaves or grass clippings, burning construction debris and fires built on the ground for warmth in cold weather. The burning of wood scraps in a steel drum or in a piece of culvert over which a supply of construction sand can be dumped and kept thawed are common practices on construction sites in cold climates and could be evaluated by the fire code official as being an allowable “occupational use” as mentioned in the definition. The definition has also been revised to clarify that the use of portable outdoor fireplaces (also known as patio fireplaces) is specifically excluded, thus eliminating the confusion that previously existed as to how to treat those devices. See also the definition of “Recreational fire.”

PORTABLE OUTDOOR FIREPLACE..

∪ This definition describes a fairly recent innovation that has often been treated as open burning. These devices function similar to a masonry or factory-built indoor fireplace except that they are portable, solid fuel-burning fireplaces designed to provide ambience and warmth in outdoor settings. They come in many styles and designs, both open and enclosed. Some designs are constructed of steel with screening around the firebox while others are made of concrete or clay with a small hearth opening and are equipped with a short chimney or simply a chimney opening. Still others function as a fire pit on legs. The design will typically include a stand or legs to elevate the firebox above the surface upon which it is placed to provide clearance to combustible materials. Sections 307.4.3 and 307.5 of the code contain specific clearance and attendance requirements for these devices. See also the definitions of “Open burning” and “Recreational fire.”

RECREATIONAL FIRE.

∪ This kind of fire includes ordinary campfires and other small fires used for the activities listed. The definition has also been revised to clarify that the use of portable outdoor fireplaces (also known as patio fireplaces) is specifically included thus eliminating the confusion that previously existed as to how to treat those devices. See also the definition of “Open burning.”

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OAC regulations can be found on the Department of Environmental Service website:

http://www.epa.ohio.gov/dapc/regs/3745_19.aspx

Definitions

(M) "Restricted area" means the following:

(1) Except as provided in paragraph (K)(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.

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

3745-19-04 Open burning in unrestricted areas.

(A) No person or property owner shall cause or allow open burning in an unrestricted 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, except as required in paragraph (B)(3)(f) of this rule:

(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.

(3) Disposal of residential waste or 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, liquid petroleum products, plastics or building materials.

(f) Prior notification to the Ohio EPA in accordance with paragraph (B) of rule 3745-19-05 of the Administrative Code shall be required for the disposal of agricultural waste if the size of waste pile exceeds twenty feet in diameter by ten feet in height (or four thousand cubic feet) and for residential waste if the size of the waste pile exceeds ten feet by ten feet by ten feet (or one thousand cubic feet).

(4) 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.

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

(6) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state, or local law enforcement officials.

Fires allowed by paragraphs (B)(1), (B)(2) and (B)(5) of this rule shall not be used for waste disposal purposes, and shall be of the 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 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)(4) of this rule;

(2) Instruction in methods of fire fighting or for research in the control of fire 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, if required, performed as identified in the appendix to rule 3745-19-03 of the Administrative Code. 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) Disposal of land clearing 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 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; and

(d) An air curtain destructor or other device or method determined by the director to be at least as effective is used to curtail release of air contaminants;

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

(6) 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.

- (7) Disposal of land clearing waste utilizing an air curtain burner if the following conditions are met:
- (a) The owner or operator shall apply for a permit-to-install as required in Chapter 3745-31 of the Administrative Code and a title V permit as required in Chapter 3745-77 of the Administrative Code.

[Comment: Pursuant to Section 129 of the Clean Air Act and 40 CFR 60.2974 and 40 CFR 60.3069, air curtain burners are subject to and must fulfill the requirements of the Title V permitting program and must apply for and obtain a title V air permit.]

- (b) The siting of the air curtain burner shall be at a point on the premises no less than one thousand feet from any inhabited building not located on said premises.
- (c) No materials may be charged to the burner less than thirty minutes after sunrise and shall be completed not less than sixty minutes prior to sunset. A log shall be maintained on site, and available upon request, that documents daily beginning and ending times of charging.
- (d) The air curtain burner shall be attended at all times while burning is occurring and until flames are no longer visible.
- (e) The air curtain shall be maintained until all material within the air curtain burner has been reduced to coals, and flames are no longer visible.
- (f) At no time shall material be loaded into the air curtain burner such that the material extends into and above the air curtain, except for brief moments during loading.
- (g) The air curtain burner shall be used only for the disposal of land clearing wastes as defined in paragraph (I) of rule 3745-19-01 of the Administrative Code.

(D) Open burning shall be allowed, with prior notification to the Ohio EPA in accordance with paragraph (B) of rule 3745-19-05 of the Administrative Code; for the purpose of 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.

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