

## CLACKAMAS COUNTY FIRE DEFENSE BOARD

### Open Burning Position Statement

Adopted: \_\_\_\_\_, 2010

Last revisions July 12, 2010

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**Purpose:** The purpose of this document is to facilitate coordination of open burning throughout Clackamas County. In an effort to accomplish this, the Clackamas County Fire Defense Board (CCFDB) adopts the following understanding:

- ODF and local fire agencies each have the responsibility and authority to manage open burning within their service area. CCFDB Open Burning guidelines will facilitate a consistent regional approach.
- CCFDB Open Burning guidelines will be consistent with existing Oregon Revised Statutes, Oregon Administrative Rules, and the Oregon Fire Code.
- CCFDB Open Burning guidelines will be posted or available upon request. Individual Clackamas County fire agency Open Burning Rules may be more restrictive than adopted CCFDB industrial fire protection level or other open burning guidelines.
- CCFDB Open Burning guidelines shall provide clear, concise, and user-friendly definitions compliant with the Oregon Plain Language Act (ORS 183.750).
- CCFDB Open Burning guidelines will include three categories of Open Burning: Recreational Fires, Backyard Burning, and Special Burn Permits.
- CCFDB Open Burning guidelines require each fire agency to maintain an Open Burning information line or some other method to inform residents of open burning status/conditions within their boundaries.
- CCFDB members agree that ODF will serve as the lead agency in determining when Clackamas County will change industrial fire protection levels or enter and end annual “Wildland Fire Season”. ODF will coordinate with the CCFDB Chief to notify all fire agencies of these status changes.
- Unlawful fires may be subject to fire district cost recovery fees, DEQ referral, city code enforcement and Oregon Department of Forestry citation processes when appropriate. Unlawful outdoor fires during a declared county-wide high fire danger burn ban are deemed a hazard to public safety. Outdoor fires resulting in smoke impairing the visibility of a public roadway have been deemed a hazard to public safety.
- Industrial and Commercial Open Burning is prohibited within all of Clackamas County. Construction waste and Demolition waste Open Burning are only allowed outside of the special open burning control areas (3 & 6 mile rules).
- Slash burning is allowed with a valid permit issued by Oregon Department of Forestry under the Smoke Management Program. Small amounts of forestland debris not resulting from active logging or thinning may be burned under the Back Yard Burning rules but only during the Back Yard Burning seasons. This does not include material resulting from land clearing activities.

# Three Established Categories of CCFDB Open Burning

## **Recreational Fires:**

A recreational fire (also known as a camp fire, cooking fire, or warming fire) is a small, occasional, fire which is no larger than three ft in diameter and two ft high, burning only dry, cut firewood. Recreational fires are allowed year-round throughout the County under "Low and Moderate Fire Danger Level" except if prohibited by city code. This authority can be withdrawn by a Fire District, ODF or DEQ for burning prohibited materials or if smoke becomes a hazard to public safety.

If property is located within Oregon Department of Forestry boundaries, recreational fires are prohibited without a special burn permit during the ODF declared Fire Season (typically July through October unless a season ending Fall rain event occurs earlier in October).

Recreational fires are not for disposal purposes or to be used in order to burn prohibited materials like plastic, rubber or garbage. For fire safety reasons recreational fires shall be 25 feet from any structure or combustible material, or only 15 feet if contained in a non-combustible fire pit less than 4 feet in diameter and a minimum of 12" high.

## **Back Yard Burning:**

Back yard burning is the burning of organic yard debris on the property of origin, on approved burn days, during approved burn hours, as indicated by the appropriate fire district open burning information burn message. Back Yard Burning is only allowed on property located outside of the DEQ Burn Ban Area (Open Burning Control Area) and is not recommended in compact housing developments. Back Yard Burning may occur under authority of a public "Open Permit." This authority can be withdrawn by a fire district, ODF, or DEQ for unlawful burning such as; burning prohibited materials, fire safety violations or burning on non-approved days. City open burning permits may also be required.

Backyard burning materials must be dried, to the extent practicable, loosely stacked, (to provide adequate air supply) and periodically re-stacked to insure good combustion therefore avoiding smoldering fires. If the smoke becomes a hazard to public safety, the fire must be extinguished. Materials prohibited from burning include but are not limited to; garbage, plastic, rubber, petroleum treated materials and any material that creates dense smoke and noxious odors.

Backyard burn piles can be no larger than 10'X10'X10' and must be a minimum of 50 feet from a structure or other combustible materials. A maximum of two burn piles may be burned at any one time if space allows. All backyard burning fires must be extinguished by the Fires-Out Time, which means no flames or smoke at the end of the established burn hours.

## **Special Burn Permits:**

Special Burn Permits are required for all outdoor fires larger than 10'X10'X10', bonfires, in-ground cooking fires, and fires that require continuous burning beyond the established burn hours. Special Burn Permits are also required for agricultural burning inside the DEQ prohibited burn areas and burning "out of season". Slash burning within ODF's protection boundary requires a permit only from ODF. Contact ODF @ 503-829-2216 for slash burning information.

Special burn permits for agricultural purposes are limited to burning agricultural waste at legitimate agricultural operations as defined by state law, and the property must meet Clackamas County Zoning requirements for agricultural/forestry operations. Fire safety and smoke restrictions apply to all special burn permits, thus burns shall be conducted to minimize odor emissions and smoke that might impact others. Special burn permit fees may apply. All special burn permits require 10 days advanced notice and if issued are valid for a maximum of 15 days with the possibility of a 15 day extension.

Daily fire district open burning information telephone lines are not generally used for Special Burn Permits issued out of the open burning seasons. The Department of Agriculture's burn line (503-986-4755) will be used for this purpose. "Not recommended" means no burning is allowed. Not recommended means no burning with the single exception of a Special Burn Permit specifically allowing burning on closed days. For slash burning permits issued by ODF, call 503-829-2216 for daily burn information.

## **Rules for Christmas Tree Growers:**

The burning of Christmas Trees and Christmas tree waste material should be the last resort after investigating all other options. It is Oregon State policy to eliminate Open Burning disposal practices where alternative disposal methods are feasible, practicable and to encourage alternative disposal methods that emphasize resource recovery.

Christmas tree growers having more than one acre of planted Christmas Trees are considered agricultural operators and therefore may qualify for the agricultural waste burning of Christmas Trees.

Rules specific for Agricultural Christmas Tree Waste Burning are only recognized for the time period between October 15 and May 31 of the following year.

Agricultural Christmas Tree Waste Burning rules are only valid when accompanied by a current Special Burn Permit for the burning of Christmas trees.

The Oregon Department of Agriculture burn line (503) 986-4755 is the designated burn line unless a local opening burning ban is in effect due to high fire danger (annual fire season declared). Burning is allowed only on approved burn days during the burn hours given. “Not recommended” means no burning.

Burning conducted on a “not recommended” burn day, outside of the listed hours or without a current Special Burn Permit will constitute an unlawful fire and, if reported will result in extinguishment and potential invoicing of cost recovery fees for the services.

Smoke from open burning must not obscure any public roadway or create a hazard to public safety.

Fires must be limited in size (30' x 30') and not be a hazard to people, property or standing vegetation.

There is a ten ton limit per day of material that can be burned.

Burn piles require at least 50' of separation from combustibles and others property line.

Fires must be attended at all times until extinguished at the Fires-Out time.

Fire fighting tools, equipment, and/or an adequate water supply, in addition to personnel trained to use fire suppression resources, must be in attendance and capable of extinguishing the fire at all times.

The Oregon Fire Code (307.3) authorizes the Fire Code Official to order the extinguishment by the permit holder, another person responsible, or the fire department of any Open Burning that creates a hazard to public safety.

Violating Open Burning Rules may result in a letter revoking all Open Burning privileges for repeat offenders.

Special Burn Permits require a 10 day advanced notice and are valid for 15 days with the possibility of a 15 day extension by telephone.

CCFDB strongly encourages and may require a drying period of 180 days and the covering of piles to promote drying and efficient combustion.

# Glossary of Open Burning Terms

## **Open Burning**

Open Burning is any outdoor fire. This includes outdoor fire places, fire pits, and chimncias. Controlled fuel source appliances such as barbeques and gas flame pits are not regulated. Specifically, open burning is any outdoor burning when combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney. *Source: ORS 477.001 OAR 340-264-0010, 340-264-0030 (29) (d) CCFDB*

## **Open Burning Fire Safety**

All fires must be controllable and require immediately available fire extinguishing equipment such as a garden hose connected to a water supply, a shovel, or a fire extinguisher. Larger fires may require a dedicated fire suppression crew and/or heavy equipment. All fires shall be constantly attended by a person knowledgeable in the use of the provided fire extinguishing equipment. *Source: OFC 307.5, CCFDB*

## **Attendance when conducting Open Burning**

All outdoor fires shall be constantly attended until the fire is extinguished. The attendant shall have line-of-sight view and reliable communications available to summons assistance if needed. The attendant must have the tools and ability to extinguish the fire. A Special Burn Permit may include alternatives when issued. *Source: OFC 307.5, CCFDB*

## **Approved Burn Day**

Open Burning is allowed only on specific days and during approved burning hours. These conditions are announced by an open burning information line. Burn days and times are set by ODA and ODF meteorologists and must also comply with DEQ and OSFM criteria. *CCFDB* may be more restrictive when establishing their own burn days and times. *Source: ORS 478.960, OAR 340-264, CCFDB*

## **Open Burning Seasons**

The Open Burning seasons are limited to the approved burn days and times during March 1 – June 15 (Spring) and October 1 – December 15 (Fall). These seasons were established based on; fire danger in the summer and early fall, fuel moisture, seasonal weather patterns and atmospheric conditions most favorable in the Willamette Valley Air Shed for smoke rise and dispersal. *Source: DEQ, CCFDB*

## **Fires-Out Time**

The approved burn times announced by an open burning information line include a time of day when all flames and smoke sources associated with open burning shall be extinguished and prohibition conditions are scheduled to be imposed. Special Burn Permit fires have a Fires-Out time specific to the conditions of the permit or at the termination of the permit. A special burn permit must be in possession and on site to exceed established burn times. *Source: ORS 240-266-0030, CCFDB*

## **Smoke and Odor Emissions**

Materials to be burned must be dried to the extent practicable (capable of being done), loosely stacked to provide adequate air supply and periodically re-stacked to insure good combustion therefore avoiding smoldering fires. If the smoke creates a hazard to public safety, the fire must be extinguished. *Source: OAR 340-264-0010(3), 340-264-0050(4) (a) (b) (c), OFC 307.1.1, CCFDB.*

## **Prohibited Materials**

Materials prohibited from burning include, any garbage, plastic, wire insulation, automobile part, tires, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, industrial waste, or any other material which emits dense smoke or noxious odors when burned. *Source: DEQ, CCFDB, OFC 307.1.1*

## **Hazard to Public Safety**

A fire shall be deemed a hazard to public safety when one or more of the following criteria are met:

1. Smoke from open burning impairs the visibility on a roadway.
2. Smoke from open burning causes respiratory illness resulting in an ambulance transport.
3. Any outdoor fire during an imposed open burning ban due fire danger conditions.

*Source: OAR 340-264-0010, OFC 307.5, OFC 307.1.1, CCFDB*

## **Unlawful Fire**

Any open burning not conducted in compliance with *CCFDB* Open Burning guidelines, ODF or local fire district rules is an unlawful fire. Outdoor fires that are deemed a hazard to public safety, fires outside of the burn season without a special permit, and fires conducted before and after the daily established burn times are examples of unlawful fires. Unlawful fires may be subject to extinguishment and cost recovery fee invoicing.

*Source: ORS 478.960, ORS 478.965, OFC 307.1.1, CCFDB.*

## **Yard Debris**

Organic material remaining on the property of origin. Examples include dried wood, needles or leaf materials from trees, shrubs, or plants. *Source: OAR 340-264-0300, CCFDB*

## **Fire Season**

The annual declaration of High Wildland Fire Danger in Clackamas County (usually mid July through October unless a season-ending Fall rain event occurs earlier in October) enacted by the Clackamas County Fire Defense Board Chiefs and Oregon Department of Forestry. A major contributing factor in enacting an annual CFD1 District- wide burn ban is the declaration of Fire Season by ODF. *Source: CCFDB*

## **Land Clearing Debris**

Any waste generated by the removal of debris, logs, trees, or brush from any site in preparation for land improvement or construction projects. Land clearing to plant crops or raise livestock is agriculture waste and requires a special burn permit unless burned under backyard open burning rules. Waste resulting from land clearing in preparation of a permitted structure is considered demolition waste. *Source: CCFDB, DEQ*

## **Interfering with or Assaulting a Firefighter**

A person commits the crime of interfering with a firefighter if the person, knowing that another person is a firefighter, intentionally acts in a manner that prevents, or attempts to prevent, a firefighter from performing the lawful duties of the firefighter. Interfering with a firefighter is a Class A misdemeanor. Assaulting a firefighter is a Class C felony. Circulating a report, known it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency is disorderly conduct in the second degree and is a Class B misdemeanor. *Source: ORS 162.257, 163.208, 166.025.*

## **Approved Recreational Fires during Low and Moderate Fire Danger Level**



**Fire Pits**



**Chiminea**



**3' X 3' Max**

## **Open Burning Established by Oregon Administrative Rule**

The State of Oregon defines types of Open Burning and has established eight classes including; Agricultural, Commercial, Construction, Demolition, Domestic (which includes backyard burning), Industrial, Slash and Field Burning.

*Source: OAR 340-264-0010(1)*

### **Agricultural Burning**

The burning of agriculture waste material generated or used by an agricultural operation on land where the primary purpose is to obtain a profit by raising, harvesting and selling crops or animals is allowed. Additionally, to qualify as an Agricultural Burner the primary living must be earned from the farm or tax returns filed as a Farmer or Grower. A Special Burn Permit is required in order to exceed the Back Yard Burning Rules, burn out of season, or burn within the DEQ burn ban area. Special permits will only be issued on agricultural/forestry property that meets Clackamas County Zoning requirements for agricultural/forestry operations. *Source: OAR 340-264-0030(2) (3) (4), Oregon Department of Agriculture, CCFDB*

### **Commercial Open Burning**

The burning of any commercial waste is prohibited within all of Clackamas County. Commercial waste is any material except: agricultural waste, construction waste, demolition waste, domestic waste, industrial waste and slash. *Source: OAR 340-264-0120(3) OAR 340-264-0030(9)*

### **Construction Open Burning**

Construction waste material consists generally of materials used for, resulting from or produced by a building or construction project but does not include the items prohibited to be burned statewide. The Open Burning of construction waste is allowed outside of the special open burning control area. (3 & 6 mile rule) *Source: OAR 340-264-0120(4), 340-264.0030(11) (12)*

### **Demolition Open Burning**

Materials resulting from the destruction of a man-made structure or clearing of land is demolition waste excluding yard debris and agricultural waste. The Open Burning of demolition waste is similar to Construction Open Burning and is only allowed outside of the special open burning control area. (3 & 6 mile rule) *Source: OAR 340-264-0030(14) (15) & OAR 340-264-0120(4)*

### **Domestic Open Burning (Back Yard Burning)**

Back yard burning of certain types of household waste material is allowed outside of the DEQ burn boundary and only on approved burn days. The material burned must be from the property on which the burning occurs or it is considered commercial waste and is therefore prohibited. Approved materials for burning includes: yard debris (dried to the extent practical), paper and cardboard. *Source: OAR 340-264-0030(18) (19) CCFDB, DEQ*

### **Industrial Open Burning**

Industrial Open Burning is prohibited in Clackamas County and includes process waste produced as the direct result of any manufacturing or industrial process. *Source: OAR 340-264-0030(24) OAR 340-264-0120(1)*

### **Slash Burning**

Slash is forest debris or woody vegetation to be burned that is related to the management of forest land used for growing and harvesting timber. Slash burning is managed by the Oregon Department of Forestry. *Source: OAR 340-264-0030(33)*

### **Field Burning**

Field Burning is the burning of any grass field, pasture, range land or other field by open burning. Field Burning of any perennial or annual grass seed or cereal grain crop, or associated residue is regulated by the Oregon Department of Agriculture. *Source: OAR 340-264-0030(25), ODA, OFC 307.2, CCFDB*

# Clackamas County Fire Defense Board

## Open Burning Information

Fire Agency	Open Burning Information	Telephone Number	Website
<b>Boring Fire District</b>	503-663-4121	503-663-4638	<a href="http://www.boringfire.com/">http://www.boringfire.com/</a>
<b>Canby Fire District #62</b>	503-266-1195	503-266-5851	<a href="http://www.canbyfire.org/">http://www.canbyfire.org/</a>
<b>Clackamas Fire District #1</b>	503-632-0211	503-742-2600	<a href="http://www.clackamasfire.com/">http://www.clackamasfire.com/</a>
<b>Colton Fire District</b>	503-824-3111	503-824-2545	<a href="http://www.coltonfiredistrict.org/">http://www.coltonfiredistrict.org/</a>
<b>Estacada Fire District #69</b>	503-630-7714	503-630-7712	<a href="http://www.estacadafire.org/">http://www.estacadafire.org/</a>
<b>Gladstone Fire Department</b>	None	503-557-2775	<a href="http://www.ci.gladstone.or.us/fire">www.ci.gladstone.or.us/fire</a>
<b>Hoodland Fire District</b>	503-622-3463	503-622-3256	<a href="http://www.hoodlandfire.org/">http://www.hoodlandfire.org/</a>
<b>Lake Oswego Fire Department</b>	None	503-635-0275	<a href="http://ci.oswego.or.us/">http://ci.oswego.or.us/</a>
<b>Molalla Fire District #73</b>	503-829-2217	503-829-2200	<a href="http://www.molallafire.org/">http://www.molallafire.org/</a>
<b>Oregon Department of Forestry</b>	503-829-2216	503-945-7200	<a href="http://egov.oregon.gov/ODF/">http://egov.oregon.gov/ODF/</a>
<b>Sandy Fire District #72</b>	503-668-0126	503-668-8093	<a href="http://sandyfire.org/">http://sandyfire.org/</a>
<b>Tualatin Valley Fire and Rescue</b>	503-629-8605	503-649-8577	<a href="http://tvfr.com/">http://tvfr.com/</a>
<b>Aurora Fire District</b>	503-982-0011	503-678-5966	<a href="http://www.aurorafire.org/index.php">http://www.aurorafire.org/index.php</a>
<b>Monitor Fire District</b>	877-982-0011	503-634-2570	<a href="http://www.monitorfire.com/index.html">http://www.monitorfire.com/index.html</a>
<b>Silverton Fire District</b>	503-873-3138	503-873-5328	<a href="http://www.silvertonfire.com/">http://www.silvertonfire.com/</a>

## **Additional Sources of Information**

Oregon Department of Agriculture  
Natural Resources Division  
Smoke Management Program  
635 Capital Street NE Salem, Oregon 97301  
503 986 4701  
<http://oregon.gov/ODA/NRD/smokefrontpage.shtml>

Oregon Department of Environmental  
Quality  
750 Front Street, Suite 120  
Salem, Oregon 97301  
503 378 5408  
<http://oregon.gov/DEQ>

Oregon Department of Forestry  
2600 State Street  
Salem, Oregon 97310  
503 945 7200  
<http://oregon.gov/ODF>

Oregon State Fire Marshal  
4670 Portland Road NE  
Salem, Oregon 97305  
503 378 3473  
[http://oregon.gov/OSP/SFM?contact\\_us.shtml](http://oregon.gov/OSP/SFM?contact_us.shtml)

Oregon Fire Code Committee – John Caul  
Oregon State Fire Marshal  
4670 Portland Road NE  
Salem, Oregon 97305  
503 378 3473  
[oregon.sfm@state.or.us](mailto:oregon.sfm@state.or.us)

Oregon Revised Statutes  
Available online at  
<http://www.leg.state.or.us/ors/>

Oregon Administrative Rules  
Available online  
[http://arcweb.sos.state.or.us/rules/number\\_index.html](http://arcweb.sos.state.or.us/rules/number_index.html)

American Lung Association  
1301 Pennsylvania Ave. NW, Washington,  
DC 20004  
T: 202 785 3355 | F: 202 452 1805 | E:  
[info@lungusa.org](mailto:info@lungusa.org)


U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
<http://www.epa.gov/region10/>  
Phone: (800) 424-4372

Oregon State University Extension Service  
<http://extension.oregonstate.edu/locations.php>

Clackamas County Office of Sustainability  
150 Beaver Creek Rd.  
Oregon City OR 97045  
Phone: (503) 557-6363  
[sustainability@co.clackamas.or.us](mailto:sustainability@co.clackamas.or.us)

# CLACKAMAS COUNTY FIRE DEFENSE BOARD

## EXPLANATION OF MANAGEMENT LEVELS

Industrial Level	Industrial Fire Protection Level	Fire District Burn Levels (Including ODF Protection District)	Fire Danger Level
<b>0</b>	<b><u>OPEN FIRE SEASON</u></b>	Refer to ODF and/or local fire district open burning rules for regulation details. Special open burning permits may be required. Recreational fires allowed with precautions.	<b>Low “A”</b>
<b>1</b>	<b><u>ANNUAL FIRE SEASON DECLARED - (CLOSED SEASON)</u></b> Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.	July–October based upon conditions.  <b>Recreational fires allowed with precautions.</b>  All other open burning requires a <b>current</b> written ODF or local fire district special open burn permit in possession at time of fire.	<b>Moderate “B”</b>
<b>2</b>	<b><u>REGULATED USE – DECLARED by ODF</u></b>  <b><u>PARTIAL HOOTOWL</u></b> The following may operate only between the hours of 8PM and 1PM local time: <ul style="list-style-type: none"><li>• Power saws, except at loading sites</li><li>• Cable yarding</li><li>• Blasting</li><li>• Welding or cutting of metal</li></ul>	<b>Recreational and campfires allowed only in designated campgrounds with approved fire pits.</b>  Significant fire safety precautions are necessary. All other open burning requires a written ODF or local fire district special open burn permit to be in possession at time of the fire.	<b>High “C”</b>
<b>3</b>	<b><u>PARTIAL SHUTDOWN</u></b> The following are prohibited except as indicated: Cable yarding – except that gravity operated systems employing non-motorized carriages may operate between 8PM and 1PM when all blocks and moving lines are suspended 10 feet above the ground, except the line between the carriage and the chokers.  In addition, the following are permitted to operate only between the hours of 8PM and 1PM local time: <ul style="list-style-type: none"><li>• Tractor/skidder operations</li><li>• Mechanized loading or hauling of any product or material</li><li>• Blasting</li><li>• Welding and cutting of metal</li><li>• Any other spark-emitting operation not specifically motioned</li></ul>	TOTAL OPEN BURNING BAN  NO OUTDOOR FIRES ARE ALLOWED  	<b>Extreme “D”</b>
<b>4</b>	<b><u>GENERAL SHUTDOWN</u></b> All operations are prohibited.	TOTAL OPEN BURNING BAN  NO OUTDOOR FIRES ARE ALLOWED	<b>Extreme “D”</b>

