

## ORDINANCE NS- 2354

### AN ORDINANCE AMENDING BEND CODE SECTION 5.30.000, FIREWORKS

#### Findings:

- A. The City of Bend enjoys a long tradition of Independence Day celebrations and festivities on and around the Fourth of July holiday.
- B. Some community members have become increasingly concerned about the use of fireworks around the holiday and at other times, particularly as it relates to fire risk, personal safety, and impacts on pets and other animals.
- C. In Bend, fireworks are regulated by both Oregon law and the City's Municipal Code. A violation of state law is subject to a civil penalty under the authority of the State Fire Marshall. A violation of City Code is treated as a civil infraction, adjudicated in the City of Bend Municipal Court.
- D. The Bend Police Department enforces both state law and City code for fireworks. Recent experience of the Police Department in carrying out fireworks enforcement illustrated that language in state law relating to both use and possession of fireworks did not correspond with the City's code language.
- E. In order to conduct the most effective enforcement and to have the most tools at its disposal, the Police Department should be able to cite violations under City code and/or state law, as appropriate.
- F. The City Council intends to amend the City's Municipal Code in order to better correspond with state law regarding fireworks enforcement, with the goal of enhancing the Police Department's ability to enforce applicable fireworks regulations when violations occur.

Based on these findings, the City of Bend ordains as follows:

Section 1. Section 5.30.000 of the Bend Code is amended as shown on Exhibit A, attached.

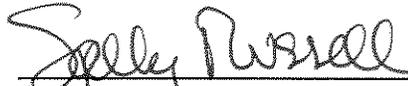
Section 2. All other provisions of the Bend Code remain unchanged and in full effect.

First Reading Date: October 16, 2019

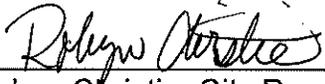
Adopted by roll call vote on: November 6, 2019

YES: Sally Russell, Mayor      NO: none  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Gena Goodman-Campbell  
Chris Piper

Signed by the Mayor on:

  
\_\_\_\_\_  
Sally Russell, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mary Winters, City Attorney

## Chapter 5.30

### FIRE REGULATIONS

Sections:

- 5.30.000 Fireworks.  
5.30.005 Open Burning Prohibited.

**5.30.000 Fireworks.**

- A. The sale, offer for sale, possession, and use of fireworks shall conform to Oregon law, as supplemented by this chapter.
- B. No person under the age of 18 may sell, keep, possess, use, or explode any fireworks within the City.
- C. No person shall sell or provide fireworks to a person under the age of 18 years.
- D. The City may confiscate, destroy, remove, or have removed at the owner's expense all stocks of fireworks in violation of this section, when necessary for the preservation of the public safety.
- E. Violation of this section is a Class A civil infraction for persons over the age of 18 and a Class C civil infraction for persons under the age of 18. [Ord. NS-2142, 2010]

**5.30.005 Open Burning Prohibited.**

- A. Except as authorized by this section, no person shall start or maintain an outdoor fire within the boundaries of the City of Bend for the following purposes:
1. The burning of any refuse, garbage, or other waste products as described in the City of Bend Fire Department Outdoor Burning Regulations;
  2. The burning of any yard debris including but not limited to branches, leaves and pine needles;
  3. The burning of any construction or demolition waste;
  4. Field, ditch or weed burning.
- B. The following open burning is allowed subject to compliance with the provisions in the most recent fire code as adopted by the City of Bend and the Fire Department's Outdoor Burning Regulations:
1. Fires initiated by the Fire Department for training purposes which are approved by the Oregon Department of Environmental Quality;
  2. Campfires, warming fires, cooking fires, outdoor fireplaces, outdoor kiln fires and other approved similar type fires that are not more than three feet in diameter;
  3. Cooking pits approved by the City of Bend Fire Department;
  4. Weed control by the City, County, or State within developed streets.

- C. A violation of this section is a Class B civil infraction. [Ord. NS-2142, 2010]