

ORDINANCE NO. 375

**AN ORDINANCE REPEALING SISTERS MUNICIPAL CODE
SECTIONS 8.08.010 AND 8.08.020, ADDING NEW CODE SECTIONS
CONCERNING OPEN BURNING.**

WHEREAS: The state of Oregon has determined that open burning can release many types of toxic fumes including volatile organic compounds, particulate matter, carbon monoxide, ash residue, sulfur dioxide, lead, and mercury, and that the burning household waste is one of the largest known sources of dioxin in the nation; and

WHEREAS: DEQ has determined that during the burning of leaves and plant materials millions of spores are sent aloft, causing people with allergies to have difficulty breathing; and

WHEREAS: DEQ has determined that open burning can irritate eyes and lungs, aggravate respiratory conditions such as asthma and bronchitis; and has been linked to other health problems including nervous system damage, kidney and liver damage, cardiac arrhythmia and heart attacks; and

WHEREAS: DEQ has determined that open burning can also obscure visibility, damage nearby surfaces and property, create annoying odors, pose a general nuisance to the community, and adversely impact the livability of neighborhoods; and

WHEREAS: Because of the forest urban interface in the City of Sisters, the risk of the spread of uncontrolled fire is of significant concern to the City and its residents; and

WHEREAS: In order to restore and maintain the quality of the air resources of this state in a condition as free from air pollution as is practicable it is the policy of the state of Oregon to (1) eliminate open burning disposal practices where alternative disposal methods are feasible and practicable; (2) encourage the development of alternative disposal methods; (3) emphasize resource recovery; (4) regulate specified types of open burning;

NOW, THEREFORE, THE CITY OF SISTERS ORDAINS AS FOLLOWS:

Words in *italics* are added and words ~~struck through~~ are deleted:

SECTION 1: The following provisions of the Sisters Municipal Code are repealed.

~~8.08.010 Permit—Required—Authority to make rules for conditions of issuance. It is unlawful for any person or persons to burn refuse, trash, rubbish, or any other combustible material in any street, alley, or lot within the corporate limits of the city unless a permit has first been obtained in writing from the chief of the fire department. The chief of the fire department is authorized to make such rules and regulations consistent with the safety of persons and property~~

as he deems necessary as a condition to the issuance of such permit.

~~8.08.020 Violation—Penalty. Any person or persons found guilty of the violation of this chapter shall be deemed guilty of a misdemeanor and be fined not to exceed fifty dollars (\$50).~~

SECTION 2: The following provisions are added to the Sisters Municipal Code.

8.08.030 Open Burning Prohibited: Except as authorized by this chapter, no person shall start or maintain any outdoor fire within the boundaries of the City of Sisters, for the following purposes:

- A. The burning of any refuse, garbage, or other waste products;
- B. The burning of any yard debris;
- C. The burning of any construction material or debris;
- D. Field burning;

8.08.040 Exceptions:

(1) The following open burning is allowed under the conditions set forth in this chapter:

- A. Fires for religious purposes;
- B. Fires initiated by the Fire District for training purposes;
- C. Fires associated with the operation of a business with a valid City of Sisters business license;
- D. Camp fires, bonfires, or fire pits, or warming fires;
- E. Barbecue pits;
- F. Gas or charcoal barbecues;
- G. Outdoor fireplaces.

(2) Requirements for Allowed Fires: All outdoor fires allowed under this chapter shall comply with the following requirements.

- A. All fires shall conform with Section 307 of the Oregon Fire Code;
- B. All fires shall comply with the regulations established by the Fire District;

- C. All fires shall occur only in the presence of an adult who shall be present at any time the fire is burning and shall constantly monitor the fire.

8.08.050 Penalties:

A violation of this chapter is deemed a violation under code section 1.08.010. In addition, if the property owner or person in control of the fire fails to immediately extinguish the fire, the City of Sisters or its authorized representative may extinguish the fire and all cost associated with extinguishing the fire will be paid by the property owner or the person in control of the fire, and such amounts owing shall become a lien on the real property where the fire occurs.

PASSED BY THE CITY COUNCIL of the City of Sisters, this 8th day of November, 2007.

Mayor

ATTEST:

City Recorder