



BURN PERMIT DEFINITIONS – 2022

Please consult Arizona Administrative Code – R18.2.602 for the detailed requirements.

The following is a list of the terms and citations of Code related to the Heber-Overgaard Fire District Burn Permit. It is not all-inclusive or complete.

Slash - https://www.fs.usda.gov/detail/arp/landmanagement/resourcemanagement/?cid=fsm91_058291

A.A.C R18-2-602 A13

“Prohibited materials” means non-paper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.

A.A.C R18-2-602 D.3.c

A requirement that burns be conducted during the following periods, unless otherwise waived or directed by the Director on a specific day basis: i. Year-round: ignite fire no earlier than one hour after sunrise; and ii. Year-round: extinguish fire no later than two hours before sunset;

RED FLAG WARNING

Only the National Weather Service can issue a Red Flag Warning. The term Red Flag Warning is used by fire weather forecasters to alert fire personnel and the public of potential extreme and critical fire weather due to high winds and low relative humidity. Red Flag Warnings are issued when the ALL of the following criteria are met:

- Wind speeds are expected to exceed 10 mph.
- Relative humidity is 15% or lower.
- Fire danger rating of High, Very High, or Extreme.
- Water shortage or water system issues
- Resources to

On a **RED FLAG DAY**, the following restrictions go into effect on the Apache-Sitgreaves National Forests (this includes the communities of Heber-Overgaard) during the advisory hours (advisory hours differ depending on the fire weather zone):

- i. Building, maintaining, or attending a fire or campfire. *Liquid propane or pressurized fuel used for heating and cooking devices are permissible as long as it can be turned on and off, and is in an area devoid of flammable materials within a five-foot radius.
- ii. Smoking outside a vehicle or a building.
- iii. Vehicle use off roads or trails.
- iv. Driving a vehicle without an approved spark arresting device.
- v. Operating an internal combustion engine (unless the equipment has an approved spark arresting device AND is in an area completely devoid of vegetation) i.e. chainsaws, generators, hot saws, skidders, and other recreational or industrial equipment.
- vi. Welding, or operating an acetylene or other torch with an open flame.

The mission of the Heber-Overgaard Fire District is to serve the people and to protect lives and property by providing fire, rescue, and emergency medical services.

Navajo County Imposed “Stage II Restrictions” & “NON-EMERGENCY FIRE RESTRICTIONS”

A. Navajo County Outdoor Fire Ordinance NO. 01-19

- a. <https://www.navajocountyaz.gov/Departments/Emergency-Management-and-Preparedness/Restrictions>

Section 6 NON-EMERGENCY FIRE RESTRICTIONS

The following restrictions are in effect at all times in all zones, except as they may be superseded by emergency fire restrictions pursuant to Section 7:

- 6.1 It is unlawful for any person to start, ignite, cause or permit to be ignited, or allow to maintain any open outdoor fire except as allowed by permit through the Emergency Management Director/Manager, the applicable Fire District or Department, or the Arizona Department of Environmental Quality pursuant to Title 49, Chapter 3 of the Arizona Revised Statutes.**

During “Red Flag Warning”, conditions, as posted by the National Weather Service, no open outdoor fires, campfires, charcoal fires, agricultural burning or outdoor smoking are permitted on either public or private property within the unincorporated area of the affected zone(s).

The following fires are exempted from this restriction:

Exemptions:

- 6.1.1** Fires used only for the cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fires) in an area that is designated for that purpose and is barren or cleared of all debris.
- 6.1.2** Fires used for the purpose of branding of animals; for the purpose of frost protection in farming or nursery; or for the disposal of flags pursuant to federal law.
- 6.1.3** Any fire set or permitted by authorized public official in the performance of official duty, if such fire is set or such permission is given for the purpose of instruction in the methods of fighting fires or the control of an active wildfire.
- 6.1.4** Fires set or permitted by authority of the director of the Arizona Department of Agriculture or by Navajo County agricultural agents for the purposes of disease and pest prevention.
- 6.1.5** Fires authorized by Special Use Permit as issued by the Emergency Management Director/Manager, Fire District or Fire Department.
- 6.1.6** Fires set by or permitted by the federal government or any of its departments, agencies or agents, or by the State or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.
- 6.1.7** Fires permitted by any rule or regulation adopted pursuant to Title 49, Chapter 3, Article 3 of the Arizona Revised Statutes, by any special or conditional permit issued by a hearing board established under said Article 3, or by any rule or conditional permit issued pursuant to Title 49, Chapter 3, Article 2, when pursuant to ARS § 49-402 the Arizona Department of Environmental Quality has assumed jurisdiction of the portion of Navajo County where the fire is located.

A.A.C R18-2-602 D.3.d

A requirement that the permittee conduct all open burning only during atmospheric conditions that:

- a. Prevent dispersion of smoke into populated areas;
- b. Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
- c. Do not create a public nuisance or adversely affect public safety;
- d. Do not cause an adverse impact to visibility in a Class I area; and
- e. Do not cause uncontrollable spreading of the fire;

A.A.C R18-2-602 D.3.k

A requirement that the permittee ensure that a burning pit, burning pile, or approved waste burner be at least 50 feet from any structure;

A.A.C R18-2-602 D.3.g

A requirement that the person conducting the open burn notify the local fire-fighting agency or private fire protection service provider, if the service provider is a delegated authority, before burning.

A.A.C R18-2-602 D.3.i

A requirement that the permittee attend the fire at all times until it is completely extinguished;

A.A.C R18-2-602 D.3.j

A requirement that the permittee provide fire extinguishing equipment on-site for the duration of the burn

ARS 13-1706. Burning of wildlands; exceptions; classification

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.

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

- a. Open burning that is lawfully conducted in the course of agricultural operations.
- b. Fire management operations that are conducted by a political subdivision.
- c. Prescribed or controlled burns that are conducted with written authority from the state forester.
- d. Lawful activities that are conducted pursuant to any rule, regulation or policy that is adopted by a state, tribal or federal agency.
- e. 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.

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

- a. If done with criminal negligence, the offense is a class 2 misdemeanor.
- b. If done recklessly, the offense is a class 1 misdemeanor.
- c. 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.
- d. 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.

49-501. Unlawful open burning; exceptions; civil penalty; definition

A. Notwithstanding the provisions of any other section of this article:

- a. It is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided in this section.
- b. From May 1 through September 30 each year, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire in area A (Maricopa County) as defined in section 49-541.

B. The following fires are excepted from this section:

- a. Fires used only for cooking of food or for providing warmth for human beings or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

- b. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.
 - c. Fires set by or permitted by the director of the department of agriculture or county agricultural agents of the county for the purpose of disease and pest prevention.
 - d. Fires set by or permitted by the federal government or any of its departments, agencies or agents or the state or any of its agencies, departments or political subdivisions for the purpose of watershed rehabilitation or control through vegetative manipulation.
 - e. Fires permitted by any rule or regulation issued pursuant to this article, by any conditional permit issued by a hearing board established under this article or by any rule or conditional permit issued pursuant to article 2 of this chapter when the department of environmental quality pursuant to section 49-402 has assumed jurisdiction of the county in which the fire is located.
 - f. Fires set for the disposal of dangerous materials where there is no safe alternate method of disposal.
- C. Permission for the setting of any fire given by a public officer in the performance of official duty under subsection B, paragraph b, c or d of this section shall be given in writing and a copy of the written permission shall be transmitted immediately to the director of environmental quality and the control officer of the county, district or region in which such fire is allowed. The setting of any such fire shall be conducted in a manner and at such time as approved by the control officer or the director of environmental quality, unless doing so would defeat the purpose of the exemption.
- D. Notwithstanding Section 49-107, the director may delegate authority for the issuance of open burning permits to a county, city, town or fire district. A county, city, town or fire district that has been delegated authority for the issuance of open burning permits may assign the issuance of these permits to a private fire protection service provider that performs fire protection services within that county, city, town or fire district. Any private fire protection service provider that is authorized to issue open burning permits pursuant to this subsection shall maintain a copy of all currently effective permits issued including a means of contacting the person authorized by the permit to set the fire in the event that an order to extinguish the open burning is issued. Permits issued pursuant to this subsection shall contain both of the following:
- E. Conditions that limit the manner and time of setting the fire and that are consistent with this section and rules adopted pursuant to this section.
- F. A provision that all burning be extinguished at the discretion of the director or the director's authorized representative during periods of inadequate atmospheric smoke dispersion, periods of excessive visibility impairment that could adversely affect public safety or periods when smoke is blown into populated areas so as to create a public nuisance.
- G. The director may issue a general permit to allow persons engaged in farming or ranching on forty acres or more in an unincorporated area to burn household waste, as defined in section 49-701, that is generated on site, if no household waste collection and disposal service is available. The general permit shall include the following:
- a. Conditions governing the method, manner and times for burning.
 - b. Limitation on materials which may be burned, including a prohibition on burning of materials which generate noxious fumes.
 - c. A requirement that any person seeking coverage under the general permit shall register with the director on a form prescribed by the director. Upon receipt of a registration form, the director shall notify the county in which the farm or ranch is located of such registration.
 - d. A statement that the director, a local air pollution control officer, or any other public officer may order the extinguishment of burning or may prohibit burning during periods of inadequate smoke dispersion or excessive visibility impairment or at other times when public health or safety could be adversely affected.
- H. Nothing in this section is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation in a county with a population in excess of one million two hundred thousand persons. Notwithstanding any

other law, such a county shall prohibit by ordinance the use of wood burning chimineas, outdoor fire pits and similar outdoor fires on those days for which the county has issued a no burn day restriction.

- I. A person who violates any provision of this section may be served a notice of violation and be subject to the enforcement provisions of this article to the same extent as a person violating any rule or regulation adopted pursuant to this article, except that a violation that lasts no more than twenty-four hours and that is the first violation committed by that person is subject to a civil penalty of no more than five hundred dollars.
- J. For the purposes of this section, "open outdoor fire" means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. For the purposes of this subsection, "flue" means any duct or passage for air, gases or the like, such as a stack or chimney.