

ORDINANCE NO. 1049

AN ORDINANCE ADDING A NEW CHAPTER 8.26 TO THE SUTHERLIN MUNICIPAL CODE IMPLEMENTING A SEASONAL OPEN BURNING BAN AND DECLARING AN EMERGENCY

WHEREAS, the City of Sutherlin currently lacks an effective regulatory scheme to address issues arising from the lack of a seasonal burn ban;

WHEREAS, the Sutherlin City Council believes unrestricted year-round outdoor open burning may be detrimental to the health, safety and welfare of the citizens of Sutherlin and the regulation thereof is both necessary and appropriate to promote the viability and quality of life in the Sutherlin community.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. The City establishes a new Chapter 8.26 – Seasonal Open Burning Ban – to read as follows:

8.26.010 Year Round Outdoor Burning Ban.

No person shall cause or allow any condition which causes a nuisance. No person responsible shall burn in wood stoves, fireplaces, burn barrels or outdoor burning any trash, garbage, construction debris, copper wire insulation removal, pallets or combustibles such as tires, building materials, flammable materials, household waste, paper, cardboard, clothing, plastic, diapers, Styrofoam or other noxious materials, or the burning of any other materials specifically prohibited by local, state or federal laws at any time of the year.

8.26.020 Outdoor Burning Seasonal Ban

Unless exempted by this Chapter, no person shall cause or allow outdoor burning without a permit issued pursuant to this Chapter.

It is prohibited to start or maintain any outdoor fire during non-fire season as determined by Douglas Forrest Protection Association (DFPA) of each calendar year. It is also prohibited to burn outdoors if the Oregon Department of Environmental Quality (DEQ) prohibits all or specific types of open burning for any reason, during any time of year.

8.26.030 Yard Debris Burning Restrictions.

“Yard debris” is limited to wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four living units so long as such debris remains on the property of origin. Once yard debris is removed from

the property of origin, it is no longer considered yard debris. Yard debris outdoor burning may be allowed during non-fire season as determined by Douglas Forrest Protection Association (DFPA) of each calendar year, as long as the following conditions are met:

1. Yard debris only.
2. The burn will be supervised and constantly attended by an adult.
3. Burning will take place only when wind direction will not adversely affect visibility on roadways or downwind from occupancies.
4. Vegetation will be cleared a minimum of fifteen (15) feet around piles prior to burning.
5. Only one burn pile is allowed to burn at a time per property.
6. No utility lines are located overhead.
7. A garden hose is connected to a water supply and readily available to extinguish the fire.
8. No open flames on or within twenty-five (25) feet of any structure and/or within fifteen (15) feet from a fence.
9. The total fuel area is no more than four (4) feet in width by four (4) feet in length by four (4) feet in height.
10. The burning is ignited after 07:30 hours and extinguished two hours before sunset.

8.26.040 Outdoor Burning Permits and Exemptions

A. Outdoor Burning Exempt from Bans.

The following types of outdoor burning are allowed:

1. Open cooking fires, and fires contained in outdoor fireplace appliances specifically approved and listed for the use, if the following conditions are met:
 - a. The burn will be supervised and constantly attended by an adult.
 - b. Burning will take place only when wind direction will not adversely affect visibility on roadways or downwind from occupancies.
 - c. Vegetation will be cleared a minimum of fifteen (15) feet around piles prior to burning.
 - d. Only one cooking fire is allowed to burn at a time per property.
 - e. No utility lines are located overhead.
 - f. A garden hose is connected to a water supply and readily available to extinguish the fire.
 - g. No open flames on or within twenty-five (25) feet of any structure and/or within fifteen (15) feet from a fence.

- h. The total fuel area is three (3) feet or less in diameter and two (2) feet or less in height.
- 2. Cooking in a barbecue grill or other similar enclosure specifically designed and listed for outdoor cooking. "Listed" means equipment or materials included on a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials meet nationally recognized standards and have been tested and found suitable for use in a specified manner.

B. Outdoor Burning Allowed During the Seasonal Ban under 8.26.020 with a Permit.

A burn permit is required and may be issued by the Fire Chief or his/her designee for all outdoor bonfires, special events involving fire, and pyrotechnics and fireworks.

1. Permit Investigation: Upon receipt of a burn permit application, the Fire Chief or his/her designee shall undertake whatever investigation the Fire Chief or his/her designee deems necessary. Based on this investigation, the Fire Chief or his/her designee may approve the permit.
2. Permit Standard: The Fire Chief or his/her designee shall issue the burn permit only when the Fire Chief or his/her designee determines the outdoor burning meets the requirements listed below, does not constitute a hazard and that reasonable steps will be taken to assure public safety. Such fires shall conform to the currently adopted Oregon Fire Code. Permits are issued for a specific time frame, normally not to exceed thirty (30) days.
3. Permit Extensions: When a permit has been issued and the burning is not completed due to restrictive weather conditions beyond the control of the permittee, and verified by the Fire Department, the permit may be extended as needed.
4. Permit Revocation: Permits will not be issued and issued permits will be revoked if burning includes burning of any other trash, garbage, construction debris, copper wire insulation removal, pallets or combustibles such as tires, building materials, flammable materials, household waste, paper, cardboard, clothing, plastic, diapers, Styrofoam or other noxious materials, or the burning of any other materials specifically prohibited by local, state or federal laws.

5. Bonfire and Special Event Fire Standards: Bonfires and special event fires require a burn permit and may be issued by the Fire Chief or his/her designee if the following conditions are met:

- a. Burn site must be one hundred (100) feet or more away from all structures, public roads and fences.
- b. The burn will be supervised and constantly attended by an adult.
- c. Burning will take place only when wind direction will not adversely affect visibility on roadways or downwind from occupancies.
- d. Vegetation will be cleared a minimum of one hundred (100) feet around piles prior to burning.
- e. Only one bonfire fire is allowed to burn at a time per property.
- f. No utility lines are located overhead.
- g. All required equipment and water supplies will be on site and operational for the duration of the burn.
- h. No open flames on or within one hundred (100) feet of any structure or fence.
- i. Bonfires and special event fires are limited to no more than eight (8) feet in width by eight (8) feet in length by eight (8) feet in height.
- j. The burn permit will be kept on the burn site while burning.
- k. Fire will be ignited after 0800 hours and extinguished by 1900 hours.
- l. All nighttime burns must be approved by the Fire Department.
- m. The permittee will take all reasonable precautions to control excessive visible emissions and odors from an open burn so as not to create a public nuisance.
- n. Creation of a public nuisance may result in revocation of the burning permit and possible enforcement action by the Sutherlin Police Department.

6. Firework and Pyrotechnics Permit Standards: Request for special events involving fireworks and/or pyrotechnics will be address on a case-by-case basis and may require the approved permit from the Oregon State Fire Marshal's Office and/or required process.

8.26.050 Burn Permit Application Requirement

1. Burn permit applications can be obtained in person, and by appointment, at the Sutherlin Fire Department located at: 250 S. State Street
2. Burn permit applicants must provide a complete property owner address and the burn site address must be correctly identified.
3. Burn permit applicants will sign the application prior to the site inspection, confirming that all burning permit policy requirements have been met.
4. Burn permit inspections that do not meet established requirements within this policy will result in the denial of a permit.

8.26.060 Fees

There are no fees for burn permits in the City of Sutherlin.

8.26.070 Enforcement

Sutherlin Fire Department may inspect open burning by spot inspection, upon request or complaint. If no permit has been issued or burning is in violation of permit conditions or a nuisance is created, enforcement action may be taken.


8.26.080. Violation –Penalties.

A violation of any section of this chapter is punishable by fine not exceed one thousand dollars (\$1,000). In establishing the fine, the court shall consider if the violator has abated the nuisance.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately.

PASSED BY THE COUNCIL ON THE 13th DAY OF JUNE, 2016.

APPROVED BY THE MAYOR ON THIS 13th DAY OF JUNE, 2016.



Mayor, Todd McKnight

ATTEST:



City Recorder/ Debra L. Hamilton, CMC