

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 21-06

IN THE MATTER OF AMENDING LANE CODE
CHAPTER 6 TO ADOPT A FIREWORKS BAN AND
OTHER RESTRICTIONS DURING DECLARED
FIRE SEASON (LC 6.901); ADOPTS A SAVINGS
AND SEVERABILITY CLAUSE

WHEREAS, the Board of Commissioners finds that summertime weather conditions can create conditions that create an extreme risk of wildfires; and,

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

WHEREAS, the Board of Commissioners find that wildfires endanger crops and livestock, endanger the health and safety of the county's population, jeopardize economic vitality within the county, and imperil the quality of the environment; and,

WHEREAS, the Board of Commissioners finds that Oregon Revised Statute 480.160 authorizes a county to prohibit the manufacture, sale or discharge of fireworks; and,

WHEREAS, the Board of Commissioners finds that Oregon Revised Statutes 477.505 through 477.512 provides that when conditions that create a fire hazard to 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 Board of Commissioners 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 of unincorporated Lane County within those forest protection districts; and,

WHEREAS, the Board of Commissioners 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 [manufacture, sale or discharge] of fireworks.

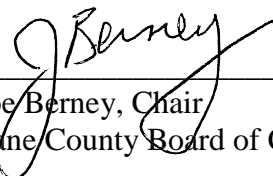
NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. Section 6.901, Fireworks Ban and Other Restrictions During a Declared Fire Season, attached as Exhibit A and incorporated by this reference is hereby added to Lane Code Chapter 6; and,
2. 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

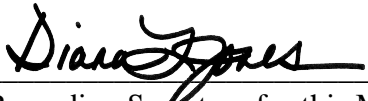
jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

3. 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.
4. There is a public emergency and this Ordinance is necessary for the protection of public health, public safety, and public property and is effective immediately upon adoption.

ENACTED this 24th day of August, 2021



Joe Berney, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

(a) The provisions of LC 6.900(2) can be enforced by any police officer or sheriff's deputy within Lane County.

(b) Violation of the Social Host Ordinance, LC 6.900, is an unclassified violation requiring a mandatory appearance and is punishable upon conviction as follows:

(i) First response within a three (3) year period:

(A) The occupant(s) and owner(s) of the property shall receive notice of the event and a warning that if another event occurs involving the same occupants and owners within 3 years, the provisions of LC 6.900 require payment of response fees and enhanced fines.

(B) The occupant(s) and owner(s) of the property shall be fined \$500.

(ii) Second and subsequent responses within a three (3) year period:

(A) For the second response, the occupant(s) and owner(s) shall be assessed the actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies and a fine of \$750.

(B) For each subsequent response in a three (3) year period, the occupant(s) and owner(s) shall be assessed the actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies, and an additional \$1,000 fine shall be charged.

(5) Fees and fines can be collected through either a collection agency, through civil action or through a request for restitution through the appropriate court handling either the violation proceeding or related proceedings. Responding entities may formulate intergovernmental agreements as to the handling of response fee assessments.

(Revised by Ordinance No. 5-09, Effective 2.4.10; 1-11, 8.12.11)

FIREWORKS

6.901. Fireworks prohibition and fire restrictions.

(1) Upon the declaration of fire season by the Oregon State Forester pursuant to ORS 477.505 for [any forest protection district/ all of Lane County] the [manufacture, sale, use or discharge] of fireworks is prohibited in unincorporated Lane County. In addition, the restrictions listed in ORS 477.510 and ORS 477.512 will also apply in unincorporated Lane County. The prohibitions and restrictions shall remain in place until the Oregon State Forester declares an end to fire season pursuant to ORS 477.505.

(2) For purposes of this section, the following definitions apply:

(a) "Oregon State Forester" is defined as the position described in ORS 477.001(27);

(b) "Fireworks" has the same definition as ORS 480.111;

(c) "Fire Season" has the same definition as ORS 477.001(7).

(3) Violation of LC 6.901 is punishable upon conviction of not more than \$1000 or by imprisonment in the Lane County Jail for not more than 30 days, or by both.

PENALTIES

6.995 Penalties.

(1) Violation of LC 6.025, 6.030, 6.610 or 6.800 is punishable upon conviction by fine of not more than \$1,000 or by imprisonment in the County jail for not more than 30 days, or by both.

(2) Violation of LC 6.710 or 6.715 is punishable upon conviction by a fine of not more than \$1,000 or by imprisonment in the County jail for not more than one year, or by both.

(Revised by Ordinance No. 6-73, Effective 5.30.73; 12-74, 8.7.74; 3-77, 5.25.77; 20-77, 12.21.77; 22-78, 10.13.78; 17-82, 7.16.82; 6-87, 7.3.87; 4-88, 6.1.88; 10-88, 1.4.89; 4-89, 5.12.89; 5-90, 7.6.90; 5-99, 7.28.99; 1-00, 4.12.00)

REWARDS

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
6.901

**LEGISLATIVE
FORMAT**

Lane Code

6.997

(B) For each subsequent response in a three (3) year period, the occupant(s) and owner(s) shall be assessed the actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies, and an additional \$1,000 fine shall be charged.

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REWARDS

6.997 Rewards.

(1) Any person, other than County employees acting in the scope of their employment, who provides information leading to the arrest and conviction of persons damaging County road signs, shall receive a \$25 reward.

(2) Any person, other than County employees acting in the scope of their employment, who provides information leading to the arrest and conviction of persons committing acts of arson, theft or vandalism at any County facility, including solid waste sites, shall receive a reward of \$500.

(Revised by Ordinance No. 5-77, Effective 6.17.77; 9-81, 6.5.81)