

ORDINANCE NO. 432

AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY OF DRAIN AND ESTABLISHING PENALTIES THEREFORE

WHEREAS, the City Council finds that unrestricted year-round open burning is detrimental to the health, safety, and welfare of the community members of Drain and the regulation thereof is both necessary and appropriate to promote the viability and quality of life in the City.

WHEREAS, the City of Drain currently lacks regulations that address open burning during fire season; and

WHEREAS, to prevent dangerous circumstances and to regulate open burning, the City Council finds that it is appropriate to adopt the following regulations.

NOW, THEREFORE THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. Open Burning Prohibited-Exceptions. Open burning is prohibited within the City from July 1st through September 30th of each calendar year and as may be further restricted by the Douglas Fire Protective Association. The Oregon Department of Environmental Quality (DEQ), or the North Douglas County Fire and EMS. The following exceptions apply:

- A) Propane, natural gas, or briquette barbecues used exclusively for cooking that meet applicable federal, state, and local requirements.
- B) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty.
- C) North Douglas Homecoming Bonfire with North Douglas County Fire and EMS and Douglas Fire Protective Association Approval.

SECTION 2: The following activities are allowed throughout the year but are prohibited from July 1 through September 30th or if restricted as notated in Section 1.

- A) Recreational fires located in an approved campsite and contained in provided fire pits:
- B) Outdoor (hearth) fireplaces, burn barrels, and chimneys (chimney patio fireplaces) with spark arrestors or other approved means to stop embers (screens on chimneys, burn barrels, and other openings, etc.):
- C) Vegetative debris burning as outlined in Section 3.

SECTION 3: Vegetative Debris Burning. Vegetative debris includes grass clippings, leaves, limbs, twigs, cut trees and shrubbery. No uncut vegetation may be burned. Burning of materials other than vegetation, including but not limited to tires, furniture, or other household garbage or rubbish is prohibited and subject to a fine. A person may burn vegetative debris in a burn pile subject to the following conditions:

- A) The burn will be supervised by an adult.
- B) Burning will take place only when wind speed and direction will not adversely affect visibility on roadways.
- C) The burning area will be cleared of all growth.
- D) No utility lines are located overhead of the burn pile.
- E) A water supply or fire retardant is readily available to extinguish the fire. A garden hose attached to a working hose bib or a minimum of 5lb fire extinguisher needs to be within arm's length to the fire.
- F) No open flame is allowed to be on or within 15 feet of a structure or within 5 feet of a fence.
- G) The total area of the fire will be three feet or less in diameter and two feet or less in height.
- H) Burning is not started till 0700 hours and is extinguished by 2000 hours.

SECTION 4: Odor and other nuisances. No person shall burn anything that is not permitted to be burned by this code. To do so is considered a nuisance and is subject to abatement as provided by City code. No person shall burn household waste, garbage, plastic, Styrofoam, or other noxious material as defined by City code. Any burning of any of the items listed in this section or any other material that emits a noxious odor or dangerous element into the air is a nuisance and is subject to abatement as provided in City code. No person shall accumulate or allow to accumulate material which in the judgement of the City or Fire District constitute a fire hazard. Any such accumulation is a nuisance and subject to abatement as provided in City code.

SECTION 5. North Douglas County Fire and EMS has the right to proactively file a complaint directly to the Sheriff's Office using this ordinance.

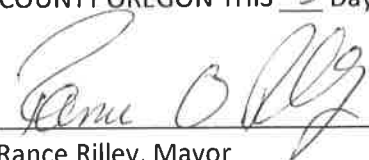
SECTION 6. Violation, Penalties, and Summary abatement. Violation of this chapter shall be considered an infraction and shall be punishable by a fine of not less than \$50 nor more than \$250. Any act prohibited by this Ordinance shall be considered a nuisance subject to immediate and summary abatement by City personnel. Costs of an abatement shall be assessed against any person who violates the provisions of this chapter and shall be imposed in addition to any fine.

SECTION 7. Severability. Any provision of this Ordinance which proves to be invalid, void or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance shall remain in full force and effect.

SECTION 8. The City Administrator is hereby authorized and directed to codify Section 1 through 5 of this ordinance is an appropriate title of the Drain Municipal Code and to change the word Ordinance to Chapter as appropriate when codified.


SECTION 9. EFFECTIVE DATE. This ordinance shall take effect on the 30th day after its adoption by the Drain City Council.

PASSED BY THE CITY COUNCIL, CITY OF DRAIN DOUGLAS COUNTY OREGON THIS 13th August Day of 2018



Rance Riley, Mayor

ATTEST:



Steve Dahl, City Administrator