

660.01 VENTING OF HEATERS AND BURNERS.

(a) The use of a brazier, salamander, space heater, room heater, furnace, water heater, or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases must comply with the following provisions;

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed, and maintained as to vent the products of combustion outdoors; except in storage, factory, or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed, or structure in which persons are temporarily present, shall be vented as provided in division (a)(1) or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Division (a) above does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shut-off system, and that has its fuel piped from a source outside the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas, or liquid petroleum gas heaters exempted from division (a) above when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100°F or 37.8°C shall be sold, offered for sale, or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas, or liquid petroleum gas space heater from operating shall be sold, offered for sale, or used in connection with any kerosene, natural gas, or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas, or liquid petroleum gas-fired heater that is not exempt from division (a) above, unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.

(k) Whoever violates this section is guilty of a misdemeanor of the first degree.

660.02 SPREADING CONTAGION.

(a) No person, knowing or having reasonable cause to believe that he or she is suffering from a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing himself or herself to other persons, except when seeking medical aid.

(b) No person, having charge or care of a person whom he or she knows or has reasonable cause to believe is suffering from a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(c) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(d) Whoever violates this section is guilty of a misdemeanor of the second degree.

660.03 RESERVED FOR FUTURE LEGISLATION.

660.04 NOXIOUS ODORS; FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES.

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal, which dwelling, building, structure or place, or which activity, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the

public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury to prejudice of others.

(b) No person shall pile, store, accumulate or permit to accumulate upon any real estate in the City which has been zoned or districted for single-family, two-family, apartment house, retail business or commercial uses, any junk, rubbish, garbage, manure or other material or substance detrimental to the public safety, health or general welfare, or of such a nature as to interfere with the value of real estate within the immediate vicinity, or the enjoyment thereof by the owners thereof, by reason of any noxious odors emanating therefrom, or which is of such a character or nature as to create or spread disease or cause an unsanitary or unhealthy condition, or which by its nature is likely to ~~attract~~ **create conditions for the breeding, harborage and infestation of rats, mice, vermin or other disease-carrying pests and animals or insects.** However, nothing herein contained shall prohibit the ordinary accumulation of garbage ~~resulting from the natural and ordinary operation of the household or home, or from a hotel, restaurant, lunchroom or other place of business regularly dispensing food or other merchandise resulting in a natural accumulation of garbage, rubbish or junk during the period, in either instance, between the regular garbage or rubbish collections by the City.~~ Nothing herein contained shall prohibit the natural accumulation of rubbish, garbage or junk upon the premises occupied by any person for the conduct of any legal business, or in the ordinary or usual manner of maintaining a home, apartment, hotel, rooming house or other similar business, provided that, in all instances, rubbish, garbage or junk shall be collected in regular odorproof, germproof and flyproof containers stored in the same, and that rubbish, garbage or junk shall be neatly piled insofar as possible. In no instance shall rubbish, garbage or junk be allowed to remain on the premises for a period longer than that between the regular rubbish, garbage or junk collections by the City **and other waste resulting from the natural operation of a household or business.** Nothing herein contained shall apply to any property within the City which has been continuously and primarily used for agricultural or similar purposes.

(c) ~~In the event of a conflict with Section 1707.14, the provisions of this section shall prevail~~ **Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

660.05 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair. ~~and free from snow, ice or any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated.~~

(b) **No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters free from snow, ice or**

any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated.

~~(b)~~ **(c)** Upon the violation of subsection (a) hereof, Council shall, by resolution, order the repair of such sidewalk, the removal of such obstruction or the abatement of such nuisance. If the owner or person having charge of such land fails to comply with such resolution, after due notice of same, Council shall cause the sidewalks to be repaired or cleared. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of their action, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving such notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of the entry and be collected as other taxes and returned to the City to be deposited in the General Fund. This remedy shall be in addition to the penalty provided in subsection (c) hereof.

~~(e)~~ **(d)** In addition to the powers and duties of the Sidewalk/ Zoning Inspector set forth in Section 903.11, such employee is hereby empowered to issue a warning notice with respect to any condition, excluding snow and ice accumulation, he or she finds to be in violation of this section. Upon the failure of any person to comply with such notice within a reasonable time, but not less than fifteen days, the Sidewalk/ Zoning Inspector may cause a criminal complaint to be issued thereafter.

~~(d)~~ **(e)** In addition to any other powers and duties of any City building inspector, such employee is hereby empowered to issue a warning notice with respect to snow and ice accumulation which such inspector finds to be in violation of this section. Upon the failure of any person to comply with such notice within twenty-four hours, the inspector may cause a criminal complaint to be issued thereafter.

~~(e)~~ **(f)** ~~Whoever violates any of the provisions of this section~~ **subsection (b)** is guilty of a **minor** misdemeanor of the fourth degree. ~~If the offender has previously been convicted of a violation of this section, any subsequent violation of this section is a misdemeanor of the third degree. In addition to any other method of enforcement, a violation of subsection (b) may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates subsection (b) as a fourth and subsequent offense is guilty of a first-degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.~~

(g) **Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

660.06 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

(a) No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse or repairer.

(b) Whoever violates this section is guilty of a misdemeanor of the ~~fourth~~ **first** degree.

660.07 RESERVED FOR FUTURE LEGISLATION.

660.08 RESERVED FOR FUTURE LEGISLATION.

660.09 RESERVED FOR FUTURE LEGISLATION.

660.10 RESERVED FOR FUTURE LEGISLATION.

660.11 RESERVED FOR FUTURE LEGISLATION.

660.12 RESERVED FOR FUTURE LEGISLATION.

660.13 SPITTING; SMOKING.

(a) No person shall willfully spit, excrete or expectorate any saliva or sputum upon any sidewalk or on the floor of any public conveyance, building, theater or assembly hall, except in receptacles provided for such purpose.

(b) (EDITOR'S NOTE: Subsection (b) was repealed, by implication, by Ordinance 212-87, passed July 18, 1988. See Chapter 668.)

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.14 BURIAL REGULATIONS.

(a) No dead body shall be buried or permitted to be buried in a grave that is less than five and one-half feet in depth below the surface level of the adjoining ground, and no grave shall contain more than one body unless its depth is increased at least two feet for each additional body buried therein.

(b) No sexton, superintendent or other person having charge or management

of a cemetery in the City, shall permit any body to be buried in a grave of less depth than above described.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

~~660.15 HEATING OF BUILDINGS.~~

~~(a) It shall be the duty of every person who has contracted or undertaken or is otherwise bound to heat or to furnish heat for any building or portion thereof occupied as a home or place of residence for one or more persons or as a business establishment where one or more persons are employed, to heat or to furnish heat for every occupied room in the building or portion thereof so that a minimum temperature of sixty-eight degrees Fahrenheit may be maintained therein at all times when so occupied.~~

~~(b) Whenever a building is heated by means of a furnace, boiler or other apparatus under the control of the owner, agent or lessee of the building, the owner, agent or lessee in the absence of a written or verbal contract or agreement to the contrary, shall be held to have contracted, undertaken or bound himself or herself to furnish heat in accordance with the provisions of this section.~~

~~(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.~~

660.16 FENCES TO PROTECT SWIMMING POOLS; DRAINING.

(a) The owner of any property containing less than one-half acre, upon which there is located a swimming pool, fish pond or other similar structure containing water over eighteen inches in depth in any portion thereof, shall install such swimming pool, fish pond or other structure in accordance with the following distances from the property lines of the lot on which it is located:

- (1) On lots with a forty-foot frontage, not less than three feet;
- (2) On lots with a fifty-foot frontage, not less than five feet; and
- (3) On lots with a sixty-foot or more frontage, not less than ten feet.

The owner shall protect such swimming pool, fish pond or other similar structure by completely surrounding it with either shrubbery of sufficient density to prevent ingress and egress, or a fence approved by the Building Commissioner, at least three and one-half feet high. Any gate entrance to a required fence shall be kept locked with a suitable lock at all times when the pool, pond or other similar structure is not protected by the presence of a responsible adult person. Swimming pools aboveground which involve the use of a ladder are required to have such ladder removed or placed in such a position as to be inaccessible to a child during times when such pool is not in use or is not under supervision.

(b) Whenever the wall of any aboveground swimming pool is three and one-half feet or more above the ground level, the fencing requirements set forth in

subsection (a) hereof shall not apply.

(c) The pool, fish pond or other structure defined in this section shall be connected to and serviced by a drain located six inches or more below the top edge of such structure and such drain shall be connected to the storm sewer system.

(d) Nothing contained herein shall apply to pools placed aboveground without ladders, which meet all of the following criteria:

- (1) They are designed to be manually erected aboveground.
- (2) They do not exceed six feet in diameter nor one foot in depth.
- (3) They are designed to permit erection and dismantling on a seasonal basis.

However, no such pool shall be installed, erected or maintained within three feet of any rear lot line or side lot line without the written consent thereto of all real property owners within a radius of ten feet of any portion of such pool.

(e) The owner of any swimming pool, above-ground or in-ground, shall drain the water therein to the nearest sewer line.

A complaint for a violation of this subsection shall be referred, for investigation, to the Building Commissioner, who may issue a written reprimand and warning to the violator.

All portable pools shall, when not in use, be drained or covered by any material which will be securely fastened in such a manner as to prevent access to the water in said pool. "Not in use" means any absence of a responsible adult from the immediate vicinity of the pool for any period of time.

(f) In specific cases, the Board of Housing Appeals may vary the application of this section in order that the public health, safety, convenience, comfort and general welfare may be safeguarded and substantial justice done for the reasons set forth in Section 351.14(c)(1) to (3), pursuant to Section 1705.08(e).

(g) Whoever violates any of the provisions of subsections (a) through (e) hereof is guilty of minor misdemeanor. Whoever, having received a written reprimand and warning from the Building Commissioner, violates subsection (f) hereof, is guilty of a misdemeanor of the fourth degree. The penalty shall be as provided in Section 698.02.

660.17 ELECTRIC FENCES.

(a) No person shall construct, erect, maintain or use, for any purpose, any fence charged with electrical current within the City.

(b) Whoever violates this section is guilty of a ~~minor~~ **first-degree** misdemeanor. **A separate offense shall be deemed committed each day during or on which a violation occurs or continues.** ~~and The penalty shall be subject to the penalty as provided in Section 698.02.~~

660.175 BARBED WIRE FENCES.

(a) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection does not prevent the placement and use of not more than two strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than forty-eight inches from the ground.

Barbed wire partition fences may be erected and maintained as provided in Ohio R.C. 971.03.

(b) Whoever violates this section is guilty of a ~~minor~~ **first-degree** misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

660.18 CATCH BASIN, SEWER, MANHOLE AND SIMILAR COVERS.

(a) No person shall remove any catch basin, manhole, sewer or other similar cover located within any street, sidewalk or other publicly owned or controlled property within the City without first obtaining a permit to do so from the Safety Director or the Service Director. Such permit shall be free of charge.

(b) No person who removes a manhole, catch basin, sewer or other similar cover, for any reason, within the City, shall fail to properly replace the same before leaving the area, making certain that such cover is not raised on any one side and that the same is fitted properly to prevent accidents by dislocating the same when driving over it.

(c) Any person not properly replacing a manhole, catch basin, sewer or other similar cover disturbed by him for any reason shall, in addition to the penalty provided in subsection (d) hereof, repay the City for any and all expenses incurred by the City in replacing such manhole, catch basin, sewer or other similar cover.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree for a first offense and, for a second or subsequent offense within one year of the first offense, is guilty of a misdemeanor of the third degree. The penalty shall be as provided in Section 698.02.

660.19 WATER USE EMERGENCIES.

(a) Whenever it appears to the Mayor or upon notice from the City of Cleveland, Division of Water and Heat of the Department of Public Utilities, to the Mayor or Safety or Service Director that a shortage of water supply exists or is imminent which threatens the public health and safety and that the shortage makes it necessary to curtail water use within all or any part of the City, the Mayor shall proclaim a water use emergency throughout all or any part of the City.

(b) During a water use emergency, the Mayor may order a water use curtailment by prohibiting unnecessary use or consumption of water during all or specified hours of the day and/or may order that specified premises curtail unnecessary

use or consumption of water on specified days only as the Mayor determines to be necessary.

(c) A water use emergency proclamation shall specify:

- (1) The geographic area affected by the water use emergency;
- (2) The length of time the emergency shall be in effect, which time shall not exceed seven days; and
- (3) The degree of water use curtailment.

(d) A proclamation of a water use emergency shall become effective at the time of issuance by the Mayor. Notice thereof shall be given to a newspaper of general circulation in the City and shall be reported to local radio and television stations for broadcast.

(e) As used in this section, "unnecessary use or consumption" means the use or consumption of water for purposes other than personal health, safety, sanitation and bodily consumption. "Unnecessary use or consumption" of water includes, but is not limited to, sprinkling or watering lawns, other land irrigation, the washing of automobiles, houses or other structures and the use of water for recreational purposes such as the maintenance of swimming pools. The use of water for private construction, such as the mixing and curing of concrete, the puddling of backfill in excavations, the moistening of masonry walls preparatory to pointing or sealing, and other similar uses, is not an unnecessary use or consumption of water. The use of water to scrub and rinse areas such as hard-surfaced drives, garage floors, patios and similar uses, where necessary for the purpose of sanitation and the protection of health, is not an unnecessary use and consumption of water. The use of water by means not directly connected to the water supply for sprinkling vegetable gardens or flower gardens is not an unnecessary use and consumption of water.

(f) No person or other entity shall, during a water use emergency, use water in violation of the terms and conditions of the Mayor's water use emergency proclamation.

(g) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for a second or any subsequent offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 698.02.

~~660.20 GRASS COVERAGE REQUIRED ON UNIMPROVED SUBLOTS.~~

~~(a) Whenever the Director of Public Safety determines that an unimproved subplot on a dedicated street is stripped of natural vegetation, he shall report, in writing, to Council a proper description of the lot together with the name and address of the owner of record thereof. Council may, by resolution, determine that a public nuisance exists and direct the owner of record to plant rye grass or an equivalent fast growing seed thereon not later than thirty days from the date service of a copy of the resolution is made on the owner of record. The landowner shall be required to see that grass seeds, planted in compliance with the Council resolution, take root and that grass~~

~~subsequently grows to cover the ground of the stripped area. Such grass must be maintained by cutting during the months of June, July, August and September. Service as required by this subsection shall be made by certified mail, except that when the landowner's address is unknown, publication of the resolution in a Cuyahoga County newspaper of general circulation once a week for two consecutive weeks shall be sufficient.~~

~~(b) Upon failure of the owner of record to substantially comply with the resolution within the period of time stipulated, the Director, for and on behalf of Council, shall cause the appropriate type of grass seed to be planted, nurtured and maintained, for such time as the Director deems necessary, by the direct employment of labor. Upon the completion of such labor, the Director shall report to Council the costs thereof, with respect to each parcel of land, together with any costs for service or publication of the resolution and together with the proper description of the premises. Upon receipt of the report by Council and upon a resolution of Council, the City Auditor, on behalf of Council, shall make a return upon the tax duplicate of such charges which shall be entered upon the tax duplicate of the County and collected as other taxes. This remedy shall be in addition to the penalty provided in subsection (c) hereof.~~

~~(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.~~

660.21 LAWN OR LANDSCAPING REQUIRED. (REPEALED)

660.22 EXTERIOR PROPERTY AREAS; PENALTY.

(a) No owner or person having charge of property located within the City shall permit noxious weeds and/or grass, as described in Section ~~1707.285~~ **1707.10** of the Parma Codified Ordinances, to grow, mature and/or spread seeds on such land to a height greater than six inches.

(b) Whoever violates this section is guilty of a **minor** misdemeanor ~~of the fourth degree and shall be subject to the penalties provided in Section 698.02.~~ **In addition to any other method of enforcement, a violation of any provisions of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates any provisions of this section as a fourth and subsequent offense is guilty of a first-degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

660.23 NOTICE TO FILL LOTS; REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

(1) To fill or drain any lot or land or remove all putrid substances therefrom; or

(2) To remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(b) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.24 SANITARY LANDFILL OPERATION.

(a) In the operation of a sanitary landfill, cover material shall be of earth or other material acceptable to the Director of Public Service and shall be applied at the end of each day's operation or more frequently when necessary, unless otherwise provided in a plan approved by the Ohio Department of Health and at a compacted depth so as to permit minimal percolation of surface water and prevent insect and rodent attraction, breeding and emergence, blowing litter, release of offensive odors, fire hazards and unsightly appearance.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.25 SCAVENGING.

(a) Whenever refuse, waste, rubbish or trash is placed upon a public street, road or alley for the purpose of collection by the Department of Public Service, no person, except an employee of the Department, shall sort over and/or remove any of such refuse, waste, rubbish or trash. However, bundled, packaged or securely-tied discarded newspapers or magazines may be picked up and collected by any school, church or youth organization if the person who so placed such newspapers or magazines upon the public street, road or alley makes no objection.

(b) Whenever refuse, waste, rubbish or trash is placed upon private property, no person shall remove any of such refuse, waste, rubbish or trash without first having obtained the consent of the owner or lessee of such property.

(c) No charitable organization shall scavenge for paper without first obtaining a permit therefor from the Director of Public Service. There shall be no fee for such permit.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree for a first offense and, for a second or subsequent offense within one year of the first offense, is guilty of a misdemeanor of the third degree. The penalty shall be as provided in Section 698.02.

660.26 DUMPING OF REFUSE, GARBAGE, PESTICIDES ON PUBLIC OR PRIVATE PROPERTY; PLACEMENT OF SIGNS ON PUBLIC OR PRIVATE PROPERTY.

(a) No person shall throw, deposit or dump, or permit to be thrown or deposited or dumped, any rubbish, garbage, dirt, paper, filth, filthy water, pesticide, sweepings, ashes, shavings, offal, stones, wood, trash, straw, earth or refuse material of any kind, or place signs into or upon any park, public grounds, sidewalk, tree lawn, utility pole, street or highway or upon any property belonging to another person, without the owner's consent.

(b) Every owner, occupant or person having charge or control of any tenement, building, lot or land fronting upon any street, lane, alley or public ground or place used as a street, lane, alley or public ground shall remove from the entire width of the sidewalk in front of such premises, from curb to lot line, any dirt, paper, filth, ashes, shavings, straw, wood, refuse matter or rubbish of any kind which, from any cause whatever, has accumulated or may accumulate upon such sidewalk, within forty-eight hours after receiving notice thereof from the Division of Police.

(c) ~~No rubbish and garbage waste which is shall be placed on the tree lawn area or another suitable area within the public right-of-way for collection by the City or its agent shall be so deposited or placed before 6:00~~ **12:00** p.m. on the day prior to the publicly scheduled day for the collection of rubbish and garbage waste for that street. If a hardship occurs that requires the deposit of rubbish and garbage waste at an earlier time, a permit therefor shall first be obtained from the Director of Public Safety. After the collection of rubbish and garbage waste, property owners or occupants shall remove rubbish waste containers from the tree lawn area and return them to their regular storage area not later than 8:00 p. m. on the day that the garbage and rubbish are waste is collected.

(d) No person shall deposit or dump refuse, garbage, leaves, yard waste, or any other material upon sloped property when the refuse, garbage, leaves, yard waste and other material may fall to the lower property and result in the creation of a nuisance or damage to the lower property.

(e) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, is guilty of a misdemeanor of the ~~third~~ **first** degree and shall be subject to the penalty provided in Section 698.02.

(f) Whoever violates subsection ~~(a)~~ **(c)** hereof is guilty of a **minor** misdemeanor ~~of the first degree and shall be subject to the penalty provided in Section 698.02. In addition to any other method of enforcement, a violation of subsection (c) may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates subsection (c) as a fourth and subsequent offense is guilty of a first-degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.~~

~~(g) Notwithstanding the provisions of subsection (e) hereof, any person who has violated the provisions of subsection (b) hereof, upon executing before and filing with the Clerk of the Parma Municipal Court, Criminal Branch, an instrument waiving the formal issuance of an affidavit and warrant, together with the reading of such affidavit~~

~~and the right to be present personally at the trial of such action, and further waiving the right of appeal and error and authorizing a plea of guilty to be entered and the defendant submitted to the mercy of the Court, and upon depositing within forty-eight hours after citation, with the Clerk, the sum of two dollars and fifty cents (\$2.50) or depositing within seventy-two hours after citation, with the Clerk, the sum of four dollars and fifty cents (\$4.50), may be fined such respective amounts by the Court.~~

(h) (g) The Court may require the violator to rectify the violation at his or her own expense.

660.27 DUMPING REFUSE IN SEWERS.

(a) No person shall dump any material of a deleterious nature which would tend to interrupt or impede the normal flow of water into any sanitary sewer, storm sewer or catch basin in the City.

(b) No person shall dump any raw sewage, chemical or waste material, or any other substance of any nature, which might be harmful to the health or safety of the residents of the City, into any storm sewer or catch basin.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree for a first offense. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, the person is guilty of a misdemeanor of the third degree. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, the person is guilty of a misdemeanor of the second degree. The penalty shall be as provided in Section 698.02.

(d) The court may require the violator to rectify the violation at his or her own expense.

660.28 DUMPING REFUSE IN NATURAL WATERWAYS.

(a) No person shall dump refuse, dirt, rubbish or any other thing which would tend to impede the natural flow of any natural waterways, or dump any chemical, raw sewage, waste material or any other substance of any nature which might be harmful to the health or safety of the residents of the City.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(c) The Court may require the violator to rectify the violation at his or her own expense.

660.29 PHOSPHATES.

(a) No person shall distribute free samples, possess for sale at retail or sell at retail or discharge into the City sewage facilities any product which contains phosphate in units in excess of those established by the Director of Public Service with the approval of Council.

(b) Within thirty days after March 15, 1971, the Director shall cause a public hearing to be held in order to determine the minimum of phosphate units to be allowed. He shall make his recommendations to Council within thirty days thereafter in a form to be identified as a Phosphate Table.

(c) The Phosphate Table as approved by Council shall be reviewed by the Director and Council no less frequently than once every calendar year.

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the third degree on the second and subsequent offenses. The penalty shall be as provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

660.30 STORAGE OF ~~VEHICLES AND~~ EQUIPMENT.

(a) No person shall store or accumulate ~~any wrecked, used or abandoned automobiles or~~ any derricks, pile drivers, road building, sewer or ditch-digging equipment or machinery, or any equipment for house moving or dredging, or any machinery, equipment or material of any kind, nature and description, on any property within the City, except in that portion of the City which has been classified or districted by the Zoning Code for industrial uses and purposes. Nothing herein contained shall prohibit persons engaged in the buying and selling of such material, machinery, equipment or other articles or products hereinbefore enumerated, or hardware, machinery or equipment merchants or salespersons, from storing on the premises where business is regularly conducted such articles or products as they regularly deal in, provided that the same are properly housed. Nothing herein contained shall prohibit the storing of any equipment or material being used in any construction work on the premises where such construction work is being done, and for the period in which the particular project is under construction. Nothing herein contained shall enlarge upon or permit any other uses for any property within the City than those already provided by the Zoning Code and the Zone Map.

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the ~~fourth~~ **first** degree ~~for a first offense. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, the person is guilty of a misdemeanor of the third degree. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, the person is guilty of a misdemeanor of the second degree. The penalty shall be as provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.~~

660.31 ~~VEHICLES REPAIR AND~~ SERVICING.

(a) ~~No person shall repair, repaint or perform any services on a vehicle in a residential neighborhood, except as follows:~~

~~(1) Such services are temporary in nature.~~

~~(2) Such services are performed on a vehicle owned, leased or rented by~~

~~a resident of the premises where the work is done.~~

~~(3) Any repair work other than repair work that is temporary in nature, including body work, must be done inside a structure or similarly enclosed area and such vehicle must be kept inside the structure or similarly enclosed area during the repair period and between work periods.~~

~~(4) All repair work is to be performed between the hours of 8:00 a.m. and 9:00 p.m.~~

~~(5) Any spray painting must be done inside a structure or similarly enclosed area designed and approved for such purpose by the Fire Division and the Building Division.~~

For purposes of this Section, the following terms shall have the meaning given herein.

(1) "Vehicle" means any device on wheels or runners that is propelled or drawn by power other than muscular power, including motorized bicycles, mobile homes, trailers, and semitrailers, but does not mean electric personal assistive mobility devices, emergency vehicles, and public safety vehicles.

(2) "Unlicensed Vehicle" means any vehicle that does not display a distinctive alphanumeric license and current validation stickers issued under Chapter 4503 of the Ohio Revised Code or under substantially equivalent laws of other states.

(3) "Inoperable Vehicle" means any vehicle with any of the following existing conditions: one or more wheels are missing; one or more tires are missing; two or more tires are flat; one or more windows are missing or broken; the windshield is shattered or missing; parts necessary for the operation of the vehicle are missing.

(4) "Junk Vehicle" means any vehicle that is wrecked, dismantled, disabled, or so damaged as to appear not safely operable.

~~(b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree for a first offense. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, the person is guilty of a misdemeanor of the third degree. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, the person is guilty of a misdemeanor of the second degree. The penalty shall be as provided in Section 698.02. **No person shall park or leave any vehicle between the front setback line and the public right of way, excluding the area approved as a driveway and/or turnabout. Vehicles parked on private property shall be parked on a concrete driveway or turnabout or other**~~

approved hard-surface parking area.

(c) No person shall maintain more than one vehicle at the same time on private property for the purpose of advertising such vehicle for sale. Nothing herein shall be deemed to apply to any premises for which a currently valid State license has been issued pursuant to Chapter 4517 of the Ohio Revised Code and for which a permit allowing the use of the premises for the sale of vehicles has been issued by the City.

(d) (1) The Police Chief may send notice to the person having the right to the possession of property on which a junk vehicle, inoperable vehicle, or unlicensed vehicle is left, that within 10 days of receipt of the notice, such vehicle either shall be covered by being housed in a garage or other suitable structure where it is not visible, or shall be removed from the property.

(2) No person shall willfully leave a junk vehicle, inoperable vehicle, or unlicensed vehicle uncovered in the open for more than 10 days after receipt of a notice as provided in this section. The fact that such vehicle is so left is prima-facie evidence of willful failure to comply with the notice. Nothing herein shall apply to junk yards or scrap metal processing facilities licensed under Chapter 4737 of the Ohio Revised Code or regulated under the authority of the City, or to vehicles that are part of a bona fide commercial operation.

(e) No person shall repair, repaint or perform any other work on a vehicle in a residential neighborhood except as follows:

(1) Such work is temporary in nature.

(2) Such work is performed on a vehicle owned, leased or rented by a resident of the premises where the work is done.

(3) Such work must be done inside a structure or similarly enclosed area. Any spray painting must be done inside a structure or similarly enclosed area designed and approved for such purpose by the Fire Division and the Building Division.

(4) Such work must be performed between the hours of 8:00 a.m. and 9:00 p.m.

(f) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, is guilty of a first-degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(g) Whoever violates subsections (b) or (d) hereof is guilty of a minor misdemeanor. In addition to any other method of enforcement, a violation of subsections (b) or (d) may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates

subsections (b) or (d) as a fourth and subsequent offense is guilty of a first-degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

~~660.32 — JUNK VEHICLES; COLLECTORS' VEHICLES; HISTORICAL VEHICLES; STORAGE; NOTICE.~~

~~(a) — As used in this section, “junk motor vehicle” means any motor vehicle which is three years old or older; extensively damaged, such damage including, but not limited to, any of the following: missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of four hundred dollars (\$400.00) or less, that is left on private property for more than seventy-two hours, with the permission of the person having the right to the possession of the property, and said vehicle is not stored in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12, or regulated under the authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation.~~

~~(b) — As used in this section, “collector's vehicle” means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation. “Licensed collector's vehicle” means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under Ohio R.C. 4503.45, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.~~

~~(c) — As used in this section, “historical motor vehicle” means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades and similar uses, but that in no event is used for general transportation.~~

~~(d) — A person having permission to store or keep a junk motor vehicle, a collector's vehicle or a historical motor vehicle on private property shall be required to park said vehicle in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property.~~

~~(e) — The Chief of Police may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle, collector's vehicle or historical motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle, collector's vehicle or historical motor vehicle shall be either stored in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property, or removed from the property.~~

~~(f) No person shall willfully leave a junk motor vehicle, collector's vehicle or historical motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle, collector's vehicle or historical motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle, collector's vehicle or historical motor vehicle continues to be so left constitutes a separate offense.~~

~~(g) Whoever violates this section is guilty of a minor misdemeanor for a first offense; for a second offense such person is guilty of a misdemeanor of the fourth degree; for each subsequent offense such person is guilty of a misdemeanor of the third degree. The penalty shall be as provided in Section 698.02.~~

~~660.325 UNREGISTERED AND/OR INOPERABLE VEHICLES.~~

~~(a) As used in this section, "unregistered and/or inoperable vehicle" means any motor vehicle for which the owner has failed to file annually the application for registration or pay the tax therefor as required by Ohio R.C. 4503.11, or any motor vehicle which is inoperable.~~

~~(b) No person shall store or keep an unregistered and/or inoperable vehicle on any private property unless such vehicle is housed in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12, or regulated under the authority of the City; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation in a commercially zoned area.~~

~~(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree for a first offense. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, the person is guilty of a misdemeanor of the third degree. If, within one year of an offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, the person is guilty of a misdemeanor of the second degree. The penalty shall be as provided in Section 698.02.~~

~~660.33 SALES OF FROZEN DESSERTS FROM VEHICLES PROHIBITED. (REPEALED)~~

~~660.34 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.~~

~~(a) No person shall place or knowingly drop upon any part of a sidewalk or playground any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.~~

~~(b) No person shall walk on, or allow any animal upon, or injure or deface in~~

any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.35 DEPOSIT OF SNOW, ICE, SLUSH.

(a) No person shall push, throw, snowblow, deposit or cause to be pushed, thrown, snowblown or deposited any snow, ice, slush or other material into or upon any street or highway, sidewalk or other public grounds, except that only snow, ice or slush may be deposited on that portion of the public right-of-way located between the sidewalk and street or highway, commonly known as the tree lawn or park strip. Snow, ice or slush may not be deposited upon any tree lawn area other than that which abuts the property from which the snow, ice or slush has been removed.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.36 CONSTRUCTION SITES; TRACKING MUD UPON PUBLIC WAYS.

(a) During the time of construction, it shall be the duty of the general contractor to so supervise the handling of all traffic entering and leaving the property under construction so as to prevent mud or debris of any nature from being tracked onto the sidewalks and streets of the City. Failure to so control any vehicle entering or leaving the property under construction thereby causing dirt, mud or any other debris to be deposited on the streets or sidewalks of the City shall be deemed a violation of this section.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.37 BARRICADES AND WARNING LIGHTS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.38 STEEL-JAWED TRAP.

(a) No person shall use, employ or set a leghold, steel-jawed trap within the Municipality.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for a second or subsequent offense. The penalty shall be as provided in Section 698.02.

660.39 DESIGNATION OF NONSMOKING AREAS. (REPEALED)

660.40 MOTOR VEHICLE REPAIRS ON PARKING LOTS AND PUBLIC RIGHTS- OF-WAY.

(a) No person shall knowingly dump or empty gasoline, motor oil, antifreeze or any other liquid which is intended for use in connection with the operation of motor vehicles, onto the surface of any public or private parking lot or into any drain, sewer or catch basin which is located on or in any public or private parking lot or public right-of-way.

(b) No person shall knowingly deposit any gasoline, motor oil, antifreeze or any other liquid which is intended for use in connection with the operation of motor vehicles, or any container, equipment or part containing such a liquid, into any refuse container located on a public or private parking lot unless the container has been specifically designated and clearly identified by its owner as being for such purpose.

(c) No person shall knowingly throw or deposit any liquid, part, container or packaging material resulting from that individual's maintenance or repair of a motor vehicle onto any public or private parking lot or public right-of-way.

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

660.41 POLYCHLORINATED BIPHENYLS (PCB'S).

(a) As used in this section, "person" includes all persons, natural and artificial, and includes, but is not limited to, private corporations, public utilities, partners, principals, agents and employees.

(b) No person shall introduce or install within the City an electrical transformer or capacitor containing or utilizing polychlorinated biphenyls (PCB's) in a concentration of one part per million or greater.

(c) Within forty-five days of the enactment of this section, all persons who own, lease, operate or maintain within the City one or more electrical transformers or capacitors containing or utilizing polychlorinated biphenyls in a concentration of one part per million or greater shall conduct a survey thereof and shall submit to the Director of Public Safety a written itemized report containing the following information: the exact location of each such transformer or capacitor; the date of original installation of each; the projected useful life of each at the time of installation; and the history of all repairs made to each.

(d) All electrical transformers or capacitors containing or utilizing polychlorinated biphenyls in a concentration of one part per million or greater and already located within the City shall be removed as soon as reasonably possible and, in any event, on or before December 31, 1986.

(e) Within thirty days of the date of filing a report pursuant to subsection (c) hereof, all persons who own, lease, operate or maintain within the City one or more electrical transformers or capacitors containing or utilizing polychlorinated biphenyls in a concentration of one part per million or greater shall submit a second written report to the Director of Public Safety detailing the measures which such persons will take to comply with subsection (d) hereof.

(f) All persons who own, lease, operate or maintain within the City one or more electrical transformers or capacitors containing or utilizing polychlorinated biphenyls in a concentration of one part per million or greater shall, in the daily operation thereof, proceed as follows:

(1) Whenever a leak or discharge of any polychlorinated biphenyls is suspected or reported at any location within the City, the Director of Public Safety and the Fire Chief shall immediately be notified in person or by telephone.

(2) Any such leaking or discharging electrical transformer or capacitor shall immediately and forever be removed from the City.

(3) All such leaking and discharging polychlorinated biphenyls shall immediately be properly disposed of, under supervision of the Fire Chief, so that upon completion of such disposal, no trace of polychlorinated biphenyls at a level of one part per million or greater can be detected in the surrounding environment.

(g) The Director of Law, upon the request of the Director of Public Safety, is authorized to bring a civil action to enforce the provisions of this section.

(h) Whoever violates subsection (b) or (d) hereof shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. Each transformer or capacitor in violation shall be deemed a separate and distinct offense and a separate and distinct offense shall be deemed committed each day a violation continues.

(i) Whoever violates subsection (c) or (e) hereof shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. A separate and distinct offense shall be deemed committed each day a violation continues.

(j) Whoever violates subsection (f) hereof is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(k) Upon enactment of this section, the Clerk of Council is hereby authorized and directed to submit certified copies thereof to the Cleveland Electric Illuminating Company and to any other person designated by the Director of Public Safety as being likely to be subject to this section at the present time.

(l) This section shall not apply to persons who may be maintaining or operating equipment containing polychlorinated biphenyls who are able to demonstrate to the Director of Public Safety the following:

- (1) That such equipment is located entirely on private property;
- (2) That, in the event of leak or discharge of polychlorinated biphenyls at the subject location, there is no reasonable likelihood that polychlorinated biphenyls would escape to contaminate public water supplies; and
- (3) That such person is, in the absence of local control, still subject to regulation by an agency of the Federal government with respect to polychlorinated biphenyls.

Notwithstanding the foregoing, no exemption is granted by this subsection to any person with respect to compliance with subsection (f) hereof.

660.42 USE AND MAINTENANCE OF TREELAWNS. (REPEALED)

660.43 FIREWOOD STORAGE. (REPEALED)

660.44 HOLES OR EXCAVATIONS TO BURY TREE STUMPS OR WASTE. (REPEALED)

660.45 SANITARY CONDITIONS OF COMPOSTING. (REPEALED)

660.46 OPEN BURNING.

(a) (1) Definitions. As used in this section:

A. "Agricultural waste" means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

B. "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.

C. "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

1. A tornado.
2. High winds.
3. An earthquake.
4. An explosion.
5. A flood.
6. A hail storm, a rain storm, or an ice storm.

D. "Garbage" means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

E. "Land clearing waste" means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. "Land clearing waste" also includes the plant waste material generated during the clearing of land for new agricultural development.

F. "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

G. "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to Ohio R.C. 3704.03 or

the Chief of any Ohio Environmental Protection Agency District Office.

H. "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. "Open burning" includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or 3745-17-10.

I. "Residential waste" means any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

J. "Restricted area" means the following:

1. Except as provided in division 2. of this definition, the area within the boundary of any municipal corporation established in accordance with the provisions of Ohio R.C. Title 7, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest Federal Census.

2. "Restricted area" shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of division (c) of this section.

K. "Unrestricted area" means all areas outside the boundaries of a "restricted area" as defined above.

(2) Incorporation by reference. This section includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this section. The materials are hereby made a part of the regulations in this section. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this section. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

A. Availability. The materials incorporated by reference are available as follows: National Fire Protection Association – Information on the National Protection Association codes may be obtained by contacting association at 1 Patterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered online at: www.nfpa.org/catalog/home/index.asp. Copies of the code are

available at most public libraries and at the State Library of Ohio.

B. Incorporated materials. The following material is incorporated: NFPA publication 1403, *Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures*, November 2001 Edition.

(b) Relation to Other Laws.

(1) Notwithstanding any provision in OAC Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under OAC Chapter 3745-25 is in effect.

(2) No provisions of OAC Chapter 3745-19 permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any state department, or any local ordinance or regulation dealing with open burning.

(c) Open Burning in Restricted Areas.

(1) No person or property owner shall cause or allow open burning in a restricted area except as provided in divisions (b) to (d) of this section or in Ohio R.C. 3704.11.

(2) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

A. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

B. Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

1. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;

2. They are not used for waste disposal purposes; and

3. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

C. Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to O.A.C. 3745-50-45(D)(1)(d).

D. Recognized training in the use of fire extinguishers for

commercial or industrial fire prevention.

E. Fires allowed by divisions (c)(2)A., (c)(2)B., and (c)(2)D. of this section shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(3) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with division (d)(2) of this section:

A. Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

B. Bonfires or campfires used for ceremonial purposes that do not meet the requirements of division (c)(2)B. of this section, provided the following conditions are met:

1. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;
2. They are not used for waste disposal purposes; and
3. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

C. Disposal of agricultural waste generated on the premises if the following conditions are observed:

1. The fire is set only when atmospheric conditions will readily dissipate contaminants;
2. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
3. The fire is located at a point on the premises no less than 1,000 feet from any inhabited building not located on said premises;
4. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
5. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(4) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with division (d)(1) of

this section, provided that any conditions specified in the permission are followed:

A. Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in division (c)(2)C. of this section;

B. Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403, *Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures*, provided that the application required in division (d)(1)A. of this section is submitted by the commercial or public entity responsible for the instruction;

C. In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to O.A.C. 3745-19-03. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

D. Recognized horticultural, silvicultural, range, or wildlife management practices; and

E. Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(d) Permission to Individuals and Notification to the Ohio EPA.

(1) Permission.

A. An application for permission to open burn shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as required by the Ohio EPA.

B. Except as provided in divisions (d)(1)F. and (d)(1)G. of this section, such applications shall contain, as a minimum, information regarding:

1. The purpose of the proposed burning;
2. The nature of quantities of material to be burned;
3. The date or dates when such burning will take place;
4. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields,

and other pertinent landmarks; and

5. The methods or actions which will be taken to reduce the emissions of air contaminants.

C. Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of O.A.C. Chapter 3745-19.

D. Except as provided in division (d)(1)F. of this section, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

E. Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

F. The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio Fire Academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to division (d)(1)A. of this section shall contain information as required in division (d)(1)B. of this section, except the information required in divisions (d)(1)B.3. and (d)(1)B.4. of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA District Office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.

G. For open burning defined under division (c)(4)B. of this section and O.A.C. 3745-19-04(C)(2), permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with O.A.C. 3745-20-03.

(2) Notification.

A. Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and

contain such information as shall be required by the Ohio EPA.

B. Such notification shall inform the Ohio EPA regarding:

1. The purpose of the proposed burning;
2. The nature and quantities of materials to be burned;
3. The date or dates when such burning will take place; and
4. The location of the burning site.

C. The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.

(e) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. In addition, the offender shall be required to pay the cost of proper disposal of the materials burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water and solid waste laws, ordinances and regulations of the Municipality and the State.

660.47 MOSQUITO CONTROL.

Water containing receptacles such as barrels, but are not limited to barrels, tin cans, and automobile tires must be emptied. Repairs must be made to leaking plumbing or gutter systems that create pools of water on the ground. Birdbaths must be emptied and thoroughly washed once a week. Swimming pools which are the source of stagnant water or a health hazard shall be emptied.