

## ORDINANCE NO. 1139

### AN ORDINANCE AMENDING SECTION 93.57 OF THE CODE OF PRINEVILLE (ORDINANCE NO. 911) CONCERNING BURNING IN BURN BARRELS AND OPEN PILES AND REPEALING ORDINANCE 1108

THE PEOPLE OF THE CITY OF PRINEVILLE ORDAIN AS FOLLOWS:

Section 93.57 of the Code of Prineville (Section 33 of Ordinance 911) is amended to read as follows:

(1) Burn Permits

Annual permits to burn are required before using burn barrels or open burn piles. Burn permits shall be effective January 1 through December 31 of the same year. The annual fee for each permit shall be \$25, which fee may be modified by a City of Prineville Resolution. The permit must be shown to a City of Prineville or Crook County Fire and Rescue ("Fire Department") representative upon request. The permit will be issued to the applicant for burning items in a burn barrel or in an open pile at a specific address and such permit is not transferable to any other address.

(2) Persons burning in a burn barrel or in an open pile must meet all the following requirements:

- a. There must be a valid burn permit issued for the address at which the burn barrel or open pile is located;
- b. There must be a person 14 years of age or over physically present at the burn barrel or burn pile at all times burning is done;
- c. Burning shall be only between 7 a.m. and 12 noon, Wednesdays through Saturdays, excluding Holidays set out under Oregon law. All burn barrels and burn piles must be completely extinguished by noon on allowable burning days. Completely extinguished means that there shall not be any smoke coming from the burn barrel or burn pile, and the burn barrel or burn pile shall contain no smoldering material or hot ashes or embers;
- d. There shall be no burning upon restriction by the Fire Department due to fire/safety conditions.

(3) Persons burning in a burn barrel must meet all the following requirements in addition to the requirement under subsection (2) above:

- a. The burn barrel must be covered with a maximum one-quarter inch screen in good condition.
- b. There shall be no holes in the burn barrel except for air holes not more than one-quarter inch in diameter. There shall be no holes in the burn barrel caused by rust rot.
- c. Only dry paper shall be burned in the burn barrel.

d. The burn barrel shall be located at least 25 feet from any combustibles, structures, or property boundary lines.

(4) Persons burning in an open pile must meet all the following requirements in addition to those requirements in subsection (2) above:

- a. Open burn piles must only contain dry leaves, dry wood, or paper.
- b. Burn piles may not exceed six feet in diameter and three feet in height.
- c. Burning in an open burn pile shall be only in the months of October through June.
- d. The burn pile shall be located at least 25 feet from any combustibles, structures, or property boundary lines and in addition a ten-foot fuel break exposing mineral soil must be maintained around the burn pile.
- e. Burning shall be conducted in a manner and under conditions that prevent any burning material, sparks, or embers going onto any combustible material.

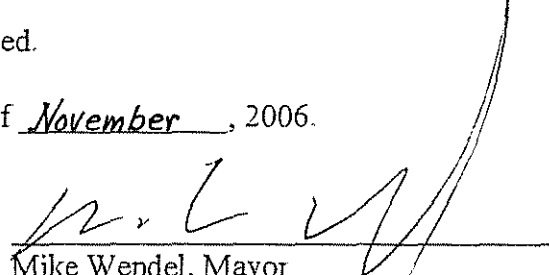
(5) This Ordinance shall not apply to any fire in which the fire department has agreed to participate.

(6) Penalties:

The maximum penalty for a person responsible for each violation of this Ordinance shall be \$500. Upon first conviction the fine shall be not less than \$50. Upon a second conviction the fine shall be not less than \$100, and on the third and subsequent convictions the fine shall be \$500 and there shall be no further burn permits issued for burning at the address of the third conviction or issued to any person who has been convicted of violating this ordinance three or more times.

(7) Ordinance No. 1108 is hereby repealed.

Passed by the City Council this 14<sup>th</sup> day of November, 2006.

  
Mike Wendel, Mayor

ATTEST:

  
Robb Corbett, City Manager/Recorder