

**VILLAGE OF HARTVILLE
STARK COUNTY, OHIO
ORDINANCE NO. 1-15.21**

ORDINANCE NO. 1-15.21 amending and replacing Ordinance 1-68.15, restricting the open burning of leaves, rubbish, and debris in the Village of Hartville, and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE,
STARK COUNTY, OHIO.**

Section 1. Not permitted.

It shall be unlawful for any person to start, maintain, or permit fires or burning of:

- (a) garbage, including waste created in the process of handling, preparing, cooking or consuming food;
- (b) material containing rubber, grease and asphalt or made from petroleum, such as tires, cars and auto parts, plastics or plastic-coated wire;
- (c) grass, yard waste, brush, and debris;
- (c) dead animals, unless approved for control of disease by a governing agency;

Section 2. Restrictions on Burning.

- (a) Open burning is not allowed when air pollution warnings, alerts, or emergencies are in effect.
- (b) Fires cannot obscure visibility for roadways, railroad tracks, or air fields.
- (c) No wastes generated off the premises may be burned on the premises.

Section 3. Permitted Burning.

Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

- (a) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

(b) 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:

- (i) 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;
- (ii) They are not used for waste disposal purposes;
- (iii) They shall have a total fuel area of three feet or less in diameter and two feet or less in height;
- (iv) They shall be twenty-five feet from structures or combustible materials;
- (v) They shall not be left unattended until fully extinguished; and
- (vi) An appropriate method for immediate extinguishment shall be readily available at all times (e.g. fire extinguisher, water bucket, water hose).

(c) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention;

(d) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state, or local law enforcement officials;

Section 4. Permitted Burning with Prior Notification to EPA and the Local Fire Department

Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA and to the Local Fire Department:

(a) Prevention or control of disease or pests, with written or oral verification to the Ohio EPA from the Ohio department of Health or local health department, the centers for disease control and prevention, cooperative extension services, Ohio Department of Agriculture, or United States Department of Agriculture, that open burning is the only appropriate disposal method.

(b) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of Section 3 (b) above, provided the following conditions are met:

- (i) 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;

- (ii) They are not used for waste disposal purposes;
- (iii) 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;
- (iv) They shall be fifty feet from structures or combustible materials;
- (v) They shall not be left unattended until fully extinguished; and
- (vi) An appropriate method for immediate extinguishment shall be readily available at all times (e.g. fire extinguisher, water bucket, water hose).

Section 5. Notification Requirements

Any notification required under Section 4 above, shall be provided as follows:

- (a) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered working days. It shall be in such form and contain such information as shall be required by the Ohio EPA or the Local Fire Department;
- (b) Such notification shall inform the Ohio EPA and the Local Fire Department:
 - (i) The purpose of the proposed burning;
 - (ii) The nature and quantities of materials to be burned;
 - (iii) The date or dates when such burning will take place; and
 - (iv) The location of the burning site.
- (c) The Ohio EPA and/or the Local Fire Department, after receiving notification, may determine that the open burning is not allowed under this Ordinance, the Ohio Revised Code, or by other regulations and shall notify the applicant to this effect.

Section 6. Penalties.

Whoever violates this Ordinance is guilty of a minor misdemeanor, and shall be subject to a fine of not more than One Hundred Fifty Dollars (\$150.00).

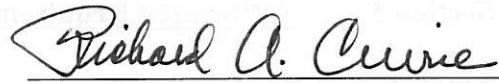
Section 7. Repeal of Inconsistent Ordinances. Because it is inconsistent with this ordinance, Ordinance 1-68.15 is repealed and replaced as of the effective date of this ordinance.

Section 8. Statement of Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and for the further reason that the immediate effectiveness of this Ordinance is necessary to properly, efficiently, and effectively meet the duties and obligations of the Village.

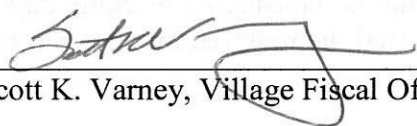
Section 9. Effective Date.

If this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it will take effect and be in force immediately upon its enactment; otherwise, it will take effect and be in full force at the earliest time allowed by law.

DATE: October 6, 2015


Richard A. Currie, Mayor

ATTEST:


Scott K. Varney, Village Fiscal Officer