

ORDINANCE NO. 1822

(An ordinance amending Chapter 8.43 of the Hood River Municipal Code –
Open Burning Prohibited)

WHEREAS, the City is updating its Open Burning Prohibited code to provide continuity and consistency;

WHEREAS, the City, through annexation, has gained or will gain land in agricultural use;

WHEREAS, burning vegetative debris and certain orchard heating practices that burn materials are agricultural practices used to eliminate harmful crop diseases;

WHEREAS, the City, through annexation, has gained or will gain developable land that requires extensive vegetative debris removal prior to development;

WHEREAS, on large tracts of land, it is impractical to remove vegetative debris for land clearing and burning is more efficient; and

WHEREAS, it is, therefore, necessary to provide for vegetative debris burning under certain limited circumstances as set forth below, and to allow certain accepted agricultural practices to continue;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 8.43 of the Hood River Municipal Code is amended to read as follows:

CHAPTER 8.43 - OPEN BURNING PROHIBITED

Sections:

8.43.010 Open burning prohibited--Exceptions

8.43.012 Costs of Suppressing Fires

8.43.013 Permit Required

8.43.015 Vegetative Debris Burning

8.43.017 Discontinuance

8.43.020 Use of woodstoves restricted

8.43.030 Fire department practice burns permitted--Conditions

8.43.040 Violation--Penalties--Summary abatement

8.43.010 Open burning prohibited--Exceptions. Open burning, including the use of burn barrels, is prohibited within the City. ~~Fires used exclusively for cooking and fires located in fire pits associated with approved and supervised campsites are permitted.~~ The following exceptions apply:

- A. Fires used exclusively for cooking and have been approved by the Fire Department. Approval shall be evidenced by a permit issued by the Fire Department.
- B. Fires located in fire pits associated with approved and supervised campsites;
- C. Outdoor (hearth) fireplaces and chimeneas (chimney patio fireplaces) with spark arrestors or other approved means to stop embers (i.e. screens on chimney, etc);
- D. Vegetative debris burning as outlined in Section 8.43.015;
- E. Orchard heating practices, approved by the Oregon Department of Environmental Quality (DEQ), to protect against frost damage to crops;
- F. Propane, natural gas, or briquette barbeques that meet applicable federal, state, and local requirements.

Exceptions A – E apply only when Hood River County is not in a burn ban. Exception F applies throughout the year.

8.43.012 Costs of Suppressing Fires. If a fire department response is required to suppress an uncontrolled fire and the Fire Department determines that the fire was caused or started by one of the exceptions listed in 8.43.010 A through D, the property owner shall reimburse the City for those costs associated with the suppression efforts.

8.43.013 Permit Required. A permit shall be obtained from the Fire Department prior to igniting a burn pile or using a cooking fire. A fee established by City Council Resolution shall be paid at the time of permit application. Any fire or police personnel (ie., City, county, etc.) may revoke a permit obtained under this section at any time for any reason.

8.43.015 Vegetative Debris Burning. Vegetative debris includes limbs, twigs, and cut trees and shrubbery. No uncut vegetation shall be burned. Burning of materials other than vegetation (i.e. tires, paper, furniture, etc.) is prohibited and is subject to a fine. A person may burn vegetative debris in a burn pile only under all of the following conditions:

- A. The person first obtains an inspection and burn permit from the City fire department;
- B. The City fire department shall be contacted immediately prior to igniting the burn pile;
- C. All applicable U.S. Forest Service and Oregon Department of Forestry regulations on opening burning shall apply;

8.43.017 Discontinuance Notwithstanding anything to the contrary in this chapter or code, the fire department may prohibit all open burning within the City and cause the immediate cessation of all open burning if the fire department determines, in its sole discretion, that smoke emissions may be offensive to occupants of surrounding properties or that open burning may be a hazardous condition.

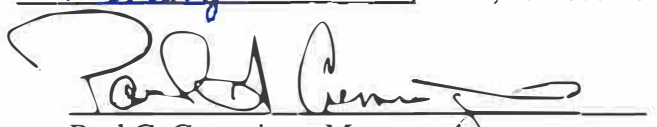
8.43.020 Use of woodstoves restricted. The burning of any materials other than wood in woodstoves, fireplaces, outdoor (hearth) fireplaces, or chimeneas is prohibited, except paper may be used as a starting agent. (Ord. 1652 (part), 1992).

8.43.030 Fire department practice burns permitted-- Conditions. The fire department may maintain practice burns provided that the property owner provides proof of insurance satisfactory to the city manager; agrees to indemnify and hold the fire department and the city harmless for any damages caused by the fire; and certifies that no hazardous substances are located on the real property or contained in the structure to be burned. (Ord. 1652 (part), 1992).

8.43.040 Violation--Penalties--Summary abatement. Violation of this chapter shall be considered an ~~infraction~~ violation and shall be punishable by a fine of ~~not less than twenty five dollars for the first violation; fifty dollars for the second violation and two hundred fifty dollars for each subsequent violation~~ set by City Council Resolution. Any act prohibited by this chapter shall be considered a nuisance subject to immediate and summary abatement by fire or police personnel. Costs of abatement shall be assessed against any person who violates the provisions of this chapter and shall be imposed in addition to any fine. (Ord. 1652 (part), 1992).

Read for the first time: February 25, 2002.

Read for the second time and passed: February 27, 2002, to become effective thirty (30) days hence.


Paul G. Cummings, Mayor

ATTEST:


Anita R. Smith, City Recorder