

AN ORDINANCE REGULATING OPEN BURNING WITHIN THE VILLAGE OF WEST LAFAYETTE, OHIO

WHEREAS, the Council of the Village of West Lafayette has determined it necessary to regulate open burning within the Village of West Lafayette, Ohio.

THEREFORE, BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio that by this Ordinance the following regulations will be enforced in the Village of West Lafayette, Ohio:

OPEN BURNING.

(A) As used in this section:

(1) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, an enclosed chamber is one which has only those ducts, stacks, or chimneys necessary to provide combustion air and to permit escape of exhaust gas. The burning of any materials in metal cans, barrels, containers, wire baskets or any homemade device is open burning. The burning of materials in incinerators is governed by Ohio Environmental Protection Agency Regulations.

(2) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products. It shall also include any item that is not clean seasoned firewood.

(3) "Landscape waste" means any vegetable or plant matter except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

(B) No open burning or recreational fires shall occur, and no portable outdoor fireplaces shall be used at any time during a statewide burn ban or at any time during a period when the State Fire Marshal and or the Ohio Department of Natural Resources has issued a ban.

(C) During times not banned as set forth in section (B), no person shall cause or allow open burning within the Village except as provided in subsections below

Open burning shall be allowed for the following:

(1) Fires set by Fire Department staff to train firefighters. All EPA permits and Regulations must be followed and receipt of permit in hand.

(2) Bonfires, campfires, and use of outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following are met:

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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 feet or less in diameter and two feet or less in height. The Fire must be contained in a Fire Ring, Fire Pit, or other device intended for recreational purposes.

d. Burning of landscape waste and garbage is strictly prohibited.

e. All such fires shall be located a minimum of twenty-five feet from any structure or combustible material. With the following exception:

f. Fires in an approved outdoor fireplace (chiminea) may be located within fifteen feet of a structure provided they are placed on a noncombustible surface such as a concrete patio.

g. Outdoor fireplaces (chimineas) are prohibited from use on any wood deck, balconies, or under an overhanging structure.

(D) If open burning is allowed as set forth above the following conditions shall also be met:

(1) A method of extinguishment; garden hose, bucket of sand/dirt/water, or an extinguisher with a minimum rating of 4-A shall be readily available.

(2) All fires shall be attended constantly until properly extinguished.

(E) Open burning that will be offensive or objectionable because of smoke or odor emissions due to atmospheric conditions or when local circumstances make such fire hazardous shall be prohibited. The fire department has the authority to order extinguishment of the fire.

(F) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio Environmental Protection Agency Southeast District Office, provided that all conditions specified in the permit are followed:

(1) Disposal of hazardous or toxic materials where the Ohio Environmental Protection Agency determines that there is no practical alternate method of disposal.

(2) Instruction in methods of firefighting or for research in the control of fire.

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio Environmental Protection Agency and The West Lafayette Fire Department.

Receipt of written permission shall be obtained as provided by Ohio Environmental Protection Agency Regulations.

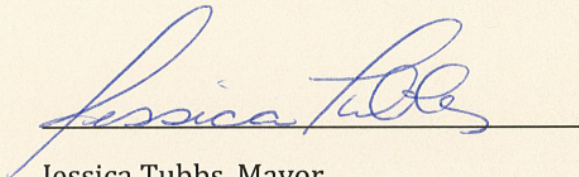
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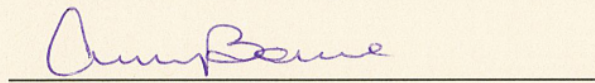
(G) Whoever violates any provisions shall be guilty of a misdemeanor of the fourth degree; for any subsequent offense such person is guilty of a misdemeanor of the first degree.

PASSED IN COUNCIL THIS 24th day of March, 2025.



Jessica Tubbs, Mayor

ATTEST:



Amy Bourne, Fiscal Officer