

**CITY OF WESTFIR  
ORDINANCE NO. 144**

**AN ORDINANCE ADOPTING FIREWORKS RESTRICTIONS  
DURING FIRE SEASON**

**WHEREAS** pursuant to Article XI, Section 2 of the Oregon Constitution and the Westfir Charter, the City of Westfir is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

**WHEREAS** the City Council finds that summertime weather conditions can create an extreme risk of wildfires; and

**WHEREAS** the City Council finds there are many things that could be the source of ignition for a wildfire, including but not limited to fireworks; and

**WHEREAS** the City Council finds that wildfires endanger the health and safety of the City's population, jeopardize economic vitality within the City, and imperil the quality of the environment; and

**WHEREAS** the City Council finds that Oregon Revised Statute 480.160 authorizes a municipality to prohibit the manufacture, sale or discharge of fireworks; and

**WHEREAS** the City Council finds that Oregon Revised Statutes 477.505 through 477.512 provide that when conditions that create a fire hazard exist in any forest protection district or portion thereof, the Oregon State Forester has the authority to declare the beginning of fire season; and

**WHEREAS** the City of Westfir finds the restrictions that are imposed by the declaration of the beginning of fire season found at Oregon Revised Statutes 477.510 and 477.512 would be appropriate for all areas within the City of Westfir; and

**WHEREAS** the City Council finds the same conditions that trigger the declaration of a fire season and imposition of the accompanying restrictions are the same conditions that make it appropriate to prohibit the discharge of fireworks during declared "High" or higher fire danger conditions for the South Cascade District; and

**WHEREAS** considering all of the above, the Westfir City Council finds that prohibiting the use of fireworks during high fire conditions has benefits to the community through less risk of fire in an increasingly dry environment;

**NOW, THEREFORE, the City of Westfir ordains as follows:**

**Section 1. Definitions.** The following definitions apply:

- a. "Fire season" has the meaning given in ORS 477.001;

- b. "Fireworks" has the meaning given in ORS 480.111;
- c. "Oregon State Forester" has the meaning given in ORS 477.001.

**Section 2. Fireworks Prohibition.** In addition to restrictions on the sale, possession, use, detonation, or explosion of fireworks under state law, upon the declaration of fire season by the Oregon State Forester pursuant to ORS 477.505 for any forest protection district, or portion thereof, that includes property adjacent to the City of Westfir, the use or discharge of fireworks is prohibited in the City of Westfir during "High" or higher fire danger conditions, as declared by the Oregon State Forester. The prohibitions and restrictions shall remain in place until the Oregon State Forester declares a fire danger condition lower than "High" or has declared the end to fire season pursuant to ORS 477.505.

**Section 3. Exemptions.** Professional fireworks displays or shows that have been issued a General Fireworks Display Permit by the Oregon State Fire Marshal, and which have been approved by the Westfir City Council, are exempt from prohibition.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

**Section 5. Other Jurisdictions.** Nothing herein is intended to, nor acts herein to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

**Section 6. Penalty.** Violation of Ordinance 144 is punishable, upon conviction, by a fine not to exceed \$1,000.

Passed by the City Council and approved by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
D'Lynn Williams, Mayor

\_\_\_\_\_  
ATTEST:  
Nicole Tritten, City Recorder

DATE: \_\_\_\_\_