

**CHAPTER 1511**  
**Open Burning**

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**CROSS REFERENCES**

See sectional histories for similar State law  
 Air pollution control--see Ohio R.C. Ch. 3704  
 Permit to burn construction debris--see Ohio R.C. 3704.11(C)  
 Spreading fire through negligence--see Ohio R.C. 3737.62  
 Open burning--see OAC Ch. 3745

**1511.01 DEFINITIONS.**

As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

- (a) "Agricultural waste" means any matter generated by crop, horticultural or livestock production practices, and includes such items as bags, cartons, structural materials and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers therefor, unless the manufacturer has identified open burning as a safe disposal procedure.
- (b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.
- (c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (d) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.
- (e) "Land clearing waste" means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.

- (f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.
- (g) "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 Ohio Administrative Code 3745-17-09 or 3745-17-10.
- (h) "Residential waste" means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.
- (j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.  
(OAC 3745-19-01)

#### **1511.02 RELATIONS TO OTHER PROHIBITIONS; CONFLICT.**

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.  
(OAC 3745-19-02)

(c) In case of conflict, the provisions of this chapter shall control over Section F-301.0 of the BOCA National Fire Prevention Code adopted in Section 1507.01(a).

#### **1511.03 OPEN BURNING IN RESTRICTED AREAS.**

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof or in Ohio R.C. 3704.11.

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

- (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 subsections (b)(1) and (b)(2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA:

- (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative 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.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA provided that any conditions specified in the permission are followed:

- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;
- (2) Instruction in methods of fire fighting or for research in the control of fires;
- (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and
- (4) Recognized horticultural, silvicultural, range or wildlife management practices.  
(OAC 3745-19-03)

#### **1511.04 PERMISSION AND NOTICE TO OPEN BURN.**

(a) Permission.

- (1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.
- (2) Such applications shall contain, as a minimum, information regarding:
  - A. The purpose of the proposed burning;
  - B. The nature and quantities of material to be burned;
  - C. The date or dates when such burning will take place;
  - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks; and
  - E. The methods or actions which will be taken to reduce the emissions of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the

occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Ohio Administrative Code Chapter 3745-19.

- (4) Permission to open burn shall be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.
- (5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(b) Notification.

- (1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Ohio EPA.
- (2) Such notification shall inform the Ohio EPA regarding:
  - A. The purpose of the proposed burning;
  - B. The nature and quantities of materials to be burned;
  - C. The date or dates when such burning will take place; and
  - D. The location of the burning site.
- (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Ohio Administrative Code Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.  
(OAC 3745-19-05)

**1511.05 BONFIRES AND OUTDOOR RUBBISH FIRES.**

(a) General. Burning of rubbish shall be prohibited except in approved incinerators. Bonfires may be permitted only under the following conditions and subject to the air pollution provisions of this chapter.

(b) Permit Required. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization from the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(c) Location Restricted. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained unless:

- (1) The location is approved by the Fire Official and is not less than fifty feet from any structure and adequate provision is made to prevent fire from spreading to within fifty feet of any structure; or
- (2) The fire is contained in an approved burner located safely not less than fifteen feet from any structure.

(d) Bonfire Material. Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper only. Bonfires shall not contain any rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burnt shall be determined by the Fire Official and shall be based upon the fire safety requirements of the situation and the desirable duration of burn.

(e) Attendance at Open Fires. Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use as deemed necessary by the Fire Official.

(f) Prohibited Bonfires. The Fire Official may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fire hazardous or which are or could be offensive or objectionable due to smoke or odor emissions. The Fire Official shall order the extinguishment, by the permit holder or the Fire Division, of any bonfire which creates or adds to a hazardous or objectionable situation.

(OAC 1301:7-7-03.)

**1511.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.