

*For: Monday, **August 11, 2014**, City Council Meeting*

Advance Packet Information

Dated: August 1, 2014

Included in this packet is documentation to support the following Agenda items:

ORDINANCES

1. Ordinance 14-O-737, amending the Brookings Municipal Code (BMC) to prohibit open burns within 1,000 feet of a skilled nursing facility. [City Manager, pg. 2]
 - a. Ordinance 14-O-737 [pg. 3]
 - b. Burn Permit/Restriction Area Map [pg. 4]
 - c. BMC Chapter 8.05 excerpts [pg. 5]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

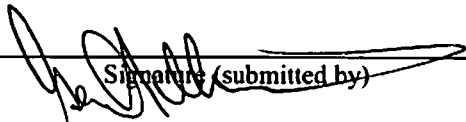
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least ten days advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 11, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Ordinance prohibiting burning within 1,000 feet of a Skilled Nursing Facility.

Recommended Action:

Motion to adopt Ordinance 14-O-737, amending Section 8.05.060 of the Brookings Municipal Code to prohibit open burns within 1,000 feet of a skilled nursing facility.

Background/Discussion:

This item was discussed at the July 9, 2014, City Council workshop. Management at Good Samaritan skilled nursing facility has expressed concern regarding smoke from permitted burning at nearby residences. The proposed Ordinance would prohibit open burning within 1,000 feet of any skilled nursing facility in the City. Currently, there is only one such facility, Good Samaritan.

Councilor Hamilton reported that he observed ashes which led him to believe that in one instance, cardboard was being burned along with yard debris. Good Samaritan staff reports that the smoke creates breathing problems for a number of their residents.

Prohibiting burning within 1,000 feet of a skilled nursing facility would affect 8-9 residential properties.

Attachment(s):

- a. Ordinance 14-O-737
- b. Burn Permits/restrictions area map.
- c. Excerpts from BMC Chapter 8.05, Fire Hazards

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-737

IN THE MATTER OF ORDINANCE 14-O-737, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SECTION 8.05.060, PROHIBITED BURNS, OF CHAPTER 8.05, FIRE HAZARDS.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Section 8.05.060

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Brookings Municipal Code Section 8.05.060, Prohibited Burns, of Chapter 8.05, Fire Hazards.

Section 2. Amends Section 8.05.060 : Section 8.05.060, Prohibited burns, is amended to read as follows:

8.05.060 Prohibited burns.

A. It shall be unlawful for any person to conduct a Class A burn within the limits of the city of Brookings. [Ord. 11-O-686 § 2; Ord. 09-O-643 § 2.]

B. It shall be unlawful for any person to conduct any open burn within 1,000 feet of a skilled nursing facility.

First Reading: _____	Passage: _____
Second Reading: _____	Effective Date: _____

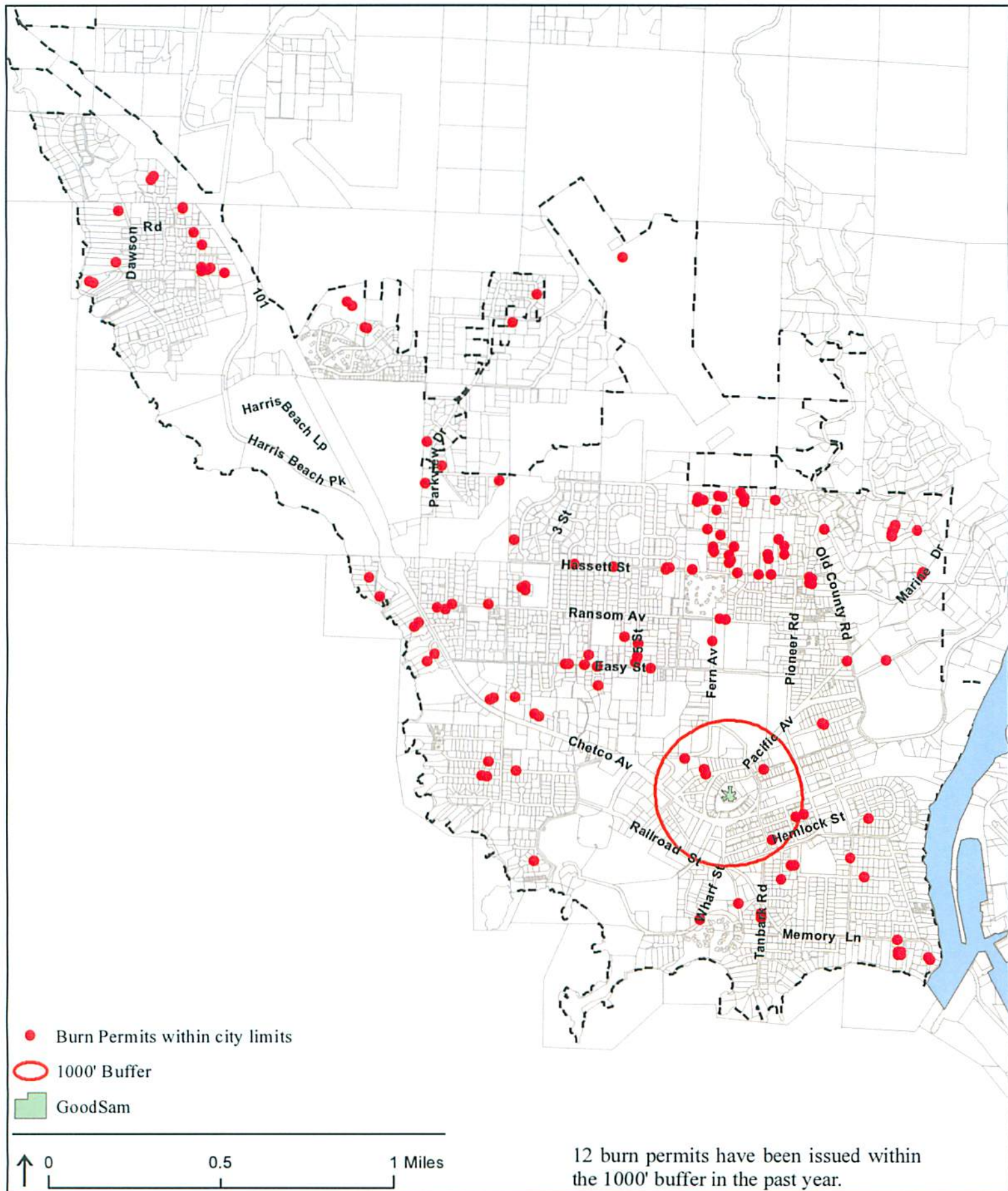
Signed by me in authentication of its passage this _____, day of _____, 2014

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

Burn Permits and Good Samaritan



Chapter 8.05 - Excerpts FIRE HAZARDS

8.05.010 Definitions.

"Class A burn" means the burning of wood products containing paint, glue, preservatives or other chemical treatment, paper, grass, hazardous materials, plastics, asphalt, paint, tires, oil, cardboard, rubber and other refuse and rubbish in an incinerator, burn barrel, or by open burning.

"Class B burn" means the open burning of wood, yard trimmings or leaves in a pile consisting of less than five yards.

"Class C burn" means the open burning of wood, tree trimmings, yard trimmings, and leaves in a pile consisting of more than five yards. Any burn conducted in association with land clearing or commercial tree removal shall be defined as a Class C burn.

"Class D burn" means a campfire conducted on private property or in a designated area of a public park where firewood cut in lengths, not to exceed 18 inches, is used. Such burns are limited to cooking or entertainment use and shall not include the burning of refuse.

"Class E burn" means a large open burn, for purposes of entertainment, such as a bonfire. Such burns are limited to community events or celebrations and must be approved and permitted by the fire chief.

"Responsible party" or "person responsible" means owner, occupant or other person entitled to possession. [Ord. 13-O-717 § 2; Ord. 11-O-686 § 2; Ord. 09-O-643 § 2.]

8.05.060 Prohibited burns.

A. It shall be unlawful for any person to conduct a Class A burn within the limits of the city of Brookings. [Ord. 11-O-686 § 2; Ord. 09-O-643 § 2.]

B. It shall be unlawful for any person to conduct any open burn within 1,000 feet of a skilled nursing facility.

8.05.070 Permitted burns.

A. Class B, Class C and Class E Burn Permits. Any person desiring to conduct a Class B, Class C or Class E burn must first obtain a written permit from the fire chief. Any person desiring to conduct a Class C burn must also first obtain a written permit from the State of Oregon Department of Environmental Quality (DEQ).

B. Class D Burns Without Permit. There shall be no permit required for Class D burning. The fire chief shall have the authority to require any Class D burn to be immediately extinguished upon making a determination that such burn is creating a hazard or public nuisance. [Ord. 13-O-717 § 3; Ord. 11-O-686 § 2; Ord. 09-O-643 § 2.]

8.05.080 Permit standards.

A. All Class B and Class C burns must be conducted between the hours of sunrise and dusk, with no starting or stoking of fires after 4:00 p.m. Attendance at the site of the burn by the permittee, or by permittee's adult designee, is required at all times. Attendant shall have immediately available a shovel and sufficient water to extinguish the fire or prevent escape of the fire from the burn location.

B. Class B permits shall be valid for a maximum of two consecutive days and shall not be renewed for 48 hours after conclusion of any previous burn.

C. Class C permits shall be valid for a maximum of seven days in a 30-day period.

D. Class E permits shall be valid for a 24-hour period. Times for starting and stoking the fire will be evaluated on a case-by-case basis by the fire chief and will be stated on the permit. Attendance at the site of the burn by the permittee, or by permittee's adult designee, is required at all times. Attendant shall have immediately available a shovel and sufficient water to extinguish the fire or prevent escape of the fire from the burn location.

E. Burning is prohibited on windy days.

F. The fire chief may prescribe additional standards of care and procedures for obtaining burn permits in order to administer this section and provide for the safety of life and property. The fire chief may cancel, modify or suspend permits at any time in the interest of public safety. [Ord. 13-O-717 § 4; Ord. 11-O-686 § 2; Ord. 09-O-643 § 2.]



Legal

Publish: Wednesday, August 6, 2014

Public Notice

NOTICE IS HEREBY GIVEN that on August 11, 2014, at 7:00pm in City Hall Council Chambers, 898 Elk Drive, during a regular Common Council meeting, Brookings City Council will consider for adoption, by title only, the following:

- In the matter of Ordinance 14-O-737, an ordinance amending Brookings Municipal Code Section 8.05.060, Prohibited Burns, of Chapter 8.05, Fire Hazards.

All persons wishing to address these matters may do so in person at the meeting, or by submitting written evidence to the City Manager, Brookings City Hall, 898 Elk Drive, Brookings, 97415, prior to the meeting. Copies of the ordinance and associated staff report are available for inspection at City Hall, on the City's website at www.brookings.or.us, and at the Chetco Community Public library. Copies of the documents may also be purchased.

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