

## **REGULATION V**

### **BURNING PROVISIONS, LIMITATIONS AND PROHIBITIONS**

#### **RULE 501. GENERAL BURNING PROVISIONS**

*(Adopted 8/2/76; Revised 7/5/77, 1/10/89, 1/26/2000, 7/25/2001, 7/24/2002, 3/24/2004, 7/26/2006, and 12/2/2009)*

- A. APPLICABILITY. The provisions of this Rule shall apply within the boundaries of San Luis Obispo County to any person who participates in non-agricultural open burning or developmental burning or who burns green waste material in an open outdoor fire.
- B. DEFINITIONS. For the purposes of this Rule, the following definitions shall apply:
1. "Backyard Burning": The burning of green waste material by occupants of one- and two-family dwellings. This type of burning is also known as dooryard or green waste burning.
  2. "Burn Barrel": Any equipment, article, machine, contrivance, structure or part of a structure, other than a multiple chamber incinerator, used to dispose of combustible material by burning.
  3. "Developmental Burning": The open burning of wood waste from trees, vines or bushes on property being developed for commercial or residential use.
  4. "Green Waste Material": Any grass clippings, leaves, weeds, plant prunings, shrubbery, tree trimmings or branches. Any green waste material allowed to be burned must be dry as specified in Subsection F.2.e.
  5. "Household Rubbish": Any dry non-glossy paper, or cardboard normally accumulated by a family in the course of ordinary day-to-day living.
  6. "No-Burn Day": Any day on which agricultural burning is prohibited by the California Air Resources Board (ARB) or the San Luis Obispo County Air Pollution Control District (District). The District may declare any permissive burn day designated by the ARB to be a no-burn day if necessary to maintain suitable air quality.
  7. "Open Outdoor Fire": Any combustion of combustible material of any type outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.
  8. "Parcel": A distinct portion or tract of land defined by an Assessor's Parcel Number (APN).

9. "Permissive Burn Day": Any day on which the ARB or the District does not prohibit burning of agricultural wastes.
10. "Smoke Sensitive Sites": Schools, day care centers, parks, hospitals, nursing homes and other public or private health care facilities.
11. "Urban Reserve Line (URL)": A boundary separating urban/suburban land uses and rural land uses. The urban reserve line defines growth areas around urban centers in which the county, or the county and affected city, will actively coordinate plans, policies and standards relating to building construction, subdivision development, land use and zoning regulations, street and highway construction, public utility systems, and other matters related to the orderly development of urban areas.
12. "Village Reserve Line (VRL)": A boundary which distinguishes developed areas from the surrounding rural countryside. Village reserve lines are established for: Black Lake, California Valley, Callender/Garrett, Creston, Garden Farms, Heritage Village, Los Berros, Los Ranchos/Edna, Oak Shores, Palo Mesa, Pozo, San Simeon Acres, Whitley Gardens and Woodlands.

C. EXEMPTIONS

1. The following are exempt from Section D, General Requirements:
  - a. A fire set by or permitted by a public officer, if such fire has been authorized in writing by the Air Pollution Control Officer (APCO) and is in the performance of the official duty of such public officer, and such fire, in the opinion of such public officer, is necessary for any of the following:
    - 1) The prevention of a fire hazard which cannot be abated by any other reasonable means.
    - 2) The instruction of public employees in the methods of fighting fires.
    - 3) Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.
  - b. Fires permitted by the APCO on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
  - c. Fires authorized for agricultural burning for disposal of agricultural waste, as defined in Rule 105, Subsection A.3, and pursuant to Rule 502.
  - d. Fires permitted by the APCO related to the use of farm equipment in agricultural operations.
  - e. Any other fire authorized in writing by the APCO for the performance of official duty of any public official, if such permission is given for the

purpose of right-of-way clearing by a public entity or utility, levee, reservoir, and ditch maintenance, or the prevention of a fire hazard, which fire is, in the opinion of such official, necessary. Such authorization shall be predicated upon guidelines for meteorological data promulgated by the Air Resources Board of the State of California establishing the conditions of burning.

- f. Fires used only for cooking of food for human beings or for recreational purposes. Such fires shall not include the burning of petroleum wastes, tires, tar, tar paper, rubber or plastics or any other highly polluting materials.
- g. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.
- h. The abatement of fires pursuant to Chapter 2, (commencing with Section 13055) of Part 1 of Division 12 of the Health and Safety Code.

D. GENERAL REQUIREMENTS. No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire within the District unless otherwise specified in Section C, E or F, or Subsection G.

E. DEVELOPMENTAL BURNING REQUIREMENTS. Developmental burning shall be prohibited within San Luis Obispo County except as provided in Subsection E.1.

- 1. Developmental burning of tree stumps and other wood waste grown on the property may be allowed with prior APCO approval and a burn permit issued by the District, provided there are no technically feasible alternatives to burning as determined by a District inspection and review.

F. GREEN WASTE BURNING REQUIREMENTS

- 1. The backyard burning of dry green waste material in an open outdoor fire is prohibited within the Urban Reserve Lines for Arroyo Grande, Atascadero, Avila Beach, Baywood Park, Cambria, Cayucos, Grover Beach, Los Osos, Morro Bay, Nipomo, Oceano, Paso Robles, Pismo Beach, San Luis Obispo, San Miguel, Santa Margarita, Shandon, and Templeton, and within the Village Reserve Lines for Black Lake, Callender/Garrett, Creston, Garden Farms, Heritage Ranch, Los Berros, Los Ranchos/Edna, Oak Shores, Palo Mesa, San Simeon Acres, Whitley Gardens, and Woodlands.
- 2. A permit shall be required in order to conduct backyard burning in those areas where burning is not prohibited under Subsection F.1. Burn permit fees, in accordance with Rule 302, shall be paid at the time of application submittal. The burn permit is invalid until the appropriate Rule 302 permit fees are paid.
- 3. Backyard burning of dry green waste material in an open outdoor fire by occupants of one- or two-family dwellings is allowed with a permit in all other areas not

specified in Subsection F.1, at designated times throughout the year subject to strict control by fire protection agencies, with the following restrictions:

- a. The green waste material to be burned must be dry as specified in Subsection F.3.e and must have originated on the property where the fire is located.
- b. No person shall conduct open outdoor burning on days designated as no-burn days by the ARB or the District. The ARB will declare each day as a permissive burn day or a no-burn day. The APCO may prohibit burning, even if it has already been declared as a permissive burn day, in order to avoid a significant degradation of the air quality.
- c. Burning non-green waste material as well as the following green waste material is prohibited: grass clippings, piled leaves, and piled pine needles.
- d. On permissive burn days, burning may take place only between the hours of 10:00 a.m. and 4:00 p.m.
- e. Drying Times: Material should be dry and reasonably free of surface moisture. A minimum of three (3) weeks from the time of cutting will be required for prunings and small branches; six (6) weeks for trees and large branches.
- f. No burning shall be allowed if measurable rain has fallen within five (5) days immediately prior to the proposed burn.
- g. Piles of shrubbery and tree prunings shall be no larger than four (4) feet high and six (6) feet in diameter.
- h. Accelerants or flammable liquids shall not be used to start fires in burn piles. Commercially available starter fluid or lighter fluid is allowed.
- i. Burning piles shall be tended by a responsible adult at all times and a functioning water hose capable of extinguishing the fire shall be available at all times.
- j. Burn piles shall be located a minimum of fifty (50) feet from the property line of neighboring residences and a minimum of thirty (30) feet from any structure, including wooden fences, on the same property.
- k. At least fifteen (15) feet of clearance to mineral soil shall be provided between burn piles and any vegetation or other combustible material, including but not limited to grass, weeds, trees, shrubs, and wood piles.
- l. No person shall cause a nuisance by allowing smoke or flying ash produced while burning to impact neighboring residences and property.

4. The cost of putting out any fire in violation of the terms of this Rule may be imposed on the person responsible for setting and/or maintaining the fire.

G. BURN BARREL AND HOUSEHOLD RUBBISH PROHIBITION

1. The use of burn barrels and burning of any household rubbish is prohibited.
2. The cost of putting out any fire in violation of the terms of this Rule may be imposed on the person responsible for setting and/or maintaining the fire.