

ORDINANCE NO. 373

AN ORDINANCE AUTHORIZING ISSUANCE OF BURNING PERMITS WITHIN THE CITY OF CASCADE LOCKS; PROVIDING PENALTIES FOR BURNING WITHOUT A BURNING PERMIT OR FOR VIOLATION OF THE BURNING RULES; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council wishes to establish the authority and a process for requiring burn permits for burning within the City limits of the City of Cascade Locks; and

WHEREAS, the City Council wishes to authorize the setting of a fee for burn permits and the establishment of rules for burning by resolution; and

WHEREAS, the City Council wishes to establish penalties for burning without a burn permit or for violation of the burning rules;

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Burning Permits Required. Burning Permits are required for all fires that are intentionally ignited within the City of Cascade Locks City limits, including, but not limited to, burn barrels, piles, and campfires outside of designated fire pits within designated campsites.

SECTION 2. Fees and Burning Rules to be Set by Resolution. Fees for burning permits and rules for burning with a burning permit are to be established by resolution.

SECTION 3. Penalties. A violation of any of the provisions of this ordinance or of the burning rules as established by resolution, is a Class A infraction and shall be punished by a fine of not less than fifty dollars (\$50.00) for the first incident, one hundred dollars (\$100.00) for the second incident, and three hundred dollars (\$300.00) for the third and all subsequent incidents. An incident is defined as each time a fire is started, whether it is a new fire or the re-ignition of a previous fire, and each twenty-four hour (24) period between 12:00 AM and 11:59 PM will be considered a separate incident if a fire is continuous.

If a fire ignited either with or without a burning permit, escapes the control of the person responsible for that fire, that person, or his or her parent or legal guardian if they are under the age of 18, shall be entirely liable for all costs of extinguishing that fire, for all damage done by that fire, and for all penalties and fees incurred.

SECTION 4. Continuation of Current Resolutions. All Resolutions related to burning permits that are currently in force when this Ordinance becomes effective shall remain in effect until modified or repealed.

SECTION 5. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any

portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

SECTION 6. Emergency Clause. Inasmuch as this Ordinance is necessary for the immediate preservation of health, peace, and safety, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

ADOPTED by the City Council this **9th** day of **May**, 2005.

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First Reading Approved: **04/27/05**; Ayes **6**; Nays **0**.
Second Reading Approved: **05/09/05**; Ayes **7**; Nays **0**.