

# City of Willoughby Hills

## ORDINANCE NO. 2008-67

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

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### AN ORDINANCE AMENDING PART FIFTEEN – FIRE PREVENTION CODE, CHAPTER 1503 - OUTDOOR FIRES, SECTION 1503.01 – GENERAL PROHIBITION AND SECTION 1503.02 – FIRE CHIEF MAY DISALLOW EXCEPTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

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**WHEREAS**, on March 28, 2002, the Council of the City of Willoughby Hills adopted Ordinance No. 2002-39 thereby updating the Fire Prevention Code; and

**WHEREAS**, the Fire Chief further reviewed **Section 1503.1 – General Prohibition** and **Section 1503.02 – Fire Chief May Disallow Exceptions** of the Fire Prevention Code; and

**WHEREAS**, it is not the intent of the Fire Prevention Code to prohibit residents of Willoughby Hills from the enjoyment of recreational fires; and

**WHEREAS**, the Code was intended to prohibit the burning of waste; and

**WHEREAS**, many of the residents enjoy the rural nature of the City of Willoughby Hills, prohibiting recreational fires seems to be contrary to the rural atmosphere our community seeks to protect; and

**WHEREAS**, in an effort to provide clear and concise enforcement of the Fire Prevention Code, the Fire Chief requests that Council consider revising Section 1503.01 and 1503.02 of said Code.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE COUNTY, STATE OF OHIO THAT:**

**SECTION 1.** The existing Chapter **1503 – Outdoor Fires, Section 1503.01 – General Prohibition** of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is, amended to read in its entirety and provided as follows:

**“1503.01 GENERAL PROHIBITION.**

The following open fires in accordance with the Ohio EPA are *allowed* in the City of Willoughby Hills:

TYPE OF FIRE	RESTRICTIONS
Recreation, Barbeques, Campfires, Cookouts	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood or equivalent.
Agricultural Waste  <i>A permit shall be obtained from the Office of the Fire Chief, <u>prior to notification</u> of the Lake County Health District (LCHD).</i>	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but not buildings. <i>Fire must be more than 1,000 feet from neighbor's inhabited building.</i>  <i>Must notify Lake County Health District (LCHD) in advance.</i>

<b>LAND-CLEARING WASTE</b>	<b>NOT PERMITTED IN CITY LIMITS</b>
<b>RESIDENTIAL WASTE</b>	<b>NOT PERMITTED IN CITY LIMITS</b>
<b>Ceremonial Fires, Bon Fires, Large Cooking Fires, (i.e. pig roast, etc)</b>  <i>A permit shall be obtained from the Office of the Fire Chief, <u>prior to notification</u> of the Lake County Health District (LCHD).</i>	Wood stack no larger than 5 ft. high x 5 ft. wide. Use clean, seasoned firewood or equivalent.  <i>Must notify Lake County Health District (LCHD) in advance.</i>
<b>Occupational Fires: Welding Torches, Heating Tar, Heating for Warmth of Outdoor Workers and Strikers</b>	For “occupational fires” use clean seasoned firewood contained in a 55-gallon drum.
<b>Firefighter Training, Explosive Material Disposal</b>  <i>A permit shall be obtained from the Office of the Fire Chief, <u>prior to notification</u> of the Lake County Health District (LCHD).</i>	<i>With prior written permission from Lake County Health District (LCHD). This may take two (2) weeks.</i>
<b>Horticultural, Silvicultural, Range or Wildlife Management Practices</b>  <i>A permit shall be obtained from the Office of the Fire Chief, <u>prior to notification</u> of the Lake County Health District (LCHD).</i>	<i>With prior written permission from Lake County Health District (LCHD). This may take two (2) weeks.</i>
<b>Disease or Pest Control</b>  <i>A permit shall be obtained from the Office of the Fire Chief, <u>prior to notification</u> of the Lake County Health District (LCHD).</i>	Local Health Department, the Ohio Department of Agriculture or the U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method <b>and must notify Lake County Health District (LCHD) in advance.</b>
“ <i>Silviculture</i> ” is the art and science of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values of the many landowners, societies and cultures over the parts of the globe that are covered by dry land.	
<b>NOTE:</b> Section 1503.02 allows the Fire Department to order any fire to be extinguished.”	

**SECTION 2.** The existing Chapter **1503 – Outdoor Fires, Section 1503.02 – Fire Chief May Disallow Exceptions** of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is, amended to read in its entirety and provided as follows:

**“1503.02 FIRE CHIEF MAY DISALLOW EXCEPTIONS.**

Exceptions to the open burning law shall not apply to any instance or any situation wherein the Chief of the Fire Department or designee deems it unsafe to allow such fire and has notified the owner or occupier of the premises to that effect. In addition, where as a result of two or more violations concerning excessive smoke or obnoxious orders resulting from such fires, due warning to cease and desist has been ignored by the owner or occupier of the premises to that effect, such exceptions shall not apply.”

**SECTION 3.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they hereby are, repealed.

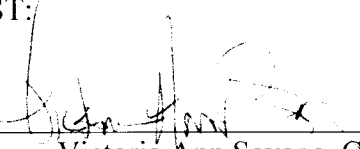
**SECTION 4.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

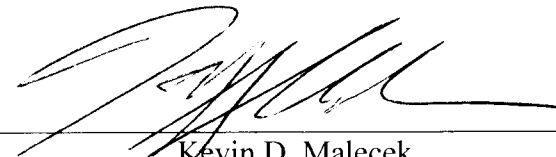
**SECTION 5.** This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: September 25, 2008

Submitted to the Mayor for his approval  
on this 25 day of September, 2008

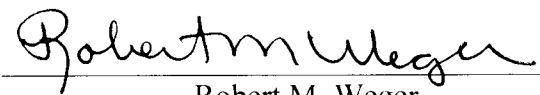
ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

  
Kevin D. Malecek  
President of Council

Approved by the Mayor

September 25, 2008

  
Robert M. Weger  
Mayor

**ORDINANCE NO. 2008-67**

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2008-67** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **September 25, 2008**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No. 2003-19 in the Lake County News-Herald on **October 1, 2008**. Effective date of Legislation: **October 25, 2008**.

Victoria Ann Savage, CMC  
Clerk of Council