

ORDINANCE NO. 2014-08

ORDINANCE AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.655, TITLED "OPEN BURNING" AND ADDING NEW CODE SECTION 5.660, TITLED "VIOLATIONS AND PENALTIES"

WHEREAS, the City Council finds unregulated open burning increases the risk of property damage by fire and threatens the safety and well-being of Forest Grove residents, and other persons; and

WHEREAS, the City Council finds that regulation of open burning is both appropriate and necessary due to the City's urban density and because smoke from Open Burning (particularly burning leaves) exacerbates breathing difficulties for many individuals; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on August 11 and September 8, 2014.

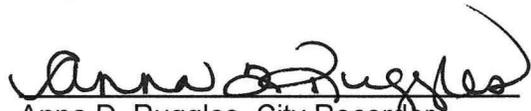
NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The Forest Grove City Council hereby amends Forest Grove Code Chapter 5 by adding new Code Section 5.655, titled "Open Burning" as set forth in the attached Exhibit A.

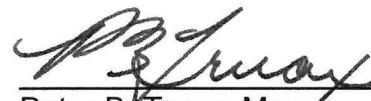
Section 2. This ordinance following its enactment by the City Council is effective January 12, 2015.

PRESENTED AND PASSED the first reading the 11th day of August, 2014.

PASSED the second reading the 11th day of August, 2014.


Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 8th day of September, 2014.


Peter B. Truax, Mayor

ORDINANCE NO. 2014-08
“EXHIBIT A”

CHAPTER 5 – PUBLIC PROTECTION OFFENSES

CITY OF FOREST GROVE CODE AMENDMENTS
NEW CODE SECTION 5.655
OPEN BURNING
NEW CODE SECTION 5.660
VIOLATIONS AND PENALTIES

5.655

Open Burning; Definitions.

- (1) Definitions. For the purpose of Code Section 5.655, the following terms are defined as follows:
 - Agricultural Burning. Outdoor Burning done to remove debris from a farm, nursery, orchard, livestock/poultry operation that is for profit.
 - Backyard Burning. Open Burning for the removal of yard debris from the property where the fire is occurring.
 - Land Clearing. The clearing of land for development or change in use, and includes the removal of large portions of stumps, brush, and tree debris.
 - Open Burning. The same as defined by OAR 340-264-0030(29) (2014).
 - Recreational/ceremonial/cooking fires. Fires used primarily for recreational events, campfires used for warming or cooking, or ceremonial purposes by a school, club, religious group or other approved events.
- (2) It is unlawful for any person to cause, permit, suffer or allow Open Burning within the city limits except as specifically allowed herein:
 - i. During any Open Burning season as established by the Oregon Department of Environmental Quality (DEQ) and as may be adjusted locally. Burn seasons occur once a year between March 1 and June 15, but may be adjusted daily.
 - ii. Recreational, ceremonial or cooking fires as defined in Section (1) of this Code.
 - iii. Permitted burns for fire department training, agricultural, or land clearing operations, as approved by the Fire Department or other governmental agency.
- (3) Burn bans
Notwithstanding the exceptions set out in subsection (2) above, Open Burning in the City may be further restricted by Washington

County or the State Fire Marshall during periods of high fire danger or by the Fire Chief, or designee for fire or health safety.

- (4) Location
 - a. Open Burning shall be conducted at least 25 feet from property lines, structures and combustible vegetation.
 - b. An adequate fire break area shall be maintained around the Open Burning area the width of which shall be at a minimum equal to the height of the Open Burning pile.
 - c. All Open Burning is to be attended at all times by a competent and responsible person who shall be equipped with adequate fire protection tools and equipment at the ready, including at least a garden hose and shovel.
 - d. At the conclusion of the allowed Open Burning time, the burned area shall thoroughly soaked with water to ensure the fire is out.
- (5) Reimbursement for firefighting costs
 - a. The Forest Grove Fire Department may seek recovery of any and all costs incurred by it for responding to any improper Open Burning.

5.660

Violations and Penalties.

- (1) Any person violating Sections 5.655 is subject to a civil penalty in the amount of not less than \$100 and not more than \$250.
- (2) The Enforcement Officer may cite into Municipal Court for any violations.