

CHAPTER 95: FIRE/OUTDOOR BURNING

Section

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FIRE BURNING

' 95.01 PROHIBITED ACTS.

It shall be unlawful for any person to burn or cause to be burned any waste material, refuse, leaves, paper, construction material or other combustible debris within the village, unless done in accordance with the provisions of this subchapter.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.02 INSIDE BUILDING OR STRUCTURE.

No burning shall be permitted inside a building or structure unless the burning is done in a stove, furnace or incinerator approved by the Parma-Sandstone Fire Department=s Fire Chief or his or her

designee.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.03 OUTSIDE OF BUILDINGS.

No burning is permitted outside of buildings or structures in the village, unless all of the following conditions prevail.

(A) No burning shall be allowed within 15 feet of an existing building or 15 feet of a property line if no building is near. No burning shall be permitted on any paved surface.

(B) Beginning September 1 through June 15, no burning shall be done prior to 4:00 p.m. and must not be continued after 9:00 p.m.; weekends from 7:00 a.m. to 9:00 p.m. June 16 through August 31, no burning shall be done prior to 7:00 a.m. and must not be continued after 10:00 p.m., all days.

(C) No burning shall be done unless under the charge or constant supervision of a person of mature years and discretion.

(D) No burning shall be done at any time or place of garbage, refuse (other than wood products) or any materials which when burning give off foul or obnoxious odors or a dense smoke or when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof.

(E) The open burning of refuse at commercial and industrial sites is prohibited.

(F) The Parma-Sandstone Fire Department may prohibit or its delegated agent may prohibit bonfires and outdoor fires when atmospheric conditions or local circumstances make the fires hazardous in his or her discretion.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.04 BURNING OF YARD WASTE PROHIBITED.

(A) No person shall cause or permit the burning of yard waste, including leaves, grass clippings, vegetable or other garden debris, shrubbery of brush, or tree clippings or similar materials, to occur upon any privately owned premises or any public place.

(B) No person shall cause or permit the burning of leaves within the village limits or within 1,400 feet of the village limits.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.05 STREETS AND HIGHWAYS; CURBS AND SIDEWALKS.

No person shall cause or permit material of any kind to be burned or attempt to burn material on or within five feet of any street, alley, highway, sidewalk or between any curb and the sidewalk adjacent thereto within the village.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.06 COOKING FIRES.

Fires are permitted for the cooking and smoking of food provided that such fires are confined to the barbeque grill, barbeque pit, smokehouse or other enclosure, and provided further that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.07 RECREATIONAL FIRES.

Recreational fires, including bonfires, on private property are permitted when in a fire pit, fireplace or other enclosure designed for recreational fires subject to the following provisions:

- (A) The location meets the requirements of ' 95.03 above;
- (B) Fires are attended until extinguished and ashes are cold;
- (C) Only clean, untreated wood products or commercially produced fuel products are burned;
- (D) Atmospheric conditions are favorable; and

(E) The fire does not produce emissions of dense smoke or fumes which irritate, annoy or constitute a nuisance to others living in the neighborhood.

(Ord. 204-06, passed 4-8-2008) Penalty, see ' 95.99

' 95.08 EFFECTIVE DATE.

- (A) This subchapter shall be published in the manner provided by law and shall take effect and

be in force from and after the earliest date allowed by law.

(B) This subchapter shall become effective 20 days after publication in the *County Press*.
(Ord. 204-06, passed 4-8-2008)

OUTDOOR FURNACE

' 95.20 PURPOSE.

This subchapter is to preserve and protect the public health, safety and general welfare of the residents of the village by prohibiting outdoor furnaces within the village limits.
(Ord. 205-08, passed 4-8-2008)

' 95.21 DEFINITIONS.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OUTDOOR FURNACE. Not limited to any device, apparatus or structure that:

- (1) Is designed, intended or used to provide heat and/or hot water to any residence or structure;
- (2) Operates by burning wood or other solid fuel such as, but not limited, to coal, paper or agricultural products; and
- (3) Is not located within the residence or structure for which it is providing heat and/or hot water.

(Ord. 205-08, passed 4-8-2008)

' 95.22 OUTDOOR FURNACES PROHIBITED.

No person, corporation, partnership or entity shall install, use or maintain an outdoor furnace fired by wood, corn, pellets, coal, gas or any other type of combustible material within the village.
(Ord. 205-08, passed 4-8-2008) Penalty, see ' 95.99

' 95.23 EFFECTIVE DATE.

(A) This subchapter shall be published in the manner provided by law and shall take effect and be in force from and after the earliest date allowed by law.

(B) This subchapter shall become effective 20 days after publication in the *County Press*.
(Ord. 205-08, passed 4-8-2008)

' 95.99 PENALTY.

(A) (1) *Civil infraction.* A person or entity who violates ' ' 95.01 through 95.08 for which the village has assumed enforcement responsibility is responsible for a municipal civil infraction Class B for each and every day that the violation occurs, punishable by a civil fee determined in Chapter 11.

(2) *Other remedies.* In addition to the foregoing, the village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with ' ' 95.01 through 95.08, as amended and/or the aforementioned codes. Each day that a violation exists shall constitute a separate offense.

(B) Any person who shall violate ' ' 95.20 through 95.23, or any provision thereof shall be guilty of a misdemeanor and upon conviction thereof may be subject to confinement in the county jail for a period not to exceed 90 days or be fined a sum not to exceed \$1,000 or both. And further, the person may be subject to assessment costs of prosecution as in the sound discretion of the court.

(Ord. 204-06, passed 4-8-2008; Ord. 205-08, passed 4-8-2008)