

BOARD OF COUNTY COMMISSIONERS  
OF BAKER COUNTY

IN THE MATTER OF )  
)  
AN ORDINANCE REGULATING )  
BURNING OUTSIDE ) **Ordinance 2026-02**  
CITY LIMITS; )  
CIVIL PENALTIES FOR VIOLATIONS )  
)  
)

WHEREAS, the Baker County Board of Commissioners have determined that lands which are outside of city limits are particularly exposed to increased fire danger during fire season, at which time a fire could cause substantial damage to property and/or loss of human life; and

WHEREAS, the unregulated burning of certain materials can pose risks to public health through the release of toxic chemicals and smoke; and

WHEREAS, in order to minimize this threat to property, public health, and human life, it is necessary to regulate open burning and the use of incinerators and burn barrels outside of the city limits.

NOW, THEREFORE, THE BAKER COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

**Section 010. Purpose, Applicability and Authority.** This ordinance shall be called and cited as, the “Baker County Burn Ordinance.”

**Section 020. Definitions.** For the purposes of this Ordinance the following definitions shall apply:

A. “Fire Appliance” means a gas fireplace, metal or stone chimney, charcoal barbeque, outdoor oven, and commercially manufactured fire pit or similar products.

- B. “Fire Ring” means a structure with a diameter of less than six feet with walls at least six inches in height made of non-combustible material such as rock, steel or concrete that effectively contains burning materials to prevent accidental fire spread.
- C. “Open burning” means burning of piled or disbursed vegetation or organic debris such as leaves or tree branches outside of a Fire Ring or Fire Appliance.
- D. “Permit” is the required approval document from those agencies that have jurisdiction to regulate burning.
- E. “Regulated Agricultural Field Burning” means the burning of residue crop fields as regulated under state laws, including ORS 468A.550 to ORS 468A.620.
- F. “Regulated Fire Season” means a defined period of time during which additional fire restrictions are imposed. Absent special action taken, Regulated Fire Season is July 1 through September 30 of each year.
- G. “Responsible Person(s)” means a person eighteen (18) years of age or older who is responsible for lighting and/or monitoring a fire, ensuring it does not escape, and capable of activating an emergency response. This person must also possess a shovel or equivalent firefighting tools and water sufficient to suppress accidental ignitions.

**Section 030. Burn Permits Required; Exceptions.**

A. Permits Required.

1. No person may engage in Open Burning, as defined in this Ordinance, at any time outside city limits without a permit issued under rules set forth by the local agency having jurisdiction (Examples: fire districts within protected areas, Oregon Department of Forestry (ODF) within areas of ODF jurisdiction).
2. If the only agency having jurisdiction is Baker County, a copy of this Ordinance may act as the required permit, so long as the Responsible Person keeps a copy of the Ordinance on their person while burning.

3. All permittees are required to inform Baker County Dispatch of their intention to burn by calling the Baker County Dispatch non-emergency line prior to burning. That number is (541) 523-6415.

B. Exceptions. Use of burn barrels, Fire Rings and Fire Appliances is allowed without a permit or phone call but all must adhere to the requirements listed below.

1. Burn Barrels: The use of burn barrels for the burning of untreated wood, paper products and/or natural vegetation material within the described lands is allowed **OUTSIDE of Regulated Fire Season. Regulated Fire Season is** (July 1—September 30). This applies to times outside of these dates and when in compliance with the following conditions:
  - a. Must be located in an area free from combustible materials within a 10-foot radius around the base and shall not be within twenty-five (25) feet of any building, vehicle trailer, wooden fence or fuel storage containers.
  - b. Shall be in good condition and equipped with a heavy metal screen on top (minimum 14-gauge wire mesh, one-fourth inch or smaller openings in order to prevent sparks from escaping and igniting nearby vegetation.)
  - c. Fires shall be attended at all times by Responsible Person(s), and said person shall have on site and readily available for use a shovel and water sufficient to suppress accidental ignitions.
  - d. Burning is prohibited on days with wind that is sufficient or likely to blow burning materials beyond the cleared area.
  - e. ODF burn permit requirements must be followed in areas within ODF jurisdiction.
  - f. Rural Fire District burn permit requirements must be followed if required by local agency.
2. Fire Rings and Fire Appliances: The use of Fire Rings, Fire Appliances and fire pits are allowed without a permit, with permission of the landowner or their agent under the following conditions:
  - a. Fire Rings and Fire Appliances must meet the definitions and requirements outlined in this ordinance and defined in Section 020. (A) and (B).

- b. All combustible material must be removed a minimum of three (3) feet beyond the Fire Appliance or Fire Ring, and readily combustible material such as dry grass must be removed a minimum of ten (10) feet surrounding the fire appliance or fire ring.
- c. All manufacturers recommendations, instructions and safety precautions must be followed to ensure the fire appliance or fire ring is in good working order and operates as intended under the manufacturers' specifications.
- d. Only fuel comprised of untreated wood, paper products, and natural vegetative materials may be burned in a Fire Ring or Fire Appliance, unless the Fire Ring or Fire Appliance is intended, per the manufacturer's specifications, to burn alternate fuels. In such cases, only the type of fuel approved for use in the Fire Ring or Fire Appliance may be burned.
- e. Fires must be attended at all times by a Responsible Person(s).
- f. Fires must be attended until fully extinguished.
- g. ODF burn permit requirements must be followed in areas within ODF jurisdiction.
- h. Rural Fire District burn permit requirements must be followed if required by local agency.

**Section 040. Prohibitions.**

- A. Burning of construction or demolition debris, plastics and synthetic foams, materials containing asbestos, tires or rubber products, household garbage or food waste, wire insulation, automobile parts (including frames), dead animals or other materials that produce dense black smoke or an offensive odor when burned is prohibited at all times.
- B. Burning of waste oil or other petroleum products is prohibited at all times, unless as fuel for a Fire Appliance manufactured for the specific purpose of burning waste oil or other petroleum products, and used as indicated by the manufacturer's specifications.
- C. Burning of any standing constructed structure is prohibited except with written approval of the Fire Chief of the district having jurisdiction in addition to securing any other applicable permits.

D. Fire departments conducting formal live fire training are exempt from the requirements of this section. Fire departments conducting formal live fire training accept all potential liability for burning prohibited materials, and any other adverse outcome, related to the training.

**Section 050. Open Burning.** Open Burning is **allowed outside of Regulated Fire season. Regulated Fire Season is** (July 1—September 30). This applies to times outside of these dates and, with applicable permit(s), during daylight hours only, unless specifically authorized in writing by the fire department, district, or agency having jurisdiction. Burn piles shall not be within twenty-five (25) feet of any building, vehicle, trailer, wooden fence, or fuel storage containers. All fires shall be attended at all times by a Responsible Person (s) who possesses a shovel or equivalent firefighting tools and water sufficient to suppress accidental ignitions.

**Section 060. Regulated Fire Season.** During Regulated Fire Season, restrictions on fire use and burning shall be imposed in the interest of public safety as described in this section.

- A. Absent action taken as described below in Section 060.B., Regulated Fire Season shall begin on July 1 of each year and end on September 30 of each year.
- B. Following a recommendation of the Baker County Fire Defense Board, the Baker County Board of Commissioners may annually designate dates for entry to and exit from Regulated Fire Season that shall supersede automatic entry and exit dates described above.
- C. Open Burning is prohibited during Regulated Fire Season on any lands outside any city limits in Baker County. This provision does not prohibit Regulated Agricultural Field Buring or prescribed burning authorized by the Oregon Department of Forestry or any Federal Wildland Fire Fighting Agency (FWFFA) within their respective jurisdictions.
- D. Burn Barrel use is prohibited during Regulated Fire Season, except during the hours of 6:00 am to 10:00 am during fire danger ratings of Low to Moderate, and must meet requirements outlined in Section 030.B.1. If Fire Danger ratings are High and above the use of Burn Barrels is prohibited at all times during regulated fire season.

E. Fire Rings and Appliances may be used during Regulated Fire Season and must meet requirements outlined in Section 030.B.1.

**Section 070. Burn Ban/Regulated Use.** If extreme fire danger exists, the Baker County Board of Commissioners may ban all fires outside incorporated cities at the recommendation of the Baker County Fire Defense Board. Under a complete burn ban, no outdoor fires of any kind are allowed except Regulated Agricultural Field Burning (though not required it helps prevent accidental activation of response agencies if notifications of the field burn are made to the following; Blue Mountain Interagency Dispatch Center, Baker County Dispatch Center, and local fire district) and gas, pellet or charcoal barbeques. If an agricultural burn escapes the prescribed area the landowner should call 9-1-1 to report the event as soon as possible and they will be held responsible.

**Section 080. Special Event Permits.** At the discretion of the affected District Fire Chief, and/or FWWFA or ODF, a special use permit for a fire within Regulated Fire Season (or burn ban, if applicable), may be issued. Special Event Permits issued for land under dual protection must be approved by all affected agencies. Permits issued under this Section shall be issued in writing by the Fire Chief or affected agency administrator and may contain mitigation measures or conditions of approval, e.g. the permit may necessitate the presence of firefighting apparatus.

**Section 090. Enforcement.**

A. This ordinance may be enforced by a Fire Chief of a Rural Fire Protection District or their designee (on lands under the jurisdiction of a rural fire protection district), the Baker County Sheriff, or any peace officer within Baker County as defined by ORS 161.015.

B. Any person found in violation of any provision of this ordinance shall be guilty of a Class A violation, punishable by a maximum fine of \$2,000 per violation, as described in ORS 153.018(2)(a).

C. The fine described above is in addition to any cost recovery allowed under ORS 478.965 Recovery by district of costs of suppressing unlawful fire; attorney fees.

**Section 100. Emergency.** This ordinance, being necessary for the immediate preservation of the peace, health and safety of the citizens of Baker County, shall take effect immediately upon its adoption.