

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2025 – 040

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTION 1601.28 OF THE FIRE PREVENTION CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING OPEN BURNING, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Section 1601.28 of Chapter 1601 Fire Code, of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

CHAPTER 1601
Fire Code

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| 1601.01 | Definitions. |
| 1601.02 | Adoption by reference. |
| 1601.03 | Purpose. |
| 1601.04 | Application. |
| 1601.05 | File and distribution copies. |
| 1601.06 | Enforcement. |
| 1601.07 | Establishment and duties of Fire Marshal's Office. |
| 1601.08 | Conflicts. |
| 1601.09 | Fire protection systems. |
| 1601.10 | Fire hydrants and Fire mains. |
| 1601.11 | Use of hydrants. |
| 1601.12 | Number of occupants permitted. |
| 1601.13 | Smoke detectors. |
| 1601.14 | Trees and decorations. |
| 1601.15 | Propane sales and storage. |
| 1601.16 | Fireworks possession and sales. |
| 1601.17 | Setting fires. |
| 1601.18 | Use of barbecue grills. |
| 1601.19 | Chinese lanterns. |
| 1601.20 | Fire damaged property. |
| 1601.21 | False alarms. |
| 1601.22 | Unfriendly fire in building; alarm duties. |
| 1601.23 | Disclosure of true status. |
| 1601.24 | Permit and approval fees. |
| 1601.25 | Building, site and fire system plans. |
| 1601.26 | Compliance. |
| 1601.27 | Notice of violation. |
| 1601.28 | Open burning, recreational fires and portable outdoor fireplaces. |
| 1601.99 | Penalty. |

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~~1601.28 OPEN BURNING.~~

~~No person shall engage in or allow open burning or recreational fires, as defined by the Ohio Fire Code, on any property except as specifically permitted in the Ohio Fire Code and subject to the following provisions:~~

- ~~(a) Cooking Fire. Open flame or coals used for the cooking of food. Cooking fires shall not be conducted inside a structure, under any part of a structure, or within fifteen (15) feet of a structure.~~
 - ~~(b) Recreational Fire. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet (914 mm) or less in diameter and two (2) feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires, including gas-fired recreational pits, shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.~~
 - ~~(c) Portable Outdoor Fireplaces. A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. Outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material.~~
 - ~~(d) Attendance. All fires shall be constantly attended until the fire is completely extinguished.~~
 - ~~(e) Size. All fires shall be a maximum size of three (3) feet in diameter by two (2) feet in height. The fire shall be contained within a noncombustible material to prevent the spread of fire.~~
 - ~~(f) Extinguishment Equipment. A 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 utilization to extinguish a fire.~~
 - ~~(g) Order to Extinguish. The Fire Department Official may order the immediate extinguishment of a fire at any time.~~
- ~~(Ord. 2023-118. Passed 9-5-23.)~~

1601.28 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES.

(a) For the purpose of this Section, and the interpretation and enforcement thereof, the following phrases shall have the following meanings:

- (1) Open Burning means 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, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. 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.

(2) Recreational Fires means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of three (3) feet (914 mm) or less in diameter and two (2) feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(3) Portable Outdoor Fireplaces means a portable, outdoor, solid fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

(b) No person shall engage in or allow open burning unless conducted and approved in accordance with the Ohio Fire Code, or when in conflict with the provisions of this Chapter 1601.

(c) Location.

(1) Open Burning: The Location for open burning shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of any structure.

(2) Recreational Fires: Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions that could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.

(3) Portable Outdoor Fireplaces: Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material.

(4) Gas-fired Fire Pits: Recreational fires conducted in gas-fired recreational pits shall not be constructed within fifteen (15) feet of a structure or combustible material, provided that said gas-fired recreational pits shall not use any solid fuel-burning materials.

(5) Solid Fuel-Burning Fire Pits: Recreational fires conducted in recreational pits that burn any solid fuel-burning materials shall not be constructed within twenty-five (25) feet of a structure or combustible material.

(d) Attendance. Open burning, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished.

(e) Size. All fires shall be a maximum size of three (3) feet in diameter by two (2) feet in height. The fire shall be contained within a noncombustible material to prevent the spread of fire.

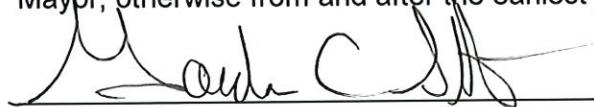
(f) Extinguishment Equipment. A fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization to extinguish a fire.

(g) Order to Extinguish. The Fire Department Official may order the immediate extinguishment of a fire at any time, if the fire violates the provisions of this Chapter 1601 or is otherwise deemed to constitute a danger to safety.

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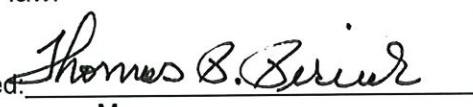
Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to amend and clarify the language concerning requirements for open burning, recreational fires and portable outdoor fireplaces. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



President of Council

Date Passed: April 7, 2025

Approved: 

Mayor

Date Approved: April 7, 2025

Attest: 
acting Clerk of Council

| | <u>Yea</u> | <u>Nay</u> |
|----------|---------------|------------|
| Carbone | <u>✓</u> | _____ |
| Clark | <u>absent</u> | _____ |
| Kaminski | <u>✓</u> | _____ |
| Kosek | <u>✓</u> | _____ |
| Roff | <u>✓</u> | _____ |
| Short | <u>✓</u> | _____ |
| Spring | <u>✓</u> | _____ |

Ord. No. 2025-040 Amended: _____
1st Rdg. 04-07-25 Ref: _____
2nd Rdg. suspended Ref: _____
3rd Rdg. suspended Ref: _____

Public Hrg. _____ Ref: _____
Adopted: 04-07-25 Defeated: _____