



TOLEDO FIRE & RESCUE DEPARTMENT

FIRE PREVENTION BUREAU

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TITLE

Open Burning / Illegal Burning

Purpose: To ensure compliance of any person(s) with the standards prescribed by Ohio Administration Code (OAC), City of Toledo Municipal Code (TMC), and Authority Having Jurisdiction (AHJ) for open burning in the City of Toledo.

The open burning policy is adopted from the TMC 1511 Fire Prevention Code which adopts the Ohio Fire Code in its entirety and specifically pertaining to Rule 3, (G) Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces, also referenced is the TMC Health Code 1777.02 which adopts OAC Chapter 3745-19 Open Burning Standards.

Definitions: “**Open burning.**” The burning of materials wherein products of combustion are emitted directly into the ambient air **without passing through a stack or chimney from an enclosed chamber.** ... **Rule 3, (B) Section 302, (1) 302.1 Definitions**

Policy/Procedure:

(A) Notwithstanding any provision in this chapter, no open burning shall be conducted in an area where an air alert, warning, or emergency under Chapter 3745-25 of the Administrative Code is in effect. **(OAC 3745-19-02)**

(B) No provisions of this chapter, 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 Revised Code, or any regulation of any state department, or any local ordinance or regulation dealing with open burning. **(OAC 3745-19-02)**

Acceptable Open Burning: **Open burning shall be allowed for the following purposes without notification to or permission from Toledo Fire Department**

(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, recreational fires 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 feet or less in diameter and two feet or less in height.**

(d) Adhere to Ohio Fire Code below **(OAC 3745-19-03)**

OFC Rule 3 (G) Section 307

(1) 307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this paragraph.

(a) 307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

(2) 307.2 Permit required

... Bonfires

(3) 307.3 Extinguishment authority. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

(4) 307.4 Location. ...Authorized by AHJ in compliance with OFC for open burning within city limits.

1. Fires in approved containers that are not less than **15 feet** from a structure.
 - a. Container designed and manufactured for the purpose of outdoor burning and shall be used in accordance with manufacturer's instructions for example, "chiminea".
2. Fire pits and fire rings minimum required distance from a structure shall **be 25 feet** and covered with noncombustible screen.
 - a. Recommended dimensions of Fire Pit
 - i. Walls 2 ft in height
 - ii. Interior diameter 3ft
 - iii. Dig below surface to approximately 6"
 - iv. Construction material noncombustible (Masonry)
 - b. Fire Rings noncombustible material
 - i. Typically campsite design (Car Tire Rim)
 - ii. Height 12" to 24"
 - iii. Interior diameter no greater than 3ft

(1) 307.5 Attendance. ...shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher... with a minimum 4-A rating or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate use.

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