

Canby Fire District No. 62

ORDINANCE 15-002

AN ORDINANCE OF CANBY FIRE DISTRICT #62 TEMPORARILY PROHIBITING THE USE OF CERTAIN FIREWORKS WITHIN DISTRICT BOUNDARIES DURING HIGH OR EXTREME FIRE DANGER DECLARATIONS AND PROVIDING FOR CIVIL PENALTIES AND ENFORCEMENT MEASURES FOR VIOLATIONS OF THE ORDINANCE

WHEREAS, the Board of Directors of Canby Fire District#62 ("the District") desires to have a cohesive, District-wide policy regarding the use, explosion, or discharge of fireworks during District-declared High or Extreme Fire Danger conditions; and

WHEREAS, the District, to better protect the public, desires to impose temporary prohibitions on the use, explosion or discharge of certain fireworks within District boundaries during District-declared High or Extreme fire danger conditions; and

WHEREAS the District has neither the desire nor intent to regulate the sale or manufacture of fireworks; and

WHEREAS, ORS 480.160 provides authorizes a fire district to regulate the manufacture, sale, use or discharge of certain fireworks within District boundaries; and

WHEREAS, this Ordinance has been properly noticed and is subject to a public hearing and adoption no later than January 1, of 2016, the year in which the Ordinance is to be operative; and

WHEREAS, this Ordinance shall be operative and effective within the boundaries of the District, except that it shall not be operative or effective within the boundaries of any city or county which regulates fireworks by city or county ordinance; and

WHEREAS, this Ordinance does not prohibit the manufacture, sale, use or discharge of fireworks which have been expressly authorized by state law; does not limit sales to less than five days per calendar year; and does not regulate any five consecutive day period beginning June 30; and

WHEREAS, ORS 480.160(2) provides that a fire district has the authority to impose a civil fine and to enforce its own fireworks ordinance, subject to the limitations in ORS 480; and

WHEREAS, any fire district ordinance regulating the manufacture, sale, use or discharge of fireworks must be enacted prior to January 1 of the year in which the ordinance becomes effective.

NOW, THEREFORE, BE IT RESOLVED that Canby Fire District does ordain as follows:

Section 1. Definitions. "Fireworks" shall have the same meaning as provided in ORS 480.111(7)(a)(A)(B)(D)(E) and (F) (2013).

Section 2. Temporary Fireworks Restriction. Unless otherwise permitted by ORS 480.120 through ORS 480.124, it is unlawful for any person to use, discharge, explode, or have used, discharged or exploded any Fireworks within District boundaries if the District has declared both: a) a High or Extreme Fire Danger and b) a Temporary Fireworks Restriction.

- 2.1 To initiate a Temporary Fireworks Restriction, the District shall:
 - 2.1.1 Declare either a High or an Extreme Fire Danger; and
 - 2.1.2 Declare a Temporary Fireworks Restriction, specifying the starting dates and ending dates of the Temporary Fireworks Restriction.
 - 2.1.3 Announce both the Fire Danger declaration and the Fireworks Restriction declaration by issuing a press release to at least one newspaper of general circulation within the District's jurisdiction and by posting the news release on the District's website. The news release shall contain the starting and ending dates of the Fireworks Restriction.
 - 2.1.4 Contact permitted fireworks displays to cancel or modify

Section 3. Violation of Ordinance. Any person found to have violated the prohibition set out in Section 2 of this Ordinance shall be subject to a civil penalty of up to \$500 per violation, at the sole discretion of the Fire Chief.

Section 4. Effective Date. This ordinance shall be effective on December 31, 2015.

ADOPTED this ____ day of _____, 2015.

President, Board of Directors

Secretary/Treasurer, Board of Directors

Ayes: _____

Nays: _____