

Chapter 94

BURNING

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[HISTORY: Adopted by the Board of Trustees of the Village of Youngstown 4-27-2017 by L.L. No. 2-2017.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. 133.

Solid waste — See Ch. 188.

§ 94-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIRE — Includes bonfires, campfires and any other fire in a yard, field or any other open place, but does not include:

- A. A charcoal or gas fire in a barbecue, hibachi or similar metal or masonry container while being used for the cooking of food for human consumption, provided:
 - (1) Such fire is not on a balcony of a building or in any other unsafe place; and
 - (2) Such fire is attended by a person competent to supervise it.
- B. An appliance being used for heating pitch or asphalt.
- C. An appliance being used for construction or maintenance and which requires an open flame;
- D. A campfire, elsewhere within the Village of Youngstown, provided that such campfire is in an area as provided by this Code and is attended by a person competent to supervise it;
- E. A fire set by the Fire Department in training areas approved by the Fire Chief, a Deputy Fire Chief, a Platoon Chief or a Fire Prevention Officer for the purpose of training or testing equipment;
- F. A fire set by a fire equipment manufacturer or his agent for the purpose of demonstrating firefighting equipment in an area approved by the Fire Chief, a Deputy Fire Chief, a Platoon Chief or a Fire Prevention Officer and with Fire Department personnel present;

1. Editor's Note: This ordinance also repealed former Ch. 94, Burning, adopted 2-4-1965, as amended.

- G. A fire for thawing or heating building materials, provided such fire is set in a location approved by the Fire Chief, a Deputy Fire Chief, a Platoon Chief or a Fire Prevention Officer;
- H. The burning of brush or leaves by Village employees in locations approved by the Fire Chief, a Deputy Fire Chief, a Platoon Chief or a Fire Prevention Officer, provided such burning is under the supervision of the DPW Superintendent and takes place during normal working hours.

FIRE CHIEF or ASSISTANT CHIEF — Respectively, a person holding the office or rank of Fire Chief or Assistant Chief of the Youngstown Volunteer Fire Department.

§ 94-2. Maintaining an open fire.

No person shall, anywhere in the Village of Youngstown, set or maintain a fire in the open air or permit a fire in the open air to burn:

- A. At any time between the hours of 1:00 a.m. and 7:00 a.m.;
- B. At a location where there is a danger of such fire spreading to grass or other vegetation;
- C. During a strong wind;
- D. On any road allowance or other municipal property;
- E. On or adjacent to any property where a building or structure is under construction;
- F. On or adjacent to any property where it is known that explosives or any other flammable material is stored; or
- G. On or adjacent to any property where there is a large gathering of people.

§ 94-3. Activities not permitted.

- A. No person shall make or permit any fire of any size under conditions or circumstances likely to cause loss of life or damage to any building or other property.
- B. No person shall burn debris or other material:
 - (1) In any building or structure which is being demolished; or
 - (2) On the lot or site of any building or structure which is being demolished.
- C. No person shall set fire to:
 - (1) A building or structure for the purpose of demolishing the whole or any part thereof; or
 - (2) A demolished building or any part thereof.

§ 94-4. Requirements for open burning.

- A. Every person setting a fire in the open air anywhere in the Village of Youngstown shall:
- (1) Ensure that a person competent to supervise such fire and to extinguish it promptly in the event of danger of the spread of such fire is in constant immediate attendance at the specific place where the fire is burning;
 - (2) Completely extinguish such fire before leaving the specific place where the fire is burning;
 - (3) Set and confine the fire in a metal or masonry container with a metal screen on top, having a mesh of not larger than one-half inch; and
 - (4) Set and keep the fire not less than 20 feet from any building, wooden fence or other combustible material or liquid.
- B. If branches and prunings in large quantities are to be burned:
- (1) The fire shall be kept at least 200 feet from any building;
 - (2) The Youngstown Volunteer Fire Company shall be notified of the intention to set the fire; and
 - (3) The piles of branches and prunings to be burned shall not be more than 10 feet in diameter nor more than 10 feet in height.

§ 94-5. Miscellaneous provisions.

- A. The Fire Chief and every Assistant Chief is hereby authorized to order any person to put out any fire when, in the opinion of the Fire Chief or Assistant Fire Chief, there is any danger of such fire spreading or otherwise endangering life or property.
- B. Every person setting a fire in the open air shall comply with all lawful direction of the Fire Chief or Assistant Chief.
- C. Wherever in this chapter any reference is made to time, such time shall, for any period of the year during which daylight saving time is proclaimed to be in effect in the Village of Youngstown, be construed according to daylight saving time and not standard time.

§ 94-6. Penalties for offenses.

Any person violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.