

# LAKE COUNTY OUTDOOR BURN ORDINANCE



**BEFORE THE BOARD OF COMMISSIONERS FOR LAKE COUNTY, OREGON**

**In The Matter of Regulating Open Fires, Requiring a )  
Permit for Open Fires, Open Burning and )  
Authorizing the Lake County Fire Defense Board to )  
Declare Burn Bans ) Ordinance NO. 2021-?**

WHEREAS, the Lake County Board of County Commissioners (hereinafter the "County Board"), pursuant to Section 10, Article VI, Oregon Constitution, granting power to the Local Governing body to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health, safety, and welfare of the citizens of Lake County; and

WHEREAS, the County Board has the authority to propose and adopt ordinances to protect the health and safety of the citizens of Lake County; and

WHEREAS, the County Board recognizes the need to prohibit open fires and open burning when climatic conditions, wildland fuels and weather conditions, including but not limited to; wind, temperature, thunderstorms, and the lack of precipitation, indicate or create a threat of uncontrolled wildfires in Lake County; and

WHEREAS, the County Board in the matter of banning open fires and open burning to a degree and in a manner deemed necessary to reduce the danger of wildfires within Lake County, the Lake County Fire Defense Board (hereinafter the "Defense Board") may recommend to the County Board implementing an Emergency "Burn Ban" at their discretion, or once Fire season has been declared by the Oregon Department of Forestry's Klamath-Lake District (hereinafter the "ODF"); and

WHEREAS, once fire season ends, the burn ban must also dissolve each season, or at the recommendation of the Defense Board. The County Board must be notified of any fire season declaration or burn ban within Lake County. The County Board reserves the right to declare or terminate the County Burn Ban without a declaration from ODF; and

WHEREAS, the County Board has determined that in the interest of public health and safety, and to provide flexibility to our communities in the matter of open fires and open burning, to allow and to require "burn permits" when deemed appropriate and safe in a manner determined by the Defense Board; and

WHEREAS, the County Board hereby deem it necessary for the immediate preservation of public health and property to adopt the restrictions set forth in this Ordinance, and it is the intent of the County Board that the provisions of this Ordinance shall take effect immediately upon passage by the County Board.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LAKE COUNTY, OREGON, This Ordinance and county-wide burn ban shall take effect immediately upon the declaration of Fire Season by ODF.

### **Section I. Purpose:**

- This Ordinance provides restrictions on lawful outdoor burning during a declared fire season in order to protect public health, safety and welfare; to preserve public and private property; and maintain the ecology and delicate wildlife.

### **Section II. Applicability:**

- a) This Ordinance shall apply throughout the unincorporated areas of Lake County including County and private properties. It does not, however, apply to federal and state lands.
- b) This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- c) This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
- d) This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- e) This Ordinance does not apply to the use of a "patio wood-burning unit".

### **Section III. Definitions:**

- a) 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.
- b) Burn Barrel: means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal.
- c) Campfire: means a small outdoor fire intended for recreation, cooking, warming or disposal of waste.
- d) Patio Wood Burning Unit: means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- e) Recreation Fire: See *Section 307 of the Oregon State Fire Code*.

### **Section IV. Issuance:**

- a) A county-wide emergency burn ban shall take effect immediately upon the declaration of Fire Season by the Oregon Department of Forestry's Klamath-Lake District. The Burn Ban will be based upon atmospheric and wildland fuel conditions, including the lack of appreciable rainfall; wind conditions; fuel dryness; and any other local conditions that may be deemed hazardous.
- b) Once the determination has been made that the circumstances for which the emergency burn ban was issued no longer exists, the ban on open burning will be lifted by the County Board.

- c) The County Board shall reserve the authority to implement or terminate this Ordinance by formal action under advisement from the Defense Board, or as deemed necessary by the County Board.

**Section V. Notifications:**

Upon issuance of the burn ban, the County Fire Chief shall notify all fire/ambulance companies in the County and the Sheriff's Office. The County Commissioners Office shall notify local media and post the notice on the County's website. The same action shall take place when the burn ban is lifted.

**Section VI. Prohibited Actions:**

- a) No person shall start, kindle, cause, allow, or maintain any form of leaf burning, wood burning of any kind, or the burning of trash, rubbish or garbage, or the burning of any other combustible material on private or public property, except as specifically authorized by this Ordinance.
- b) The use of burn barrels, tracer rounds/ammunition, exploding targets, and sky lanterns are prohibited during a county-wide burn ban. *(See Section VII. Exceptions for burn barrels).*
- c) Outdoor campfires and bonfires are prohibited. *(See Section VII. Exceptions for campfires).*
- d) Fireworks are prohibited during the County Burn Ban. *(See Section VII. Exceptions for Fireworks).*

**Section VII. Exceptions:**

- a) The prohibitions established by this Ordinance shall not apply to:
  - 1. Outdoor campfires in an established fire ring with all flammable vegetation cleared for a minimum of 25' feet surrounding the ring and while an adult in attendance with a minimum of one gallon of water or 2 ½ lb fire extinguisher and a shovel.
  - 2. Outdoor fires that are made in the course and scope of law enforcement official duties.
  - 3. Firefighter training activities properly supervised by a firefighting authority.
  - 4. Outdoor welding, cutting or grinding operations and outdoor hot works operations, provided it is free of combustible vegetation and/or materials for at least 25 feet in all directions.
  - 5. Burn Barrels with 25 feet (7620 mm) of clearance of combustible vegetation and/or materials. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Must be monitored, with metal screen cover with ¼" holes or smaller. A water source must be present.
  - 6. Burning for the purpose of cooking or generating heat. *(See Section II. Applicability)*
  - 7. Any open burning that is permitted with a formal burn permit through the fire authority with jurisdictional fire responsibility and legal authority to issue burn permits.
  - 8. For the purposes of July 4<sup>th</sup> celebrations, personal use of legal fireworks is permitted between June 23 - July 11. Commercial Firework Displays are allowable through a permit process with the Oregon State Fire Marshal's Office.

## **Section VIII. Enforcement and Penalties**

- a) Any violation of this Ordinance or non-compliance with any of the provisions hereof shall be warned, deemed to be punishable by fine, or be subject to legal proceedings to abate or enjoin such violation for non-compliance.
- b) In addition to or in lieu of abatement or injunctive proceedings, any violation of this Ordinance may be commenced by the issuance of a citation and shall be prosecuted in the Lake County Circuit Court as a Class B Violation pursuant to the provisions of ORS 153.008, ORS 153.012 and ORS 153.018 as now in effect or as may be amended from time to time.
- c) This Ordinance shall be enforced by the Sheriff of Lake County, the Sheriff's Deputies and District Fire Chiefs, and they shall have authority to order any person to immediately cease any violating act of this Ordinance
- d) The permissibility of the ignition of any fire as specified herein shall not operate to relieve the igniter of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.
- e) Nothing in this ordinance shall prevent a fire agency from billing for services rendered, nor shall any provision of this ordinance prevent a jurisdictional fire authority with legal authority from implementing fire restrictions within its jurisdiction that are more restrictive than this ordinance.