BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, UGREN

ORDER AND RESOLUTION NO: 18-05-01-07

IN THE MATTER OF ADOPTING AN ORDER AND RESOLUTION PURSUANT ORS 478.924 FIRE SEASON REGULATIONS AND STANDARDS FOR LANE COUNTY PROPERTY LOCATED WITHIN THE LANE FIRE AUTHORITY DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS DURING THE FIRE SEASON

WHEREAS, ORS 478.910 through 478.965 authorizes rural fire protection districts to adopt local fire prevention codes; and

WHEREAS, the Lane Fire Authority, a rural fire protection district, (the District) has deemed adoption of fire season regulations necessary and desirable to provide for a reasonable level of life safety and property protection for the District; and

WHEREAS, ORS 478.920 provides the scope of codes that the District may adopt by ordinance; and

WHEREAS, ORS 478.920(1) provides that a fire prevention code may provide reasonable regulations relating to the prevention and suppression of fires; and

WHEREAS, ORS 478.930(1) provides that no person shall violate the provisions of such a code or fail to remove hazards found on inspection within the time set by the inspecting officer, after written notice to either the owner or occupant of the premises; and

WHEREAS, ORS 478.990 provides penalties as follows:

ORS 478.990(1) Violation of any provision of ORS 478.930 is a Class D violation. Each day's refusal to remove fire hazards after notice by the inspecting officer to the owner of the premises where the hazard exists is a separate offense, ORS 478.990(4) Subject to ORS 153.022 and 153.025, violation of any rule or regulation made by a rural fire
protection district or other public body, as defined in ORS 174.109, pursuant to ORS 478.300 (2) is a misdemeanor; and

**WHEREAS,** the District intends to establish its authority to enforce the provisions of their ordinance as authorized by ORS 478.990; and

**WHEREAS,** it is the District's intent by adopting their ordinance to have uniform fire season regulations and enforcement authority across the District; and

**WHEREAS,** the District has adopted the Oregon Department of Forestry Fire Season Statutes and Administrative Rules for the purpose of preventing and suppressing fires during the declared fire season, and the District has adopted the Oregon Department of Forestry's Fire Season Statutes (ORS 477.505 to 477.512 and 477.640 to 477.670) and Administrative Rules (OAR Chapter 629, Division 43), as amended; and

**WHEREAS,** the District has adopted a fee for surpassing an unlawful fire as authorized by ORS 478.965, allowing the District to recover the costs of suppressing an unlawful fire when either District fire-fighting apparatus or personnel are required to respond to, or to be used actively or on a standby basis in connection with the extinguishment or control of, a fire that has been started or allowed to spread in violation of state law, their ordinance, or pursuant to any administrative rules or procedures later adopted by the Fire Chief. The person responsible for the unlawful fire will be liable to the District for the costs incurred by the District in such response or use, at the rate prescribed by resolution of the Board of the District; and

**WHEREAS,** the District has jurisdiction to enforce the provisions of their ordinance throughout the District's territory and including in the cities located within the District and the county as approved by resolution by the governing bodies of those jurisdictions; and

**WHEREAS,** the Fire Chief or the Fire Chief's designee will implement, administer, and enforce the provisions of their ordinance, and will have the authority to render written and oral interpretations of this ordinance and to adopt administrative rules and procedures necessary and proper for administration and enforcement of their ordinance; and

**WHEREAS,** a complete copy of the ordinance adopted by the District is attached to this resolution as Exhibit “A” and by this reference incorporated herein to this resolution; and

**WHEREAS,** ORS 478.924 provides that provisions of a fire code adopted after October 4, 1977 shall not apply to any county located within the District unless the governing body of the county approves the fire code by resolution; and

**WHEREAS,** the Lane County Board of Commissioners is the governing body for Lane County; and

**WHEREAS,** the Lane County Board of Commissioners finds adoption of the District fire season regulations necessary and desirable to provide for a reasonable level of life
safety and property protection within the County; and

WHEREAS, the Lane County Board of Commissioners finds and determines that is necessary and expedient that the provision of this resolution become effective thirty (30) days following its passage.

THE LANE COUNTY BOARD OF COMMISSIONERS HEREBY ORDERS AND RESOLVES AS FOLLOWS:

1. Pursuant to ORS 478.924 to adopt the fire regulations adopted by the Lane Fire Authority described above and in Exhibit “A”; and

2. The provisions of this ordinance shall become effective thirty (30) days following its passage.

ADOPTED this 1st day of May, 2018.

Jay Bozievich, Chair
Lane County Board of Commissioners
ORDINANCE NO. 2018-01

Lane Fire Authority

AN ORDINANCE ADOPTING FIRE SEASON REGULATIONS AND STANDARDS FOR LANE FIRE AUTHORITY, A RURAL FIRE PROTECTION DISTRICT, AND PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS DURING THE FIRE SEASON.

WHEREAS, ORS 478.910 through 478.965 authorizes rural fire protection districts to adopt local fire prevention codes; and

WHEREAS, Lane Fire Authority, a rural fire protection district, (the District) deems adoption of fire season regulations necessary and desirable to provide for a reasonable level of life safety and property protection for the District; and

WHEREAS, ORS 478.920 provides the scope of codes that the District may adopt by ordinance; and

WHEREAS, ORS 478.920(1) provides that a fire prevention code may provide reasonable regulations relating to the prevention and suppression of fires; and

WHEREAS, ORS 478.930(1) provides that no person shall violate the provisions of the code or fail to remove hazards found on inspection within the time set by the inspecting officer, after written notice to either the owner or occupant of the premises; and

WHEREAS, ORS 478.990 provides penalties as follows:

ORS 478.990(1) Violation of any provision of ORS 478.930 is a Class D violation. Each day’s refusal to remove fire hazards after notice by the inspecting officer to the owner of the premises where the hazard exists is a separate offense,

ORS 478.990(4) Subject to ORS 153.022 and 153.025, violation of any rule or regulation made by a rural fire protection district or other public body, as defined in ORS 174.109, pursuant to ORS 478.300 (2) is a misdemeanor; and

WHEREAS, the District intends to establish its authority to enforce the provisions of this ordinance as authorized by ORS 478.990; and

WHEREAS, it is the District’s intent by adopting this ordinance to have uniform fire season regulations and enforcement authority across the District.
IT IS ORDAINED AS FOLLOWS:

TITLE AND FILING:

This ordinance will be filed in the record of the District and in the office of the Lane County Clerk and Oregon State Fire Marshal’s office as prescribed by ORS 478.940. From the effective date of this ordinance, the provisions thereof will be controlling within the territorial limits of the District and within each city and county within the District and approving pursuant to ORS 478.924.

SCOPE:

The purpose of this ordinance is to establish fire season regulations consistent with the Oregon Department of Forestry and to prevent and suppress fires within the District as authorized by ORS 478.910.

SECTION 1 - Adoption of Oregon Department of Forestry Fire Season Statutes and Administrative Rules.

For the purpose of preventing and suppressing fires during the declared fire season, the District hereby adopts the Oregon Department of Forestry’s Fire Season Statutes (ORS 477.505 to 477.512 and 477.640 to 477.670) and Administrative Rules (OAR Chapter 629, Division 43), and as amended.

SECTION 2 - Fee for Suppressing Unlawful Fire.

As authorized by ORS 478.965, the District may recover the costs of suppressing an unlawful fire when either District fire-fighting apparatus or personnel are required to respond to, or to be used actively or on a standby basis in connection with the extinguishment or control of, a fire that has been started or allowed to spread in violation of state law, this ordinance, or pursuant to any administrative rules or procedures later adopted by the Fire Chief. The person responsible for the unlawful fire will be liable to the District for the costs incurred by the District in such response or use, at the rate prescribed by resolution of the Board.

SECTION 3 – Jurisdiction.

The District will have jurisdiction to enforce the provisions of this ordinance throughout the District’s territory and including in the cities located within the District and the county as approved by resolution by the governing bodies of those jurisdictions.

SECTION 4 - Violations and Penalties.

It is unlawful for any person to violate any provision of this ordinance and it will be unlawful for any person to disobey any lawful notice or order of the Fire Chief or the Fire Chief’s designee pursuant to this ordinance. Violations will be classified and prosecuted according to ORS 477.990(1) and (4).
SECTION 5 - Powers and Duties of the Fire Chief.
The Fire Chief or the Fire Chief’s designee will implement, administer, and enforce the provisions of this ordinance, and will have the authority to render written and oral interpretations of this ordinance and to adopt administrative rules and procedures necessary and proper for administration and enforcement.

SECTION 6 - Validity.
The District hereby declares that should any section, paragraph, sentence or word of this ordinance be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

SECTION 7 - Effective Date.
The Board finds and determines that it is necessary and expedient that the provision of this ordinance become effective 30 days following adoption as authorized by ORS 198.570. The ordinance will not be enforced in any county or city until approved by the governing body of such county or city.

Adopted by vote of the Lane Fire Authority Board of Directors this 15th day of March 2018.

Presiding Officer
Title: Board President

Ayes: 4
Nays: 0

ATTEST:

Recording Secretary

Certification of Copy

I hereby certify that the foregoing ordinance is a true and correct copy of the original ordinance on file with Lane Fire Authority.

Title: Administrative Asst.
BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-01-09-06 | IN THE MATTER OF GRANTING
AUTHORITY PURSUANT TO ORS 476.280
TO EXTINGUISH UNCONTROLLED FIRES
IN UNINCORPORATED LANE COUNTY

WHEREAS, the Board of Commissioners directed staff to work on a plan to deal with a variety of emergency situations including uncontrolled fires in unincorporated areas of Lane County that are not covered by existing fire protection districts; and,

WHEREAS, the Board of Commissioners passed Board Order 17-01-10-05; additional language was added to Order No. 17-06-13-05 covering the cost of extinguishing fires should be included in such an order; and,

WHEREAS, the Oregon Fire Service Mobilization Plan (2017) outlines a policy for fire service in responding to fires on unprotected lands that stipulates that the district providing the service may bill the property owner using the standardized cost schedule approved by the state fire marshal adopted by reference in OAR 837, Division 130, State Fire Marshal Standardized Cost Schedule; and,

WHEREAS, the Board of Commissioners has adopted a Strategic Plan that identifies three priorities for Lane County for 2014 - 2017: (1) Safe and Healthy County, (2) Vibrant Communities, and (3) Infrastructure; and,

WHEREAS, the Lane County Strategic Plan states that Priority 1, Objective 1 is to ensure safety throughout Lane County; and,

WHEREAS, ORS 476.280 authorizes the governing body of any duly organized body to extinguish any uncontrolled fire found to be burning in an unprotected area; and,

WHEREAS, The Board of Commissioners of Lane County has jurisdiction over unincorporated areas of Lane County that are not covered by existing fire protection districts as shown in more detail on Attachment "A", which is by this reference incorporated herein; and

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

1. The fire chief, or representative of the fire chief, of any duly organized municipal or rural fire protection district may extinguish any uncontrolled fire found to be burning in any unprotected and unincorporated area of Lane County if:

   a. The governing body of the city or district board of the rural fire district, as the case may be, has authorized the fire chief and the representative of the fire

IN THE MATTER OF GRANTING AUTHORITY PURSUANT TO ORS 476.280 TO EXTINGUISH UNCONTROLLED FIRES IN UNINCORPORATED LANE COUNTY
chief to extinguish uncontrolled fires that are found to be burning in unprotected and unincorporated Lane County situation outside the boundaries of the city or district are causing or may cause undue jeopardy to life or property; and

b. The fire chief or the representative of the fire chief believes that such fire is causing or may cause undue jeopardy to life or property.

2. This Order shall be reviewed annually by the Board or, reviewed sooner by the Board if substantive changes need to be made. Failure to review this Order does not affect its continuing validity.

ADOPTED this 9th day of January, 2018.

Jay Bozievich, Chair
Lane County Board of Commissioners

[Signature]

APPROVED AS TO FORM
Date

LANE COUNTY OFFICE OF LEGAL COUNSEL