

ORDINANCE NO. 906

**AN ORDINANCE REGULATING FIREWORKS IN THE CITY OF SCAPPOOSE;
AMENDING SCAPPOOSE MUNICIPAL CODE TITLE 8, CREATING CHAPTER 8.26,
FIREWORKS; AND RESCINDING RESOLUTION NO. 22-11.**

WHEREAS, the City Council of the City of Scappoose recognizes that fireworks are an American pastime, used to celebrate and note some of our most important historical events and days. They are well loved and highly favored by a large portion of the population; and

WHEREAS, conversely, fireworks are extremely dangerous in dry conditions, noise and light from fireworks can unnerve animals and children, cause harm to those with light and/or noise sensitivities, and can be damaging to those with PTSD and other mental/emotional health issues; and

WHEREAS, issues relating to fireworks has been brought to the attention of City Council, and Council wants to make clear to the community that proactive steps to protect this community and residents within this community are being taken; and

WHEREAS, City Council passed Resolution No. 22-11, and expressed wishes to have more enforceable provisions relating to Fireworks;

NOW THEREFORE, THE COUNCIL OF THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Resolution No. 22-11 is hereby rescinded.

- 1) The City of Scappoose will work collaboratively with the Scappoose Rural Fire Protection District to keep the city of Scappoose, and its residents, safe from the fire and life-safety threat that legal and illegal fireworks present.
- 2) The City of Scappoose recognizes issues within the community relating to illegal fireworks, and the psychological, emotional, and physical toll and threat they present. The City of Scappoose will work with the Fire District to develop a communication and enforcement strategy, and solutions, relating to the use of illegal fireworks within the City of Scappoose.
- 3) Illegal fireworks are categorically banned within the City of Scappoose.
- 4) Legal fireworks are permissible to use within the City of Scappoose on the following days only: December 31 and January 1; and July 2 through July 6; aligning with the holidays most highly associated with the celebratory and beloved nature of fireworks.
- 5) Fireworks of all types are not permitted to be used in City Parks, streets within City Parks, or on City Property. This clause does not include the right of way commonly referred to as "streets".

- 6) Legal fireworks are exempt from City of Scappoose noise ordinances and municipal code sections regulating noise on the days specified in clause 4) of this Resolution. Depending on the specific context of any given situation a nuisance may still be declared, and enforcement action taken at the discretion of enforcement authorities.
- 7) Legal fireworks shall not be used in grassy areas, dry areas, or other areas prone to catching fire. Council urges the cautious and safe use of legal fireworks, including adults monitoring the use of legal fireworks, safe handling, lighting, and disposal of legal fireworks, and strongly urge that a ready source of water be at hand when engaging in legal firework displays.
- 8) Lastly, Scappoose City Council and the City of Scappoose urge the utmost due diligence and caution when using legal fireworks to prevent injuries, fires, and damage to property. Council asks the Scappoose Community to be considerate of your neighbors and fellow community members who may be disproportionately impacted by fireworks for any number of reasons.

The preceding rules on firework use in the City of Scappoose are hereby incorporated into the Scappoose Municipal Code as Chapter 8.26 as written in **Exhibit A** to this Ordinance.

PASSED AND ADOPTED by the City Council this 7th day of November, 2022, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: October 17, 2022

Second Reading: November 7, 2022

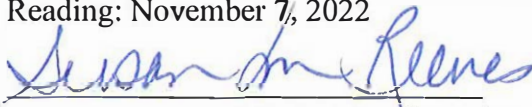
Attest: 
Susan M. Reeves, MMC, City Recorder

EXHIBIT B (Alternate Language)

Chapter 8.26

FIREWORKS

Sections:

- 8.26.010 Definitions
- 8.26.020 Fireworks
- 8.26.030 Violation

8.26.010 Definitions. As used in this chapter, except as the content otherwise requires:

"Firework(s)" means Consumer fireworks; Display fireworks; Pyrotechnic articles; Special effects; and Other pyrotechnic devices that:

(i) Are capable of producing audible, visual, mechanical or thermal effects through combustion, deflagration or detonation; and

(ii) Contain chemical elements and compounds that are capable of burning independently of atmospheric oxygen or contain flammable liquid mixtures or flammable gas mixtures.

Fireworks does not mean a candle, flaming club, flaming baton or other device that is designed to keep the flame and thermal radiation in close proximity to the device.

"use of fireworks" and similar phrasing, such as used, means the ignition or 'lighting'-colloquial-of a firework.

8.26.020 Fireworks. (A) Illegal Fireworks, as defined by Oregon Revised Statutes or Oregon Administrative Rules, are illegal in the City of Scappoose.

(B) Legal fireworks, as defined by Oregon Revised Statutes or Oregon Administrative Rules, may be used within the City of Scappoose on the following days only: December 31 and January 1; and July 2 through July 6, unless a ban on the use of fireworks has been enacted by the appropriate authorities.

(C) Fireworks of all types are not permitted to be used in City Parks, streets within City Parks, or on City Property. This clause does not include the right of way commonly referred to as "streets".

(D) Legal fireworks are exempt from City of Scappoose noise ordinances and municipal code sections regulating noise on the days specified in clause(C) of this Ordinance. Depending on the specific context of any given situation a nuisance may still be declared, and enforcement action taken at the discretion of enforcement authorities.

(E) Legal fireworks shall not be used in grassy areas, dry vegetated areas, and other areas prone to catching fire.

(F) City Council maintains the right to temporarily or permanently ban the use of all fireworks in the City of Scappoose to preserve the health, safety, and general welfare of the city, citizens, and/or

community.

8.26.030 Violation. It shall be unlawful to use fireworks as follows:

- A. Illegal fireworks, as defined by Oregon Revised Statutes or Oregon Administrative Rules, shall not be used anywhere within the City of Scappoose.
- B. Legal fireworks, as defined by Oregon Revised Statutes or Oregon Administrative Rules, shall not be used on any day other than those specified under SMC 8.26.020 or at any time during which a ban on the use of fireworks has been enacted by the appropriate authorities.
- C. No fireworks shall be used in the following areas:
 1. City Parks;
 2. Streets within City Parks;
 3. On City Property;
 4. On any grassy area, dry vegetated area, or other area prone to catching fire.

8.26.040 Penalty

A violation of this Chapter shall carry the consequences of a General Penalty for violating the Municipal Code of the City of Scappoose as described in Chapter 1.08, General Penalty, of this code.