

*For: Monday, **October 14, 2013**, City Council Meeting*

Advance Packet Information

Dated: October 7, 2013

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

ORDINANCES

1. Ordinance 13-O-718, amending Brookings Municipal Code Chapter 12.25 to extend smoking prohibitions to include public transit facilities within designated park areas. [Parks, pg. 2]
 - a. Ordinance 13-O-718 [pg. 3]
 - b. Letter from Mary Rowe dated September 19, 2013 [pg. 4]
 - c. Letter from Mary Rowe dated October 4, 2013 [pg. 7]
2. Ordinance 13-O-717, amending Brookings Municipal Code Chapter 8.05 to add provisions to accommodate bonfires. [City Manager, pg. 9]
 - a. Ordinance 13-O-717 [pg. 10]
 - b. Revisions to Chapter 8.05 [pg. 12]

*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.

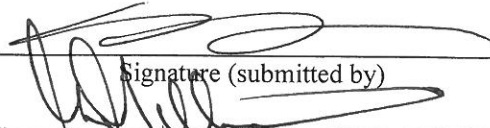
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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: 10/14/13

Originating Dept: Parks


Signature (submitted by)

City Manager Approval

Subject: Smoking Prohibited – Bus Shelters

Motion: To revise the Brookings Municipal Code (BMC) 12.25.017 to add “public transit facilities within designated park areas” to prohibited areas for smoking.

Background/Discussion: Staff has received complaints about transients and riders smoking inside the bus shelter located at Bankus Park (Rays Parking Lot). The shelter is a popular location for transients to seek shelter in inclement weather. Public Works installed a no smoking signs in the shelter to curb this activity but hasn’t proven effective.

In 2007 the State of Oregon banned smoking within 10 ft of a buildings entryway and ventilation intakes. Administration and enforcement is handled through the Oregon Health Authority and the fines are issued to the building owners & businesses, not the smokers. The bus shelter is an enclosed structure located within public property. The only option for enforcement that targets the violators is to add language to the BMC to include current and future transit facilities. This will allow police to cite and impose a fine to violators under 12.25.017(B) Penalties.

Existing BMC reads:

12.25.017 Smoking prohibited in designated park areas.

A. Persons are prohibited from smoking in city parks at all times in the following areas: within the fenced area of Kidtown at Azalea Park and all children’s playgrounds, athletic fields, bleachers and benches, and within 20 feet of all restroom and concession facilities.

B. Penalties under this section shall be \$75.00 for each separate offense. [Ord. 12-O-690 § 2.]

Proposed change:

12.25.017 Smoking prohibited in designated park areas.

A. Persons are prohibited from smoking in city parks at all times in the following areas: within the fenced area of Kidtown at Azalea Park and all children’s playgrounds, athletic fields, bleachers and benches, and within 20 feet of all *restroom, concession and public transit facilities within designated park areas*.

B. Penalties under this section shall be \$75.00 for each separate offense. [Ord. 12-O-690 § 2.]

Attachment(s):

- a. Ordinance
- b. Mary Rowe letter 1 (9-19-13)
- c. Mary Rowe letter 2 (10-4-13)

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 13-O-718

IN THE MATTER OF ORDINANCE 13-O-718, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SUBSECTION 12.25.017 (A), OF CHAPTER 12.25, PUBLIC PARKS AND RECREATIONAL AREAS.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Subsection 12.25.017 (A).

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Brookings Municipal Code Subsection 12.25.017 (A) of Chapter 12.25, Public Parks and Recreational Areas.

Section 2. Amends Subsection 12.25.017 (A): Subsection 12.25.017 (A), is amended to reads as follows:

12.25.017 Smoking prohibited in designated areas

- A. Persons are prohibited from smoking in city parks at all times in the following areas: within the fenced area of Kidtown at Azalea Park and all children's playgrounds, athletic fields, bleachers and benches, and within 20 feet of all restroom, concession and public transit facilities within designated park areas.

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

Signed by me in authentication of its passage this _____, day of _____, 2013

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

September 19, 2013

At the September 13, 2013 Curry Disabled Services Advisory Committee meeting, those attending, who were too few to constitute a quorum, decided to make the following recommendations to the City of Brookings' Park Department about the glass shelter that the Curry Public Transit donated to Brookings, which is located in the city's Elmer Bankus Park next to the Ray's Food Place parking lot. These recommendations are made so that riders of Curry Public Transit will be able to use the shelter.

It should perhaps first be explained that Brookings' Public Works Department just installed a small "no smoking" sign in this shelter which has been ineffective. They will also be adding a "No Smoking Within Ten Feet" sign. They also agreed to ask the Parks Department to clean the shelter periodically so that it will be usable.

Our requests are:

1. That a sign asking users of the shelter to allow those who need to sit on its bench

to do so, be mounted inside the shelter. (2)
This is important as travelers, transients and the homeless have been frequently using the bench as a shelf on which to store their belongings, sometimes leaving them there unattended for hours and/or refusing to move them. Also they "hang out" in the shelter and sometimes refuse to allow elderly and disabled transit riders to sit on the bench.

B. We wondered if erecting a shelf or two in the shelter might be a good idea? Wheel-chair access could not be restricted, however.

2. We would like for the phone number of the Brookings Police Department to be put on or near the new "No Smoking Within Ten Feet" sign when it is put up. Lieutenant Donny Dotson has informed Public Works that the police will respond to smoking violations when possible.

3. As there is not enough room in the shelter for all the transit riders waiting for the bus, some riders sit on the benches in Elmer Barkus Park. These riders include

the elderly, pregnant women, children and those with disabilities who cannot be around cigarette smoke. As the park also frequently is used by a sizeable number of people who are "hanging out" and smoking, this creates a problem for transit riders.

We therefore ask that Elmer Barkus Park be designated as a non-smoking area under city ordinance 12.25.017. This would also make enforcement of the no smoking in and around the glass shelter easier for the police; cleaning of the shelter and park easier (as hundreds of cigarette butts are currently around the shelter); and may reduce the number of inebriated transients who hang out in the park, sometimes intimidating transit riders.

Would you please contact us regarding your decision? (541) 661-2170. Thank you

Mary Rowe

P.O. Box 3141

Harbor, OR 97415

October 4, 2013

Honorable Mayor and City Council Members,

I am relieved that the Brookings City Parks Committee is recommending that Brookings Ordinance 12.25.017 be ammended to prohibit cigarette smoking within 20 feet of the "transit" shelter in Elmer Barkus Park. Tony Barton said that the phone number for the Brookings Police could be put on the sign which would make enforcement possible and prevent inappropriate 911 calls.

I requested this adjustment to the ordinance because close to the times when the Curry Public Transit picks up riders, a lot of smoking occurs in and close to the shelter. When I have asked smokers not to smoke, I have taken a great deal of verbal abuse and they often have refused to stop - this despite the recently mounted small, plastic "no smoking" sign in the shelter. A large percentage of these smokers appear to be intoxicated homeless persons and transients. Others are transit riders.

I have a physical disability, Multi-Chemical Sensitivity Syndrome, which requires that I avoid cigarette smoke. I can become incapacitated and have seizures. Several other

passengers have disabilities which require
that they also not be subjected to cigarette
smoke and be able to sit in the shelter.
Pregnant women and children who ride the
transit also sometimes need to use the shelter.

At the September 2013 Disabled Services
Advisory Committee meeting in Brookings, all
of those in attendance voted for such an
amendment to the city ordinance.

Thank you for your concern.

Mary Rowe
(541) 661-2170
P.O. Box 3141
Harbor OR 97415

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 14, 2013

Originating Dept: PW&DS

Signature (submitted by)

City Manager Approval

Subject: Ordinance adding a provision for bonfires to the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 13-O-717, amending Brookings Municipal Code Chapter 8.05, Fire Hazards, adding a Class E Burn.

Financial Impact: No impact

Background/Discussion:

Historically the High School has conducted a bonfire on Homecoming night. Due to the fact that this event has taken place for many years with no issues, it has been allowed to continue, although Brookings fire regulations prohibit fires of this size after 4:00 PM. There have been other instances where event organizers have sought permission for a bonfire, and permission has been denied, as there are no provisions in the Code to allow it.

The addition of the "Class E Burn" would allow this type of event by permit and require compliance with standards such as; material allowed to be burned, and fire protection facilities needed on site. It would also ensure that any organization seeking to have a bonfire is treated the same.

Policy Considerations:

In keeping with policy for creating consistency.

Attachment(s):

- a. Ordinance 13-O-717
- b. BMC 8.05 amended

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 13-O-717

IN THE MATTER OF ORDINANCE 13-O-717, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SECTION 8.05.010, DEFINITIONS AND SUBSECTION 8.05.070(A), AND ADDING SUBSECTION 8.05.080(D), TO CHAPTER 8.05, FIRE HAZARDS.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Section 8.05.010
- Section 3. Amends Subsection 8.05.070 (A)
- Section 4. Adds Subsection 8.05.080 (D)

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Brookings Municipal Code Section 8.05.010 and Subsection 8.05.070 (A) and adds Subsection 8.05.080 (D) to Chapter 8.05, Fire Hazards,.

Section 2. Amends Section 8.05.010 : Section 8.05.010, Definitions, is amended to read as follows:

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.

Section 3. Amends Subsection 8.05.070(A) : Subsection 8.05.070(A), is amended to read as follows:

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).

Section 4. Amends Subsection 8.05.080(D) : Subsection 8.05.080(D) is added to read as follows:

8.05.080 Permit standards.

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.

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

Signed by me in authentication of its passage this _____, day of _____, 2013

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

Chapter 8.05 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. “

8.05.070 Permitted burns.

A. Class B, Class C and **Class E** Burn Permits. Any person desiring to conduct a Class B or 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. 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. 11-O-686 § 2; Ord. 09-O-643 § 2.]