



STATE FIRE MARSHAL ORDER

BAN ON OPEN BURNING

****October 3, 2024 @ 3:00 p.m. (EST) UPDATE****

EFFECTIVE PERIOD:

Start: Immediate.

End: On a per county basis, the removal of all parts of the impacted Ohio county from “Extreme Drought” or “Exceptional Drought” categories as determined by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) and/or the United States Department of Agriculture (USDA), or as otherwise designated by the State Fire Marshal of Ohio.

LOCATIONS: All outdoor areas of any county in Ohio identified by the NOAA and/or the USDA as having any portions of such county designated as being in the “Extreme Drought” or “Exceptional Drought” categories under the United States Drought Monitoring System [Located at <https://www.drought.gov/data-ma123ps-tools/us-drought-monitor>], including the following Ohio counties: Athens, Belmont, Carroll, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Licking, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Tuscarawas, Vinton, and Washington.

Additional Ohio counties: 1) are automatically added to the scope of this list upon designation of “Extreme Drought” (D3) or “Exceptional Drought” (D4) conditions by the NOAA and/or the USDA within such counties; or 2) may be added to the scope of this list by written directive of the State Fire Marshal.

STATE FIRE MARSHAL ORDER: Pursuant to Ohio Revised Code (R.C.) §3737.82, R.C. §3737.22(A)(1), R.C. §3737.22(A)(2), and R.C. §3737.42(A), and Ohio Administrative Code (OAC) 1301:7-7-01(D)(5)/Ohio Fire Code (OFC) 104.5, OAC 1301:7-7-01(I)(1)(e)/OFC 109.1.5, OAC 1301:7-7-01(I)(3)/OFC 109.3, and OAC 1301:7-7-03(G)(1)(b)/OFC 307.1.2, I, Kevin Reardon, in my official capacity as State Fire Marshal, issue the following ORDER:

- A. No person shall authorize, engage in, ignite, kindle, set, or otherwise conduct any open burning activities or recreational fire(s), or use a portable outdoor fireplace, or assist in any such activities at any outdoor location subject to this ORDER.
- B. No OFC based permit authorizing open burning, firework displays, recreational fires or the use of portable outdoor fireplaces shall be issued during any time or in any area subject to this ORDER.

- C. This ORDER may be enforced by the procedures specified in R.C. §§ 3737.41 through 3737.51 and R.C. 3737.99 and OAC 1301:7-7-01(I), OFC 109, including the issuance of Citations (with Civil Penalties) by Certified Fire Safety Inspectors with jurisdiction and criminal prosecution. Law Enforcement Officers are authorized by statute to enforce this Order consistent with the provisions of R.C. 3737.51(A) and R.C. 3737.99(B).
- D. This Order supersedes and replaces the SFM's September 27, 2024, "Ban On Open Burning" Order.
- E. Order Limitations:
1. Nonrecreational open burning: As an exception to this ORDER, a fire code official may provide limited/temporary approvals of the usage of open flames within that official's jurisdiction for nonrecreational uses (such as blasting, welding, hot work or other employment-based uses of flames) upon written application to such officials by the person intending to conduct such activities and such activities may be conducted only upon written approval of the activities by the fire code official with jurisdiction. Any such activities must comply with all conditions of approval established by the fire code official and all other applicable laws, rules and regulations, including the OFC.
 2. Propane/Liquid Fueled Cooking Equipment: The outdoor use of propane/liquid fueled cooking equipment within the locations subject to this Order is permitted under the following conditions, which must be implemented by both the location owner and person conducting the cooking activity:
 - a. Fire extinguishers: Appropriate fire extinguishers are readily available in the area and immediately accessible to equipment users or other responsible persons at all times any propane/liquid fueled cooking equipment is in use;
 - b. Water: Adequate water sources for extinguishing any fire, embers, or sparks and an appropriate means for water delivery are readily available in the area and immediately accessible to equipment users or other responsible persons at all times propane/liquid fueled cooking equipment is in use;
 - c. Separation from flammable or combustible materials: No flammable or combustible materials, debris, vegetation, grasses, or similar items are located within 5 feet of the propane/liquid fueled cooking equipment; and
 - d. Oversight of Public Locations: For locations open to public access (such as campgrounds, parking lots, public or private parks or entertainment venues, sport venues, or similar locations), such locations must be adequately staffed with persons properly trained in emergency response procedures at all times propane/liquid fueled cooking occurs, and such locations must have appropriately trained/qualified persons regularly monitor all areas where propane/liquid fueled cooking occurs.

“Open Burning” is defined in the OFC as: “[t]he 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 [*which are addressed separately in this Order*]. 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.”

- Prohibited activities: Examples of activities prohibited by this Order in the ban area include the following outdoor activities involving the lighting or maintaining of an open fire:
 - *Very High-Risk Activities*:
 - any open burning of trash, debris, waste, combustibles, leaf piles or similar vegetation, or similar items
 - campfires
 - bonfires
 - throwing down/discarding lighted or smoldering material (including matches or cigarettes)
 - flame based (non-electric) cooking outside a qualifying chamber, such as flame based grilling on an open charcoal type grill
 - using or discharging any type of fireworks
 - *Inherently Risky Activities*:
 - live fire training events
 - flame effect(s) based displays or exhibitions (including sky lanterns and cold spark machines)
 - using spark or heat producing devices for recreational purposes.
- Acceptable activities: Acceptable open flame related activities include indoor cooking, outdoor cooking with electric stoves/cooking elements or propane/liquid fueled cooking as permitted in this Order, and the use of non-flame based heating or electrical devices.

Media inquiries: please contact Jarrod Clay at (614) 867-8732 or via email at jarrod.clay@com.ohio.gov .

As an additional reminder, R.C. 3737.62 states that “no person shall set, kindle, or cause to be set or kindled any fire, which through their negligence, spreads beyond its immediate confines to any structure, field, or wood lot” in Ohio. This section has a separate criminal penalty for any violations.



Kevin Reardon
State Fire Marshal