

## ORDINANCE NO. O-6-24

### AN ORDINANCE TO REGULATE BURNING ACTIVITIES (AS AMENDED)

BE IT ORDAINED by the Commission of the City of Piqua, State of Ohio, a majority of all members elected thereto concurring, that:

SECTION 1: The City of Piqua shall not allow the use of city owned property for the destructive testing of batteries, equipment, or devices of any kind, including but not limited to deflagration testing; and

SECTION 2: The City of Piqua shall not allow the use of city owned property for the intentional setting of uncontained fires, defined as openly burning fires not mediated by a regulated tool, device, or appliance, which has been designed to safely manage and control a combustion reaction, except for the purposes of:

- I. Cooking
- II. Heating
- III. Recreation
- IV. Sanctioned pyrotechnic displays
- V. City maintenance, operation, or construction activities
- VI. Emergency Response activities
- VII. Training or certifying firefighters or rescue personnel participating in programs accredited under Chapter 4765 of the Ohio Revised Code<sup>3</sup> where such excepted activities are otherwise compliant with all applicable laws and regulations.

SECTION 3: Training fires intentionally set on city owned property shall consist EXCLUSIVELY of Class A, Class B, and Class K fires<sup>1</sup>;

SECTION 4: Training fires intentionally set on city owned property shall have fuel sources consisting EXCLUSIVELY of organic materials and petroleum products; excluding hard plastics, synthetic rubbers, and materials that are reasonably likely to result in a Class C or Class D fire<sup>1</sup>; and excluding materials with a HAZMAT Material Classification Level<sup>2</sup> which is not either Class 2, Class 3, or Class 4; and not exceeding a fuel volume that is reasonably likely to result in an unattended burn time of longer than 6 hours;

SECTION 5: Training fires intentionally set on city owned property shall have in attendance no less than one firefighter, who is authorized by the State of Ohio with a certificate issued under Section 4765.55 of the Ohio Revised Code<sup>4</sup>, during the entirety of the burn, from the time of ignition, and who shall be responsible for declaring the burn "fully extinguished" at the conclusion of the burn;

SECTION 6: Training fires intentionally set on city owned property shall be compliant with the standards outlined in the National Fire Protection Association document "*NFPA 1403: Standard on Live Fire Training Evolutions*"<sup>5</sup>, where not otherwise specified by applicable laws and regulation;

SECTION 7: Any data captured, or recorded, during training fires intentionally set on city owned property shall be considered a part of the public domain, regardless of the entity conducting the test, and no data shall be considered the proprietary property of, or for the exclusive use by, any organization or entity;

SECTION 8: Any violation of this ordinance shall result in a civil penalty of \$1,500.00 for the first violation, \$3,000.00 for a second violation, and \$5,000.00 for a third violation. Additionally, anyone violating this ordinance shall be responsible for the costs associated with all contamination testing and remediation of any environmental injury or damages resulting from the illegal burning contemplated in this ordinance;


SECTION 9: This ordinance shall be enforced by the City Manager or his designee and any violation may be appealed for hearing to the Board of Zoning Appeals; and

SECTION 10: This Ordinance shall take effect and be in force from the earliest period allowed by law.

1<sup>st</sup> Reading - 5/7/2024

2<sup>nd</sup> Reading - 5/21/2024

3<sup>rd</sup> Reading - 6/4/2024

  
KRIS LEE, MAYOR

PASSED: 5.21.2024

ATTEST: Melissa Kinney

CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by Comm. Vetter, seconded by Comm. DeBrosse, and on roll call the following vote ensued:

Mayor Kris Lee	<u>Yah</u>
Commissioner James Vetter	<u>Yah</u>
Commissioner Frank DeBrosse	<u>Yah</u>
Commissioner Thomas Hohman	<u>Yah</u>
Commissioner Paul Simmons	<u>Yah</u>