

ORDINANCE NO. 1102

AN ORDINANCE OF THE CITY OF RAINIER PROHIBITING OUTDOOR BURNING; PROVIDING FOR EXEMPTIONS; ESTABLISHING PENALTIES

WHEREAS, smoke from outdoor burning in populated areas can present a serious health hazard to individuals with respiratory ailments, including children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, smoke from outdoor burning is a common cause of nuisance complaints between neighbors and is often a public nuisance impacting not only residents but the traveling public; and

WHEREAS, outdoor burning is one of the most frequently nuisance-related complaints placing demands on the limited personnel resources of the Columbia River Fire & District; and

WHEREAS, smoke pollution is an historical and traditional nuisance, especially considering the proven adverse health impacts of smoke on human beings; and

WHEREAS, the City of Rainier finds that it is in the interest of the public health, safety and welfare of the citizens of the City of Rainier to strictly regulate outdoor burning;

NOW, THEREFORE, THE CITY OF RAINIER ORDAINS AS FOLLOWS:

Section 1. Prohibitions

- a. Except as provided in Section 2 below, no person shall kindle, start, maintain or allow to be maintained, an "open outdoor fire." For purposes of this ordinance, an "open outdoor fire" shall include an open outdoor fire within the ordinary definition and understanding of said words, and shall include but not be limited to, the outdoor burning of grass, hay, straw, or similar material, as well as commercially available fuel, wood, tree limbs, branches, leaves, trimmings or any other woody debris, trash, rubbish or garbage, regardless of whether the fire is in the open or contained in a fire ring, burn barrel, outdoor fireplace, trash burner, incinerator, barbecue pit, fire pit or other similar burning container.
- b. No person shall kindle, start, maintain or allow to be maintained, a garbage fire or rubbish fire. A garbage fire or rubbish fire is an open outdoor fire in which the materials burned are ordinarily found in household garbage and trash, including but not limited to food packaging, cardboard and plastic food containers, as well as putrescible and nonputrescible materials.

Section 2. Exemptions

The following activities are specifically exempted from the prohibition in Section 3 above:

- a. **Cooking Fire.** Outdoor fire used for pleasure, religious, ceremonial, cooking or similar purposes with the fire contained in a fireplace, barbecue grill, barbecue pit or other similar enclosure specifically designed for outdoor recreation or cooking.
Notwithstanding this exception, no outdoor fire is permitted in any type of burn barrel.
- b. **Recreation Fire.** A fire defined in Section 219 of the Oregon Uniform Fire Code, to wit: Recreation Fire is the burning of materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit (or other enclosure) and with a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial cooking or similar purposes.
- c. **Biannual Burn Period.** An "open outdoor fire" may be allowed by special permit during the following special burn periods:
 - 1. A period beginning the first Saturday in April and ending the third Sunday in April
 - 2. A period beginning the first Saturday in November and ending the third Sunday in November.
 - 3. Such other periods as established by Resolution of the City Council.

Special permits shall be issued by the Columbia River Fire and Rescue District Fire Marshal. A permit may be issued only for the approved burn periods and shall contain such conditions and restrictions deemed necessary by the Fire Marshal to protect public health and safety, including but not limited to compliance with the Columbia County Fire Defense Board Rules for Open Burning. The holder of such special permit shall be allowed to build an open outdoor fire under the conditions of the permit only. Any deviation from the provisions of the permit shall be a violation of this Ordinance.

- d. **Training.** Fires set and maintained for fire fighting training or training fire protection personnel provided all safety precautions required by the Fire Marshal are met.
- e. **Emergency Fire.** When an emergency is declared by motion of the City Council, the Mayor may suspend the open burning ban and permit case by case burning subject only to the written or verbal approval of the Fire Marshal, and in accordance with such conditions and restrictions deemed necessary by the Fire Marshal to protect public health and safety.

Any open outdoor fire authorized in this Section shall only be used to burn commercially available fuel, wood, tree limbs, branches, leaves, trimmings or any other woody debris.

Section 3. Penalty

- a. A violation of Section 1, Paragraph (a) of this Ordinance shall be considered a "B" Violation punishable by a fine of up to \$300.
- b. A violation of Section 1, Paragraph (b) of this Ordinance or a second conviction under Section 1, Paragraph (a) of this Ordinance within 18 months shall be considered an "A" Violation punishable by a fine of up to \$600.
- c. A violation of the limits on exemptions set forth in Section 2 of this Ordinance or of a special permit condition granted pursuant to this Ordinance shall be considered a "B" Violation punishable by a fine of up to \$300. A second conviction within 18 months for

violation of the limitations set forth in Section 2 or of any special permit condition shall be a "A" Violation punishable by a fine of up to \$600.

- d. In addition to any fines imposed by the Court, the Court is specifically authorized to order abatement and restitution, as well as community service, not to exceed 48 hours.

Section 4. Inspection and Citation

- a. The following are listed "Enforcement Officers" and are hereby specifically authorized by law to make such investigations and inspections as are necessary to enforce the provisions of this Ordinance, and to issue violation citations to individuals or entities to appear in the Rainier Municipal Court:

1. Any City Police Officer, Public Works Superintendent, City Administrator, the Fire Chief of Columbia River Fire and Rescue and his or her agents, employees or designees authorized to perform the duties of this Ordinance, and such other employees of the City of Rainier as are specifically identified in an Order or Resolution of the City Council.

- b. When it may be necessary to inspect any premises to enforce the provisions of this Code, any Enforcement Officer having reasonable cause to believe that there exists, upon a premises, a condition which is contrary to or in violation of this Ordinance, the Enforcement Officer, in accordance with administrative policy, may enter at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such premises be occupied that credentials be presented to the occupant and entry requested. If such premises be unoccupied, the Enforcement Officer shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Enforcement Officer shall have recourse to the remedies provided by law to secure entry, including specifically an administrative search warrant from the Municipal Court.

Section 5. Other Laws. Nothing in this Ordinance authorizes or commands or shall be interpreted as authorizing or commanding the performance of an activity which is in violation of any county, state or federal law or regulation or of any law or regulations of the Columbia River Fire and Rescue District.

This ordinance repeals Ordinance 959 and Section 15.10 of the Rainier Municipal Code. It is effective 30 days upon passage.

SIGNED and APPROVED this 6th day of October, 2025.

BY: 
Jerry Cole, Mayor

Attested:
BY: 
Scott Jorgensen, City Administrator