

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF REPEALING AND )      ORDINANCE NO. 10-08  
REPLACING MUNICIPAL CODE, TITLE 8, )  
HEALTH AND SAFETY, CHAPTER 8.08, )  
BURNING )

NOW, THEREFORE, the Common Council of the City of Cannon Beach ordains as follows:

Section 1. Chapter 08.08, Burning of Title 8, Health and Safety, Sections 08.08.010, 08.08.020, 08.08.030, 08.08.035, 08.08.040 and 08.08.050 of the Cannon Beach Municipal Code are hereby repealed and Chapter 08.08, Burning of Title 8, Health and Safety, Sections 08.08.010, 08.08.020, 08.08.030, 08.08.040, 08.08.050, 08.08.060, 08.08.070, 08.08.080, 08.08.090, 08.08.100, 08.08.110 and 08.08.120 are hereby added to read:

Section 2. 8.08.010 Definitions.

The following terms and definitions shall apply in this section:

- A. "Beach fire" means an open fire kindled on the ocean shore.
- B. "Burning permit" means a permit issued by the Police Department that specifies burning rules and requirements.
- C. "Clean wood" means untreated, unpainted wood without nails, staples, screws, or other metal attachments.
- D. "Construction debris" means any waste material generally used for, or resulting from or produced by a building or construction project.
- E. "No burn season" means the period from July 1st to October 15th or as otherwise determined by the Oregon Department of Forestry.
- F. "Fire District" means the Cannon Beach Rural Fire Protection District.
- G. "Garbage" means food products or other products or contaminants that create noxious smoke or odors.
- H. "Household waste" means clean paper, cardboard or cardboard products, clean wood or wood products.
- I. "Household Waste Fire" means a fire contained in a burn barrel with a spark arrestor.
- J. "Noxious" means harmful to physical health.
- K. "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property or the substantial and unreasonable invasion of a right common to the general public.
- L. "Open fire" means any fire not contained in a burn barrel with a spark arrestor.

M. "Recreational Fire" means an open fire kindled on private property.

N. "Toxic" means harmful, destructive, or deadly.

O. "Yard debris" means tree limbs, tree needle or leaf material, shrubs and other plant material.

P. "Yard Debris Fire" means an open fire no larger than four feet in any dimension kindled on private property and used for the purpose of burning yard debris.

Section 3. 8.08.020 Beach Fire Standards

A. Beach fires shall comply with the following standards.

1. Beach fires shall not exceed three feet in any dimension.
2. Beach fires shall only be fueled by clean wood.
3. Beach fires shall not be kindled in driftwood piles or logs.
4. Beach fires shall not be kindled within twenty-five feet of a seawall that is constructed of wood or other combustible material.
5. Beach fires shall not be kindled within twenty-five feet of vegetation.
6. Beach fires shall not be extinguished with sand. To avoid leaving smoldering, hot embers under the porous sand cover, water is the preferred method for extinguishing a beach fire.
7. Beach fires do not require a permit and are allowed during the no burn season unless otherwise prohibited by the Fire District.

Section 4. 8.08.030 Household Waste Fire Standards

A. Household waste fires shall comply with the following standards:

1. Burn barrels shall be used to burn household waste.
2. Burn barrels which are warped, cracked or corroded as to permit the passage of sparks through spark arrestors shall not be operated.
3. Burn barrels shall not be located within ten feet of any building or structure and generally should be positioned so that there is no direct exposure to buildings, wood fences, or piled combustible materials.
4. Anyone using a burn barrel shall make frequent checks to insure that no sparks are being emitted.

B. Household waste fires require a burn permit issued by the Cannon Beach Police Department.

Section 5. 8.08.040 Recreational Fire Standards

A. Recreational fires shall comply with the following standards:

1. Recreational fires shall not exceed three feet in any dimension.

2. Combustible materials (grass, brush, trees, bark, dust, etc.) shall not be within 5 feet of the fire perimeter or within 10 feet above the fire.

3. Recreational fires shall not be within ten feet of any building or structure.

4. Recreational fires shall be fueled by clean wood only.

B. Recreational fires do not require a burn permit and are allowed during the no burn season unless otherwise prohibited by the Fire District.

Section 6.        8.08.050 Yard Debris Fire Standards

A. Yard debris fires shall comply with the following standards:

1. Yard debris fires require a burn permit issued by the Cannon Beach Police Department.

2. Yard debris fires shall not exceed four feet in any dimension.

3. Yard debris fires are not allowed during the no burn season.

Section 7.        8.08.060 Fires must be attended.

A. Beach fires, household waste fires, recreational fires, and yard debris fires shall be constantly attended by a competent person until such fire is extinguished.

B. Except for beach fires, the competent person responsible for the fire shall have a garden hose connected to a water supply, or other fire extinguishing equipment, readily available for use.

Section 8.        8.08.070 Prohibited Open Fires

Open fires larger than three feet in any dimension, except for yard debris fires with a burn permit, are prohibited within Cannon Beach, including its ocean shore.

Section 9.        8.08.080 Prohibited Smoke/Odor

No fire of any type shall produce smoke or odors that are toxic or noxious or that create a public nuisance or safety or health hazard to the surrounding area.

Section 10.      8.08.090 Prohibited Burning Materials

A. The following materials shall not be burned in any type of fire:

1. Construction debris

2. Garbage

3. Plastic material

4. Rubber material

5. Tires

6. Any other material that creates toxic or noxious smoke or odors.

Section 11. 8.08.100 Authority to Prohibit Fires

The Fire District retains the authority to prohibit any outdoor fire at any time when atmospheric conditions or other local circumstances make such fires hazardous to persons or property.

Section 12. 8.08.110 State Rules Adopted-Compliance

A. The following state rules are hereby adopted in conjunction with this ordinance:

1. Oregon Administrative Rules 340-23-022 through 340-23-045, Rules for Open Burning
2. Oregon Administrative Rule 340-23-055, Open Burning Prohibitions, which includes open burning prohibitions for Clatsop County.
3. Each permit issued by the City shall comply with the provisions of the Oregon Administrative Rules 340-23-022 through 340-23-060, and it is the duty of all permit holders to know the contents of the codes for the permits which they have been issued.

Section 13. 8.08.120 Violation-Penalty.

Any person, firm or corporation, violating any of the provisions of this chapter shall, upon conviction be punished by a fine of not more than five hundred dollars.

ADOPTED by the Common Council of the City of Cannon Beach this 7th day of December, 2010, by the following roll call vote:

YEAS:  
NAYS:  
EXCUSED:

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Mike Morgan, Mayor

Attest:

Approved as to Form:

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Richard A. Mays, City Manager

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Tamara Herdener, City Attorney