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ORDINANCE NO: 642

**An Ordinance Limiting Burning, Prohibiting the Accumulation of Material Constituting a Fire Hazard, Establishing Fines, and Providing for Summary Abatement**

**RECITALS:**

**WHEREAS**, burning of materials other than wood, charcoal, and cooking gases such as propane creates public safety and public concerns, as well as environmental concerns, and

**WHEREAS**, accumulation of materials which create a fire hazard creates a public safety and public health concerns, and

**WHEREAS**, smoke from outdoor burning cannot be contained and frequently becomes an irritant to others in the vicinity of the burning,

**NOW, THEREFORE, THE CITY OF WILLAMINA ORDAINS AS FOLLOWS:**

*effective 4/9/12*

**Section 1.** There is hereby added to the Municipal Code of Willamina, Section 92.10, Burning and Accumulation of Material Constituting a Fire Hazard, which is to read as follows:

**92.10 BURNING AND ACCUMULATION OF MATERIAL CONSTITUTING A FIRE HAZARD**

**92.10.1 DEFINITIONS**

- A. BONFIRE:** An outdoor fire utilized for ceremonial purposes.
- B. CAMPFIRE:** A fire for cooking located outside of a building or recreational vehicle.
- C. CEREMONIAL FIRE:** An outdoor fire for a special occasion such as the Willamina High School Homecoming event.
- D. COMBUSTIBLE WASTE MATERIAL:** An accumulation of wastepaper, wood, straw, weeds, litter, or combustible or flammable waste or rubbish of any type.
- E. DELIBERATE OR NEGLIGENT BURNING:** To deliberately or through negligence set fire to, or causes the burning of, combustible material in such a manner as to endanger the safety of persons or property.
- F. OPEN BURNING:** The burning of material outdoors wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.
- G. PERSON IN CHARGE:** A person or representative of an employee of a person who has lawful control of the site of the fire by ownership, tenancy, official position or the safety of persons or property.

- H. **PORTABLE OUTDOOR FIREPLACE:** A portable (movable) outdoor, solid-fuel burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- I. **RECREATIONAL FIRE:** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- J. **SPONTANEOUS IGNITION:** Material susceptible to spontaneous ignition, such as oily rags, gas, or chemicals.
- K. **STORAGE:** Storage of combustible rubbish that will create a nuisance or a hazard to the public health, safety or welfare.

**92.10.2**

No person shall kindle, maintain, or allow to be maintained, an outdoor fire, bonfire, rubbish fire, burn barrel fire, or garbage fire, nor shall any person kindle, maintain, or allow to be maintained a fire for the purpose of burning grasses, hay, straw, tree parts or trimming, nor shall any person kindle, maintain, or allow to be maintained a fire for land clearing operations or for commercial burning, nor shall any person kindle, maintain, or allow to be maintained any other type of fire with the following exceptions:

- A. Burning of yard debris is allowed on any day which is a Department of Environmental Quality (DEQ) approved burn day. Such burning is typically allowed between October 1 and June 30, but these dates are subject to change by DEQ.
- B. Outdoor recreation fires, as defined in Section 92.10.1, shall be allowed. A recreational fire shall not be conducted within 25 feet of a structure or other combustible material. Provisions shall be made to prevent the fire from spreading to within 25 feet of a structure prior to ignition.
- C. Fires set and maintained for fire fighting training or training fire protection personnel.
- D. Fires requested by law enforcement personnel for the destruction of evidence when the evidence is no longer needed for law enforcement purposes.
- E. In cases of fire hazard that cannot, in the judgment of the Code Enforcement Officer or his/her designee, be removed or disposed of in any other practical manner, a fire may be allowed.

- F. No unattended burning is allowed. Open burning, bonfires, recreational fires, ceremonial fires, and use of portable fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a 4-A rating, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.
- G. Burning of wet garbage, plastic, asbestos, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, tires, cardboard, treated wood products, rubber products, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or any other material which emits a dense smoke or noxious odor is not allowed.
- H. It is unlawful to conduct any type of burning during a declared fire season. Where required by the state or local law or regulations, open burning shall only be permitted with the approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.
- I. The Code Enforcement Officer, or his/her designee, is authorized to order the extinguishment of open burning if it is determined that smoke emissions are offensive to occupants or surrounding property, if the burning creates or adds to a hazardous situation, or if the burning is determined to be detrimental to the public health and safety.
- J. No person shall accumulate or allow to accumulate material which constitutes a fire hazard.

## **92.10.10 PENALTY**

- A. Violation of this Section of the Municipal Code shall be considered an infraction and may be punishable by a fine not to exceed \$300 for each offense, and not less than \$300 for each subsequent cited violation.
- B. Each day's violation of a provision of this Section shall constitute a separate offense.

### **92.10.10.1 ABATEMENT**

Any act prohibited by this ordinance shall be a nuisance and shall be subject to immediate summary abatement as provided in Section 93.10 thru 93.14 of the Municipal Code. Cost of abatement shall be assessed against any person who violates the provisions of this ordinance shall be imposed in addition to any fine.

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**Section 2.** THAT this ordinance shall take effect 30 days after passage by the City Council.

First Reading: 02/09/12

Second Reading: 03/08/12

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF WILLAMINA** this 8th day of March, 2012, by the following vote:

YEAS	<u>ADAMS, BALLER, LONG, SKYBERG, TONEY</u>
NAYS	<u>NONE</u>
ABSTAIN	<u>NONE</u>
ABSENT	<u>BRAMALL</u>



Vernon Mosser  
Vernon Mosser, Mayor

ATTEST:

Sue C Hollis  
Sue C Hollis, City Recorder

F/ORDINANCES/ORDINANCE.642.ADOPTED