

BE IT REMEMBERED, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Commission, when were present:

The Honorable R. Matthew Scarfo Chair
Donna Beverage Commissioner
Paul Anderes Commissioner

WHEN, on Wednesday the _____ day of _____, 2024, among others the following proceedings were had to wit:

IN THE MATTER OF AN ORDINANCE)
REGULATING BURNING OUTSIDE CITY) ORDINANCE
LIMITS) 2024-02

WHEREAS, the Union County Board of Commissioners have determined that lands which are outside of city limits are particularly exposed to increased fire danger during fire season, at which time a fire could cause substantial damage to property and/or loss of human life; and

WHEREAS, the unregulated burning of certain materials can pose risks to public health through the release of toxic chemicals and smoke; and

WHEREAS, in order to minimize this threat to property, public health, and human life, it is necessary to regulate open burning and the use of incinerators and burn barrels outside of city limits.

NOW THEREFORE, it is HEREBY ADOPTED by the Union County Board of Commissioners an ordinance regulating the use of incinerators, burn barrels, improved fire pits, fire appliances, and prohibiting burning other than regulated agricultural field burning and prescribed fires authorized by state or federal agencies during certain times. This ordinance repeals and replaces ordinance numbers 1991-19, 2016-1, and 2018-1.

1. Definitions:

- a) Fire Appliance: Gas fire places, metal or stone chimneys, charcoal barbeques, outdoor ovens, and commercially-manufactured fire pits or similar products.
- b) Fire Ring: A structure with a diameter of less than six feet with walls at least six inches in height made of non-combustible material such as rock, steel, or concrete that effectively contains burning materials to prevent accidental fire spread.
- c) Open Burning: Burning of piled or disbursed vegetation or organic debris such as leaves or tree branches outside of a fire ring or fire appliance.
- d) Regulated Agricultural Field Burning: The burning of residue in crop fields coordinated through and authorized by Union County Smoke Management per Ordinance 2004-01.
- e) Regulated Fire Season: A defined period of time during which additional fire restrictions are imposed. Absent special action taken, it is in place from July 1 to September 30 of each year.

- f) Responsible Person(s): A person 18 years of age or older who is responsible for lighting and/or monitoring a fire, ensuring it does not escape, and capable of activating an emergency response. This person must also possess a shovel or equivalent firefighting tools and water sufficient to suppress accidental ignitions.

2. **Burn Permits Required, Excepted Uses:** A burn permit issued per rules set forth by the local agency having jurisdiction (fire districts in protected areas, Union County in unprotected areas) is required for all open burning at all times outside city limits. Permits must be acquired for each day burning will occur. The use of burn barrels, improved fire pits, and fire appliances are allowed without a permit, but all use must adhere to the requirements listed below.

- a) Burn Barrels: The use of incinerators and burn barrels for the burning of untreated wood, paper products and/or natural vegetative materials within the described lands is allowed outside of fire season when in compliance with the following conditions:
 - i) Barrels must be located in an area free of combustible materials within a 10 foot radius around the base of the burn barrel, and burn barrels shall not be within 25 feet of any building, vehicle, trailer, wooden fence, or fuel storage containers.
 - ii) Burn barrels shall be in good condition and equipped with a heavy metal screen on top (minimum 14 gauge wire mesh, one-fourth inch or smaller openings in order to prevent sparks from escaping and igniting nearby vegetation).
 - iii) Burn barrel fires shall be attended at all times by responsible person(s), and said persons shall have on site and readily available for use a shovel and water sufficient to suppress accidental ignitions.
 - iv) Burning is prohibited on days with wind that is sufficient or likely to blow burning materials beyond the cleared area.
 - v) Oregon Department of Forestry (ODF) burn permit requirements must also be followed in areas within ODF jurisdiction.
- b) Fire Rings and Appliances: The use of improved fire pits and fire appliances are allowed without a permit by permission of the land owner or their agent under the following conditions:
 - i) Fire Rings: Fire rings must meet requirements defined in Section 1(b) and all combustible material shall be removed a minimum of three feet beyond the fire ring, and readily combustible material such as dry grass must be removed a minimum of 10 feet surrounding the fire ring.
 - ii) All manufacture's suggestions, instructions and safety precautions must be followed to ensure the fire appliance is in good working order and operates per manufacturer's specifications.
 - iii) Only fuel comprised of untreated wood, paper products and/or natural vegetative materials may be burned in a fire ring or fire appliance.
 - iv) Fires must be attended at all times by responsible person(s).
 - v) The fire must be attended until fully extinguished.
 - vi) Oregon Department of Forestry (ODF) burn permit requirements must also be followed in areas within ODF jurisdiction.

3. **Prohibitions:** Burning of construction or demolition debris, plastics and synthetic foams, materials containing asbestos, tires or rubber products, household garbage or food waste, wire insulation, waste oil or other petroleum products, automobile parts (including frames), dead animals, or any other materials that produce dense black smoke or an offensive odor when burned is prohibited at all times.
 - a) Burning of any standing constructed structure requires written approval of the fire chief of the district having jurisdiction in addition to securing any other applicable permits.
 - b) Fire departments conducting formal live fire training are exempt from the requirements of this section.
4. **Open Burning:** Open burning is allowed during daylight hours only unless specifically authorized by the fire department or district having jurisdiction. Burn piles shall not be within 25 feet of any building, vehicle, trailer, wooden fence, or fuel storage containers, and all fires shall be attended at all times by a responsible person(s) who possesses a shovel or equivalent firefighting tools and water sufficient to suppress accidental ignitions.
5. **Regulated Fire Season:** During regulated fire season, restrictions on fire use and burning shall be imposed in the interest of public safety as described in this section.
 - a) Entry to and exit from regulated fire season:
 - i) Absent an action taken per subsection a(ii) of this section, regulated fire season shall begin On July 1st of each year, and fire season shall end on September 30th.
 - ii) Following a recommendation of the Union County Fire Defense Board, the Union County Board of Commissioners may annually designate dates for entry to and exit from regulated fire season that shall supersede automatic entry and exit dates.
 - b) Open Burning Prohibited: During regulated fire season, no open burning is permitted on lands outside city limits in Union County. This provision does not prohibit or restrict regulated agricultural field burning or prescribed burning officially authorized by the United States Forest Service, Bureau of Land Management, or Oregon Department of Forestry within their respective jurisdictions.
 - c) Burn Barrels: During regulated fire season, burn barrel or incinerator use meeting the requirements of Subsection 2(a) of this ordinance is permitted only between the hours of 6 a.m. and 10 a.m.
 - d) Fire Pits and Appliances: During regulated fire season, fire pits and fire appliances may be used per the requirements of Subsection 2(b) of this ordinance.
6. **Burn Ban/Regulated Use:** If extreme fire danger exists, the Board of Commissioners may ban all fires outside incorporated cities at the recommendation of the Union County Fire Defense Board. Under a Complete Burn Ban, no outdoor fires of any kind are allowed except regulated agricultural field burning and gas or pellet barbeques.
7. **Special Event Permit:** At the discretion of the affected District Fire Chief, and/or affected fire protection agencies (ODF or USFS), a special use permit for a fire within Regulated Fire Season or a Burn Ban may be issued. Land under dual protection, must be approved by all affected agencies. Permits shall be issued in

writing by the Fire Chief or affected agency administrator and may contain mitigation measures or conditions of approval, e.g. the permit may necessitate the presence of firefighting apparatus.

Any person violating the provisions of this ordinance shall be guilty of a Class A Violation punishable by a maximum fine of \$2,000.00.

First Reading Date: _____

Second Reading Date: _____

Approved this _____ day of _____, 2024.

R. Matthew Scarfo, CHAIR

Donna Beverage, COMMISSIONER

Paul Anderes, COMMISSIONER