

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER AND RESOLUTION NO:  
18-05-01-07

IN THE MATTER OF ADOPTING AN  
ORDER AND RESOLUTION PURSUANT  
ORS 478.924 FIRE SEASON  
REGULATIONS AND STANDARDS FOR  
LANE COUNTY PROPERTY LOCATED  
WITHIN THE LANE FIRE AUTHORITY  
DISTRICT, PROVIDING FOR A  
REASONABLE LEVEL OF LIFE SAFETY  
AND PROPERTY PROTECTION FROM  
THE HAZARDS OF FIRE, EXPLOSION OR  
DANGEROUS CONDITIONS DURING  
THE FIRE SEASON

**WHEREAS**, ORS 478.910 through 478.965 authorizes rural fire protection districts to adopt local fire prevention codes; and

**WHEREAS**, the Lane Fire Authority, a rural fire protection district, (the District) has deemed adoption of fire season regulations necessary and desirable to provide for a reasonable level of life safety and property protection for the District; and

**WHEREAS**, ORS 478.920 provides the scope of codes that the District may adopt by ordinance; and

**WHEREAS**, ORS 478.920(1) provides that a fire prevention code may provide reasonable regulations relating to the prevention and suppression of fires; and

**WHEREAS**, ORS 478.930(1) provides that no person shall violate the provisions of such a code or fail to remove hazards found on inspection within the time set by the inspecting officer, after written notice to either the owner or occupant of the premises; and

**WHEREAS**, ORS 478.990 provides penalties as follows:

**ORS 478.990(1)** Violation of any provision of ORS 478.930 is a Class D violation. Each day's refusal to remove fire hazards after notice by the inspecting officer to the owner of the premises where the hazard exists is a separate offense, ORS 478.990(4) Subject to ORS 153.022 and 153.025, violation of any rule or regulation made by a rural fire

protection district or other public body, as defined in ORS 174.109, pursuant to ORS 478.300 (2) is a misdemeanor; and

**WHEREAS**, the District intends to establish its authority to enforce the provisions of their ordinance as authorized by ORS 478.990; and

**WHEREAS**, it is the District's intent by adopting their ordinance to have uniform fire season regulations and enforcement authority across the District; and

**WHEREAS**, the District has adopted the Oregon Department of Forestry Fire Season Statutes and Administrative Rules for the purpose of preventing and suppressing fires during the declared fire season, and the District has adopted the Oregon Department of Forestry's Fire Season Statutes (ORS 477.505 to 477.512 and 477.640 to 477.670) and Administrative Rules (OAR Chapter 629, Division 43), as amended; and

**WHEREAS**, the District has adopted a fee for suppressing an unlawful fire as authorized by ORS 478.965, allowing the District to recover the costs of suppressing an unlawful fire when either District fire-fighting apparatus or personnel are required to respond to, or to be used actively or on a standby basis in connection with the extinguishment or control of, a fire that has been started or allowed to spread in violation of state law, their ordinance, or pursuant to any administrative rules or procedures later adopted by the Fire Chief. The person responsible for the unlawful fire will be liable to the District for the costs incurred by the District in such response or use, at the rate prescribed by resolution of the Board of the District; and

**WHEREAS**, the District has jurisdiction to enforce the provisions of their ordinance throughout the District's territory and including in the cities located within the District and the county as approved by resolution by the governing bodies of those jurisdictions; and

**WHEREAS**, the Fire Chief or the Fire Chief's designee will implement, administer, and enforce the provisions of their ordinance, and will have the authority to render written and oral interpretations of this ordinance and to adopt administrative rules and procedures necessary and proper for administration and enforcement of their ordinance; and

**WHEREAS**, a complete copy of the ordinance adopted by the District is attached to this resolution as Exhibit "A" and by this reference incorporated herein to this resolution; and

**WHEREAS**, ORS 478.924 provides that provisions of a fire code adopted after October 4, 1977 shall not apply to any county located within the District unless the governing body of the county approves the fire code by resolution; and

**WHEREAS**, the Lane County Board of Commissioners is the governing body for Lane County; and

**WHEREAS**, the Lane County Board of Commissioners finds adoption of the District fire season regulations necessary and desirable to provide for a reasonable level of life

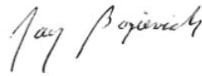
safety and property protection within the County; and

**WHEREAS**, the Lane County Board of Commissioners finds and determines that is necessary and expedient that the provision of this resolution become effective thirty (30) days following its passage.

**THE LANE COUNTY BOARD OF COMMISSIONERS HEREBY ORDERS AND RESOLVES AS FOLLOWS:**

1. Pursuant to ORS 478.924 to adopt the fire regulations adopted by the Lane Fire Authority described above and in Exhibit "A"; and
2. The provisions of this ordinance shall become effective thirty (30) days following its passage.

**ADOPTED** this 1st day of May, 2018.



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Jay Bozievich, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date: 4/25/18 Lane County  
OFFICE OF LEGAL COUNSEL



ORDINANCE NO. 2018-01

Lane Fire Authority

**AN ORDINANCE ADOPTING FIRE SEASON REGULATIONS AND STANDARDS FOR LANE FIRE AUTHORITY, A RURAL FIRE PROTECTION DISTRICT, AND PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS DURING THE FIRE SEASON.**

**WHEREAS**, ORS 478.910 through 478.965 authorizes rural fire protection districts to adopt local fire prevention codes; and

**WHEREAS**, Lane Fire Authority, a rural fire protection district, (the District) deems adoption of fire season regulations necessary and desirable to provide for a reasonable level of life safety and property protection for the District; and

**WHEREAS**, ORS 478.920 provides the scope of codes that the District may adopt by ordinance; and

**WHEREAS**, ORS 478.920(1) provides that a fire prevention code may provide reasonable regulations relating to the prevention and suppression of fires; and

**WHEREAS**, ORS 478.930(1) provides that no person shall violate the provisions of the code or fail to remove hazards found on inspection within the time set by the inspecting officer, after written notice to either the owner or occupant of the premises; and

**WHEREAS**, ORS 478.990 provides penalties as follows:

ORS 478.990(1) Violation of any provision of ORS 478.930 is a Class D violation. Each day's refusal to remove fire hazards after notice by the inspecting officer to the owner of the premises where the hazard exists is a separate offense,

ORS 478.990(4) Subject to ORS 153.022 and 153.025, violation of any rule or regulation made by a rural fire protection district or other public body, as defined in ORS 174.109, pursuant to ORS 478.300 (2) is a misdemeanor; and

**WHEREAS**, the District intends to establish its authority to enforce the provisions of this ordinance as authorized by ORS 478.990; and

**WHEREAS**, it is the District's intent by adopting this ordinance to have uniform fire season regulations and enforcement authority across the District.

**IT IS ORDAINED AS FOLLOWS:**

**TITLE AND FILING:**

This ordinance will be filed in the record of the District and in the office of the Lane County Clerk and Oregon State Fire Marshal's office as prescribed by ORS 478.940. From the effective date of this ordinance, the provisions thereof will be controlling within the territorial limits of the District and within each city and county within the District and approving pursuant to ORS 478.924.

**SCOPE:**

The purpose of this ordinance is to establish fire season regulations consistent with the Oregon Department of Forestry and to prevent and suppress fires within the District as authorized by ORS 478.910.

**SECTION 1 - Adoption of Oregon Department of Forestry Fire Season Statutes and Administrative Rules.**

For the purpose of preventing and suppressing fires during the declared fire season, the District hereby adopts the Oregon Department of Forestry's Fire Season Statutes (ORS 477.505 to 477.512 and 477.640 to 477.670) and Administrative Rules (OAR Chapter 629, Division 43), and as amended.

**SECTION 2 - Fee for Suppressing Unlawful Fire.**

As authorized by ORS 478.965, the District may recover the costs of suppressing an unlawful fire when either District fire-fighting apparatus or personnel are required to respond to, or to be used actively or on a standby basis in connection with the extinguishment or control of, a fire that has been started or allowed to spread in violation of state law, this ordinance, or pursuant to any administrative rules or procedures later adopted by the Fire Chief. The person responsible for the unlawful fire will be liable to the District for the costs incurred by the District in such response or use, at the rate prescribed by resolution of the Board.

**SECTION 3 – Jurisdiction.**

The District will have jurisdiction to enforce the provisions of this ordinance throughout the District's territory and including in the cities located within the District and the county as approved by resolution by the governing bodies of those jurisdictions.

**SECTION 4 - Violations and Penalties.**

It is unlawful for any person to violate any provision of this ordinance and it will be unlawful for any person to disobey any lawful notice or order of the Fire Chief or the Fire Chief's designee pursuant to this ordinance. Violations will be classified and prosecuted according to ORS 477.990(1) and (4).

**SECTION 5 - Powers and Duties of the Fire Chief.**

The Fire Chief or the Fire Chief's designee will implement, administer, and enforce the provisions of this ordinance, and will have the authority to render written and oral interpretations of this ordinance and to adopt administrative rules and procedures necessary and proper for administration and enforcement.

**SECTION 6 - Validity.**

The District hereby declares that should any section, paragraph, sentence or word of this ordinance be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**SECTION 7 - Effective Date.**

The Board finds and determines that it is necessary and expedient that the provision of this ordinance become effective 30 days following adoption as authorized by ORS 198.570. The ordinance will not be enforced in any county or city until approved by the governing body of such county or city.

Adopted by vote of the Lane Fire Authority Board of Directors this 15 day of March 2018.

John L. Best  
Presiding Officer  
Title: Board President

Ayes: 4  
Nays: 0

ATTEST:

Julie A Meriwether  
Recording Secretary

Certification of Copy

I hereby certify that the foregoing ordinance is a true and correct copy of the original ordinance on file with Lane Fire Authority.

Julie A Meriwether  
Title: Administrative Asst



**BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON**

**ORDER NO:** 18-01-09-06

**IN THE MATTER OF GRANTING  
AUTHORITY PURSUANT TO ORS 476.280  
TO EXTINGUISH UNCONTROLLED FIRES  
IN UNINCORPORATED LANE COUNTY**

**WHEREAS**, the Board of Commissioners directed staff to work on a plan to deal with a variety of emergency situations including uncontrolled fires in unincorporated areas of Lane County that are not covered by existing fire protection districts; and,

**WHEREAS**, the Board of Commissioners passed Board Order 17-01-10-05; additional language was added to Order No. 17-06-13-05 covering the cost of extinguishing fires should be included in such an order; and,

**WHEREAS**, the Oregon Fire Service Mobilization Plan (2017) outlines a policy for fire service in responding to fires on unprotected lands that stipulates that the district providing the service may bill the property owner using the standardized cost schedule approved by the state fire marshal adopted by reference in OAR 837, Division 130, State Fire Marshal Standardized Cost Schedule; and

**WHEREAS**, the Board of Commissioners has adopted a Strategic Plan that identifies three priorities for Lane County for 2014 - 2017: (1) Safe and Healthy County, (2) Vibrant Communities, and (3) Infrastructure; and,

**WHEREAS**, the Lane County Strategic Plan states that, Priority 1, Objective 1 is to ensure safety throughout Lane County; and,

**WHEREAS**, ORS 476.280 authorizes the governing body of any duly organized body to extinguish any uncontrolled fire found to be burning in an unprotected area; and,

**WHEREAS**, The Board of Commissioners of Lane County has jurisdiction over unincorporated areas of Lane County that are not covered by existing fire protection districts as shown in more detail on Attachment "A", which is by this reference incorporated herein; and

**NOW, THEREFORE**, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The fire chief, or representative of the fire chief, of any duly organized municipal or rural fire protection district may extinguish any uncontrolled fire found to be burning in any unprotected and unincorporated area of Lane County if:
  - a. The governing body of the city or district board of the rural fire district, as the case may be, has authorized the fire chief and the representative of the fire

**IN THE MATTER OF GRANTING AUTHORITY PURSUANT TO ORS 476.280 TO EXTINGUISH  
UNCONTROLLED FIRES IN UNINCORPORATED LANE COUNTY**

chief to extinguish uncontrolled fires that are found to be burning in unprotected and unincorporated Lane County situation outside the boundaries of the city or district are causing or may cause undue jeopardy to life or property; and

b. The fire chief or the representative of the fire chief believes that such fire is causing or may cause undue jeopardy to life or property.

2. This Order shall be reviewed annually by the Board or, reviewed sooner by the Board if substantive changes need to be made. Failure to review this Order does not affect its continuing validity.

ADOPTED this 9th day of January, 2018.

*Jay Bozievich*

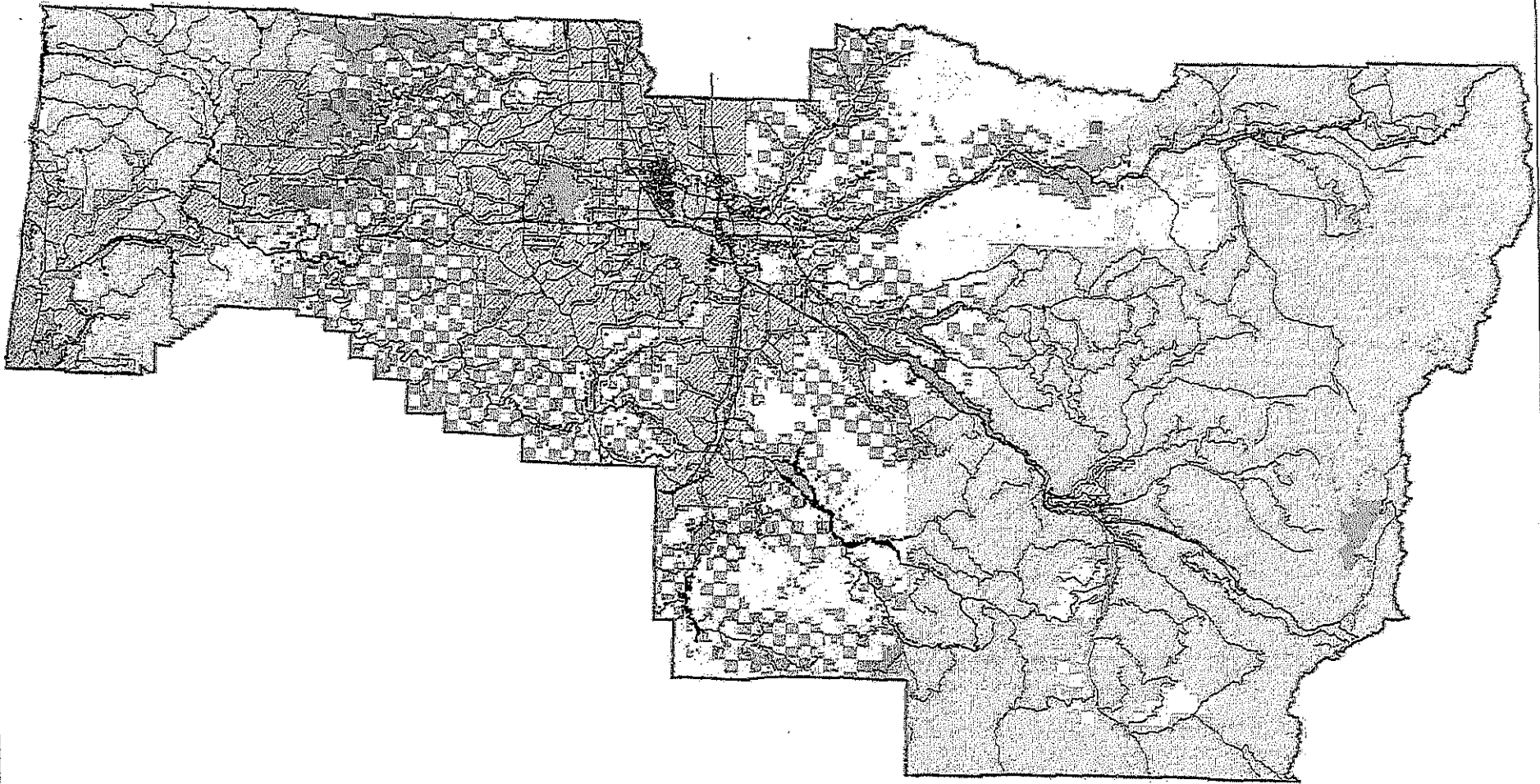
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Jay Bozievich, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM












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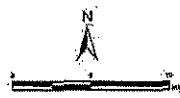
12/27/17  
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LANE COUNTY OFFICE OF LEGAL COUNSEL





The information on this map was derived from various departments in Lane County, Oregon, and is provided as a public information system. Lane County does not assume any responsibility for errors, omissions, or partial accuracy in the digital data or the resulting products. Complete plan designations, names, etc., are listed for persons that may be contacted with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. Accuracy, reliability, or any other use of any system will be the user's responsibility.

-  Addressed Structure Outside of Fire District
-  Rural Fire Protection District
-  City Limits
-  Water Feature
-  USFS Lands
-  BLM Lands
-  Oregon Dept. of Forestry
-  State Road
-  County Road
-  USFS/BLM Road
-  Railroad



**Addressed Structures  
Outside of Fire District**

Lane County, Oregon  
 Drawn By: LCPWORC  
 Date: 5/12/05  
 Revised: 5/12/05