

Questions are frequently asked about outdoor fireplaces in Lakewood. The sections below cover the local ordinances regarding such devices.

### **1503.01 DEFINITIONS.**

As used in this chapter:

- (a) **“APPROVED CONTAINER”** means a commercially manufactured container designed for burning.
- (b) **“ATTENDANCE”** means the constant presence of a responsible person in the immediate vicinity of open burning, a bonfire or a recreational fire until the fire is extinguished, with a minimum of one (1) portable fire extinguisher having a minimum of a 4-A rating or other approved on-site fire extinguishing equipment such as dirt, sand, a water barrel, a garden hose or a water tank truck available for immediate use.
- (c) **“BONFIRE”** means a type of outdoor burning characterized by an outdoor fire having a total fuel area greater than that contained in a recreational fire and used for ceremonial purposes.
- (d) **“OBJECTIONABLE”** means undesirable or offensive or of a character as to give painful or unpleasant sensations.
- (e) **“OPEN BURNING”** means a type of outdoor burning characterized by 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 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 air and permit the exhaust gas are open.
- (f) **“RESIDENTIAL WASTE”** means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (g) **“RECREATIONAL FIRE”** means a type of outdoor burning characterized by an outdoor fire burning materials other than waste where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue 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.
- (h) **“STACK”** or **“CHIMNEY”** means a vertical structure containing one or more flues for the purpose of carrying gaseous products of combustion and air from a fuel-burning appliance to the outside atmosphere meeting the requirements of the Ohio Mechanical Code.
- (i) **“STRUCTURE”** means that which is built or constructed.
- (j) **“WASTE”** means any discarded or useless material, including, but not limited to, agricultural waste, garbage, land clearing waste, landscape waste, residential waste and trash. (Ord. 48-10. Passed 9-8-10.)

### **1503.03 RESTRICTIONS; NOTICE AND PERMISSION.**

(a) No person shall cause or allow outdoor burning in the Municipality, except as provided in subsections (b) through (g) hereof.

(b) When permitted by the property owner, outdoor burning shall be allowed for the following purposes without notification to or permission from the Ohio Environmental Protection Agency or the Chief of Fire or his or her designee:

(1) The cooking of food for human consumption utilizing appliances designed for cooking with charcoal, wood, stove fuel or cooking gas. The following conditions shall be met when cooking utilizing open burning or an open flame:

A. Charcoal burners utilizing charcoal briquettes, including wood chips, shall not be operated on balconies, porches, and decks or within ten feet of any combustible material or structure or within fifteen feet of the public right of way.

B. Liquid petroleum, gas-fueled cooking devices shall not be operated on balconies, porches or decks, or within ten feet of any combustible material or structure or within fifteen feet of the public right of way.

C. Fire in appliances designed for cooking utilizing seasoned dry firewood shall be permitted provided that such devices shall not be located on balconies, porches, and decks or within twenty-five feet of any combustible material or structure or within fifteen feet of the public right of way.

(2) Open burning conducted in an approved container (for example, a chiminea), which shall not be located within twenty-five feet of a structure or combustible material or within fifteen feet of the public right of way. Conditions such as combustible materials or strong winds that could cause a fire to spread to within twenty-five feet of a structure shall be eliminated prior to ignition.

(3) Recreational fires (for example, a fire pit or barbeque pit), which shall not be located within twenty-five feet of a structure or combustible material or within fifteen feet of the public right of way. The pile size shall be limited to three feet or less in diameter and two feet or less in height. Conditions such as combustible materials or strong winds that could cause a fire to spread to within twenty-five feet of a structure shall be eliminated prior to ignition.

(4) Heating of tar, welding, use of acetylene torches or highway safety flares, heating for warmth of outdoor workers, smudge pots and similar occupational needs.

(c) Fires allowed by subsection (b)(2) and (3) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for the intended purpose, and the fuel shall be chosen to minimize the generation of air contaminants.