

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON**

**ORDINANCE NO. 09-O-643**

**IN THE MATTER OF ORDINANCE NO. 09-O-643, AN ORDINANCE AMENDING CHAPTER 8.05, FIRE HAZARDS, TITLE 8, HEALTH AND SAFETY, OF THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.**

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 8.05

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 8.05, Fire Hazards, Title 8, Health and Safety, of the Brookings Municipal Code in its entirety.

Section 2. Amends Chapter 8.05: Chapter 8.05, Fire Hazards, is hereby amended to read as follows:

**Chapter 8.05  
FIRE HAZARDS**

Sections:

- 8.05.010 Definitions.
- 8.05.020 Right to enter premises.
- 8.05.030 Duties and responsibilities of citizens.
- 8.05.040 Accumulations on roofs.
- 8.05.050 Prohibited materials.
- 8.05.060 Prohibited burns.
- 8.05.070 Permitted burns.
- 8.05.080 Permit standards.
- 8.05.090 Permit fees.
- 8.05.100 Abatement of fire hazards.
- 8.05.110 Appeals.
- 8.05.120 Penalties and violations.

**8.05.010 Definitions.**

“Class A Burn” means the burning of wood products containing paint, glue, preservatives or other chemical treatment, paper, grass, hazardous materials, plastics, asphalt, paint, tires, oil, cardboard, rubber and other refuse and rubbish in an incinerator, burn barrel, or by open burning.

“Class B Burn” means the open burning of wood, yard trimmings or leaves in a pile consisting of less than five yards.

“Class C Burn” means the open burning of wood, tree trimmings, yard trimmings, or leaves in a pile consisting of more than five yards. Any burn conducted in association with land clearing or commercial tree removal shall be defined as a Class C Burn.

“Class D Burn” means a campfire conducted on private property or in designated area of a public park where firewood cut in lengths, not to exceed 18 inches, is used. Such burns are limited to cooking or entertainment use and shall not include the burning of refuse.

**8.05.020 Right to enter premises.**

For the purposes of performing their duties, the fire marshal or deputy shall have the right to enter upon any premises at all reasonable hours for the purpose of inspection. [Ord. 07-O-591 § 2; Ord. 59-O-134 § 3.]

#### **8.05.030 Duties and responsibilities of citizens.**

A. Any person using or having charge or control over any shavings, paper, hay, straw, litter or other combustible waste material fragments shall cause them to be securely deposited or removed so as to be safe from fire. All receptacles for waste, rags, paper and other substances liable to spontaneous combustion must be made of incombustible material.

##### **B. Fire Hydrant Maintenance.**

1. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

2. Clear Space Around Hydrants. A three-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. [Ord. 07-O-591 § 2; Ord. 59-O-134 § 5.]

#### **8.05.040 Accumulations on roofs.**

It shall be unlawful for any person to allow or permit to remain upon roofs in the city of Brookings any accumulation of paper, hay, moss, or other inflammable or combustible material. [Ord. 07-O-591 § 2; Ord. 59-O-134 § 6.]

#### **8.05.050 Prohibited materials.**

It shall be unlawful to burn the following materials: rubber, asphalt, paint, oil, tires, kitchen garbage, disposable diapers, plastics, fiberglass or any other item that creates a black smoke or an offensive odor, as determined by the Fire Marshall.

#### **8.05.060 Prohibited burns.**

It shall be unlawful for any person to conduct a Class A burn within the limits of the City of Brookings.

#### **8.05.070 Permitted burns.**

##### **A. Class B and Class C burn permits.**

Any person desiring to conduct a Class B or Class C burn must first obtain a written permit from the Fire Marshall. Any person desiring to conduct a Class C burn must also first obtain a written permit from the State of Oregon Department of Environmental Quality (DEQ).

##### **B. Class D burns without permit.**

There shall be no permit required for Class D burning. The fire marshal shall have the authority to require any Class D burn to be immediately extinguished upon making a determination that such burn is creating a hazard or public nuisance.

#### **8.05.080 Permit standards.**

A. All Class B and Class C burns must be conducted between the hours of sunrise and dusk, with no starting or stoking of fires after 4:00 p.m. Attendance at the site of the burn by the permittee, or by permittee's adult designee, is required at all times. Attendant shall have immediately available a shovel and sufficient water to extinguish the fire or prevent escape of the fire from the burn location.

B. Class B permits shall be valid for a maximum of two consecutive days and shall not be renewed for 48 hours after conclusion of any previous burn.

C. Class C permits shall be valid for a maximum of seven (7) days in a 30 day period.

D. Burning is prohibited on windy days.

E. The Fire Chief may prescribe additional standards of care and procedures for obtaining burn permits in order to administer this section and provide for the safety of life and property. The Fire Chief may cancel, modify or suspend permits at any time in the interest of public safety.

**8.05.090 Permit Fees.**

Burn permits fees shall be as established by the city's Master Fee Resolution.

**8.05.100 Abatement of fire hazards.**

The fire marshal or his deputy, the chief of police, or any other police officer in the city of Brookings shall, upon determining that a fire hazard exists as described in this chapter, notify the owner, occupant, or other person in charge of the property upon which said fire hazard exists. Such notice shall be delivered personally in writing or by registered mail to the last known address of such person and shall state specifically the condition which has caused the fire hazard. Such fire hazard shall be removed within 24 hours after delivery of said notice. If removal is not completed within a reasonable time, the fire marshal, his deputy, the chief of police, or other police officer shall cause such fire hazard to be removed and the cost thereof shall become a lien upon the property upon which said fire hazard exists, or to which it is adjacent, in the same manner as other liens under the laws of the state of Oregon and the Charter of the city of Brookings. [Ord. 07-O-591 § 2; Ord. 59-O-134 § 12.]

**8.05.110 Appeals.**

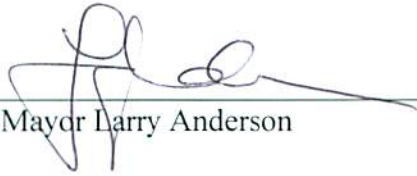
Any owner or occupant of any tract, piece, or parcel of land against which a lien has been entered under the provisions of this chapter, who shall for any reason desire to dispute the same, may file his protest with the city recorder within 10 days from the date of such docketing, which protest shall set forth the ground thereof. The same shall be heard speedily and summarily, and the lien docketed as aforesaid shall be confirmed, modified, or vacated, as may be warranted by the facts; or, if confirmed, the same may thereafter be enforced by notice issued by the city recorder to the police chief to sell said premises upon publishing a notice of such proceeding as is otherwise required on sale of real property for the satisfaction of city liens. [Ord. 07-O-591 § 2; Ord. 59-O-134 § 13.]

**8.05.120 Penalties & violations.**

Pursuant to Chapter 1.05 of the Brookings Municipal Code.

First Reading: August 24, 2009  
Second Reading: August 24, 2009  
Passage: August 24, 2009  
Effective Date: September 23, 2009

Signed by me in authentication of its passage this 28<sup>th</sup> day of August, 2009

  
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Mayor Larry Anderson

ATTEST:  
  
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City Recorder Joyce Hellington