

Chapter 1511, Open Burning, of the Fire Prevention Code of the Village of Silver Lake is hereby amended to read as follows:

1511.01 DEFINITIONS

(a)“Open burning” means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any devise not subject to or designed specifically to comply with the requirements of the Ohio Administrative Code 3745-17-09 or 3745-17-10

(b)“Bonfire” means an outdoor fire for ceremonial purposes and larger than a recreation fire, but no larger than 5 feet by 5 feet in dimension.

(c)“Recreation fire” means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an outdoor fireplace, barbecue grill, or barbeque pit for pleasure, religious, ceremonial cooking, warmth or similar purposes and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height..

(d) A barbeque pit is an area below ground, entirely containing the fuel for a cooking fire, or an area surrounded by a non-combustible material, entirely containing the fuel for a cooking fire and not exceeding the size requirement for a recreational fire without specific approval by the fire official.

1511.02 RELATIONS TO OTHER PROHIBITIONS

No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Coe, or any regulation of any State Department, or any local ordinance or regulation dealing with open burning.

1511.03 OPEN BURNING RESTRICTED AREAS

(a) No person or property owner shall cause or allow open burning of any kind within the corporate limits of the Village of Silver Lake, Ohio, except as permitted by this chapter.

(b) Open burning shall be allowed for the following purposes without a permit.

1. Cooking for human consumption in an outdoor fireplace, barbecue grill or barbecue pit.
2. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers or strikers, smudge pots and similar occupational needs.
3. Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method

Fires allowed by subsections (b)(1) and (b)(2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

1511.04 BONFIRE REQUIREMENTS

The following requirements apply to bonfires:

A permit is required from the Cuyahoga Falls Fire Department.

- (a) The application for the permit shall be obtained at least ten days before the fire occurs.
- (b) The fire must be at least 50 feet from any structure.
- (c) Provisions shall be made to prevent the spread of fire to within 50 feet of any structure.
- (d) The fire shall be no larger than 5 feet by 5 feet in dimension and shall not burn longer than 3 hours.
- (e) There shall be at least one portable fire extinguisher with a minimum of a 4-A rating or other approved on site fire extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck (approved by the fire department).
- (f) The fire shall be constantly attended until the fire is extinguished.
- (g) Fuel shall consist of only seasoned dry firewood and shall be ignited with a small quantity of paper.
- (h) The fire shall not be utilized for waste disposal and fuel shall be chosen to minimize air contaminants.

1511.05 RECREATION FIRES

A permit is not required for a recreation fire but such fires are subject to the following regulations:

- (a) The fire must be made at least 25 feet away from any structure or combustible material and in no case shall have a total fuel area greater than 3 feet in diameter and 2 feet in height.
- (b) Provisions shall be made to prevent the spread of fire to any structure or combustible material.
- (c) Fires in approved containers are permitted to be no less than 15 feet from a structure. Approved containers may be used on wood decks or other similar structures provided their use is specifically approved by the fire official.
- (d) Approved containers are limited to metal fire rings, commercially manufactured units for open flame type burning, fire pits at least 18 inches deep with stones or fire brick lining the perimeter, and other similar configurations conforming to the intent of containing the fire safely
- (e) The fire shall not be fueled by leaves or other than wood vegetation and shall not generate objectionable smoke or odors.

- (f) If a complaint is generated based on the objectionable smoke or odors, the complainant(s) shall be present upon investigation by the Fire Department. Smoke entering adjacent structures shall be considered objectionable and the fire is to be extinguished. Other matters of complaint shall be evaluated by the fire official based on the safety and health of those present and in proximity to the fire.

1511.99 PENALTY

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

Section 2. That Chapter 1517, General Regulations of the Fire Prevention Code of the Village of Silver Lake is hereby amended to read as follows:

1517.01 SETTING FIRES MALICIOUSLY, RECKLESSLY, OR NEGLIGENTLY

No person shall maliciously, recklessly or negligently set fire to woods, fields or grounds not his property, or maliciously or recklessly permit fire to pass from his woods, fields or grounds to the injury or destruction of the property of any other person.

1517.02 BURNING IN THE STREET

No person shall burn any leaves or other refuse upon any improved or paved street within the corporate limits of the Village.

1517.03 OBSTRUCTING FIRE HYDRANTS

No person shall obstruct the access to any fire hydrant, or place or allow to be placed any obstruction in front thereof, between the curb line and the center of the street, or within ten feet from each side of any hydrant.

1517.04 GASOLINE STORAGE

No person shall keep in storage in any dwelling area (excluding garage), any container or vessel containing more than one gallon of gasoline or kerosene, nor anywhere on the premises a container or vessel containing more than five gallons of gasoline or kerosene except for gas tanks for motor vehicles or boats legally on the premises

1517.05 FLAMMABLE LIQUIDS STORAGE

No person shall keep or store more than one gallon of any explosive or inflammable liquid other than gasoline or kerosene.

1517.06 DYNAMITE STORAGE

No person shall unlawfully have, keep, store or have in his possession any dynamite or other explosive substance.

1517.07 BLASTING PERMIT REQUIRED

No person shall blast with dynamite, gunpowder or any other explosive compound within the corporate limits of the Village, unless he has first obtained a written permit to do so from the Mayor.

1517.08 OBSTRUCTING FIRE ESCAPES AND EXITS

No person shall encumber or obstruct any fire escape or emergency exit, or in any manner tamper with any fire door or emergency exit, in such manner as to hinder or prevent the immediate use of the same in the event of fire or other emergency.

1517.99 PENALTY

- (a) Whoever violates Section 1517.01 shall be guilty of a first degree misdemeanor and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one year or both.
- (b) Whoever violates any other provision of this chapter shall be guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.