

RECORD OF ORDINANCE

Ordinance No. 2020-006

Passed 7/7/2020

ORDINANCE AMENDING THE VILLAGE OF ASHLEY CRIMINAL CODIFIED CODE BY ADDING SECTION 3.3

WHEREAS, the Village of Ashley Chief of Police has informed council that open burning is occurring and is problematic for our residents, and;

WHEREAS, the Village of Ashley Council would like to prevent this activity,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ASHLEY AS FOLLOWS:

SECTION 1. The Village of Ashley codified criminal code shall be amended to add a new Section 3.3, which shall read as follows:

§3.3 OPEN BURNING STANDARDS

- (a) Definitions - As used in this section, all definitions are the same as OAC §3745-19-01
- (b) No person or property owner shall cause or allow open burning in a restricted area except as provided in paragraphs (c) or (d) of this ordinance.
- (c) Open burning shall be allowed for the following purposes without notification to, or permission from, the Village of Ashley:
 - 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.
 - c. They shall have a total fuel area of three feet or less in diameter and two 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 paragraph (D) (1)(d) of rule 3745-50-45 of the Ohio Administrative Code.
 - 4. Fires set as a part of recognized training in the use of fire extinguishers for commercial or industrial fire prevention.
 - 5. 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 or other drugs seized by federal, state, or local law enforcement officials.

6. Fires allowed by paragraphs (B)(1), (B)(2) and (B)(4) of this rule 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.
- (d) Open burning shall be allowed with prior notification to the Ohio EPA in accordance with paragraph (B) of rule 3745-19-05 of the Ohio Administrative Code under the following conditions:
1. The Chief of the Ashley Police Department and the Chief of the Elm Valley Joint Fire District are notified at least 10 business days prior to the date the fire is to be set. Saturdays, Sundays, and legal holidays shall not be considered business days.
 2. The notification must include copies of permits from the Ohio EPA.
- (e) Whoever violates this ordinance is guilty of a minor misdemeanor with a fine not to exceed \$150.00, and no jail time assessed. Each day the violation occurs is considered a new violation for the purposes of enforcement.
7. This Ordinance is declared to be an emergency measure, necessary for the immediate preservation of the public peace, safety, health and welfare of the Village of Ashley due to the immediate and substantial need to protect the health of residents of the Village and prevent the creation and spread of fires. Wherefore, this Ordinance shall be effective immediate following its adoption.

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| VOTE: TO SUSPEND THE RULES | <u>5</u> YEA | <u>0</u> NAY | 1 AB |
| VOTE: TO DECLARE AN EMERGENCY | <u>5</u> YEA | <u>0</u> NAY | 1 AB |
| VOTE: TO ADOPT | <u>5</u> YEA | <u>0</u> NAY | 1 AB |

APPROVED: Jim Nelson
MAYOR

ATTEST: Renee Reich
FISCAL OFFICER

POSTED: 7-7-2020