

ORDINANCE NO. 1217

**A ORDINANCE ADOPTING CHANGES TO PRINEVILLE CODE SECTION 93.57
(OUTDOOR BURNING)**

WHEREAS, the Prineville City Council believes that air quality is a critical aspect of a healthy community and an important factor in job creation; and

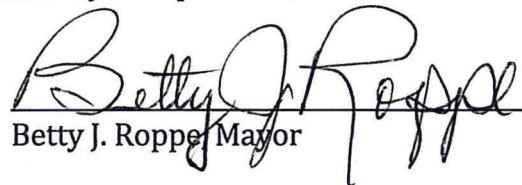
WHEREAS, the Prineville City Council recognizes that the air quality in Prineville is generally good, however on a few days each year the air quality appears to exceed the national air quality standard for PM2.5 particulate; and

WHEREAS, the Prineville City Council believes that engaging in the implementation of solutions to address this concern raised by the Oregon Department of Environmental Quality (ODEQ) plays an important role in future job creation in the City and is an important and appropriate role for local government; and


WHEREAS, the proposed changes to Section 93.57 of the Code of Prineville are generally consistent with the City of Prineville policy on air quality as found in Resolution 1258, also known as the PRINEVILLE AREA -FINE PARTICULATE MATTER (PM2.5) ACTION PLAN;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE ORDAIN that Section 93.57 of the Code of Prineville is amended to read as shown on Exhibit A attached hereto and by this reference made a part hereof.

Passed by the Prineville City Council on this 22nd day of September, 2015.


Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder

Attached : Exhibit A – Proposed changes to the City Outdoor Burning Code (City Code Chapter 93.57).



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

Date: August 25, 2015

Subject: Proposed Changes to Outdoor burning Code based on City of Prineville Air Quality policy.

Staff: Phil Stenbeck, CFM Planning Director

Background

The DEQ has indicated the EPA is scheduled to review the air quality standard for Prineville in 2017. DEQ staff have indicated that exceeding the air quality standard has the potential to impair job growth. Examples of job growth impairment from DEQ staff included businesses not being able to obtain certified air quality permits from the DEQ for things like diesel powered electrical back-up generation for new data center buildings or for example an approved air quality permit for a biomass plant. The City and County have responded by creating, via an Air Quality Committee (AQC), an Air Quality Plan (AQP) which has been adopted as Air Quality Policy by the City and the County.

Changes to outdoor burning regulations which reduce PM_{2.5} particulate levels are a part of the adopted AQP, with the understanding that outdoor burning activities in Prineville and Crook County have a long history of helping the community manage solid waste in the form of yard debris such as leaves and branches from bushes and trees. Clearly there is a benefit from outdoor burning, such as reduced debris going to the landfill. Outdoor burning activities can have a negative effect on the community's air quality. With this potential negative impact in mind, the City and the County passed outdoor burning regulations in the 1990's. At this time, the AQC believes a review and modification of the existing codes could significantly reduce PM_{2.5} particulate helping the City comply with the PM_{2.5} air quality standard established by the EPA.

Attached please find Exhibit A. Exhibit A shows the City's existing Outdoor Burning Regulations with modifications reflecting the spirit and intent of the Air Quality Plan and detailed coordination with Crook County Fire and Rescue (CCF&R). The proposed changes are designed to reduce PM_{2.5} particulate levels, expand the opportunity for outdoor burning and at the request of CCF&R, coordinate the City's Outdoor Burning Regulations with CCF&R Outdoor Burning Programs.

Planning staff having worked with the Air Quality Committee and CCF&R recommend the City Council adopt the proposed changes to the City Outdoor Burning Regulations, which the Air Quality Committee believes will help reduce PM_{2.5} particulate in the Prineville/Crook County area ultimately helping the community achieve compliance the EPA standard.

EXHIBIT A

City of Prineville Code Chapter 93.57

OUTDOOR BURNING.

(A) Definitions. As used in this Section, the following definitions shall apply:

City means the City of Prineville.

Completely extinguished means that there shall not be any smoke coming from the burn barrel or burn pile and the burn barrel or burn pile shall contain no smoldering material, nor ashes or embers.

Fire season is that part of a year that Crook County Fire & Rescue designates, based upon weather, the amount of fuel, and moisture content of the fuel as to when the likelihood of fire is greatly increased. Historically, the fire season runs from a day in June through a day in September of each year.

No burn day means a day designated by Crook County Fire & Rescue in which certain outdoor burning is inappropriate and/or unsafe.

Open pile, open burn pile, or burn pile shall mean an open ground level fire with a fuel area larger than a recreational fire.

Outdoor burning means burning material outdoors in a burn barrel, an open burn pile, or a recreational fire.

Recreational fire means an open ground level fire in which the total fuel area shall be three feet or less in diameter and two feet or less in height.

(B) Burn permits. Annual permits to burn are required before using burn barrels or open burn piles. Burn permits shall be effective January 1 through December 31 of the same year. The annual fee for each Permit shall be as established by City resolution. The permit must be shown to a City or Crook County Fire and Rescue representative upon request. The permit will be issued to the applicant for burning items in a burn barrel or in an open pile at a specific address and such permit is not transferrable to any other address. All persons burning in a burn barrel or in an open pile inside city limits shall keep a copy of the Crook County Fire and Rescue Outdoor Burning Regulations at the burn site.

(C) Outdoor Burning Requirements. Persons performing outdoor burning must meet all the following requirements:

(1) There shall be no burning upon restriction by Crook County Fire and Rescue due to fire/safety conditions.

(2) There shall be a person 14 years of age or over who is equipped with adequate fire suppression equipment physically present at the burn barrel, burn pile, or recreational fire at all times burning is done.

(3) The burn barrel, burn pile, or recreational fire shall be at least 25 feet away from any combustibles, vegetation, structures, or property boundary line and a ten foot fuel break exposing mineral soil must be maintained around the burn barrel, open pile, or recreational fire.

(4) Burning shall be conducted in a manner and in conditions that prevent any burning materials, sparks, or embers going onto any combustible material.

(D) Burn Barrels. Persons burning in a burn barrel must meet all the following requirements in addition to the requirements under division (C) above:

- (1) The burn barrel must be covered with a maximum one-quarter inch screen in good condition.
 - (2) There shall be no holes in the burn barrel except for air holes not less than one-quarter inch in diameter. There shall be no holes in the burn barrel caused by rust rot.
 - (3) Only dry paper shall be burned in the burn barrel.
 - (4) City Planning staff shall review and determine if property upon which the burn barrel is located has adequate area for compliance with the 25 foot setback prior to issuance of City permit for burn barrel.
 - (5) All burning in burn barrels may be done daily except for holidays set out under Oregon law and No Burn days. Burning may be done beginning at 9:00 a.m. and be completely extinguished two hours before sunset except during a Fire Season when burning shall begin no earlier than 9:00 a.m. and be completely extinguished at noon.
 - (6) There must be a valid burn permit issued for the address for which the burn barrel is located.
 - (7) Prior to burning, the burn permit holder shall check the Crook County Fire & rescue website, the City's website, or call (541) 447-5011 to verify that burning is allowed.
- (E) Open Piles. Persons burning in an open pile must meet the following requirements in addition to those requirements in division (C) above:
- (1) Open burn piles must only contain dry leaves, dry wood, or dry paper.
 - (2) Burn piles may not exceed six feet in diameter and three feet in height.
 - (3) City Planning Staff shall review and determine if property has adequate area for compliance with the 25 foot setback prior to issuance of City permit for burn pile.
 - (4) All burning in open piles may be done daily except for holidays set out under Oregon law, on No Burn days, and during the Fire Season. Burning may be done beginning at 9:00 a.m. and be completely extinguished two hours before sunset.
 - (5) There must be a valid burn permit issued for the address for which the burn pile is located.
 - (6) Prior to burning, the burn permit holder shall check the Crook County Fire & rescue website, the City's website, or call (541) 447-5011 to verify that burning is allowed.
- (F) Section E shall not apply to any fire in which the Crook County Fire and Rescue has agreed to participate.
- (G) All commercial, construction, and demolition open burning is prohibited within the city limits.
- (H) Recreational Fire. Persons burning a recreational fire must meet the following requirements in addition to those requirements in division C above.
- (1) No permit is required, but City Planning Staff shall review and determine if the property upon which the recreational fire is located complies with the 25 foot setback.
 - (2) There shall be no recreational fires during the fire season on days designated as No Burn days.

(Exhibit A – cont.)

- (3) A recreational fire must only contain dry leaves, dry wood, or dry paper.
- (I) There shall be no burning upon restriction by the Fire Department due to fire/safety conditions. The Crook County Fire and Rescue Fire Chief is empowered to implement City Outdoor Burning Regulations through Crook County Fire and Rescue Programs. Crook County Fire and Rescue and local law enforcement are empowered to enforce City Outdoor Burn Regulations.
- (J) Penalties. The maximum penalty for a person responsible for each violation of this section shall be \$500. Upon first conviction the fine shall be not less than \$50. Upon a second conviction the fine shall be not less than \$100, and on the third and subsequent convictions the fine shall be \$500 and there shall be no further burn permits issued for burning at the address of the third conviction or issued to any person who has been convicted of violating this section three or more times.

(Ord. 1022, passed 9-12-95; Am. Ord. 1108, passed 12-9-03; Am. Ord. 1139, passed 11-14-06)

Cross reference: Uniform Fire Code, see Ch. 95