

1st READING 07/06/2020
2nd READING 07/20/2020
3rd READING 08/03/2020

ORDINANCE 2020-22

AN ORDINANCE ESTABLISHING GENERAL LIMITATIONS ON BURNING
WITHIN THE CITY OF ST. CLAIRSVILLE

WHEREAS, it has been recommended to Council by the Chief of Police of the City of St. Clairsville and by the Fire Chief of the Cumberland Trail Fire District #4 to establish general limitations on burning within the city limits of the City of St. Clairsville; and,

WHEREAS, Council has determined that there is a need to establish general limitations on burning within the city limits of the City of St. Clairsville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF ST. CLAIRSVILLE, OHIO:**

Section 1: That Title V, General Offenses Code, Chapter 521, Health, Safety and Sanitation shall be amended by adding Section 521.11, General limitations on burning, to read as follows:

521.11 GENERAL LIMITATIONS ON BURNING

(a) COMPLIANCE.

- (1) No person shall burn, ignite, maintain or permit to be burned any materials whatsoever, of whatever nature, without complying with this section.
- (2) Nothing herein shall be construed to prevent firefighting training by fire district designated firefighting organizations.

(b) PUBLIC ROADS AND PUBLIC PROPERTIES.

- (1) No person shall set, start, feed or permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds within the City except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.
- (2). No person shall set, start, feed or permit to burn or maintain any fire that causes smoke that would obscure vision of or cause noxious odor on any streets, sidewalks, alleys or public grounds within the City.

(c) SAFE DISTANCES.

- (1) It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building or property line.
- (2) No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.
- (3) Out-of-door fires shall be permitted only upon private property and shall take place at least 25 feet from any building, property line or road line.

- (4) Nothing herein shall be deemed to prohibit outdoor cooking activities, providing that reasonable safeguards are maintained.
- (5) Cooking grills may be less than 25 feet from a building, property line or road line providing that reasonable safeguards are maintained and manufacturer guidelines are followed.
- (6) Fire pits - Recreational fires conducted in gas-fired recreational pits shall not be conducted within 15 feet of a structure or combustible materials.
- (7) Portable outdoor gas-fired fireplaces - Portable outdoor gas-fired fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

(d) CONTROL OF BURNING AND UNATTENDED FIRES.

- (1) No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily-available fire-extinguishing apparatus.
- (2) No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the State of Ohio or other competent governmental body. The Fire Marshall may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (3) No fire shall be set that results in the uncontrolled burning of vegetation (field fire)

(e) EXTINGUISHING UNSAFE FIRES. No person shall allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by an official of the City or Fire District or extinguished immediately upon request of such official.

(f) RECREATIONAL FIRES. Recreational fires using natural, untreated, seasoned (dry) wood and comprising of a fuel source of no more than three feet in diameter and two feet in height prior to ignition and contained within a fire safe barrier such as a rock, brick or metal ring and maintaining 25 feet from any building, property line and other combustible materials shall be allowed.

(g) UNLAWFUL SUBSTANCES.

- (1) No person shall burn or cause to be burned construction debris, petroleum based products, byproducts of manufacturing and processing operations, wastes from commercial operations, paper, boxes, rubbish, leaves or any treated or wet (green) wood or landscape waste at any time within the City.
- (2) Nothing herein shall be construed to permit or encourage the burning of any substance determined by the commonwealth or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act, being P.S. §§ 4001 et seq., or other legislation of the commonwealth or the United States of America or other competent body.
- (3) No garbage or offal matter may be burned at any time either indoors or out-of-doors.
- (4) Any fire that becomes a disturbance, nuisance or health hazard to others shall be extinguished.

(5) Any fire outside of scope of this section shall be approved by the City and Fire District and said approval shall be sought with a minimum of seventy-two hours advanced notice to the City and Fire District.

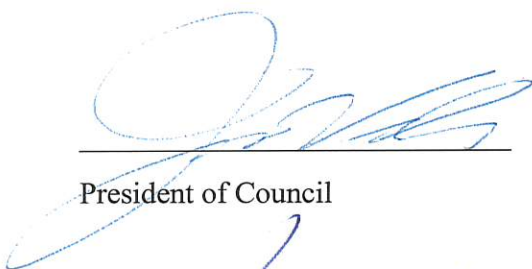
(h) PENALTIES. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. Penalty shall be as provided in Section 501.99.

Section 2. All ordinances inconsistent herewith are repealed to the extent of the inconsistencies.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by the Charter of the City of St. Clairsville, Ohio.

PASSED at a meeting of the Council of the City of St. Clairsville on this 3RD day of AUGUST 2020, by the affirmative vote of 7 members of the council.

Passed: AUGUST 3, 2020



President of Council

Approved: AUGUST 3, 2020



Mayor



Clerk of Council