

Somerton/Cocopah Fire Department



Guidelines for Open Burning

Somerton/Cocopah Fire Department Guidelines for Open Burning

The Somerton/Cocopah Fire Department has been delegated authority to issue burn permits by the Arizona Department of Environmental Quality. Two types of open burn permits are issued in Arizona: Normal and Dangerous Materials. Only ADEQ has authority to issue open burn permits for dangerous materials, and they should be contacted at (602) 771-2321 for further information and explanation of dangerous materials.

The Somerton/Cocopah Fire Department does not assume any responsibility or liability in the burning by issuance of a permit.

Burn permits are issued to those applicants who:

- Have read the Somerton/Cocopah FD *Guidelines for Open Burning* document
- Have completed the Somerton/Cocopah FD *Open Burning Permit Application*
- Paid the appropriate fee(s) for the issuance of a permit
- Strictly adhere to the *Guidelines for Open Burning* and Burn Permit restrictions

After the issuance of a burn permit, the permit holder must notify the Somerton Public Safety Facility operators prior to burning to request permission to burn for the particular day. After the operators confirms that weather conditions allow for open burning, they will grant permission for that particular day. **The permit holder must notify the operators before burning and at the completion of burning.** To contact the operators you must call the Somerton Police Department at (928) 627-2011.

Permits are issued for open burning for certain purposes which are outlined in R18-2-602 of the Arizona Administrative Code (A.A.C.). Specifically, A.A.C. R18-2-602 states that open outdoor fires may be permitted only for the purposes of weed abatement, prevention of a fire hazard, or instruction in the methods of fighting fires.

Your material to be burned shall be dry, readily combustible, and placed in any of the following arrangements in such quantities that it will be completely consumed within the permitted burn hours listed below:

- piled
- collected in a pit
- placed in an approved waste burner
- ignited in place

Your piled or pit contained material must have a minimum clearance of 50 feet from any structure. Remove materials that could cause fire to spread 10 feet around the burn area (Clearance shall be applied down to bare soil.) Exceptions (As per Authority Having Jurisdiction): Fires in pre-approved containers may be 15 feet from a structure, and fires where the pile size is 3 feet or less in diameter and 2 feet or less in height may be 25 feet or more from a structure.

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You may start your burn using items such as matches, flares, or hand held torches fueled by liquified petroleum gas such as propane or butane. You may **not** start your fire using tires, tar paper, oil, or liquified petroleum products such as gasoline or diesel. You may **not** use any ignition device that causes the production of black smoke.

You are only allowed to burn between the following hours:

- Year round: start igniting no earlier than one hour after sunrise; and
- Year round: fire must be extinguished two hours before sunset.

You are not allowed to burn at night.

Open burning is prohibited during periods of smoke dispersion, excessive visibility impairment, or during periods of extreme fire danger.

You may not open burn when any air stagnation advisory, as issued by the National Weather Service, is in effect in the area of the burn or during periods when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas. Such visibility impairment can be anticipated during periods of heavy regional haze and/or calm wind conditions.

Open burning shall be conducted only during wind conditions which prevent dispersion of smoke into populated areas, do not cause a visibility impairment on traveled roads or airports to the extent that a safety hazard results, do not create a public nuisance, and do not cause uncontrollable spreading of the fire.

You may be required by any fire official or its representatives to extinguish or abstain from open burning during periods of inadequate smoke dispersion, excessive visibility impairment or at other times when public health or safety could be adversely affected.

You must be present at all times when open burning. Do not set a fire and leave. You may be responsible for *any* damage caused by a fire started by your open burning. You may be subject to civil penalties from damages caused by fires started by your open burning. You must have available any necessary equipment (i.e., water supply, water hose, shovel, sand, etc.) to control the burn and to put out the fire if the need arises. You must completely extinguish the fire before leaving it unattended.

You must have a copy of the burn permit on-site during open burning, to show that you have authorization to conduct open burning. The permit shall not be construed to relieve you from liability from resulting damages or the obligation to comply with other applicable laws, regulations, or ordinances.

These types of Emission Reduction Techniques (ERTs) should be utilized to minimize emissions from the fire:

- Minimize the material to be burned;
- Prevent fire from spreading by lining the area where open burn is conducted and application of fire retardant foam, or water;

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- Allow the material to dry before burning;
- Minimize soil content in slash piles and by constructing piles under dry soil conditions or by using hand piling methods;
- Burn in piles;
- Use a back fire (burn in the opposite direction of wind) when grass is burned;
- Use an air curtain destructor operated pursuant to manufacturer specifications and meeting applicable state or local opacity requirements;
- Extinguish the smoldering burns;
- Burn before litter falls;
- Burn prior to precipitation

Types of material you are **NOT** to burn with an open burning permit:

1. All plastic materials such as:
 - bottles for household chemicals
 - grocery and retail bags
2. Waste petroleum products:
 - waste crankcase oil
 - transmission oil
 - used oil
 - oil filters
3. Hazardous material containers that contained:
 - pesticides
 - lead compounds
 - cadmium compounds
 - mercury compounds
 - arsenic compounds
4. Tar Paper
5. Poison Oak
6. Asbestos
7. Poison Ivy
8. Poison Sumac
9. Oleanders
10. Aerosol Spray Cans
11. Flammable Liquids
12. Antifreeze
13. Explosives or Ammunition
14. Polyester
15. Thermal Insulation
16. Tires
17. Electrical Wire Insulation
18. Batteries
19. Hazardous Waste Products:
 - paints
 - pesticides
 - cleaners
 - stains and varnishes
20. Asphalt Shingles

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Pursuant to Arizona Revised Statute 13-1706, Burning of wildlands; exceptions; classification

A. It is unlawful for any person, without lawful authority, to intentionally, knowingly, recklessly or with criminal negligence to set or cause to be set on fire any wildland other than the person's own or to permit a fire that was set or caused to be set by the person to pass from the person's own grounds to the grounds of another person.

B. This section does not apply to any of the following:

1. Open burning that is lawfully conducted in the course of agricultural operations.
2. Fire management operations that are conducted by a political subdivision.
3. Prescribed or controlled burns that are conducted with written authority from the state forester.
4. Lawful activities that are conducted pursuant to any rule, regulation or policy that is adopted by a state, tribal or federal agency.
5. In absence of a fire ban or other burn restrictions to a person on public lands, setting a fire for purposes of cooking or warming that does not spread sufficiently from its source to require action by a fire control agency.

C. A person who violates this section is guilty of an offense as follows:

1. If done with criminal negligence, the offense is a class 2 misdemeanor.
2. If done recklessly, the offense is a class 1 misdemeanor.
3. If done intentionally or knowingly and the person knows or reasonably should know that the person's conduct violates any order or rule that is issued by a governmental entity and that prohibits, bans, restricts or otherwise regulates fires during periods of extreme fire hazard, the offense is a class 6 felony.
4. If done intentionally and the person's conduct places another person in danger of death or serious bodily injury or places any building or occupied structure of another person in danger of damage, the offense is a class 3 felony.

Per the Somerton City Code Section 10-1-1, it is unlawful for any person to start or maintain any open fire for the purpose of burning trash or rubbish in any of the streets, alleys or vacant lots in the City, or to start or maintain any such fire in the yards or enclosures surrounding any dwelling house or business property situated therein.