

**Rule 201 General Prohibitions and Exemptions for Selected Open Burning**  
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**RULE 201:  
GENERAL PROHIBITIONS AND EXEMPTIONS FOR SELECTED OPEN BURNING**

**1.0 GENERAL PROHIBITIONS.**

- 1.1** Except as provided in these Rules and Regulations, no person shall use open outdoor fires for the purpose of disposal of any waste, including but not limited to natural vegetation, and non-approved combustibles. For purposes of this Section, a person shall be deemed to have permitted the setting or use of such fires if the person permits the setting or use of such fires for the disposal of such wastes under the person's control, on land owned by the person, under the person's control, by the person's agent(s), or by employees or other persons under the person's control.
- 1.2** No person shall dispose of approved combustibles from any property by burning them in a burn barrel or incinerator outdoors, except as specifically authorized pursuant to Rule 203.
- 1.3** No person shall ignite or allow to become ignited approved combustibles unless using an approved ignition device.
- 1.4** No person shall ignite or allow to become ignited approved combustibles unless it is a Permissive or Marginal Burn Day in the designated smoke management area where the residential waste burning is to take place.

**2.0 EXEMPTIONS TO GENERAL PROHIBITIONS.**

- 2.1 Single- and Two-Family Dwelling Exemption.** Burning for the disposal of approved combustibles of a single- or two-family dwelling on its premises, when such burning is performed pursuant to a valid Coordinated Burn Authorization Permit on a Permissive or Marginal Burn Day.
- 2.2 Agricultural Burning Exemption.** Burning for the disposal of agricultural waste as defined in Rule 200, section 2.1.
- 2.3 Right-of-Way, Levee, Reservoir and Ditch Clearing Exemption.** Burning by a public entity or utility for the right-of-way clearing or other property access, or for levee, reservoir and ditch or drainage maintenance. No material may be burned pursuant to this Section unless:
  - 2.3.1** The burning is done on a Permissive or Marginal Burn Day;
  - 2.3.2** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
  - 2.3.3** Burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir and ditch or drainage maintenance where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 "Drying Periods," and Section 5 "Burning of Vines or Bushes Treated with Herbicides," provided, however, that material growing in or

on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted or treated; and,

- 2.3.4** Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.4 Land Clearing and Fire Hazard Reduction Exemption.** Burning of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes, or when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard may be disposed of by open outdoor fires on the property where it was grown, when authorized by the local fire protection agency having jurisdiction over the respective burn site, and when performed with a valid Coordinated Burn Authorization Permit. No material may be burned pursuant to this Section unless:
- 2.4.1** The burning is done on a Permissive Burn Day;
  - 2.4.2** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
  - 2.4.3** Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
  - 2.4.4** Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.5 Public Officer Exemption.** Burning operations conducted by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of an officer is necessary and, when performed with a valid Coordinated Burn Authorization Permit will inhibit the emergency burning:
- 2.5.1** For the purpose of the prevention of a fire hazard which cannot be abated by any other means; or
  - 2.5.2** For the instruction of public employees in the methods of fire fighting; or
  - 2.5.3** For the purpose of disease or pest control and prevention.
- 2.6 Employee Instruction.** Burning operations on property for the purposes of instruction of employees in methods of fire fighting, when performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.7 Back Fires to Protect Life and Property.** Burning operations conducted pursuant to Section 4426 of the Public Resources Code as back fires necessary to save life or valuable property.
- 2.8 Wild land Vegetation Management Burning.** Burning operations conducted for the purpose of wild land vegetation management burning pursuant to Rule 207, and as defined in Rule 201, section 2.41 of these Rules and Regulations, and when performed with a valid Coordinated Burn Authorization Permit.
- 2.9 Multi-Unit Dwellings and Commercial Entities.** At multi-unit dwellings and commercial entities, burning for the purpose of fire hazard reduction when done for the purpose of compliance with local fire hazard reduction ordinances. No material may be burned pursuant to this Section unless:

- 2.9.1 The burning is done on a Permissive Burn Day;
  - 2.9.2 The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
  - 2.9.3 Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
  - 2.9.4 Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.10 **Residential Cooking and Recreational Fires.** Open outdoor fires used for cooking food for human beings or for recreational purposes such as bonfires, campfires, and warming fires. Recreational fires are fires used for recreational purposes where the fire is less than 3 feet in diameter, and which are in compliance with all minimal fire safety requirements as set out in Rule 200, 2.23.
- 2.11 **Ceremonial Fires.** Open outdoor fires used for religious or ceremonial purposes which are in compliance with all minimal safety requirements as set out in Rule 200, 2.23

### 3.0 REQUIRED COORDINATED BURN AUTHORIZATION BURN PERMITS

- 3.1 **Required Coordinated Burn Authorization Permit (CBA Permit).** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or allow the open burning activity on any property under the person’s ownership, control or possession without first obtaining a valid Coordinated Burn Authorization Permit, issued by the Air Pollution Control Officer or the Air Pollution Control Officer’s designee pursuant to State law. The Air Pollution Control Officer may designate specified designees to issue Coordinated Burn Authorization Permits and may utilize fire agency burn permits which meet the following criteria:

Each Coordinated Burn Authorization Permit must include, but is not limited to:

- 3.1.1 Identification of a responsible party during the burn activity;
- 3.1.2 Identification of Burn Zone in which the permitted burning is authorized;
- 3.1.3 Identification of the fire district jurisdiction in which the permitted burning is authorized;
- 3.1.4 Identification of the type of burning and what is to be burned;
- 3.1.5 A prohibition against burning of prohibited burn materials as defined in Section 2.33 of this Regulation;
- 3.1.6 Acknowledgement by written signature of the responsible party that the Authorized Permittee understands the prohibition against burning of prohibited materials, the requirement for burning only on Permissive or Marginal Burn Days, and other conditions set out in the Coordinated Burn Authorization Permit;
- 3.1.7 A prohibition against burning on No-Burn Days;
- 3.1.8 Identification of authorized burn hours during which burning is allowed and outside of which burning is prohibited;
- 3.1.9 Identifies minimum fire safety requirements necessary to minimize the potential for escape burns;

- 3.1.10** Includes an updated annual burn permit certification issued by the Air Pollution Control Officer;
- 3.1.11** Incorporates any additional conditions the local, State and federal fire protection agency fire official having jurisdiction over the burn site specifies, including the requirement for local fire protection agency on-site inspection and approval when required by the local fire protection agency fire chief; and,
- 3.1.12** A statement that open and residential burning may release toxic air contaminants and increase risk of adverse health effects.
- 3.2** **Required Conduct.** Any open burning which is not in full and complete compliance with the provisions of these Rules and Regulations is in violation of these Rules and Regulations.
- 3.3** **Parent or Guardian Liability.** The parent or legal guardian of any minor violating these Rules and Regulations is strictly liable for the minor's conduct and violation.
- 3.4** **Strict Liability.** Any person in possession of property or who exercises possessor rights on the property on which any open burning is performed in violation of these Rules and Regulations is strictly liable for any violation of these open burning Rules and Regulations. A contractor or agent acting on behalf of the person in possession of the property is independently and strictly liable for any violation.
- 3.5** **Required Burn Permit Information.** Each applicant for a burn permit shall provide such information as required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the Air Pollution Control Officer. No permit may be issued without the required information.
- 3.6** **Designated Smoke Management Area.** The North Coast Unified Air Quality Management District has established three (3) Designated Smoke Management Areas as defined in Rule 200, Section 2.16 consisting of:
- 3.6.1** Coastal Smoke Management Area;
- 3.6.2** Lower Inland Zone Smoke Management Area; and
- 3.6.3** Upper Inland Zone Smoke Management Area.

The Air Pollution Control Officer, or his designee, as guided by the California Air Resources Board, shall provide Permissive Burn Day or No-Burn Day daily determinations for each of the Designated Smoke Management Areas.

#### **4.0 PERMISSIVE AND NO-BURN DAYS**

- 4.1** **Permit Invalidation on No-Burn Days.** Coordinated Burn Authorization Permits are not valid on designated No-Burn Day. Any person, his/her employees or any other persons under his/her control shall not set or permit burning on a No Burn Day unless otherwise approved by the APCO.

- 4.2 Fire Prevention No-Burn Day Designations.** No Coordinated Burn Authorization burning permit is valid for any day on which burning is prohibited, by any local, State or federal fire protection agency having jurisdiction over the site of the burn. For burn barrels, a No-Burn Day shall also include any day or period of time that the chief fire official having jurisdiction over the site of the burn has issued a written determination that the use of a burn barrel may create or contribute to an unacceptable fire risk.
- 4.3 Restriction of Burning during Poor Air Quality Conditions.** Notwithstanding the issuance of a Coordinated Burn Authorization Permit and designation of a Permissive Burn Day, the Air Pollution Control Officer may restrict burning on a Permissive Burn Day if such burning could cause or contribute to potential adverse air quality conditions. No burning shall be conducted if meteorological conditions would cause an undue amount of emissions to be transported into populated or sensitive receptor areas. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of any federal or state Ambient Air Quality Standard. In no event shall a public nuisance be permitted to exist by the Air Pollution Control Officer or by the permittee.
- 4.4 Permit to Burn on a No-Burn Day.** Notwithstanding any other provision of this Regulation, the Air Pollution Control Officer may, by special condition for one day only, authorize agricultural burning on days designated by the CARB as No-Burn Days when denial of such permit would threaten imminent and substantial economic loss. The granting of such a special condition for one day only does not exempt the applicant from any other District or local, state or federal fire protection agency regulation(s). Each applicant requesting authorization to burn on a day designated by the CARB as a No-Burn Day, shall obtain an approved No Burn Day Permit prior to any and all burning. Approval or denial will be based upon the written justification to the Air Pollution Control Officer as to why denial of such permit would threaten imminent and substantial economic loss.

## **5.0 EXEMPTIONS TO PERMIT REQUIREMENTS**

- 5.1 Residential Cooking and Recreational Fires.** Coordinated Burn Authorization Permits are not required for burning conducted for open outdoor fires used *only* for cooking food for human beings or for recreational purposes such as warming fires, campfires and bonfires.
- 5.2 Ceremonial or Religious Fires.** Coordinated Burn Authorization Permits are not required for open outdoor fires conducted for religious ceremonial purposes.