

RECORD OF ORDINANCES

Ordinance No. 0-51-19

Passed June 17 2019

Introduced by Chris Fahl, Chair
Planning & Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.04, OUTDOOR FIRES, SECTION 9.04.01, OUTDOOR FIRES WITHOUT PERMIT, UNLAWFUL; AND CHAPTER 9.05, FIRE CONTROL; PETROLEUM LIQUIDS, SECTION 9.05.01, DEFINITIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Title 9, General Regulations, Chapter 9.04 Outdoor Fires, Section 9.04.01, Outdoor Fires Without Permit, Unlawful, is hereby amended to read as follows:

9.04.01. - Outdoor fires without permit, unlawful.

(A)

No person shall kindle or cause to be kindled ~~any fire in any street or alley or within 90 feet of any building,~~ **ANY OPEN FIRE BURNING** ~~STREET OR ALLEY. NO PERSON SHALL KINDLE OR CAUSE TO BE KINDLED A FIRE IN ANY OUTDOOR FIREPLACE, OR THE LIKE WITHIN 20' OF A STRUCTURE, ALLEY, OR ROADWAY.~~ No person shall kindle or cause to be kindled a fire elsewhere in the open air within the city without first obtaining a burning permit from the **FIRE chief, OR HIS/HER DESIGNEE,** ~~of the fire department as required by this section. Provided however that such~~ A permit shall not be required for the kindling of a fire in a charcoal **OR GAS** grill; in an **APPROVED** covered metal container or incinerator of not more than one-half inch mesh; ~~in a dutch oven;~~ in an outdoor fireplace or grill with not less than one-half inch mesh screen or grating on the opening and chimney, the same to be of a design and construction approved by the **FIRE chief, SO LONG AS THE PREVIOUSLY LISTED DEVICES ARE USED AS INTENDED** ~~of the fire department.~~

(B)

No person, other than the city or its agents duly constituted for that purpose, shall burn or cause to be burned ~~and~~ garbage in the open air within the city, whether the same be contained in a receptacle or not.

(C)

The **FIRE chief, OR HIS/HER DESIGNEE,** ~~of the fire department of the city is~~ authorized, **AND** empowered ~~and required~~ **TO ISSUE A BURN PERMIT** upon the filing with him/**HER** of a written application stating the reason or purpose of an intended fire; the time and place when such fire is to be kindled; and the implements and other safeguards to be provided to control such fire, and upon being satisfied that such fire may be kindled without creating a fire hazard, ~~to issue a burning permit to~~

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~~such applicant.~~ Such permit is revocable by the chief, **OR HIS/HER DESIGNEE**, whenever a change of conditions creates an unforeseen hazard **OR PERMIT SAFEGUARDS ARE NOT BEING FOLLOWED.**

(D)

The fire chief, **OR HIS/HER DESIGNEE**, is authorized, empowered and directed to prescribe such forms and adopt and cause enforcement of such rules and regulations, consistent with the provisions of this section, as may be necessary and proper to give its provisions full effect.

(E)

OUTDOOR BURNING OF ANY TYPE SHALL BE PROHIBITED WHEN ATMOSPHERIC CONDITIONS OR LOCAL CIRCUMSTANCES MAKE SUCH FIRES OR SMOKE HAZARDOUS. THIS SHALL NOT INCLUDE SMOKE THAT IS DEEMED A NUISANCE BY OTHERS. EXAMPLES OF SUCH INCLUDE, BUT ARE NOT LIMITED TO: HIGH WINDS, PROLONGED DROUGHT CONDITIONS, LOW PRESSURES WHICH CAUSE LOW LYING SMOKE THAT INTERFERES WITH ROADWAY VISIBILITY, AND UNAPPROVED BURN PERIODS ESTABLISHED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES, AND THE OHIO EPA.

(F)

ATTENDANCE: OPEN BURNING, BONFIRES, RECREATIONAL FIRES AND USE OF PORTABLE OUTDOOR FIREPLACES SHALL BE CONSTANTLY ATTENDED BY A COMPETENT ADULT UNTIL THE FIRE IS EXTINGUISHED. ONLY CLEAN SEASONED FIREWOOD SHALL BE PERMITTED FOR BURNING. 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 A WATER BARREL, GARDEN HOSE OR WATER TRUCK, SHALL BE AVAILABLE FOR IMMEDIATE UTILIZATION. NO OPEN FIRE SHALL BE PERMITTED TO BURN FOR MORE THAN THREE (3) HOURS.

(G)

ANY BURNING CONDUCTED IN VIOLATION OF THE ABOVE LISTED SPECIFICATIONS AND REQUIREMENTS SHALL BE GROUNDS FOR AN IMMEDIATE VOIDING OF ANY ISSUED BURN PERMIT, AND SHALL SUBJECT THE OFFENDER TO CRIMINAL AND/OR CIVIL LIABILITY.

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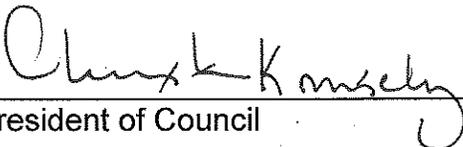
(H)

WHOSOEVER IS CONVICTED OF, OR PLEADS GUILTY TO A VIOLATION OF SECTION 9.04 SHALL BE GUILTY OF A MINOR MISDEMEANOR AS DEFINED IN SECTION 2929.01 OF THE OHIO REVISED CODE.

SECTION II: Title 9, General Regulations, Chapter 9.05, Fire Control; Petroleum Liquids, Section 9.05.01, Definitions, is hereby amended to add the following:

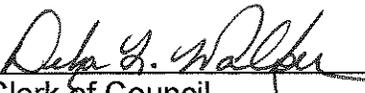
“OPEN BURNING” THE BURNING OF MATERIALS WHEREIN PRODUCTS OF COMBUSTION ARE EMITTED DIRECTLY INTO THE AMBIENT AIR WITHOUT PASSING THROUGH A STACK OR CHIMNEY FROM AN ENCLOSED CHAMBER, TO INCLUDE RECREATIONAL, AND BONFIRES. OPEN BURNING DOES NOT INCLUDE ROAD FLARES, SMUDGE-POTS AND SIMILAR DEVICES ASSOCIATED WITH SAFETY OR OCCUPATIONAL USES TYPICALLY CONSIDERED OPEN FLAMES, OR THE USE OF PORTABLE OUTDOOR FIREPLACES, CANDLES, TORCHES, OR THE LIKE. 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.

SECTION III: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

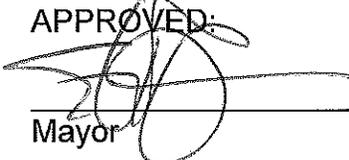


President of Council

ATTEST:



Clerk of Council

APPROVED:


Mayor