

Chapter 8.16

OPEN BURNING AND SMOKE MANAGEMENT

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Article I. Open Burning

8.16.010 Definitions.

As used in this article:

“Directors” means Jefferson County rural fire protection district #1 board of directors.

“District” means Jefferson County rural fire protection district #1.

“Effected areas” means land within the district boundaries and that land so designated

by Jefferson County pursuant to Oregon Revised Statutes 476.380.

“Incinerator” means a Jefferson County rural fire protection district #1 approved burning barrel or device to control burning.

“Open burning” means all burning outside an approved incinerator.

“Person” means any person, corporation, partnership, governmental unit or agency, or unincorporated association. (Ord. O-10-96 Exh. A § 1, 1996)

8.16.020 Open burning requires permit.

From and after the passage of the ordinance codified in this article, it is unlawful for any person to open burn any grass, weeds, trash, refuse or any material of any kind on any land within the effected areas without first obtaining a current burning permit. (Ord. 0-10-96 Exh. A § 2, 1996)

8.16.030 Permits.

A. Open burning permits shall be issued by the fire district chief or his or her designated representative. No issuance of a permit shall allow burning in violation of Section 8.16.050, nor be considered authority to burn under Section 8.16.050 of this chapter.

B. Approved incinerators do not require an open burning permit. (Ord. 0-10-96 Exh. A § 3, 1996)

8.16.040 Validation of burning permit.

No person holding an open burning permit issued by the district shall burn without receiving authorization to burn on any particular day. Authorization shall be obtained by calling the district office. (Ord. 0-10-96 Exh. A § 4, 1996)

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8.16.050 All open and incinerator burning.

A. Burning shall not be allowed when one or more of the following conditions exist:

1. Temperature above ninety-five (95) degrees Fahrenheit;

2. Wind velocity above twenty (20) miles per hour;

3. Humidity below twenty (20) percent.

B. There shall be no burning on holidays, or at night, unless authorized by the fire chief or his or her designated representative.

C. No person shall burn during the restricted fire season closure unless authorized by the fire chief or his or her designated representative.

D. No person shall burn without first initiating safe burning practices prescribed by the district.

E. Persons may not engage in, authorize or direct burning on land which is not under their legal control unless consent to burn from the person with legal control has been obtained. (Ord. 0-10-96 Exh. A § 5, 1996)

8.16.060 Violations — Penalties.

A. Any person who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of directors or by a competent jurisdiction, within the time fixed herein, shall be severely for each and every such violation and noncompliance respectively, be guilty of a violation punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00). The imposition of one penalty for any violation

shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-10-96 Exh. A § 6, 1996)

Article 11. Smoke Management

8.16.070 Smoke management program.

A. The Jefferson County smoke management program is created to administer the provisions of this article.

B. The smoke management season shall run from July 25th through September 20th, inclusive, for each year or pursuant to other dates set by order of the Jefferson County commission. Grass and grain stubble burned by persons outside of the stated time span are still subject to the burn fees of this program and must comply with the provisions of this chapter. (Ord. 0-65-98 § 1.0, 1998)

8.16.080 Field burning fees.

A. Jefferson County smoke management program annual burning fees shall be as follows:

1. Less than one acre, no fee;

2. One to less than forty (40) acres, ten dollars (\$10.00);

3. Forty (40) or more acres, twenty dollars (\$20.00).

B. Field burning acreage fees shall be as follows:

Grass seed	\$5.00 per acre
Grain stubble	\$1.00 per acre
Bent grass	\$1.00 per acre
Other cropland	\$1.00 per acre

Excluded are potato vines, carrot fields, other minor crops and peppermint propane flaming. There shall be no fee for secondary flaming of grass seed fields.

C. Any other burning permits required by law must also be obtained from the appropriate fire protection agency.

D. Mint slug burning may be conducted only by permit issued by the Oregon Department of Environmental Quality and the local fire protection agency.

E. Fees generated by the Jefferson County smoke management program shall be placed in a special fund. Revenues generated by the program shall fund the following:

1. Office materials, i.e., maps, bum report forms, bum logs etc.;
2. Pilot balloon equipment and wind surface station equipment;
3. Office personnel;
4. Airplane flights for temperature reading and or bum sighting;
5. Sheriff's patrol assistance on highway burns;
6. Contract patrol person to observe and log field burning in progress and to log weather data during the day;
7. Smoke management personnel.

The funds remaining from the fees received shall be spent on public relations, public education, research and development of field burning alternatives or other related agricultural research projects in the central Oregon area, or other smoke management program expenses not listed above as approved

by the Jefferson County commission. (Ord. O-65-98 § 2.0, 1998)

8.16.090 Field burning permits and registration.

A. Fire permits must be obtained from the appropriate fire protection agency before any open field burning is conducted by any person.

B. Fields qualifying to be bumed under this program must be preregistered with the smoke management program between July 1st and July 20th, inclusive, during regular business hours at the location designated by the Jefferson County commission. Payment of field burning fees shall be made at the time of registration. Fields bumed prior to July 1st must be registered and the annual fee remitted prior to burning. Field sizes and location shall be provided at the time registered. Acres registered after the preregistration period must be registered before burning at a fee of ten (10) percent above the rates listed in Section 8.16.080 of this chapter. Fees for acres registered by the grower but not bumed shall be refunded upon request and adequate verification. Applications must be made by October 31st.

C. Once a fire permit is obtained, no open field burning shall be conducted until specific field authorization has been obtained from the smoke management center in Madras. (Ord. O-65-98 § 3.0, 1998)

8.16.100 Daily burning authorization criteria.

A. Daily authorization must be obtained by calling the appropriate fire protection agency before any open field burning is conducted. Information given at that time shall include:

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1. Date of the authorization and time of issuance;

2. Field(s) location and size;

3. Any fire safety requirement specified by the State Fire Marshal's rules, i.e., extinguishment capability, establishing fire guards, safe burning techniques, etc.;

4. A burn completion time for each field to be burned;

5. A one hundred fifty (150) minute limit after authorization issuance to commence burning of the field.

B. Open field burning shall be allowed in Jefferson County when the prevailing atmospheric dispersion and burning conditions are favorable for optimal smoke dispersal. Determination of optimal smoke dispersal conditions shall be made at the smoke management center based on the following factors:

1. Morning weather forecast and discussion with the National Weather Service Office in Pendleton, Oregon, indicating anticipated weather conditions for Jefferson County, such as afternoon surface and upper-level wind direction and speed, high temperature, and lowest relative humidity.

2. Temperature sounding from local aircraft taken in the morning and approximately one hour prior to the anticipated start of burning.

3. Calculated maximum mixing height for each day, based on temperature sounding.

4. Upper-level transport wind direction and speed as determined by the pilot balloon readings taken at the smoke management center in Madras.

5. Surface level winds, based on wind monitoring equipment located at the smoke management center in Madras, the Redmond Airport and locations in Jefferson County.

6. Air quality conditions in Jefferson County as determined by Oregon Department of Environmental Quality or other monitoring instruments.

C. Once the determination has been made that favorable conditions exist for burning, a test fire may be conducted to verify that such conditions actually exist. (Ord. O-65-98 § 4.0, 1998)

8.16.110 General requirements.

A. Open field burning shall be prohibited under poor smoke dispersal conditions, or when the mixing height is one thousand five hundred (1,500) or lower as measured from ground elevation at Madras, Oregon. A test fire may be used to determine the actual mixing height, or a calculated mixing height may be used.

B. No open field burning, including test fires, shall be allowed when prevailing winds indicate smoke transport towards the following areas:

1. Bend, Redmond, Madras, Sisters, and Crooked River Ranch;

2. Any federal Class I area.

C. All open field burning shall be conducted in a manner which minimizes smoke impact on the public and promotes safe burning practices.

D. No open field burning shall be allowed if the State Fire Marshal or designated agent has prohibited burning based on fire safety considerations, i.e., high fire danger considerations.

E. Open field burning shall not be allowed on weekends and holidays.

F. No open field burning shall be allowed during air stagnation periods designated by the National Weather Service, or during likely

periods of noncompliance with National Ambient Air Quality standards.

G. Propane flaming on grass seed and cereal grain acreage is allowed only if the field has been recently open burned. Propane burning of grass is allowed on all days except Sundays and holidays. Propane burning of grass will not be permitted on Saturdays with poor winds or dispersal. No propane burning shall be allowed after 6:30 p.m. on any day.

1. At the discretion of the smoke management coordinator, first year grass fields and grass fields that have a light load of residue and will not carry a flame without assistance may be propane flamed on a day when no open burning is permitted. Written requests for this variance must be submitted to the Jefferson county rural fire department and authorized by the coordinator on a field by field basis. This type of burning will not be permitted on Saturday, Sundays or holidays. if possible, these fields should be identified when registration is done.

H. Rapid ignition techniques are encouraged on all acreage where there are no imminent fire hazards or public safety concerns.

I. Test fires may be used after meteorological and atmospheric conditions have been carefully analyzed. No test fires shall be conducted in lieu of the above analysis.

J. Each person open field burning or propane burning is solely responsible for the consequences or damages resulting from such burning.

K. A 2:00 p.m. re-evaluation shall be made each day. **All** growers must have permits revalidated at this midday point. If burning has not been completed, failure to revalidate shall constitute a violation of this article. All open field burning shall be completed by 5:00 p.m.

L. Each person open field burning shall attend the burn until it is effectively contained. Unattended or reckless burning is a violation Jefferson County rural fire protection district regulations and shall also constitute a violation of this article.

M. Any field not authorized for burning that is accidentally ignited, must be extinguished immediately and reported to the smoke management center.

N. At the end of the field burning season, the following information shall be compiled and reported to the Oregon Department of Environmental Quality:

1. Daily acreage burned;
2. Daily meteorology on each burn day;
3. Daily smoke impacts in Bend, Redmond, Madras and in any federal Class I area (extent, duration, and severity of smoke impact);
4. Daily public complaints (Location and observation of complaint). (Ord. 0-65-98 § 5.0, 1998)

8.16.120 Smoke management program fines and penalties.

A. The Jefferson County smoke management program shall provide Jefferson County with adequate funding to hire a seasonal smoke management coordinator. The coordinator shall have the responsibility of providing observations of field burning activity to the smoke management center, including the extent, duration and severity of smoke impacts. The coordinator shall investigate any potential violations of this chapter and shall have the authority to issue notices of noncompliance.

B. The penalties for violation(s) of the article shall be as follows:

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1. Burning without first obtaining a permit, five hundred dollars (\$500.00);

2. Burning without specific authorization from the smoke management center in Madras, five hundred dollars (\$500.00);

3. Open burning more acres than authorized, two hundred fifty dollars (\$250.00);

4. Failure to comply with burn completion time, two hundred fifty dollars (\$250.00);

5. Burning acreage for which a burning fee was not paid, one hundred dollars (\$100.00);

6. Leaving a burning field before it is effectively contained, one hundred dollars (\$100.00);

7. Not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for any other violation of this article;

8. Fines shall be automatically doubled for any recurring violation of this article.

C. Violators shall be cited into the Jefferson County Circuit Court. Fines and penalties shall not be in lieu of the field burning fees assessed in Section 8.16.080 of this article. Said assessments in Section 8.16.080 shall be levied and enforced by the Jefferson County commission and shall be in addition to any fines and penalties imposed pursuant to this article. (Ord. 0-65-98 § 6.0, 1998)

8.16.130 Definitions.

“C.R.P.” means Conservation Reserve Program administered by the ASCS.

“Irrigated cropland” means any field to which irrigation water is applied.

“Nonirrigated cropland” means any field which is or has in the past been cultivated and to which irrigation water is not applied.

“Open field burning” means any burning other than an authorized burn barrel, excepting

areas smaller than one acre and irrigation ditches.

“Weedy fields” means cropland, irrigated and nonirrigated, which has been allowed to grow weeds more or less uncontrolled with or without a planted crop. (Ord. 0-65-98 § 7.0, 1998)