



Open Burning Rules

All Clackamas Fire District #1 Open Burning Rules shall be consistent with Oregon Law and the Oregon Fire Code.

All unlawful fires within the boundaries of Clackamas Fire District #1 may be subject to cost recovery fees, DEQ referral and Oregon Department of Forestry citation processes when appropriate.

Open Burning Rules will be posted on the Fire District's public web site and be available in print.

Open Burning Rules shall include clear, concise, and user-friendly definitions that are compliant with the Oregon Plain Language Act (ORS 183.750)

Unlawful outdoor fires during a declared district-wide high community fire danger burn ban are deemed a hazard to public safety and will result in a Fire District response, extinguishment and invoicing of cost recovery fees for Fire District actions taken.

Outdoor fires resulting in smoke impairing the visibility of a public roadway have been deemed a hazard to public safety and will result in response, extinguishment, and consideration for cost recovery fees for fire district actions taken.

Outdoor fires resulting in smoke causing respiratory illness, which requires emergency medical ambulance transportation, are deemed a hazard to public safety and will include a response, extinguishment at the fire official's discretion and consideration of cost recovery fees for fire district actions taken.

Unless an open burning complaint has been deemed a hazard to public safety, it represents a low priority service call and thus will not take priority over emergency response or emergency response readiness.

Open Burning complaints shall be submitted by members of the public by calling 503-742-2660 (CFD#1 Fire Prevention M-F) or 503-655-9811 (Dispatch non-emergency line) and will be sorted and prioritized to determine the appropriate level of response.

Industrial and Commercial open burning is prohibited within all of Clackamas County

Construction waste and Demolition open burning is 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 State Forestry under the Smoke Management Program. Small amounts of slash not resulting from active logging or thinning may be burned under the back yard burning rules but only during the back yard burning seasons.

Field burning is regulated by the Oregon Department of Agriculture.

Three Categories of CFD1 Open Burning

Recreational Fires:

A recreational fire (also known as a camp fire, cooking fire, or warming fire) is a small, occasional (less than four per month) 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 fire district except during severe fire conditions or if the smoke affects others. This authority can be withdrawn by CFD1 or DEQ for burning prohibited materials or if smoke is a nuisance to others.

Recreational fires are not to be used 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 10 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 daily CFD1 burn message (503-632-0211). 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. Backyard burning may occur under CFD1 authority of a public "Open Permit." This authority can be withdrawn by CFD1 or DEQ for unlawful burning like; burning prohibited materials, fire safety violations or burning on non-approved days. A City of Happy Valley Burn Permit is also required within the City of Happy Valley.

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 or odor emission is offensive to others, 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 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, burning "out of season", and for piles larger than 10'X10'X10'.

Special burn permits for agricultural/forestry purposes are limited to burning agricultural/forestry waste at legitimate agricultural/forestry 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.

The Daily Burn Message is not for Special Burn Permits out of the open burning seasons, the Department of Agriculture's burn line (503-986-4755) will be used and "not recommended" means no burning. Not recommended means NO burning with the single exception of a Special Burn Permit specifically allowing burning on those days. 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.

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 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 CFD1 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 burn line to be used. Burning is allowed only on 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 CFD1 Special Burn Permit will constitute an unlawful fire and, if reported will result in extinguishment and 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.

A ten ton limit per day 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 open burning that creates or adds to a hazardous or objectionable situation.

Violating established CFD1 Open Burning Rules may result in a letter revoking all open burning privileges for repeat offenders.

All CFD1 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.

We strongly encourage 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 chimneys. Controlled fuel source appliances such as barbecues 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) CFD1*

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, CFD1*

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, CFD1*

Approved CFD1 Burn Day

Open Burning is allowed only on specific days and during approved burning hours. These conditions are announced by the CFD1's open burning information line (503) 632-0211. Burn days and times are set by ODA and ODF meteorologists and must also comply with DEQ and OSFM criteria. CFD1 may be more restrictive when establishing CFD1 burn days and times. *Source: ORS 478.960, OAR 340-264, CFD1*

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, CFD1*

Fires-Out Time

The approved burn times announced by the CFD1 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 CFD1 special burn permit must be in possession and on site to exceed established burn times. *Source: ORS 240-266-0030, CFD1*

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 or odor emission offensively affects others the condition must be remedied or the fire must be extinguished. *Source: OAR 340-264-0010(3), 340-264-0050(4) (a) (b) (c), OFC 307.1.1*

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, CFD1*

Hazard to Public Safety

A fire shall be deemed a hazard to public safety when smoke from open burning impairs the visibility on a roadway, causes respiratory illness to others, or endangers others due to high or extreme fire danger conditions.

Source: OAR 340-264-0010, OFC 307.5, OFC 307.1.1, CFD1

Unlawful Fire

Any open burning not conducted in compliance with CFD1 open burning polices permits or directions 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 are subject to extinguishment and cost recovery fee invoicing.

Source: ORS 478.960, ORS 478.965, OFC 307.1.1, CFD1 Fee Ordinance

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, CFD1

Fire Season

The annual declaration of high wildland fire danger in Clackamas County (usually mid July through fall rains) 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 ODF regulated forest use.

Source: CCFDB, CFD1

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 may be agriculture burning and likely requires a special burn permit. Land clearing to build a structure that's purpose is not for commercial agricultural is demolition waste.

Source: CCFDB, CFD1, 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.

Open Burning Established by Oregon Administrative Rule

The State of Oregon defines types of open burning and has established eight classes; 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 that's 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 CFD1 Special Burn Permit is required to exceed the Back Yard Burning Rules, burn of out 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, CFD1*

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 is generally 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) CFD1, 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, CFD1*