

# Frequently Asked Questions

## Open Burning

Individuals wishing to burn in Poland Village or Township are subject to both state and local EPA and fire regulations.

### I. State EPA Regulations

The Ohio Environmental Protection Agency has adopted Open Burning Standards for the entire state. These rules are applicable to all of Poland, but apply differently depending on the location of the land where the burning is to take place.

“Open Burning” in the Ohio EPA regulations 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 rule 3745-17-09 or 3745-17-10 of the Administrative Code.

#### A. BURNING IN RESTRICTED AREAS

Ohio Administrative Code Section 3745-19-03 relates to open burning in restricted areas. A “restricted area” is defined as all property within a municipal corporation, and an additional zone extending 1,000 feet beyond the boundaries of any municipal corporation with a population of less than 10,000 persons. Where the municipal corporation has a population greater than 10,000 persons, the restricted zone extends to one mile beyond the municipal corporation’s boundaries.

Therefore, property located within the Village of Poland, property located within 1,000 feet of the Village of Poland, property located within 1,000 feet of the Village of Lowellville, or property located within one mile of the City of Struthers is within a restricted area.

Individuals may not cause or allow open burning in a restricted area except as specifically permitted by the Ohio Administrative Code. **The Code does permit open burning, without notification to the EPA, for the following purposes:**

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, campfire, 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.

These fires may not be used for waste disposal purposes and shall be of a minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

Additional open burning is permitted under the Administrative Code, **if prior notification is given to the Ohio EPA**, and meets one of the following purposes for open burning:

1. Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, that open burning is the only appropriate disposal method.
2. Bonfires or campfires used for ceremonial purposes that do not meet the requirements for bonfires or campfires set forth above, provided the following conditions are met:
  - a) They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three 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.

An individual or landowner may also dispose of agricultural waste generated on the premises if the following conditions are observed:

1. The fire is set only when atmospheric conditions will readily dissipate contaminants.
2. The fire does not create a visibility hazard on roadways, railroad tracks or air fields;
3. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
4. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
5. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products. Again, prior notification must be given to the Ohio EPA in accordance with the Ohio Administrative Code to burn agricultural waste generated on the premises.

**“Agricultural waste”** is defined as any waste material generated by crop, horticulture, 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 and 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.

**“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.

**“Land clearing waste”** is defined as plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one 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.

Because most property within the restricted area is not outside of the 1,000 feet distance requirement, it is unlikely that a permit will be granted for the burning of land clearing waste within the restricted areas of Poland Village and Township.

## **B. BURNING IN UNRESTRICTED AREAS**

Those areas in Poland Township outside of the 1,000 foot or one mile limitations are in an unrestricted area.

Similar to the restricted area regulations, individuals or homeowners **may burn in an unrestricted area without notification to or permission from the Ohio EPA, for the following purposes:**

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 other outdoor fireplace equipment, whether 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 dry 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 have a total fuel area of three feet or less in diameter, and two feet or less in height except when such fires used for ceremonial purposes, may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.
3. Disposal of residential waste or 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 roadways, railroad tracks or air fields;
- c) The fire is located at a point on the premises not less than 1,000 feet from any inhabited building not located on said premises;
- d) The waste is 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.

Open burning is also permitted for the prevention or control of disease or pests with written or verbal verification of the Ohio EPA or from the local Health Department that open burning is the only appropriate disposal method.

### **C. OBTAINING EPA PERMISSION**

When permission to burn is required by the EPA, an application must be submitted, in writing, at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. The application must be on a form required by the Ohio EPA. Permission to burn will not be granted by the EPA unless the applicant demonstrates 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 on adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to minimize air pollutants. Permission to open burn must be obtained for each specific project.

### **D. EPA SANCTIONS AND PENALTIES**

Violations of the any of the conditions set forth by the 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.

Individuals or property owners violating the EPA rules may be assessed a fine by the Director of the EPA of not more than \$250.00 per day for each separate violation of the rules for open burning on residential property, and not more than \$1,000.00 per day for each separate violation of the rules for open burning on industrial, commercial, institutional, or municipal property.

In addition, the Director of the EPA may request the Attorney General to initiate legal action to seek penalties of not more than \$25,000.00 for each day of each violation of the EPA rules.

Finally, even when the EPA rules do permit open burning, or even when permission is granted by the Ohio EPA, individuals or landowners must still comply with any other

section of the Ohio Revised Code, any regulation of the State Fire Marshal's office, or any local ordinance or regulation dealing with open burning.

To view the EPA rules in their entirety, go to [www.codes.ohio.gov/oac/3745-19](http://www.codes.ohio.gov/oac/3745-19).

Additional information may also be obtained by contacting the Mahoning-Trumbull Air Pollution Control Agency, A Division of the Youngstown City Health District, Oakhill Renaissance Place, 2nd Floor - Room 25, 345 Oak Hill Avenue, Youngstown, Ohio 44502-1454. Phone (330) 743-3333 ext 282. Fax (330) 744-1928.

## **II. Applicable Fire Code Regulations**

### **A. THE LOCAL FIRE CODE**

The Western Reserve Joint Fire District has adopted a local fire code pursuant to Revised Code Section 505.373. The code which has been adopted is the 2003 International Fire Code published by The International Code Council, Inc.

Section 302.1 defines "open burning" as: "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. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open."

A recreational fire is defined as: "An outdoor fire burning materials other than rubbish where the fuel being burned is contained in an incinerator, outdoor fireplace, barbeque grill or barbecue pit and has a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes."

A bonfire is defined as: "An outdoor fire utilized for ceremonial purposes."

Section 307 of the Local Fire Code prohibits individuals from kindling or maintaining or authorizing to be kindled or maintained any open burning unless expressly conducted and approved in accordance with the Local Fire Code.

The Local Code requires that a permit be obtained from the fire department prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or for a bonfire. An application for such approval shall only be presented by, and permits issued to, the owner of the land upon which the fire is to be kindled. Such permits will not be issued by the District unless permission is first obtained by the Ohio EPA where such permission is required. (As set forth above, bonfires, campfires and outdoor fireplace equipment and ceremonial fires (except those in restricted areas) are exempt as long as the specific conditions set forth by the Ohio EPA are met.)

**Additionally, the Local Fire Code also provides that open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Fire District officials are authorized to order the extinguishment (by the permit holder or by the fire department) of any open burning which creates or adds to a hazardous or objectionable situation.**

When open burning is permitted, the location for the open burning shall not be less than fifty feet from any structure, and provisions shall be made to prevent the fire from spreading to within fifty feet of any structure. (Fires may be reduced to a distance of not less than fifteen feet from a structure when the fire is in an approved container, or to twenty-five feet when the fire size is three feet or less in diameter and two feet or less in height.)

A bonfire shall not be conducted within fifty feet of a structure or combustible materials unless the fire is contained in a barbecue pit. Conditions which could cause the fire to spread within fifty feet of the structure shall be eliminated prior to ignition.

Recreational fires shall not be conducted within twenty-five feet of a structure or combustible materials. Conditions which could cause the fire to spread within twenty-five feet of a structure shall be eliminated prior to ignition.

Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher (with a minimum rating of 4-A) or other approved on-site fire extinguishing agent, such as dirt, sand, a water barrel or a garden hose shall be available for immediate utilization. A violation of any local open burning regulation constitutes a violation of R.C. Section 505.374. Any such violation is a minor misdemeanor and subjects the violator to a penalty of not more than \$100.00 per each violation, per day. Court costs would also be assessed.

Multiple violations by a single individual, and violations by contractors, are routinely referred by the Fire District to the Ohio EPA for further enforcement action.

A complete copy of Chapter 3 of the Local Fire Code may be obtained at the administrative offices of the Western Reserve Joint Fire District, located at 111 South Main Street, Poland, Ohio 44514. Phone: (330) 757-8268 Fax: (330) 757-1374.

A complete copy of the entire Fire Code may also be viewed at the Mahoning County Law Library, located in the Mahoning County Courthouse, Fourth Floor, at 120 Market Street, Youngstown, Ohio 44503.

## **B. STATE FIRE CODE**

The Ohio State Fire Marshal's office has also promulgated regulations that relate to open burning. The State regulations are, for the most part, identical to those adopted locally by the Western Reserve Joint Fire District. The Ohio Fire Code may be viewed, in its entirety at: [www2.iccsafe.org/states/ohiofire/](http://www2.iccsafe.org/states/ohiofire/). The provisions relating to open burning are found in Rule 3 (General Precautions Against Fire). Rules and regulations are codified in Ohio Administrative Code Section 1301:7-7-03(B) and (G).

Violations of the State Fire Code may be issued by either the State Fire Marshal's office or by Certified Fire Safety Inspectors. The Western Reserve Joint Fire District has sixteen inspectors on its roster who are able to issue citations. Pursuant to R.C. Section 3737.51, any person who receives a citation for a violation of the Fire Code or any order issued pursuant to it may be assessed a civil penalty of not more than \$1,000.00 for each such violation. More information may be obtained from the Ohio Department of Commerce, Division of State Fire Marshal's website: [www.com.ohio.gov/fire](http://www.com.ohio.gov/fire)  
Ohio Revised Code sections relating to the Fire Marshal's office and fire safety may be found at [www.codes.ohio.gov/orc/3737](http://www.codes.ohio.gov/orc/3737)

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## Fireworks

Sparklers, trick noisemakers & novelties are the only fireworks that are legal to possess and discharge within the State of Ohio.

The discharge of all other fireworks is illegal in the State of Ohio. Fireworks may be sold to Ohio residents, however the fireworks must be transported out of the state within 48 hours or to out-of state residents. **IT IS IMPORTANT TO NOTE:** there is no provision in this law for the discharge of fireworks within the State of Ohio. In other words - It may be legal to buy it, but don't light it!

Fireworks can be confiscated and the property owner charged under the law if they are discharged anywhere within the state. You can also be charged under the law if you are in possession of fireworks outside of the 48 hours (72 hours for non-residents) limitation.

**We are always happy to answer questions about Ohio's fireworks laws. Please feel free to contact our business office during regular business hours.**

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## After the Fire

It is hoped that this information will assist in reducing your losses and help speed your return to a normal lifestyle.

First, we would like to answer some questions you might have about our fire operations and procedures.

**1. Was it really necessary to break the windows and put holes in the roof?**

As a fire burns flames, smoke and heat move upward, then outward. Removing windows and cutting holes in the roof, (ventilation) in firefighting terms, stops that damaging outward movement of smoke and heat and enables us to locate potential victims, and fight the fire more efficiently, resulting in less damage in the long run. This procedure also reduces the risk of serious injury to firefighters.

## **2. Why did the firefighters put holes in the walls and ceiling?**

They had to be absolutely sure there was no "hidden" fire inside the walls, ceilings and partitions.

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## **Other Frequently Asked Questions**

### **Why does the Fire Department respond along with an ambulance to a medical emergency?**

A lot of emergencies require more than the 2 people that respond with the ambulance to carry equipment and assist to safely transport the patient in awkward situations. In addition, since there is no guarantee that an ambulance will be in our community when it is needed, we can provide life-saving care until Paramedics arrive.

### **Why do you send so many fire trucks to a call?**

Depends on major of the call, depends on location and depends on the number of firefighters responding.

### **Why do you block traffic lanes at auto accidents, sometimes more lanes than necessary?**

We block traffic lanes for the safety of our personnel and our patients. Blocking extra lanes keeps our personnel safe when they go back to our apparatus to get more equipment and help protect the victim we are trying to stabilize. Over 25 firefighters are killed each year while working at incidents on streets and highways.

### **Why am I not supposed to drive over a fire hose?**

The fire hose is providing water for a fire engine. When you drive over a hose line the water flow is interrupted for a second and the following surge of water when the water begins to flow again can destroy a fire engine's pump and even be passed all the way to any firefighter at the end of a nozzle possibly causing injuries or death.

### **What if I smell Gas in my home?**



You will need to get out of the house and then call 9-1-1 for the Fire Department from outside of the house or from a neighbor's house. The use of a phone could cause the gas to ignite if you called from inside the house.

**What should I do when I see or hear an emergency vehicle coming towards me when I'm driving?**

When it is safe to do so, you should pull over to the right and stop until all emergency vehicles have safely passed. If you cannot safely maneuver to the right, simply stop and stay stopped so the vehicles can go around you safely.

**My smoke detector is chirping, what does that mean?**

Most modern smoke detectors will chirp to alert you the batteries are low, you should replace the batteries and test your smoke detector. Smoke detectors can be purchased at any hardware or large commercial department store.

**How often should I change the batteries in my smoke detectors?**

We recommend you change the batteries in your smoke detectors every 6 months, an easy way to remember is to change batteries when you reset your clock for daylight saving time. It is also a good idea to replace the entire smoke detector every ten (10) years. Advances in smoke detector technology can decrease the number of false alarms and can detect fires earlier allowing you and your family extra time to get to safety.

**Does the Fire Department fill fire extinguishers?**

No, we are not equipped to fill fire extinguishers. However, you can find local fire extinguisher businesses in the yellow pages to refill them.