

ORDINANCE NO 217

AN ORDINANCE AMENDING ORDINANCE NO 213 DEFINING NUISANCES AND REPEALING ORDINANCES NO. 29, 74 AND 130 AND DECLARING AN EMERGENCY

WHEREAS, the Detroit City Council finds that it is in the best interest of the citizens of the City of Detroit, Oregon to amend Ordinance No. 213, an ordinance defining nuisances and providing for their abatement, and repealing Ordinances No. 29, 74 and 130.

NOW, THEREFORE, THE CITY OF DETROIT, OREGON ORDAINS AS FOLLOWS:

SECTION 1: Section 12, OPEN BURNING - Remove paragraphs (B) through (E), which state:

(B) Open burn ban notification, dates and procedures, and general requirements and prohibitions related to open burning, are subject to the authority and control by the Fire Chief or designee of the Idanha-Detroit RFPD as regulated by RFPD Policy No. 46, a copy of which is attached hereto and by this reference incorporated herein as the policy of the City of Detroit, and enforced by City Ordinance No. 207.

(C) Open burning may occur only on days, and time of day, as determined by authority of the County and recorded on the Mid-Willamette Valley burning information line, or the Fire Chief or designee of the Idanha-Detroit RFPD as regulated by RFPD Policy No. 46, a copy of which is attached hereto and by this reference incorporated herein as the policy of the City of Detroit, and enforced by City Ordinance No. 207.

(D) Allowable Burns

1. Slash open burning is allowed only when in conjunction with a Forest Service approved logging operation (forest debris or woody vegetation related to management of forest land used for growing or harvesting timber).
2. Demolition open burning is allowed only when in conjunction with a District "Live Fire" training session (any material resulting from or produced by the complete or partial destruction or tearing down of any man-made structure, or the clearing of any site for land improvement or cleanup, excluding yard debris and agricultural waste).
3. Domestic open burning is allowed and is subject to the requirements and prohibitions as listed in RFPD Policy No. 46 (open burning of any domestic waste).
4. Recreational and Ceremonial fires, also known as campfires, fire rings or fire pits, are allowed if smaller than 36 inches in diameter (no debris or waste may be burned)
5. Barbecue equipment – The use and operation of any barbecue equipment is allowed
6. Yard debris burning - includes wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. Burn piles may not be larger than five (5) feet in diameter and three (3) feet in height.
7. Any fire deemed necessary for the purpose, prevention or elimination of a fire hazard, elimination of a hazard to public health or safety, or for the instruction of District employees and volunteers – such fires must be authorized and meet all applicable criteria as set forth by the Fire Chief or designee.

(E) Prohibited Burns

1. Industrial open burning - open burning of industrial waste.
2. Agricultural open burning - open burning of agricultural waste.

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- 3. Commercial open burning - open burning of commercial waste, including waste material from offices, stores, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, domestic waste removed from the property of origin, and dwellings containing more than four family living units such as apartments, condos, hotels, motels or dormitories.
- 4. Construction open burning - open burning of any construction waste, including any waste material generally used for, resulting from, or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of construction site.

Other open burning - wet garbage, plastic, asbestos, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated materials, rubber products, animal remains, animal or vegetable matter resulting from the preparation, cooking, or service of food, or any other material which normally emits dense smoke or noxious odors or that creates any nuisance or hazard to public safety.

SECTION 2: Section 12, OPEN BURNING - The text shall now read:
The City of Detroit open burning policy is under the jurisdiction of the Fire Chief or designee of the Idanha-Detroit RFPD as regulated by RFPD Policy No. 46, a copy of which is attached hereto and by this reference incorporated herein as the policy of the City of Detroit, and enforced by City Ordinance No. 207.

SECTION 3: Declaration of Emergency - This ordinance shall become effective immediately to protect the peace, health, safety, and welfare of the public

First reading before the Detroit City Council on March 10, 2009
Second reading by title before the Detroit City Council on March 10, 2009

This Ordinance adopted and passed by the Common Council of the City of Detroit, Marion County, Oregon and signed by the Mayor on this 10th day of March, 2009

Ayes: 6 Nays: 0 Absent: 1

ATTEST

Signed: Margaret H. Scott
Margaret H. Scott, Mayor

By: Christine Pavoni
Christine Pavoni, City Recorder