

CHAPTER 1 OPEN BURNING

2-1-1: ESTABLISHMENT AND PURPOSE:

- A. The purpose of this Chapter is to regulate open burning in Malheur County by requiring burning permits for certain types of burning and prohibiting certain types of burning, and to repeal existing ordinances regarding burning permits and fire usage.
- B. Consistent with the overall public welfare, it is the policy of the County:
1. To eliminate open burning disposal practices where alternative disposal methods are feasible and practicable;
 2. To encourage the development of alternative disposal methods;
 3. To emphasize resource recovery;
 4. To regulate specified types of open burning;
 5. To encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible;
 6. To require specific programs and timetables for compliance with these rules;
 7. To insure proper identification of controlled and permitted burning during a time of fire danger. (1989 Code)

2-1-2: DEFINITIONS:

For the purpose of this Chapter, the following definitions apply:

AGRICULTURAL OPERATION: An activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose; it does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.

AGRICULTURAL WASTE: Any material actually generated or used by an agricultural operation.

BLM: Vale District Office of the Bureau of Land Management, Department of Interior, United States of America.

BURN BARREL: A device used for the sole purpose of burning domestic waste and covered by a mesh screen.

BURNING PERMIT: A burning permit issued pursuant to this Chapter.

CLOSED SEASON: The period of time from June 1 to September 30, unless a greater period of time is otherwise designated by the State Forester or his authorized representative.

COMMERCIAL WASTE: A. Any material except:

- Agricultural waste
- Construction waste
- Demolition waste
- Domestic waste
- Industrial waste

B. Examples of commercial waste are material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, and dwellings containing more than four (4) family living units such as apartments, condominiums, hotels, motels or dormitories.

CONSTRUCTION WASTE: Any material actually resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials used during construction, materials left after completion of construction and materials collected during cleanup of a construction site.

DEMOLITION WASTE: Any material actually resulting from or produced by the complete or partial destruction or tearing down of any manmade structure or land clearing.

DOMESTIC WASTE: Household material, which includes paper, cardboard, clothing, yard debris, or other material actually generated in or around a dwelling of four (4) or fewer family living units, or on the real property appurtenant to the dwelling. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes. Once domestic waste is removed from the property of origin, it becomes commercial waste.

INDUSTRIAL WASTE: Any material, including process waste, produced as the direct result of any manufacturing or industrial process.

LAND CLEARING: The removal of trees, brush, stumps, debris or manmade structures for the purpose of site clean-up or site preparation. All material generated by land clearing is demolition waste except those materials which are included in the definitions of agricultural wastes, and yard debris (domestic waste).

OPEN BURNING: Includes burning in:

- A. Open outdoor fires;
- B. Burn barrels;
- C. Incinerators which do not meet the emission limitations specified for refuse burning equipment in OAR 340-21-025; and

D. Any other burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

RURAL FIRE PROTECTION DISTRICT: A rural fire protection district established pursuant to Oregon law, including, but not limited to, the Nyssa, Adrian, Ontario, Vale, Annex and Ironside Districts.

YARD DEBRIS: Wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four (4) family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. (1989 Code)

2-1-3: EXCEPTIONS TO PROVISIONS:

This Chapter shall not apply to:

- A. Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no materials which may emit dense smoke or noxious odors are burned, except as specifically prohibited in Section 2-1-6 of this Chapter.
- B. The operation of any barbecue equipment.
- C. Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.
- D. Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction. (1989 Code)

2-1-4: GENERAL REQUIREMENTS:

- A. Fire Hazard: No person who owns, controls, has custody, or is a tenant on real property, or owns, controls or has custody of the material described herein, shall allow the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare or to adjacent real or personal property.
- B. Open Burning:
 1. All open burning shall be constantly attended by the person responsible or an expressly authorized agent until extinguished.
 2. Each person who owns, controls, or has custody of the real property on which open burning occurs, including any tenant; or, who owns, controls, or has custody of the material which is burned, shall be considered the person responsible for the open burning. Any person who causes or allows open burning to be initiated or maintained shall also be considered a responsible person.
 3. It shall be the duty of each person responsible to promptly extinguish any burning which is in violation of this Chapter or of any permit issued by the County.

