

*Cuyahoga Falls, Ohio*

**1501.17 OUTDOOR WOOD-BURNING FURNACES.**

(a) For purposes of this section, “outdoor wood-burning furnace” means an accessory structure or appliance designed to be located outside a living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces in any structure or appliance on the premises other than where such structure or appliance is located, or for heating domestic, swimming pool, hot tub or jacuzzi water. “Outdoor wood-burning furnace” does not include a fire pit, wood-fired barbecue or chiminea.

(b) No person shall construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless:

- (1) The outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section, or
- (2) The outdoor wood-burning furnace complies with all of the following:
  - A. The outdoor wood-burning furnace, as installed, is at least two hundred feet from the nearest residential structure, including without limitation, houses, garages, or other accessory buildings, not serviced by the outdoor wood-burning furnace;
  - B. Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within five hundred feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than fifty-five feet;
  - C. No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated; and
  - D. Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer’s written instructions, provided such instructions do not conflict with the provisions of this section.

(c) Any person who operates an outdoor wood-burning furnace in violation of this section shall be guilty of a minor misdemeanor, and fined not more than one hundred fifty dollars (\$150.00). Each day of operation of such outdoor wood-burning furnace in violation of this section shall be deemed a separate violation.

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*Lexington, Ohio*

**1511.08 RECREATIONAL FIRES.**

(a) As used in this section, “recreational fire” means any intentionally created fire outside of a building, but shall not include a small fire contained in a noncommercial clean-burning enclosed cooking apparatus, commonly known as a grill, which is fueled by charcoal, propane, natural gas, alcohol or similar fuel and used for the preparation of food.

(b) No person shall start or permit to burn on any property within this Village a recreational fire where the smoke or odor from that fire shall cause inconvenience to any person of ordinary sensibilities on any adjoining or nearby property including public streets. Inconvenience shall include visible smoke or persistent odors within a house or in the yard of adjoining or nearby properties requiring the closing of windows to avoid such smoke or odors or the persistence of odors which permeate adjoining property so as to linger after the fire is out.

(c) No recreational fire shall be permitted within twenty feet of any property line of the property where the fire is located. No recreational fire shall be permitted within ten feet of any house, garage, building, or any flammable structure unless the fire is completely contained in a metal, ceramic or other fire-proof device.

(d) All recreational fires shall be attended by a person of at least eighteen years of age at all times and there shall be present in the immediate vicinity of the fire at least one portable and fully operable fire extinguisher or other fire suppression equipment such as an adequate supply of sand or water or a connected and operable water hose. Recreational fires shall only burn untreated wood and shall not be used for the purpose of burning trash, garbage, plastic or other waste.

(e) When it shall come to the attention of the Village Police Department or Township Fire Department that a recreational fire exists which is in violation of any provision of this section, a police officer shall advise the property owner or occupant of the violation and may observe the adjustment necessary to bring the fire within the requirements of this section. In the event that the property owner or occupant fails to bring the fire into compliance with this section, or in the event the police are contacted and determine that a second or continued violation of the provisions of this section at the same location has occurred within any twelve consecutive hour period, the owner or occupant shall be deemed in violation of this section and a citation shall be issued. The requirement that a warning be issued prior to the issuance of a citation shall not apply to any person who has been issued a warning in the preceding thirty days.

(f) Whoever violates any provision of this section, after being advised of the violation as provided in subsection (e) hereof, shall be guilty of a minor misdemeanor and upon a second or subsequent violation within one year of the first conviction a misdemeanor of the fourth degree. In addition, if a police officer or the fire department determines upon inspection that the fire presents a risk of spreading, it shall immediately be extinguished.

(g) Nothing in this section shall be deemed to amend Chapter 1501, Ohio Fire Code, or Chapter 1511 Open Burning of the Codified Ordinances of this Village, but in the event of a conflict with the provisions in those chapters, the more restrictive regulations shall control.