

BEFORE THE COMMON COUNCIL OF CANNON BEACH

AN ORDINANCE AMENDING THE MUNICIPAL) ORDINANCE NO. 20-18
CODE SECTION 9.08.040 AND CHAPTER 9.16)
TO PROHIBIT ALL FIREWORKS WITHIN THE)
CITY LIMITS AND INCREASING FINES)

WHEREAS, July 3-5, 2020, was the busiest Independence Day weekend in eight years, requiring the Police Department to take a total of 90 case files in three days, including 41 fireworks calls; and

WHEREAS, fireworks disturb the peace generally and particularly impact wildlife, people experiencing post-traumatic stress disorder, and pets; and

WHEREAS, Haystack Rock is part of the Oregon Islands National Wildlife Refuge and is a State protected marine environment that houses Tufted Puffins, Pelagic Cormorants, Western Gulls, Pigeon Guillemots, Black Oystercatchers, Harlequin Ducks, Bald Eagles, and Peregrine Falcons; and

WHEREAS even legal fireworks used as intended cause particular distress to these and other populations of wildlife, endangering their safety; and

WHEREAS, fireworks and sky lanterns threaten to cause harm to people, damage to City property, private property, and natural ecology, and significantly increase fire danger within the City and in cherished natural areas such as the Ecola Creek Forest Preserve and other forest lands surrounding the City; and

WHEREAS, climate change is causing the world's climate, including the climate within the City, to become increasingly warm and dry which thereby increases the threat and severity of fire; and

WHEREAS, in 2018 the State Fire Marshal reported that between 2013 and 2017, there were 1,355 reported fireworks-related fires in Oregon resulting in one death, 34 injuries, and more than \$3 million in property damage; and

WHEREAS, in 2017 a firework caused the Eagle Creek Fire, which covered 50,000 acres of land and burned uncontained for two months; and

WHEREAS, ORS 480.110 through 480.158, known as the State Fireworks Law, bans certain fireworks statewide; and

WHEREAS, Cannon Beach Municipal Code currently adopts the State Fireworks Law and also bans all fireworks on the ocean shore within Cannon Beach city limits; and

WHEREAS, illegal firework use in the City including on the ocean shore continues in spite of the existing prohibitions; and

WHEREAS, increasing fines for discharging fireworks and sky lanterns discourages their use and therefore protects the City from the threat of destructive fires caused by fireworks; and

WHEREAS, the Cannon Beach City Council desires to further protect the people, animals, and property in the City by banning the possession, discharge, or cause of discharge of all fireworks and sky lanterns within the city limits.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH ORDAINS AS FOLLOWS:

1. The Cannon Beach City Council repeals Section 9.08.040 as described in Exhibit A to this ordinance and amends Chapter 9.16 of the Cannon Beach Municipal Code as described in Exhibit B, to ban all fireworks within Cannon Beach city limits.
2. Exhibits A and B are attached to this ordinance and incorporated by reference.
3. Ordinance 01-9 is repealed when this ordinance becomes effective.
4. This ordinance is effective 30 days from adoption.

ADOPTED by the Common Council of the City of Cannon Beach this 1st day of September 2020, by the following roll call vote:

YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel


NAYS: None

EXCUSED: None



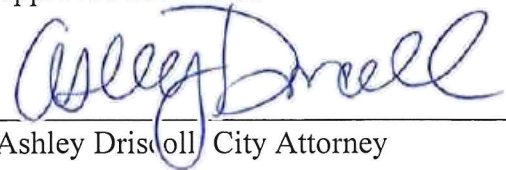
Sam Steidel, Mayor

Attest:



Bruce St. Denis, City Manager

Approved as to form:



Ashley Driscoll City Attorney

EXHIBIT A

9.08.040 [REPEALED BY ORDINANCE 20-18]

EXHIBIT B

CHAPTER 9.16 FIREWORKS PROHIBITED

9.16.010 Fireworks Prohibited Within Cannon Beach City Limits.

Possessing, discharging, or causing to be discharged, any fireworks is prohibited within Cannon Beach city limits, without the written permission of the Oregon State Parks and Recreation Department manager of the beach area in which the permittee wishes to discharge such devices. (Ord. 01-9 § 1)

9.16.020 Definitions.

Definitions used in this chapter have the following meanings:

“Enhance” means the maximum fine for the violation is increased one level per enhancement.

“Fireworks” means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tables or other device containing any explosive substances or inflammable compound and includes, but is not limited to, the following:

A. Ground and Hand-Held Sparkling Devices:

1. Dipped Stick Sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed five grams of pyrotechnic composition per item. Note: wire sparklers that contain no magnesium, less than one hundred grams of composition per and are less than ten inches in length are considered novelties in subsection E below.

2. Cylindrical Fountain. Cylindrical tube not more than three quarters of an inch (19mm) inside diameter, containing up to seventy-five grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

3. Cone Fountain. Cardboard or heavy paper cone containing up to fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

4. Illuminating Torch. Cylindrical tube containing up to one hundred grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held.

5. Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six inch driver units: Tubes not exceeding one-half inch (12.7 mm) inside diameter and

EXHIBIT B

containing up to sixty grams of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and sometimes a whistling effect.

6. Ground Spinner. Small device similar to a wheel in design and effect and placed on a ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

7. Flitter Sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

B. Aerial Devices:

1. Sky Rocket (Stick Rockets). Tube not exceeding one-half inch (12.7 mm) inside diameter that may contain up to twenty grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of the light.

2. Missile-type Rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

3. Helicopter, Aerial Spinner. A tube not more than one-half inch (12.7 mm) inside diameter and containing up to twenty grams of pyrotechnic composition. A propeller or blade is attached, which upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

4. Roman Candles. Heavy paper or cardboard tube not exceeding three-eighths inch (9.5 mm) inside diameter and containing up to twenty grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

5. Mine Shell. Heavy cardboard or paper tube up to two and one-half inch (63.5 mm) inside diameter attached to a wood or plastic base and containing up to forty grams of pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground.

C. Audible Ground Devices.

1. Firecracker. Small paper-wrapped or cardboard tube containing not more than one hundred thirty milligrams of pyrotechnic composition. Upon ignition, noise and flash of light are produced.

2. Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, often is produced. The explosive composition used to create the noise may not exceed fifty milligrams.

D. Combination Items. Fireworks devices containing combinations of two or more of the effects described in subsections A, B and C of this section.

EXHIBIT B

E. Novelties and Trick Noisemakers.

1. Snake, Glow Worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

2. Smoke Device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

3. Trick Noisemaker. Item that produces a small report intended to surprise the user. These devices include:

a. Party Popper. Small plastic or paper item containing not more than sixteen milligrams of explosive composition that is friction-sensitive. A string protruding from the device is pulled to ignite it, expelling paper streams and producing a small report.

b. Booby Trap. Small tube with string protruding from both ends, similar to party popper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.

c. Trick Match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

d. Cigarette Load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

e. Auto Burglar Alarm. Tube that contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty milligrams, also may be used to ignite the device.

f. Snapper. Small paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report. (Ord. 01-9 § 1)

9.16.030 Violation—Penalty Levels.

In addition to other penalties provided by law, a violation of this chapter is punishable by a fine not to exceed \$5,000 depending on the type of the firework and the fire threat in the city at the time of the violation.

- a. Level One Violation. Discharging or causing to be discharged any novelties or trick noisemaker or similar firework is punishable by a fine not to exceed \$100 unless enhanced.
- b. Level Two Violation. Discharging or causing to be discharged any ground or handheld sparkling device, audible ground device, or any similar firework is punishable by a fine not to exceed \$1,000 unless enhanced.

EXHIBIT B

- c. Level Three Violation. Discharging or causing to be discharged any aerial device or similar firework is punishable by a fine not to exceed \$5,000.
- d. Discharging or causing to be discharged any Combination Item is punishable by a fine not to exceed the maximum fine of the most severe grade of firework in the Combination Item, unless the fine is enhanced.
- e. A violation of this chapter where the size, pyrotechnic composition, or explosive composition of the firework exceeds the maximum size or amount described in the definition enhances the fine one level, not to exceed \$5,000.
- f. A violation of this chapter during fire season as declared by the Oregon Department of Forestry and/or Clatsop County Fire Defense Board, during a fire weather warning as declared by the National Weather Service, or during a high fire threat as declared by another agency with special fire authority or knowledge, enhances the fine one level, not to exceed \$5,000.
- g. A violation may be enhanced no more than two levels.
- h. Each firework discharge or causing to be discharged is a separate violation.