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REMINDER

CITY COUNCIL

NOTICE OF MEETING

Dennis Fiorelli
President
Sara Continenza
Joe Frank
Marty Gelfand
Jane Goodman
Ruth Gray
Jason Russell

MEETING OF: **SAFETY COMMITTEE**
CALLED BY: MARTY GELFAND, CHAIRMAN
DATE: **JANUARY 28, 2019**
LOCATION: COMMITTEE/JURY ROOM
TIME: 6:00 P.M.
RE: ORD. 30-18 FIRE CODE – OPEN BURNING.

COMMITTEE MEMBERS:

DENNIS FIORELLI
RUTH GRAY

COUNCIL MEMBERS:

SARA CONTINENZA
JOE FRANK
JANE GOODMAN
JASON RUSSELL

ADMINISTRATION:

DOUG STEFKO, FIRE CHIEF
SCOTT SEBASTIAN, FIRE INSPECTOR

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 30-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

AN ORDINANCE

AMENDING SECTION 1510.01, "ADOPTION OF OHIO FIRE CODE" OF CHAPTER 1510 "CITY OF SOUTH EUCLID FIRE PREVENTION CODE" AND SECTION 1530.04 "(RESERVED)" OF CHAPTER 1530 "OPEN BURNING" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, changes to the City of South Euclid Fire Code are necessary so that it is consistent with the Ohio State Fire Code, adopted in 2017.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, State of Ohio:

Section 1: That Section 1510.01 "Adoption of Ohio Fire Code" of Chapter 1510 "City of South Euclid Fire Prevention Code" and Section 1530.04 "(Reserved)" of Chapter 1530 "Open Burning" of Part Fifteen "Fire Prevention Code" of the Codified Ordinances of the City of South Euclid, Ohio, be hereby amended to read as follows:

1510.01 ADOPTION OF OHIO FIRE CODE; CITY OF SOUTH EUCLID FIRE PREVENTION CODE DEFINED; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City the ~~2011~~ 2017 edition of the Ohio Fire Code (OFC), as adopted by the Ohio Department of Commerce, Division of State Fire Marshal, published in Division 1301:7 of the Ohio Administrative Code (OAC).

(b) The Ohio Fire Code, together with the provisions of this Part Fifteen of these Codified Ordinances, shall be known and may be cited as the City of South Euclid Fire Prevention Code. References throughout this Part Fifteen of these Codified Ordinances to "this Code" shall be deemed to mean the City of South Euclid Fire Prevention Code.

(c) A complete copy of the Ohio Fire Code shall be kept on file in the library of the Fire Chief and in the offices of the Fire Prevention Bureau and shall be available to the Clerk of Council. The Clerk of Council shall provide copies of the Ohio Fire Code to the public, upon request, at cost.

**~~1530.04 (RESERVED) OPEN BURNING IN UNRESTRICTED AREAS.~~
OPEN BURNING REGULATIONS IN RESIDENTIAL SETTINGS.**

Open burning is allowed in the City of South Euclid in residential settings without permit with the following provisions:

(a) **Location:** The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure. (Ohio Administrative Code Chapter 1301:7-7 Ohio Fire Code: 307.4)

(b) **Provisions:**

(1) In an approved container such as a chiminea or a free standing fire pit. Said container must be approved and cannot be located on any combustible surface like a deck or wooden platform or under a combustible overhang. The approved container must be at least 15 feet from any combustible structure or combustible materials. (OFC 307.4; exception 1)

(2) Open flame cooking devices such as charcoal burners and other open flame cooking devices are allowed. These devices shall not be operated on balconies or within 10 feet of combustible structure. (OFC 308.1.4)

(3) Materials that are allowed to be burned in approved containers or in a recreational fire pit are clean, dry, seasoned hardwoods. The burning of yard waste, household garbage; and construction materials are prohibited.

(4) Recreational fire pits shall be permitted as long as they are located at least 25 feet away from any and all combustible structure or combustible materials. Recreational fire pits must not exceed 3 feet in diameter and no more than 2 feet in height. Recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher having a minimum size of 4 A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water barrel, or garden hose, shall be available for immediate utilization. (307.4.2)

(5) Fire pits. Recreational fires conducted in gas-fired recreational pits shall not be conducted within 15 feet of a structure or combustible materials. (OFC 307.4.2.1)

(6) Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. (OFC 307.4.3)

1530.05 PROHIBITED OPEN BURNING.

Any open burning including fires in approved containers, open flame cooking devices and recreational fires that is offensive or objectionable because of odor or smoke emissions, or when atmospheric conditions or local circumstances make such fires hazards, shall be prohibited. (307.1.1)

(a). Extinguishment authority: The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of the open burning that becomes offensive, adds to a hazardous, or becomes an objectionable situation. (307.3). The following provisions of penalty will be utilized:

(1). First offense: A response by the fire department will result in the extinguishment of the fire. The resident will receive a verbal warning from the fire department apparatus on scene and provided a copy of the city open burning ordinance.

(2). Second offense: A response by the fire department will result in the extinguishment of the fire. The resident will receive a verbal warning from the fire department apparatus on scene and provided a copy of the city open burning ordinance. The Fire Prevention Bureau will be notified by the responding fire apparatus crew of the violation. The Fire Prevention Bureau will contact the resident. The resident will be explained the city open burning ordinance and be given a written warning.

(3). Third offense: At the discretion of the Fire Chief the violation will be turned over to the South Euclid Judicial courts as a misdemeanor of the third degree.

1530.06 Permission to individuals and notification to the Fire Department and the Ohio EPA.
Will be moved from 1530.05 to 1530.06

1530.99 PENALTY.

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

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for further reason that it is important to reduce the risk of injury to persons within the City, this Ordinance should be enacted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law