

Title 8 - HEALTH AND SAFETY
CHAPTER 8.36 OUTDOOR BURNING

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Sec. 8.36.010. Outdoor burning.

- A. No person shall kindle, maintain, or allow to be maintained, an outdoor fire, bonfire, rubbish fire, or garbage fire; nor shall any person kindle, maintain, or allow to be maintained a fire for the purpose of burning grass, hay or straw, tree limbs, and trimmings; nor shall any person maintain or allow to be maintained a fire for land clearing operations, or commercial burning; nor shall any person kindle, maintain, or allow to be maintained any other type of open burning with the following exceptions:
1. Outdoor recreation fire no larger than three feet by three feet used for cooking or recreation with the fire in a fireplace, barbecue set, grill, wood smoker, pellet smoker, or outdoor fire pit. All such fires must comply with all applicable law, including but not limited to regulations of Sandy Fire District No. 72 (the "fire district"), the Oregon Department of Environmental Quality ("DEQ"), and the Oregon Department of Forestry (ODF).
 2. Fires set and maintained by the fire district for firefighting training or training fire protection personnel.
 3. ~~In cases of fire hazard that cannot in the judgment of the fire district be removed or disposed of in any other practical manner, a fire may be allowed by written permit only. Said permit is to be issued by the fire district.~~ Burning of slash as permitted by the Oregon Department of Forestry (ODF).
 4. Burning for which an Agricultural Burn Permit has been issued by the fire district. The following burning conditions shall apply:
 - a. Must comply with all applicable laws, including but not limited to regulations of the fire district and DEQ.
 - b. Must meet the definition of an agricultural operation in OAR 340-264-0030 before a permit is issued.
 - c. Must be located on a property at least five acres in size.
 - d. Must be located at least 200 feet from any property line or structure.
 - e. Burn pile debris may not exceed 10 feet in diameter and six feet in height and shall be done in a barrel or on the ground cleared of all vegetative growth.
 - f. All fires shall be extinguished two hours before sunset, or as otherwise prescribed on the fire district's daily burn message line.
 - g. Must call the fire district's daily burn message line to verify burning is allowed.
 5. Burning of ~~cut or limbed brush and yard debris~~ (vegetation, tree limbs, and small wooded material) is allowed during the time periods designated for backyard burning by DEQ. ~~on lots larger than one-quarter acre, provided such burning complies with all requirements and restrictions of the Sandy Fire District fire district (including permits, when required). Outdoor burning within the Sandy Fire District fire district is prohibited at certain times of the year due to fire hazard or air pollution constraints; any person maintaining or allowing to be maintained an outdoor fire under s~~Section 8.36.010.A.4. shall contact the Sandy Fire District fire district before starting the fire. The following burning conditions shall apply:
 - a. Must comply with all applicable laws, including but not limited to regulations of the fire district and DEQ.
 - b. Must be located on a property at least one acre in size.

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- c. Must be located at least 50 feet from any property line or structure.
 - d. Burn pile debris may not exceed seven feet in diameter and five feet in height and shall be done in a barrel or on the ground cleared of all vegetative growth.
 - e. All fires shall be extinguished two hours before sunset, or as otherwise prescribed on the fire district's daily burn message line.
 - f. Must call the fire district's daily burn message line to verify burning is allowed.
 - 6. Nothing in this chapter shall be construed to prohibit the otherwise lawful use of flame-based equipment such as torches used for welding, roofing, plumbing, or paving.
 - B. In addition to complying with all other applicable laws, the following regulations shall be followed at all times for all types of outdoor burning:
 - 1. The fire must be attended constantly until it is completely out.
 - 2. A water hose connected to an active water service or other extinguishing source must be readily available within 25 feet of the fire.
 - 3. The burning of materials such as rubber, plastics, paints, tarpaper, asphalt, shingles, animal remains, petroleum treated materials, painted or pressure/weather treated wood, or any other material that creates a public nuisance, is strictly and expressly prohibited.
 - 4. Burning shall not occur on slopes greater than three percent nor under electrical transmission lines. For purposes of this section, a fire is considered to be "under" an electrical transmission line if any part of the fire is located within twenty (20) feet of the ground immediately below the electrical transmission line.

Sec. 8.36.020. Enforcement.

- A. Burning in violation of this chapter is a civil infraction under Chapter 1.18.
- B. Nothing in this section is intended to limit or prohibit any other enforcement permitted by law, including but not limited to enforcement by the fire district or DEQ for violation of their respective regulations.

Sec. 8.36.030. Violations.

Upon conviction, any person who violates any of the provisions of this chapter is subject to the following:

- A. Any person violating any of the provisions of this chapter commits a Class A Civil Infraction.
- B. Each day a property is in violation of these regulations, it shall be considered a new violation.

(Ord. No. 06, 2005)