

**ORDINANCE NO. 914**

**AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE TITLE 8,  
CHAPTER 8.08 (FIRE PREVENTION REGULATIONS)**

**WHEREAS**, the City of Scappoose (“City”) desires to provide authority to the Scappoose Rural Fire Protection District (“SRFD”) to enforce the adopted Oregon Fire Code (“Fire Code”) within the boundaries of the City; and

**WHEREAS**, SRFD does not currently possess the authority necessary to issue citations for violations of the adopted Oregon Fire Code within the City’s boundaries; and

**WHEREAS**, the City and SRFD have recognized a need to provide a venue for the enforcement of citations issued by SRFD; and

**WHEREAS**, the Scappoose Municipal Court can provide such a venue; and

**WHEREAS**, Title 8, Chapter 8.08 of the Scappoose Municipal Code (SMC) provides for Fire Prevention Regulations pertaining; and

**WHEREAS**, this ordinance adds a new section to SMC Title 8, Chapter 8.08 to provide SRFD with the requisite authority to enforce the Fire Code.

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

**Section 1.** Title 8, Chapter 8.08 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 3.** This ordinance is effective thirty (30) calendar days after passage.

PASSED AND ADOPTED by the City Council this 1<sup>st</sup> day of May, 2023, and signed by the Mayor and City Recorder in authentication of its passage.

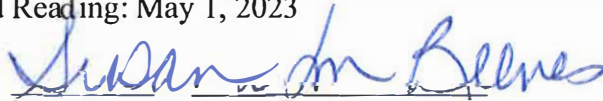
**CITY OF SCAPPOOSE, OREGON**



Joseph A. Backus, Mayor

First Reading: April 17, 2023  
Second Reading: May 1, 2023

Attest:



Susan M. Reeves, MMC, City Recorder

Chapter 8.08FIRE PREVENTION REGULATIONSSections:

8.08.010 Burning--Permit required.

8.08.020 Compliance with regulations.

~~8.08.030 Violation--Penalty.~~

8.08.030 Compliance with and Enforcement of Adopted Fire Code.

8.08.040 Violation--Penalty.

8.08.010 Burning--Permit required. A. It is unlawful for anyone to burn or to set fire to any grass, brush, rubbish, waste material, or any other combustible material within the city without first having obtained a written or printed permit to do so from the Scappoose ~~rural fire protection district~~ Rural Fire Protection District. This section applies to the burning of waste material or debris within approved barrels and incinerators, as well as, all other burning. All burning shall be done safely under supervision, and with adequate protection.

B. If any fire shall escape and injure or endanger the property of another, this shall constitute prima facie evidence that such burning was not safe and was not under adequate protection and was in violation of this section.

C. When anyone shall apply for a permit, the fire chief or their designee shall issue one, unless it appears to ~~him~~ the fire chief or their designee that such burning would be hazardous or the atmospheric conditions are such that the burning would cause air pollution to an unacceptable degree.

D. The specifications that must be met to constitute an incinerator of an approved type will be set by the fire chief or their designee. The burning of garbage, including, but not limited to, food and kitchen waste, is prohibited. Burning shall be limited to residential backyard type. No commercial or industrial burning is allowed except by special permit from ~~fire chief~~ Scappoose Rural Fire Protection District.

8.08.020 Compliance with regulations. All burning within the city shall comply with the most current rules and regulations of the U.S. Environmental Protection Agency, the Oregon Department of Environmental Quality, the Oregon Department of Forestry, and the Scappoose Rural Fire Protection District. ~~U.S. Department of Environmental Quality, Northwest Oregon Region, which are now or are hereafter in effect, and the rules and regulations of the Scappoose rural fire protection district now or hereafter in effect.~~

8.08.030 Compliance with and Enforcement of Adopted Fire Code.

A. The Scappoose Rural Fire Protection District shall have the authority to enforce the provisions of the most recently adopted Oregon Fire Code, including any applicable amendments, within the

boundaries of the city.

B. The authority delegated and/or extended to Scappoose Rural Fire Protection District is made by an intergovernmental agreement executed by both parties. If such agreement is terminated, this section shall become null and void.

8.08.040 Violation--Penalty. A. One warning of a violation shall be given and any violation thereafter, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for violations of Section 8.08.010.

B. Citations of violations in accordance with any section of this Title shall be made through the Scappoose Municipal Court and shall generally follow the rules and procedures outlined in Chapter 8.20 - Nuisances for the administration of citations.

C. The penalties for violations of Section 8.08.030 shall be made in accordance with the most recently adopted version of the Scappoose Rural Fire Protection District's Master Fee Schedule.