

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 47

OUTDOOR BURNING

Outdoor burning in compliance with the sections in LRAPA title 47 does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

Section 47-001 General Policy

In accordance with OAR 340-264-0160(1), the rules and regulations of LRAPA apply to outdoor burning in Lane County. In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the County, it is the policy of the LRAPA to eliminate outdoor burning disposal practices where alternative disposal methods are feasible. As a result, all outdoor burning is prohibited in Lane County except as expressly allowed by title 47 or if exempted from title 47 by Oregon statute. Contained in this title are the requirements for the outdoor burning of residential, construction, demolition, commercial, industrial waste, forest slash waste on properties outside areas covered by the Oregon Smoke Management Plan, bonfires, and for ecological conversion.

Section 47-001 Amended 03/14/08 (Amended 10/12/17) (Amended 3/14/24)

Section 47-005 Exemptions from LRAPA Title 47

- (1) Statutory exemptions. Due to Oregon statutory exemptions, this title does not apply to the following:
 - (a) The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in paragraph 47-015(1)(e) must not be used as fuel.
 - (b) Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.
 - (c) Agricultural outdoor burning conducted pursuant to ORS 468A.020. Agricultural outdoor burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (d) Outdoor burning on forest land permitted under the Oregon Department of Forestry (ODF) Smoke Management Plan filed with the Secretary of State.

- (2) Other exemptions.
- (a) Recreational fires are allowed when set for recreational purposes on private property or in designated recreational areas (such as parks, recreational campsites, and campgrounds). Prohibited materials listed in paragraph 47-015(1)(e), woody yard trimmings, leaves and grass clippings must not be burned. Within the Eugene and Springfield Urban Growth Boundaries and within the city limits of Oakridge and surrounding Oakridge urban growth boundary, these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of October through May unless extended by LRAPA.] *[Note: Local ordinances from municipalities, rules from local fire districts, and rules from the Oregon Department of Forestry and the State Fire Marshal may be more prohibitive.]*
- (b) Outdoor barbecuing connected to a group outing, festival, fair or similar occasion when food is cooked by a fire that is sized proportionally to the amount of food being cooked, is allowed, except that prohibited materials listed in paragraph 47-015(1)(e), woody yard trimmings, leaves, grass clippings, commercial, industrial, construction, and demolition waste must not be burned.

Religious ceremonial fires as defined in section 47-010 are allowed. Prohibited materials listed in paragraph 47-015(1)(e), woody yard trimmings, leaves and grass clippings must not be burned. Larger fires would be required to be permitted under the “Bonfire” requirement. *Section 47-005 Amended 03/14/08 (Amended 10/12/17)*

Section 47-010 Definitions

The definitions in LRAPA title 12 and this section apply to this title. If the same term is defined in this section and title 12, the definition in this section applies to this title.

- (1) "Agricultural burning for disease or pest control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.
- (2) "Agricultural outdoor burning" means the outdoor burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.
- (3) "Agricultural operation" means 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 the sale of 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 or structures customarily provided in conjunction with the agricultural operation.
- (4) "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in paragraph 47-015(1)(e).

- (5) "Animal disease emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.
- (6) Bonfire” means a controlled outdoor fire (combustible pile larger than three (3) feet in diameter and two (2) feet in height) held for celebratory, religious ceremonial, or entertainment purposes. The fire cannot serve as a disposal fire for woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in paragraph 47-015(1)(e) must not be burned. Bonfires may include clean woody construction/demolition/commercial material.
- (7) Burn Barrel” means a metal container used to hold combustible or flammable materials so they can be ignited outdoors for the purpose of disposal.
- (8) "Commercial outdoor burning" means the outdoor burning of "commercial wastes," which are materials generated or used by a commercial operation including removed and transported materials, and excluding those materials described in paragraph 47-015(1)(e).
- (9) "Construction outdoor burning" means the outdoor burning of "construction wastes," which are materials resulting from or produced by a building or construction project, excluding those materials described in paragraph 47-015(1)(e). The outdoor burning of construction waste materials resulting from or produced by a building or construction project, excluding those materials described in paragraph 47-015(1)(e), that are transported from tax lot of origin is commercial outdoor burning.
- (10) "Demolition outdoor burning" means the outdoor burning of “demolition wastes,” which are materials resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in paragraph 47-015(1)(e). The outdoor burning of demolition waste materials resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in paragraph 47-015(1)(e), that are transported from tax lot of origin is commercial outdoor burning.
- (11) "Eugene and Springfield Urban Growth Boundaries" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.
- (12) "Fire hazard" means 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 adjacent lands.

- (13) "Forest slash outdoor burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash outdoor burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.
- (14) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.
- (15) "Hazard to public safety" means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.
- (16) "Industrial outdoor burning" means the outdoor burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in paragraph 47-015(1)(e).
- (17) "Land clearing" means the removal of trees, brush, logs, stumps, debris, or man-made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, woody yard trimmings (domestic waste), and slash.
- (18) "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.
- (19) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. (See title 12 of LRAPA's Rules and Regulations)
- (20) "Outdoor burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels-and any other outdoor 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.
- (21) "Outdoor Burning Letter Permit (OBLP)" means an authorization issued pursuant to section 47-020 to burn select materials at a defined site and under certain conditions.
- (22) "Recreational fire" means a small fire (combustible pile no larger than three (3) feet in diameter and two (2) feet in height), limited to campfires or fires lit in chimineas, patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in paragraph 47-015(1)(e).

- (23) "Religious ceremonial fire" means a small, controlled outdoor fire (combustible pile no larger than three (3) feet in diameter and two (2) feet in height), integral to a religious ceremony or ritual. Religious ceremonial fires may use charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and may occur in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in paragraph 47-015(1)(e) must not be burned.
- (24) "Residential outdoor burning" means the outdoor burning of clean, woody yard trimmings which are generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials generated in or around a dwelling of more than four (4) family living units are commercial wastes.
- (25) "Responsible person" means each person who is in ownership, control, or custody of the property on which the outdoor burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows outdoor burning to be initiated or maintained.
- (26) "Salvage" as used in title 47, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.
- (27) "Woody Yard Trimmings" means woody limbs, branches and twigs with any attached leaves which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

Section 47-010 Amended 03/14/08 (Amended 10/12/17) (Amended 3/14/2024)

Section 47-015 Outdoor Burning Requirements

- (1) General requirements to be met by all outdoor burning conducted in accordance with LRAPA's Rules and Regulations:
- (a) All outdoor burning must be constantly attended by a responsible person or an expressly authorized agent, until extinguished.
 - (b) A responsible person must promptly extinguish any burning which is in violation of any of LRAPA's Rules and Regulations or of any permit issued by LRAPA.
 - (c) No person may cause, or allow to be initiated or maintained, any outdoor burning which is prohibited by the burning advisory issued by LRAPA.
 - (d) No person may cause, or allow to be initiated or maintained, any outdoor burning which creates a nuisance or a hazard to public safety.

- (e) No person may cause, or allow to be initiated or maintained, outdoor burning of any material which normally emits dense smoke, noxious odors, or hazardous air contaminants; such materials may include but are not limited to garbage, plastics, wire insulation, automobile parts, asphalt, petroleum by-products, petroleum-treated materials, rubber products, cardboard, clothing, animal remains, grass clippings.
- (f) To promote efficient burning and prevent excessive emissions of smoke, each responsible person must assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.
- (g) No person may cause, or allow to be initiated or maintained, any outdoor burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-093-0050. LRAPA must be notified by the responsible person prior to such burning.
- (h) All burning must be conducted in accordance with local fire safety regulations, including required minimum distances from structures.
- (i) Burning in a burn barrel is prohibited.

(2) Residential Outdoor Burning Requirements

The residential outdoor burning season is October 1 through June 15, with the following restrictions:

- (a) Residential outdoor burning is allowed only on approved burning days with a valid fire permit (if required by fire district). The start and end times for burning vary and are set as part of the daily burning advisory issued by LRAPA.
- (b) Outdoor burning within Eugene city limits is prohibited.
- (c) Outdoor burning outside the Eugene city limits but within the Eugene Urban Growth Boundary is prohibited except outdoor burning of woody yard trimmings is allowed on lots of two (2) acres or more on approved burn days from March 1 through June 15 and October 1 through October 31.
- (d) Outdoor burning within Springfield city limits and the surrounding Springfield urban growth boundary is prohibited except that burning of woody yard trimmings is allowed on lots of one-half acre or more on approved burn days from March 1 through June 15 and October 1 through October 31.
- (e) Outdoor burning within Florence city limits is prohibited per Florence city ordinance.

- (f) Outdoor burning within Oakridge city limits and surrounding Oakridge urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through June 15 and October 1 through October 31.
- (g) Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Lowell, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.
- (h) Within fire districts identified below and outside the city limits of Oakridge and surrounding urban growth boundary and outside the city limits of Cottage Grove, Coburg, Creswell, Junction City, Lowell, and Veneta the residential outdoor burning of woody yard trimmings and leaves is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:
 - (A) Bailey-Spencer RFPD
 - (B) Coburg Fire District
 - (C) Dexter RFPD west of the Willamette Meridian
 - (D) Eugene RFPD #1
 - (E) Goshen Fire District
 - (F) Hazeldell RFPD
 - (G) Junction City RFPD
 - (H) Lane County Fire District #1 (Lane Fire Authority)
 - (I) Lane Rural Fire/Rescue (Lane Fire Authority) outside the Eugene and Springfield Urban Growth Boundaries
 - (J) Lowell RFPD
 - (K) McKenzie Fire & Rescue outside the Eugene and Springfield Urban Growth Boundaries
 - (L) Mohawk Valley RFPD
 - (M) Monroe RFPD, that portion within Lane County
 - (N) Oakridge Fire & EMS
 - (O) Pleasant Hill RFPD
 - (P) Santa Clara Fire District outside the Eugene and Springfield Urban Growth Boundaries
 - (Q) Siuslaw Valley Fire & Rescue
 - (R) South Lane County Fire & Rescue
 - (S) Westfir Fire Department
 - (T) Willakenzie RFPD
 - (U) Zumwalt RFPD
- (i) Residential outdoor burning of woody yard trimmings and leaves is allowed in Lane County, outside of the affected areas defined in paragraph 47-015(2)(b) through (i) of this section, on approved burn days from October 1 through June 15. *(Note: Some fire districts require burning permits. Fire districts may restrict burning whenever fire danger dictates. Persons wishing to conduct residential*

outdoor burning should check first with their fire district.)

- (j) Failure to conduct residential outdoor burning in accordance with this section is a violation of title 47 and may be cause for assessment of civil penalties. Citations will be issued by authorized enforcement agents to responsible person(s) where residential outdoor burning rules are violated pursuant to this section.
- (3) Construction/Demolition Outdoor Burning Requirements
 - (a) Construction/demolition outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
 - (b) Construction/demolition outdoor burning is prohibited inside the affected areas described in paragraph 47-015(2)(i), unless authorized pursuant to title 47-020.
 - (c) Construction/demolition outdoor burning is allowed elsewhere in Lane County, subject to the general requirements of subsection 47-015(1).
 - (4) Commercial Outdoor Burning Requirements
 - (a) Commercial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
 - (b) Commercial outdoor burning is prohibited elsewhere, unless authorized pursuant to section 47-020.
 - (5) Industrial Outdoor Burning Requirements
 - (a) Industrial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
 - (b) Industrial outdoor burning is prohibited elsewhere, unless authorized pursuant to section 47-020.
 - (6) Forest Slash Outdoor Burning
 - (a) Forest slash outdoor burning in areas covered by the Oregon Smoke Management Plan is regulated by the Oregon Department of Forestry pursuant to ORS 477.515.
 - (b) Forest slash outdoor burning in Lane County which is in areas outside the Oregon Smoke Management Plan is treated by LRAPA as follows:
 - (A) Forest slash outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
 - (B) Forest slash outdoor burning elsewhere in Lane County, on properties which are not covered by the ODF Smoke Management Plan, is prohibited unless authorized pursuant to section 47-020.

- (C) Forest slash outdoor burning will be coordinated with the ODF South Cascade and Western Lane districts to ensure burning complies with resource protection standards under the Oregon Forest Practices Act.

Section 47-015 Amended 03/14/08 (Amended 10/12/17)(Amended 04/12/18) (Amended 03/14/24)

Section 47-020 Outdoor Burning Letter Permits (OBLP)

- (1) Outdoor burning of commercial, industrial, construction, demolition, or forest slash wastes on a singly occurring or infrequent basis, which is otherwise prohibited, and a bonfire held for a single event, may be permitted by a letter permit issued by LRAPA in accordance with this title and subject to the general requirements in subsection 47-015(1).
- (2) Prescribed burning of standing vegetation for the purpose of species or wetland conversion, pursuant to federal or state laws or programs to promote or enhance habitat for indigenous species of plants or animals, which is otherwise prohibited, may be permitted by a letter permit issued by LRAPA in accordance with section 47-020. These permits require a permit fee of \$1,000. The Director in their discretion may compromise the permit fee based upon factors that include, but are not limited to, complexity of the permit, number of proposed units, staff resources required or projected to be required relative to monitoring, public outreach and complaint response.
- (3) Prior to any burning, the applicant must also obtain a valid fire permit issued by the fire permit issuing agency having jurisdiction.
- (4) Permits issued for outdoor burning other than prescribed burning of standing vegetation as described in subsection 47-020(2), require a permit fee of \$10 per cubic yard, with a minimum fee of \$100.
- (5) The following factors will be evaluated in determining whether a letter permit will be approved or denied:
 - (a) The quantity, type, and combustibility of the materials proposed to be burned;
 - (b) The costs and practicability of alternative disposal methods, including on-site and landfill disposal and salvage;
 - (c) The seasonal timing and expected duration of the burn;
 - (d) The willingness and ability of the applicant to promote efficient combustion by using heavy equipment, fans, pit incineration, or other appropriate methods;
 - (e) The location of the proposed burn site with respect to potential adverse impacts;
 - (f) The expected frequency of the need to dispose of materials by burning in the

- future;
- (g) Any prior outdoor burning violations by the applicant; and
 - (h) Any additional relevant information.
- (6) Upon receipt and review of the required information, LRAPA may approve the application if it is satisfied that:
- (a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists;
 - (b) The proposed burning will not cause or contribute to significant degradation of air quality; and
 - (c) There will be no actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree.
- (7) LRAPA may revoke or suspend an issued letter permit, with no refund of the fee, via written or verbal notice, on any of the following grounds:
- (a) Any material misstatement or omission in the required application information;
 - (b) If the conditions of the permit are being violated;
 - (c) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree; and
 - (d) Any other relevant factor.
- (8) Failure to conduct outdoor burning according to the conditions, limitations, or terms of a letter permit, or any outdoor burning in excess of that permitted by the letter permit, will be a violation of the permit and may be cause for assessment of civil penalties or for other enforcement action by LRAPA.
- (9) Each letter permit issued by LRAPA pursuant to this title will contain at least the following elements:
- (a) The location at which the burning is permitted to take place;
 - (b) A description of the material that may be burned;
 - (c) The calendar period during which the burning is permitted to take place;
 - (d) The equipment and methods required to be used by the applicant to insure efficient burning;
 - (e) The limitations, if any, based upon meteorological conditions required before

burning may occur;

- (f) Reporting requirements for both starting the fire and completion of the requested burning;
 - (g) A statement that subsection 47-015(1) is fully applicable to all burning under the permit;
 - (h) Such other conditions that LRAPA considers to be desirable; and
 - (i) A statement that the respective fire department may include any control, suppression, safety, or hazard conditions deemed appropriate by the fire department.
- (10) Letter permits issued by LRAPA pursuant to this title will be forwarded to the fire district having jurisdiction. The fire district has the ultimate authority to issue or deny the burn permit.