

## ORDINANCE # 137

### AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY OF WESTFIR; ESTABLISHING PENALTIES THEREFORE; AND REPEALING WESTFIR ORDINANCE #107.

The City of Westfir, Oregon ordains as follows:

Section 1. Open Burning Prohibited – Exceptions. Open burning, including the use of burn barrels, is prohibited within the City. The follow exceptions apply:

- A. Propane, natural gas or briquette barbecues used exclusively for cooking that meet applicable federal, state, and local requirements;
- B. Fires located in fire pits associated with approved campsites and recreational and social fires located in a contained fire pit 3 feet in diameter and attended at all times;
- C. Outdoor (hearth) fireplaces and chimeneas (chimney patio fireplaces) with spark arrestors or other approved means to stop embers (screens on chimneys and other openings, etc.);
- D. Vegetative debris burning as outlined in Section 3.

Exceptions B – D apply only when the City and surrounding areas are not under a burn ban. Exception A applies throughout the year.

Section 2. Costs of suppressing Fires. If a fire department response is required to suppress an uncontrolled fire and the fire department determines that the fire was caused or started by one of the exceptions listed in Section 1, the property owner shall reimburse the City for those costs associated with the suppression efforts.

Section 3. Vegetative Debris Burning. Vegetative debris includes limbs, twigs, and cut trees and shrubbery. No uncut vegetation shall be burned. Burning of materials other than vegetation, including but not limited to tires, paper, 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 all of the following conditions:

- A. The person first obtains an inspection and burn permit from the City Recorder as described in Section 4 of this Ordinance;
- B. Open burning is conducted at least 50 feet away from any structure and is constantly attended until fully extinguished. A shovel and hose must be located within 15 feet of the burn pile and readily accessible. All open burning must be extinguished by sunset. Burn piles more than 8 feet in diameter must be inspected by the Fire Chief prior to burning;
- C. The Fire Department is contacted immediately prior to igniting the burn pile;

- D. All applicable US Forest Service and Oregon Department of Forestry Regulations on open burning apply;
- E. Vegetative debris burning is conducted only between the dates of October 15<sup>th</sup> to June 15<sup>th</sup> subject to local or state fire marshal prohibiting all open burning due to high fire danger.

Section 4. Permit Required. A permit shall be obtained from the City Recorder prior to igniting a burn pile or otherwise burning vegetative materials. The permit shall specify the length of time the permit shall be valid. A fee established by the City Council resolution shall be paid at the time of permit application. The permit may be denied or revoked when, in the opinion of the City Recorder, Fire Chief or Lane Regional Air Pollution authority, burning or smoke omissions may be hazardous or offensive to City inhabitants or the surrounding area.

Section 5. Use of Woodstoves Restricted. The burning of any materials other than wood in woodstoves, fireplaces, outdoor (hearth,) or chimeneas is prohibited, except paper may be used as a starting agent.

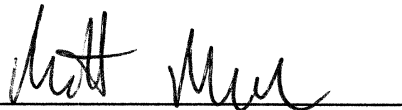
Section 6. Violation, Penalties, Summary Abatement.

- A. 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.
- B. Any act prohibited by this Ordinance shall be considered a nuisance subject to immediate and summary abatement by Fire or City personnel. Costs of 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. Repeal Clause. Ordinance No. 107 is hereby repealed in its entirety.

Passed by the Council and approved by the Mayor on this 6<sup>th</sup> day of February, 2017.

AYE: 3, NAY: 0 ABSENT 2.



Matt Meske, Mayor

ATTEST: Melody Cornelius  
Melody Cornelius, City Recorder

DATE: 2/6/2017