

## Ordinance No. 2011-03

An ordinance providing for the Regulation of Open Burning within the corporation limits of the Village of North Hampton, Ohio

WHEREAS, it is necessary in order that the public health may be fully protected concerning the control of Open Burning within the Village of North Hampton, and in order to provide for the immediate preservation of the public health and safety

NOW, THEREFORE; Be it ordained by the council of the Village of North Hampton, Ohio, that;

**Section 1:** Open burning shall not be permitted within the Corporation Limits of the Village of North Hampton, Ohio unless the following guidelines are observed;

No open burning of Garbage, Landscape waste or residential waste is permitted within the municipal corporation limits of the Village.

“Garbage” means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

“Landscape waste” means any plant waste material, except garbage, including green trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

“Residential waste” means any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

“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 device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code.

“Ohio EPA” means the Ohio environmental protection agency director or agencies delegated authority by the director of the Ohio environmental protection agency pursuant to section 3704.03 of the Revised Code or the chief of any Ohio environmental protection agency district office.

**The area within the boundary of the Village of North Hampton, Ohio is a Restricted Open Burning Area.**

**(A)Open burning shall be allowed for the following purposes without notification to or permission from the Village of North Hampton and Ohio EPA:**

- (1) Heating tar, welding, acetylene torches, highway safety flares.
- (2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:
  - (3) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
  - (4) They are not used for waste disposal purposes or melting of the casings of wire products; and
  - (5) They shall have a total fuel area of three feet or less in diameter and two feet or less in height and shall burn for less than three hours.

**(B)Open burning shall be allowed for the following purposes with prior notification to the Village of North Hampton and Ohio**

- (1) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of paragraph (A) of this ordinance, provided the following conditions are met:
- (2) They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;
- (3) They are not be used for waste disposal purposes or melting of casings of wire products; and
- (4) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.
- (5) The fire is set only when atmospheric conditions will readily dissipate contaminants;
- (6) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
- (7) The fire is located at a point on the premises no less than one hundred feet from any inhabited building not located on said premises;
- (8) Controlled burn conducted by the Fire Department for the Instruction in methods of fire fighting or for research in the control of fires as recognized by the State fire marshal division of the Ohio department of commerce and the guidelines set forth in the National Fire Protection Association’s (NFPA) publication 1403: “Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures”, provided that the application required in paragraph (A)(1) of rule 3745-19-05is submitted by the commercial or public entity responsible for the instruction; and notification of such training to the Village of North Hampton Council;

**Section 2:** Except as set forth in Section 1 no other open burning shall be permitted.

**Section3:** The Fire Marshall, Village Police, Fire Department or other law enforcement officials may prohibit any/all open burning which is offensive and/or objectionable due to smoke, odor and/or emissions when atmospheric conditions or local circumstances make such fires hazardous or create a nuisance. The Fire Marshall, Village Police, Fire Department or other law enforcement officials may order the extinguishment by the responsible individual or by the fire department of any open burning which creates or adds to a hazardous or objectionable situation or which is in violation of this ordinance.

**Section 4:** Any violation of this ordinance shall constitute a minor misdemeanor punishable by a fine of one hundred dollars (\$100.00) plus any fines or fees that may be assessed by the Ohio or U.S. EPA.

Section 5: This Ordinance hereby repeals all previously adopted Village Ordinances.

This Ordinance is adopted and shall take effect this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Mayor