

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. C-12-15-1

AN ORDINANCE AMENDING ORDINANCE C-4-94-1 ESTABLISHING STANDARDS FOR OPEN BURING WITHIN THE VILLAGE OF NEW CONCORD AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF.

WHEREAS, Chapter 3745.19 of the Ohio Administrative Code has established standards for open burning within the State of Ohio; and

WHEREAS, the Village desires to establish similar rules which require a permit to be issued for any open burning within the Village of New Concord.

NOW, THEREFORE, be it ordained by the Village of New Concord, Ohio that:

Section 1. Prohibitions:

(A) No open burning shall be conducted in an area where an air alert, warning or emergency under Chapter 3745.25 of the ADMINISTRATIVE CODE is in effect.

(B) No provisions of this ordinance permitting open burning and no permission to open burn shall exempt any person from compliance with any section of the Ohio Revised Code or any regulation of any State Department or any other ordinance or regulation dealing with open burning.

(C) No open burning shall be conducted from March 1st to May 31st and October 1st to November 30th between the hours of 6:00 a.m. to 6:00 p.m.

Section 2. Permit:

No person shall cause or allow open burning within the Village of New Concord without first obtaining a permit to open burn approved by the Fire Chief or the Fire Chief's designee.

Section 3: Open Burning:

Open burning shall be allowed for the following purposes with a proper village permit.

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

Fires allowed by paragraphs (B) (1) and (B) (2) of this rule shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purposes, not to exceed 16 square feet nor 4 hours in duration.

Section 4: Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA and a proper village permit.

- (1) Prevention or control of disease or pest, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Ceremonial fires provided the following conditions are met:

- (a) The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;
- (b) The ceremonial fires shall not be used for waste disposal purposes; and
- (c) The fuel shall be chosen so as to minimize the generation and emission of air contaminants.

(3) Instruction in methods of fire fighting or for research in the control of fires;

(4) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and

Section 5. Restrictions

Notwithstanding any provision in this ordinance, no open burning shall be conducted except under the following conditions.

- (1) The fire shall not create a smoke hazard for any neighboring property or public way.
- (2) The fire shall be a minimum of 20 ft. from any structure, property line or any overhanging branches, tress or vegetation.
- (3) The fire shall be supervised by the responsible adult at all times.
- (4) A means to extinguish the fire shall be readily available.

Section 6. Penalty:

Any person found guilty of violating this ordinance or any part thereof shall be guilty of a minor misdemeanor.

Section 7. This ordinance is declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety, and welfare of the residents of the village of New Concord and in particular, to provide necessary and adequate police protection in the village.

WHEREFORE, this ordinance shall take effect and be in full force from and after its passage, approval by the mayor, and the earliest period allowed by law.

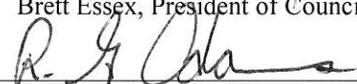
PASSED: December 14, 2015

APPROVED: December 14, 2015

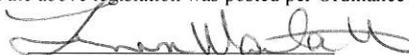
ATTEST:


Lynn Marlatt, Fiscal Officer


Brett Essex, President of Council


R. Gregory Adams, Mayor

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.


Lynn Marlatt, Fiscal Officer