

CITY OF BRECKSVILLE
Fire Department

Directions for Open Burning Permit

Bonfires and Campfires

1. Any fire that is less than three feet in diameter and two feet high in wood does not require approval from the EPA to burn or the City of Brecksville. The fire must be contained in an approved burner and located not less than fifteen feet from any structure. If the fire is not in an approved container it must be, at least fifty feet from any structure and approved by a Fire Official.
2. 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. (**Brecksville Code of Ordinance 514.05 e**)
3. Fuel for bonfires shall consist of seasoned dry firewood only and shall be ignited with a small quantity of paper only. Bonfire shall not contain any rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather, or petroleum base materials and shall not contain any flammable or combustible liquids. (**Brecksville Code of Ordinance 514.05 d**). A list of allowed burning materials can be found at **www.brecksville.oh.us** under departments

Ceremonial Fires

1. All ceremonial fires **must have the permission of the EPA.** They can download the form they need from **www.brecksville.oh.us** under departments or come to the Fire Department and pick one up.
2. Fires can be no larger than five feet in diameter, five feet in width and five feet high. They are not allowed to burn for more than three hours. **The fire must be attended at all times and must have fire-extinguishing equipment readily available.**
3. 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. (**Brecksville Code of Ordinance 514.05 b**)



Brecksville Fire Department

Bonfire Material

Fuel for bonfires shall consist of seasoned dry firewood only and shall be ignited with a small quantity of paper only. Bonfire shall not contain any rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather, or petroleum base materials and shall not contain any flammable or combustible liquids. (**Brecksville Code of Ordinance 514.05 d)**). A list of allowed burning materials can be found at **www.brecksville.oh.us** under departments.

Obtaining a Permit

1. Notifications and requests must be received by the EPA at least ten (10) working days prior to the proposed burn.
2. The Open Burning Notifications and Request must be filled out completely. When it is filled out, it must be returned to the Fire Department to get **The Approval of the CITY OF BRECKSVILLE FIRE CHIEF.**
3. After the approval of the Brecksville Fire Chief, it must be taken to the EPA office at:
**1925 St. Clair Avenue
Cleveland, Ohio 44114**
4. Once approved by the EPA, bring the completed form along with the EPA approval back to the Brecksville Fire Department where a City of Brecksville fire Permit will be issued.
5. You must have a copy of the permit at the fire.

w:\thacker-shared\open burning permit info\open burning permit procedure 2.doc

For Office Use Only	
Permit # _____	_____
Check # _____	_____
Date: _____	_____

**City of Cleveland / Division of Air Quality
Ohio EPA Agency 13, Cuyahoga County**

1925 St. Clair Avenue
Cleveland, OH 44114

Request/Notification Document
Rev. 5 - 10/1/2006

216 420-8047 fax / 216 664-4607 office

OPEN BURNING NOTIFICATIONS and REQUESTS

By submitting this form, in accordance with **Section 277.09**, Open Burning, of the City of Cleveland Air Pollution Code, and the Ohio Administrative Code Section 3745-19, I hereby: **(Check all that apply) - See REQUIREMENTS table below.**

- Provide notification to Ohio EPA of intent to open burn Request a City of Cleveland Permit to open burn
 Request written premission from Ohio EPA to open burn

Notifications and requests must be received by this agency at least 10 working days prior to the proposed burn.

TYPE of FIRE or REASON FOR OPEN BURNING	REQUIREMENTS		
	Ohio EPA Notification	Ohio EPA Permission	City Permit If in Cleveland
<input type="checkbox"/> Food for human consumption (non-commercial)	NO	NO	NO
<input type="checkbox"/> Food for human consumption (commercial)	NO	NO	* See Footnote
<input type="checkbox"/> Campfires, bonfires up to 3' dia. & 2' high of wood	NO	NO	Prohibited
<input type="checkbox"/> Heat for outdoor workers or strikers; other occupational	NO	NO	NO
<input type="checkbox"/> Prevention/control of disease or pests	YES	NO	YES
<input type="checkbox"/> Ceremonial (5'x5'x5' & burn no longer than 3 hrs.)	YES	NO	YES
<input type="checkbox"/> Disposal of agricultural waste	YES	NO	* See Footnote
<input type="checkbox"/> Instruction in methods of fire fighting (Extinguishers only)	NO	NO	YES
<input type="checkbox"/> Instruction in methods of fire fighting (Structures or smoke)	YES	YES	YES
<input type="checkbox"/> Ignitable or explosive material	YES	YES	* See Footnote
<input type="checkbox"/> Commercial film-making or video production	YES	YES	* See Footnote
<input type="checkbox"/> Horticultural, silvicultural, range, or wildlife management	YES	YES	* See Footnote
<input type="checkbox"/> Emergency or other extraordinary circumstances	YES	YES	YES

***FOOTNOTE:** May be permitted within the City of Cleveland, contact the Cleveland Division of Air Quality. Approval is not guaranteed. Special terms and conditions may be applied. Failure to comply with any term or condition automatically voids permit or permission and may result in a monetary penalty.

Applicant Information:

Applicant's Name: _____

Organization: _____

Address: _____ City _____ State _____ Zip _____ Phone # _____

Burning Location: _____

Burning Date(s): _____ Burning Time(s): _____

Alternate Date(s): _____ Alternate Time(s): _____

Material to be burned and quantity: _____

Describe the location of the burning site. **Attach a map to this application** showing distance to nearest residences, populated areas, roadways, and other pertinent landmarks. This description must include street addresses, city or township and county. (a hand-drawn map is acceptable). _____

Is the burning site located within a restricted area? A restricted area is defined as the area within the boundaries of any municipal corporation (plus a 1,000-foot zone around any having a population of 1,000 to 10,000 and a one-mile zone around any greater than 10,000). _____

Describe the methods or actions which will be taken to reduce the emissions of air contaminants. _____

If a structure is to be burned for fire training purposes, call the asbestos coordinator (Sharon McDuffie) at the Cleveland Department of Public Health, Division of Air Quality for NESHAP regulations.

- If the structure has asphalt shingles, they should be removed prior to burning. Have they been removed? _____
- If the structure has vinyl siding, this should be removed prior to burning. Has this been removed? _____
- If the structure has any asbestos containing material, this must be removed prior to burning. Friable asbestos must be removed by a licensed asbestos abatement contractor. Has this been done? _____
- If the structure contains lead paint, this should be abated prior to burning. Has this been done? _____

Give the subsection of agency regulations, which you feel authorizes the open burning described above. _____

I, _____, hereby make this submittal regarding my intent to conduct open burning, and I do verily believe that the information set forth is true and complete. If authorized, said open burning will occur only when prevailing winds are away from populated areas. I hereby certify that materials will be dried and stacked (if appropriate) and otherwise prepared for burning in such a manner as to provide for the most complete combustion and least emissions. I further certify that such open burning will not create a visibility hazard on roadways, railroad tracks, or air fields and that such burning will be performed at a point on the premises most remote from residential or populated areas. **I certify that no burning will be done during air quality alerts.**

Signature of responsible individual

Date

Title

Phone Number

Please NOTE:

Before submitting this request to the Cleveland Division of Air Quality it MUST BE reviewed by the local fire chief. Review of this open burning application by CDAQ **WILL NOT** begin until the fire chief approves, denies or withholds his/her decision and signs this form. It is essential that local fire departments be aware of plans to open burn in their areas.

Approved _____ **Denied** _____ **Reviewed but Withholding Decision** _____

Signature of Local Fire Chief _____

Name of Fire Department _____

Please Print or type the following:

(Local Fire Chief)

(Street / P.O. Box)

(City, State, Zip code)

(Area Code + Phone Number)

**When all of the above information has been obtained,
RETURN TO:**

**City of Cleveland
Division of Air Quality**

1925 St. Clair Avenue
Cleveland, OH 44114
216 420-8047 fax/ 216 664-4607 office

Note: If open burning will take place within Cleveland, a \$50.00 permit fee is required per the cost basis set forth in chapter 263 of the Code.

Please make checks payable to the **Treasurer, City of Cleveland** and include with your application.

CHAPTER 514: OPEN BURNING

Section

- 514.01 Definitions
- 514.02 Relations to other prohibitions
- 514.03 Open burning in restricted areas
- 514.04 Permission and notice to open burn
- 514.05 Bonfires and outdoor rubbish fires

514.99 Penalty

Statutory reference:

Air pollution control, see R.C. Chapter 3704

Open burning, see OAC Chapter 3745

Permit to burn construction debris, see R.C.

§ 3704.11(C)

Spreading fire through negligence, see R.C.

§ 3737.62

§ 514.01 DEFINITIONS.

(a) *General definitions.* As used in Chapter 3745:19 of the Ohio Administrative Code and this chapter:

AGRICULTURAL WASTE means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

ECONOMIC POISONS include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

EMERGENCY BURNING means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

- A. A tornado.
- B. High winds.
- C. An earthquake.
- D. An explosion.
- E. A flood.
- F. A hail storm, a rain storm, or an ice storm.

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

LAND CLEARING WASTE means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one (1) property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

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

OHIO EPA means the Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to R.C. § 3704.03 or the

Chief of any Ohio Environmental Protection Agency District Office.

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 O.A.C. 3745-17-09 or 3745-17-10.

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.

RESTRICTED AREA means the following:

A. Except as provided in division B. of this definition, the area within the boundary of any municipal corporation established in accordance with the provisions of R.C. Title 7, plus a zone extending one thousand (1,000) feet beyond the boundaries of any such municipal corporation having a population of one thousand (1,000) to ten thousand (10,000) persons and a zone extending one (1) mile beyond any such municipal corporation having a population of ten thousand (10,000) persons or more according to the latest Federal Census.

B. **RESTRICTED AREA** shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of § 514.03.

UNRESTRICTED AREA means all areas outside the boundaries of a "restricted area" as defined above.

(b) *Incorporation by reference.* This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the

specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this chapter. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows: National Fire Protection Association - Information on the National Fire Protection Association codes may be obtained by contacting association at 1 Patterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered online at: www.nfpa.org/catalog/home/index.asp. Copies of the code are available at most public libraries and at the State Library of Ohio.

(2) Incorporated materials. The following material is incorporated: NFPA publication 1403, *Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures*, November 2001 Edition. (OAC 3745:19-01) ('64 Code, § 514.01) (Ord. 4137, passed 12-7-04)

§ 514.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in OAC 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 OAC 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) ('64 Code, § 514.02) Penalty, see § 514.99

§ 514.03 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 divisions (b) to (d) of this section or in R.C. § 3704.11.

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

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

(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:

A. 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;

B. They are not used for waste disposal purposes; and

C. They shall have a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to O.A.C. 3745-50-45(D)(1)(d).

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

(5) Fires allowed by divisions (b)(1), (2), and (4) of this section 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 in accordance with § 514.04(b):

(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) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of division (b)(2) of this section, provided the following conditions are met:

A. They have a total fuel area no greater than five (5) feet in diameter by five (5) feet in height and burn no longer than three (3) hours;

B. They are not used for waste disposal purposes; and

C. 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.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

A. The fire is set only when atmospheric conditions will readily dissipate contaminants;

B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

C. The fire is located at a point on the premises no less than one thousand (1,000) feet from any inhabited building not located on said premises;

D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

E. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with § 513.04(a), 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, excluding those materials identified in division (b)(3) of this section;

(2) 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 § 513.04(a)(1) is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to O.A.C. 3745-19-03. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven (7) working days of the oral approval;

(4) Recognized horticultural, silvicultural, range, or wildlife management practices; and

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(OAC 3745:19-03) ('64 Code, § 514.03) (Ord. 4137, passed 12-7-04)

§ 514.04 PERMISSION AND NOTICE TO OPEN BURN.

(a) *Permission.*

(1) An application for permission to open burn shall be submitted in writing at least ten (10) working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as required by the Ohio EPA.

(2) Except as provided in divisions (a)(6) and (a)(7) of this section, such applications shall contain, as a minimum, information regarding:

A. The purpose of the proposed burning;

B. The nature of 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 O.A.C. Chapter 3745-19.

(4) Except as provided in division (a)(6) of this section, permission to open burn must 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.

(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio Fire Academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to division (a)(1) of this section shall contain information as required in division (a)(2) of this section, except the information required in divisions (a)(2)C. and D. of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA District Office or local air agency at least five (5) working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.

(7) For open burning defined under paragraph § 513.03(d)(2) and O.A.C. 3745-19-04(C)(2), permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with O.A.C. 3745-20-03.

(b) *Notification.*

(1) Notification shall be submitted in writing at least ten (10) working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. 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 O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect. (OAC 3745:19-05) ('64 Code, § 514.04) Penalty, see § 514.99

§ 514.05 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 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure; or

(2) The fire is contained in an approved burner located safely not less than 15 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) ('64 Code, § 514.05) Penalty, see § 514.99

§ 514.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than \$500 or imprisoned not more than 60 days, or both.

('64 Code, § 514.99)