



RIDDLE FIRE PROTECTION DISTRICT

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Ordinance No. 061917

SECTION 1: PURPOSE

1.0- This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Riddle Fire Protection District, Douglas County, Oregon due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY

2.0 - This ordinance applies to all outdoor burning and refuse burning within the Riddle Fire Protection District.

SECTION 3: SEVERABILITY

3.0 - Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.1 - "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2 - "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.3 - "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4 - "Fire Chief" means the Chief of the Riddle Fire Protection District or other person(s) authorized by the Fire Chief.

4.5 - "Outdoor Burning" means open burning of any material.

4.6 - "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney of a building.

4.7 - "Refuse" means any waste material except clean wood.

4.8 - "Closed Fire Season" when the Douglas Forest Protective Association deems that conditions warrant regulating open burning.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.0 - Open burning, outdoor burning and refuse burning are prohibited in the Riddle Fire Protection District during the time the Douglas Forest Protective Association has declared "Closed Fire Season" unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.0 - Materials that may not be burned in accordance with ORS 477.515 (OAR 629-043-0040)

6.1 - Unless a specific written approval has been obtained from the Department of Environmental Quality, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Riddle Fire Protection District will not issue a permit for burning any of the following materials without a written copy of an approval by the Department of Environmental Quality. The Fire District reserves the right to not issue a burn permit even with an approval from the Department of Environmental Quality.

6.2 - Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.3 - Waste oil or other oily waste unless in a commercially produced waste oil heater.

6.4 - Asphalt and products containing asphalt.

6.5 - Treated or painted wood including but not limited to, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.6 - Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.

6.7 - Rubber including tires and synthetic rubber-like products.

6.8 - Any other material that is not listed, but prohibited by the Department of Environmental Quality.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.0 - Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

7.1 - All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects on the community. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.2 - Except for gas barbecue, no open burning shall be undertaken during periods when either the Fire Chief or the Douglas Forest Protective Association has issued a burning ban applicable to the area.

7.3 - All open burning conducted by agricultural or silvicultural operation may burn only after they have obtained a permit from the Douglas Forest Protective Association.

7.5 - Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief. These types of fires must also conform to the Regulated Use Restrictions of the Douglas Forest Protective Association.

7.6 - Open burning under this Section shall be conducted only following issuance of and in accordance with a permit issued, by the Fire District or the Douglas Forest Protective Association, during the time period that the Douglas Forest Protective Association has declared "Closed Fire Season".

7.7 - Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours only, per Department of Environmental Quality regulations.

7.8 - Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

SECTION 8: BURN BARRELS

8.0 - A burn barrel may be used in the Riddle Fire Protection District only in accordance with the following provisions:

8.1 - The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.2 - The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen with openings no bigger than ¼ inch.

8.3 - The burn barrel shall have an area of 3' in all directions cleared to mineral soil.

8.4 - The owner of the burn barrel shall obtain a permit from the Fire Chief in accordance with Section 12 of this ordinance.

SECTION 9: FIRE DEPARTMENT PRACTICE BURNS

9.0 – Notwithstanding sections 5 and 6 of this ordinance, the Riddle Fire Protection District may burn buildings and materials as necessary for firefighting practice if the practice burn complies with the requirements of the Department of Environmental Quality.

SECTION 10: BURNING PERMITS

10.0 - No person shall start or maintain any open burning without a burning permit, during "Closed Fire Season", issued by the Riddle Fire Protection District or the Douglas Forest Protective Association.

10.1 -When weather conditions warrant, the Fire Chief or the Douglas Forest Protective Association may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

10.2 - A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

10.3 - Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 11: LIABILITY

11.0 - A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 12: ENFORCEMENT AND COST RECOVERY FEE

12.0 - Enforcement and penalties. ORS 478.965 Recovery by district of costs of suppressing unlawful fire

12.1 - The Fire Chief and the City Manager are authorized to enforce the provisions of this ordinance.

12.2 - Cost recovery fees may be imposed for any response to open burning violations. District personnel will maintain an educational approach to initial open burning responses, but fees shall be invoiced for egregious violations and any open burning during a District-wide Burn Ban due to fire season or extreme fire danger. Open burning violations shall include violations of the Oregon Fire Code (OFC), Oregon Revised Statutes (ORS) or Department of Environmental Quality (DEQ) regulations. Fees will be based upon the reasonable estimate of the actual average cost of an open burning response.

12.3 - Fee schedule

The current schedule adopted by reference in OAR 837, Division 130, State Fire Marshal Standardized Cost Schedule