

OPEN BURNING

§ 94.20 DEFINITIONS.

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

BONFIRE and **CAMPFIRE**. A fire which is kindled for a civic, social, or athletic event and which is made from wood, trees, branches and kindling, wood chips, boxes, compressed wood, or any other wood products. A **BONFIRE** or **CAMPFIRE** is a type of open fire, as defined below.

COMBUSTIBLE WASTE MATTER. Magazines, books, leaves, trimmings from trees, pasteboard boxes, paper, sawdust, paper packing material, wood shavings, or boxes that are rapid burning and would not smolder (tires, plastic materials and similar materials are not acceptable).

FLAMMABLE MATERIAL. Any material that will readily ignite from common sources of heat or any material that will ignite at a temperature of 600°F or less.

INCINERATOR. An industrial or commercial structure or portion thereof, container, device, or other appliance designed, used, or intended to be used for the disposal of combustible waste material, flammable material, or rubbish by burning.

OPEN FIRE. A fire made from any combustible waste material, flammable material, or rubbish, which fire is kindled and maintained in whole or in part in the open air.

REFUSE. Shall be all manner of same, including, but not limited to, ashes, rags, discarded clothing, discarded furniture, discarded appliances, tin cans, tinware, bottles, broken glass, waste paper, motor vehicles or automobiles or trucks which are unlicensed and which are in an inoperable condition, or motor vehicles which although licensed are abandoned, or motor vehicles which although licensed are dismantled, partly dismantled, and/or in an inoperable condition and which remain in a dismantled, partly dismantled, and/or in an inoperable condition for 90 days or more. The word **REFUSE** shall further include all types of automotive or motor vehicle parts or components for which no storage in a building is provided. The words **REFUSE**, **TRASH**, **RUBBISH**, and **DEBRIS** shall be considered synonymous terms for the purposes of this subchapter.

(Prior Code, § 900.01)

§ 94.21 PROHIBITION OF OPEN FIRES; EXCEPTIONS.

(A) Except as permitted in division (B) below, no person shall:

(1) *Public property*. Kindle or maintain any open fire or authorize any such open fire to be kindled or maintained on or in any public street, alley, road, or other public place; and/or

(2) *Private property.* Kindle or maintain any open fire or authorize any such open fire to be kindled or maintained on any private property. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity thereof.

(3) No person shall burn combustible waste materials within the Village.

(4) The use of a burning barrel or similar container, typically used to burn combustible waste matter, is prohibited.

(B) *Exceptions.* Division (A) above shall not apply to:

(1) The burning of wood, charcoal, coke, or other accepted fuel for the preparation of food in any form, in an approved container or utensil manufactured for food preparation, while being used in a safe and sanitary manner;

(2) The use of approved gaseous or liquid-fired salamanders commonly employed in conjunction with building and construction operations, when used in accordance with accepted safety standards;

(3) Roofers, tanners, plumbers, or other mechanics pursuing a business requiring the use of fire, or fires for the purpose of boiling tar, pitch, or oil used in the regular course of an appropriate business or trade, while being used in a safe and sanitary manner and conforming to all other applicable codes;

(4) Open burning that is specifically permitted, in writing, by the Fire Chief for the Fire Department and civil defense purposes, after a determination by the Fire Chief that the open burning will occur under the following circumstances:

(a) The area is adequately protected by firefighters or Fire Department trainees;

(b) The fire will be of short duration; and

(c) The atmosphere is relatively free of pollutants.

(5) Fires deemed necessary in times of disaster or emergency pursuant to the Fire Chief's emergency order;

(6) Bonfires or campfires pursuant to § 94.24;

~~(7) Burning of combustible waste matter, as permitted under § 94.25; and~~

(7) Leaves pursuant to § 94.22.

(Prior Code, § 900.02) Penalty, see § 94.99

§ 94.22 BURNING LEAVES.

(A) The burning of leaves in the village is hereby prohibited, except as follows.

(1) During an emergency, the Village Manager may request the Village Council to authorize the burning of leaves.

(2) The Village Council may establish a specific time period for the burning of leaves. Notice of the time period and hours shall be published in a newspaper of general circulation in the village and shall be posted in the Village Hall.

(B) The following conditions, requirements, and safeguards shall apply to the burning of leaves, **after such approval by Village Council.**

(1) The burning is permitted on private property only with the consent of the owner or persons in charge of the property.

(2) The burning of leaves is not permitted on any public right-of-way, including, but not limited to, sidewalks, roadway traffic lanes, parking areas, paved areas, streets, alleys, or curbs and gutters.

(3) No person shall burn leaves or authorize the burning on any private or public property, unless the location of the burning is more than 50 feet from any structure and adequate provisions are made to prevent the fire from spreading to within 50 feet of any structure.

(4) A fire resulting from the burning of leaves shall be constantly attended by a competent adult of 18 years or older until the fire is extinguished. The person shall have **an operational** garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

(5) The burning of leaves is hereby prohibited when atmospheric conditions make the fire hazardous or when the wind velocity is more than ten mph, as established by the National Weather Service.

(Prior Code, § 900.03) Penalty, see § [94.99](#)

§ 94.23 INCINERATORS.

No person shall install, alter, operate, or construct a commercial or industrial incinerator or any other refuse burning equipment for commercial or industrial use (or allow the same to be done), without first obtaining a permit therefor from the Department of Natural Resources, Air Quality Division.

(Prior Code, § 900.04) Penalty, see § [94.99](#)

§ 94.24 BONFIRES; CAMPFIRES.

(A) *Generally.* Bonfires and campfires are subject to the following conditions.

(B) *Specifically.*

(1) *Location.* No person shall kindle or maintain any bonfire or campfire or authorize any bonfire to be kindled or maintained on any private or public land, unless the location of the fire is not less than 15 feet from any structure and adequate provisions are made to prevent the fire from spreading to within 15 feet of any structure, and must be less than **1** feet in diameter. **Additionally, on public land, approval from the Village Manager must be received beforehand.**

(2) *Attendants.* A bonfire or campfire shall be constantly attended by a competent adult until the fire is extinguished with water source readily available.

(3) *Safety.* The Fire Chief may prohibit any and all bonfires and campfires when atmospheric conditions or circumstances make the fire hazardous or when, in the opinion of the Fire Chief, the bonfire or campfire would constitute a fire hazard or will endanger the life or property of any person.

(Prior Code, § 900.05) Penalty, see § [94.99](#)

§ 94.25 HOUSEHOLD WASTE MATTER BURNING.

~~—(A) *Generally.* The burning of combustible waste matter is permitted in residential districts of the village between the hours of 9:00 a.m. to 7:00 p.m. under the following conditions.~~

~~—(B) *Specifically.*~~

~~—(1) Burning shall be permitted only at private residential properties and not at multiple family, commercial, or industrial sites, whether on the ground or in a container. Containers must be constructed of steel, brick, or masonry and have a proper venting at the base and screening over the top.~~

~~—(2) The burning shall at all times be supervised by a competent adult until the fire is extinguished.~~

~~—(3) The burning container shall be at least 15 feet from any building, structure, or flammable material.~~

~~—(4) Fires shall include paper products and/or brush such as tree limbs from a storm. Fires must be rapid burning and not allowed to smolder.~~

~~—(5) No substance or waste matter shall be burned which discharges a dangerous, noxious, or poisonous gas, ash, or smoke.~~

~~(Prior Code, § 900.06) Penalty, see § [94.99](#)~~

§ 94.25 COST REIMBURSEMENT.

In addition to or in lieu of any penalty, the offender shall reimburse the village for the reasonable costs of control, investigation, and/or suppression of illegal fires.