



STATE FIRE MARSHAL ORDER

BAN ON OPEN BURNING

September 6, 2024

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-maps-tools/us-drought-monitor>], including the following Ohio counties: ATHENS, BELMONT, CARROLL, FAIRFIELD, FAYETTE, GALLIA, GUERNSEY, HARRISON, HIGHLAND, HOCKING, JACKSON, JEFFERSON, MEIGS, MONROE, MORGAN, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, SCIOTO, TUSCARAWAS, VINTON, and WASHINGTON.

Additional Ohio counties are: 1) automatically added to the scope of this list upon designation of “Extreme Drought” or “Exceptional Drought” conditions by the NOAA and/or the USDA within such counties; or 2) as 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) and R.C. 3737.22(A)(2), and Ohio Administrative Code (OAC) 1301:7-7-03(G)(1)(b), Ohio Fire Code (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.

- D. 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 Ohio Fire Code.

“Open Burning” is defined in the Ohio Fire Code 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.

- Examples of activities prohibited by this Order in the ban area include the following outdoor activities: lighting or maintaining any fire of any type at any location, smoking (including cigarettes or similar devices, or as part of a cooking process), non-electric cooking (regardless of fuel source), using or discharging any type of fireworks, throwing down/discarding lighted or smoldering material (including matches or cigarettes), campfires, bonfires, live fire training events, flame effect(s) based displays or exhibitions (including sky lanterns and cold spark machines), and using spark causing devices for recreational purposes.
- Acceptable activities include: indoor cooking, outdoor cooking with electric stoves/cooking elements, and 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