



City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Regular Meeting – also via Zoom Meeting Platform
January 3, 2024

Virtual Meeting: The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

- 1. Call to Order, Pledge of Allegiance and roll call**
- 2. Visitors/Public Comment**
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).
- 3. Consent Agenda**
 - Minutes from the meeting held September 6, 2023 and the work session held September 27, 2023
- 4. Discussion Items**
 - Discussion to consider whether to draft an ordinance prohibiting Fireworks sales in Toledo as requested by Lincoln County
- 5. Decision Items**
 - Approve Fire Health and Safety Officer position and salary range
- 6. Reports and Comments**
 - Committee updates
- 7. Adjournment**

TOLEDO CITY COUNCIL
REGULAR MEETING
September 6, 2023

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Betty Kamikawa
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
X		Vacant
		Vacant

Staff present: City Manager (CM) Doug Wiggins, Finance Director (FD) Judy Richter, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace,

2. PROCLAMATIONS/PRESENTATIONS

Presentation – Presentation – Continuum of Care Basics & Forming a Tri-County Continuum

Community Services Consortium (CSC) Executive Director Peggy McGuire addressed the City Council. She provided a presentation to the Council [a copy was provided in the Council packet] on the Continuum of Care (CoC) and indicated she will return next month to ask for a resolution. She said CoC has been required since the 1990s to provide services for homeless planning and response. She illustrated the structure of the CoC and said Housing and Urban Development (HUD) evaluates the effectiveness of every CoC. She said the Governor’s Emergency Order allocated funding to distinct CoCs within the state but noted that Linn, Lincoln and Benton counties received \$3.7million combined compared to other rural CoCs. She said she would like to form a Tri-County CoC and outlined the process to establish a CoC with Linn, Lincoln and Benton Counties, which would include resolutions from participating communities, letters of support and votes from members and stakeholders. She said she will follow up with a resolution to the Council in a future meeting.

3. VISITORS/PUBLIC COMMENT

Cynthia George commented on negative attitudes she has seen in the community lately. She stated Lincoln County has placed real estate agents on the Planning Commission. She said she believes it is a conflict of interest and inquired whether it is an ethics issue as well. She suggested the City Council look into the issue.

1 **4. CONSENT AGENDA**

2 **Minutes from the regular meetings held June 7, 2023 and June 14, 2023**

3
4 **Appoint Mayor Cross as the Voting Delegate on behalf of the City of Toledo for the Annual**
5 **League of Oregon Cities membership meeting**

6
7 **Motion** – It was moved and seconded (Mix/Kamikawa) to approve the consent agenda as
8 presented and the motion carried unanimously.

9
10 **5. DISCUSSION ITEMS**

11 **Request for assistance with warming shelter**

12 Mayor Cross referred to the Council packet and noted the letter from the Board of Commissioners
13 requested approximately \$15,957 from the City of Toledo to help support a winter shelter. CP
14 Kamikawa commented on the request by the Lincoln County Board of Commissioners. She
15 expressed concern about the County operating the warming shelter.

16
17 Several Council members considered the request, they indicated they were not in support of the
18 request and expressed several concerns:

- 19 • No building identified or exists
- 20 • Lack of transportation in the winter
- 21 • Currently not in the City budget
- 22 • Proposed personnel salary
- 23 • Lack of support when the Oregon Mayors Association advocated for funding to every city
- 24 • The letter came from Commissioner Jacobson instead of Commissioner Hall, who is the
- 25 Chair of the Homeless Committee or all three Commissioners
- 26 • The County plans to use American Rescue Plan Act funds that will not be available after
- 27 this year
- 28 • Lincoln County did not show support for the state proposal from Oregon Mayors
- 29 Association Homelessness Task Force

30 After further discussion, there was a consensus of the Council to not support the request from
31 Lincoln County.

32
33 **6. DECISION ITEMS**

34 **Approve a Water Sales Agreement with Georgia-Pacific Toledo, LLC**

35 CA Adams presented the council report. He said the contract would begin upon execution and
36 continue through December 31, 2023. He said most of the terms are essentially the same, but
37 highlighted the changes made

- 38 • Georgia-Pacific (GP) paid for the transportation and the ‘T’ piece, which CA Adams
- 39 referenced in the addendum as the piece that was previously installed
- 40 • The insurance liability was increased due to the Oregon Court Claims Act

41 CA Adams indicated the contract limits the total distribution of its water system to other customers
42 and GP to two million gallons per day, with 1.25 million gallons to GP per day. He said the total
43 rights are six million gallons per day. He noted the contract is clear in regards to the point of
44 delivery with Olalla Reservoir serving as a temporary holding facility. He said the City is pulling
45 water from the authorized location. He stated the rate is currently \$4.50 per 1,000 gallons and the
46 City agrees to provide the maximum allotted gallons per day at the point of delivery. He referenced

1 paragraph 12 and said it addresses some Council concerns related to the environment. He noted
2 paragraph 13 addresses any shortages of water and the process to address the shortage.

3
4 Mayor Cross opened the floor for comments.

5 Ms. George addressed the Council. She commented on the current drought and its impact on the
6 salmon population. She spoke to an issue of spraying at Seal Rock and expressed concern that the
7 Seal Rock Water District will be allowed to pull from the Siletz River as well. She claimed she
8 has senior water rights as an Oregonian and can irrigate up to a quarter of an acre.

9
10 GP Public Affairs Manager Andrea Formo addressed the Council. She said GP recycles as much
11 water as they can and have been on a proactive water conservation plan since the middle of the
12 summer. It was clarified that GP has the lowest water rights to pull water from the Siletz and would
13 be the first ones restricted from pulling water during extreme circumstances. Now GP is impacted
14 enough they are requesting the City pull water and they purchase untreated water from the City.
15 The Council asked clarification questions in regards to the current water usage from Toledo
16 customers. It was suggested to consider establishing a dedicated fund to reserve the revenue funds
17 for future improvements. CA Adams suggested to the changed the recommendations language to
18 read as, "...including any future requested renewals" instead of amendments, which would delegate
19 the ability for the City Manager to execute future renewals. After further discussion, a consensus
20 of the Council preferred renewals go before the Council.

21
22 **Motion** – It was moved and seconded (Mix/Bush) to approve the City to enter into an Untreated
23 Water Service Agreement with Georgia-Pacific Toledo, LLC for the sale of untreated water and
24 authorize the City Manager to execute this agreement and the motion carried four to one with Council
25 President Kamikawa opposed.

26
27 **Ordinance No. 1415; an Ordinance amending the Toledo Municipal Code; Chapter 9.08,**
28 **creating offenses against public decency; and declaring an emergency**

29 CA Adams presented the council report. He said when the City Council previously amended the
30 Code, sexual conduct was removed, which referenced several state statutes. He indicated the
31 statutes have changed and reviewed the changes to the law.

32
33 **Motion** – It was moved and seconded (Kamikawa/Bush) to adopt (with specified changes, if any):
34 An ordinance of the Toledo City Council amending the Toledo Municipal Code; Chapter 9.08,
35 creating offenses against public decency; and declaring an emergency by title only. Mayor Cross
36 asked if there were any Councilors who would like the ordinance be read in full. After hearing no
37 comments, the motion carried unanimously.

38
39 **7. REPORTS AND COMMENTS**

40 FD Richter indicated she is working with the auditors to complete the audit.

41
42 PC Pace said the department is finishing up a background to onboard another police officer.

43
44 CM Wiggins reported the City is working with the Oregon Department of Transportation to close
45 out a Small City Allotments grant.

1 Councilor Bush updated the Council on the recent Art, Oysters & Brews (AOB) event and the
2 unveiling of the community mural.

3
4 Councilor Mix indicated she was contacted by a citizen regarding a recent event and asked them
5 to come speak to the Council.

6
7 Frank Silvia, citizen commented on the reactions of emergency responders in regards to a student's
8 incident at the most recent football game. He expressed concern and displeasure in how long it
9 took them to provide aid to the student.

10
11 Council members thanked CP Kamikawa for her service on the Council.

12
13 Mayor Cross commented on the AOB event and said it was well attended. He thanked CP
14 Kamikawa for her service and dedication to the community.

15
16 **8. ADJOURNMENT**

17 The meeting adjourned at 7:50 p.m.

18 Approve:

Attest:

19
20
21
22 _____
23 Mayor Rod Cross

City Recorder Lisa Figueroa

TOLEDO CITY COUNCIL
WORK SESSION
September 27, 2023

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1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m.

Present	Absent	
X		Mayor Rod Cross
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
		Vacant
		Vacant
		Vacant

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson

2. PRESENTATIONS

Presentation – My Sister’s Place

Mayor Cross read a proclamation and declared October as Domestic Violence Awareness Month.

Director Amber Wishoff-Martin addressed the Council. She indicated Lincoln County has a unique demographic because there are less resources available in the area as compared to a metro location such as Portland. She provided information and resources in regards to domestic violence awareness and listed upcoming events:

- October 11; Health care awareness is a National event
- October 12; Silent Witness stand in Newport, food will be served
- October 19; National Purple day

She said there is training available for survivors but it is open to anyone who would like to participate. She said the Governor’s Task Force would be in attendance as well. She said they are selling purple lights again for October; they are asking everyone to shine a light and to share the yard signs raising awareness on domestic violence.

Interview City Council candidates

The Council interviewed the following candidates for the City Council vacancies:

- Frank Silvia
- Stu Strom
- Jackie Burns

3. VISITORS/PUBLIC COMMENT

There were no comments.

1 **4. CONSENT AGENDA**

2 **Minutes from the Budget Committee meeting held May 9, 2023 and the City Council meeting**
3 **held July 5, 2023**

4
5 **Motion** – It was moved and seconded (Mix/Kauffman) to approve the Consent Agenda as
6 presented and the motion carried unanimously.
7

8 **5. DISCUSSION**

9 There were no items for consideration.
10

11 **6. DECISION ITEMS**

12 **Consideration of a revised Water Sales agreement with Georgia-Pacific Toledo, LLC**

13 CA Adams presented the council report and indicated Georgia-Pacific (GP) came back to the City
14 with an amendment and referenced page 9 of the packet and reviewed the proposed change. He
15 commented it is a reasonable request and had no objections.
16

17 **Motion** – It was moved and seconded (Kauffman/Bush) to enter into an Untreated Water Service
18 Agreement with Georgia-Pacific Toledo, LLC, which has been revised and is intended to replace
19 the prior agreement entered on September 6, 2023 and the motion carried unanimously.
20

21 **Interview and consideration of appointment to fill vacancies on the City Council**

22 It was noted that one of the candidates specifically requested to be appointed to the term that
23 expires in 2025. Each Council member explained what they would like to see from members of
24 the Council.
25

26 **Motion** – It was moved and seconded (Mix/) Council may make a motion to appoint Stu Strom
27 to the term that expires in January of 2025 and Frank Silvia and Jackie Burns to the other unexpired
28 terms vacancies on the City Council and the motion carried unanimously.
29

30 CR Figueroa conducted the oath of office for the newly appointed Council members.
31

32 **Appoint a Council President**

33
34 **Motion** – It was moved and seconded (Cross/Kauffman) to appoint Kim Bush as Council President
35 and the motion carried unanimously.
36

37 **7. REPORTS AND COMMENTS**

38 PC Pace indicated there will be a new officer joining the department.
39

40 FC Robeson updated the Council on the Department’s response to a comment regarding a recent
41 incident and they are working with the school to improve their response during games.
42

43 CR Figueroa reviewed the schedule/agenda and finalized the details for the Town Hall with the
44 Council.
45

1 CM Wiggins updated the Council on a recent water line break but indicated staff was able to repair
2 it. He said the bathroom installation at Arcadia Park is proceeding as planned.
3

4 Councilor Mix commented on an upcoming session at the Yaquina Bay Yacht Club to listen to the
5 community regarding the ocean wind turbines. She expressed concern on its impact on the fishing
6 community in the County and encouraged everyone to go or submit letters.
7

8 It was reported the repeater is up and running and the City could prepare audio files to broadcast
9 within the City of Toledo. FC Robeson said it is a five-watt system and could be used to announce
10 City only functions and events. Mayor Cross updated the new Councilors on the homeless Task
11 Force and its proposal to the state.
12

13 **8. ADJOURNMENT**

14 The meeting adjourned at 7:48 p.m.
15


16 ATTEST:

APPROVE:

17
18
19 _____
20 City Recorder Lisa Figueroa

Mayor Rod Cross

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	January 3, 2024	Approve Fire Health and Safety Officer position and salary range
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Manager Doug Wiggins	City Manager Doug Wiggins	City Manager Doug Wiggins

Recommendation:

Motion to approve the position and salary range for the Fire Health and Safety Officer.

Background:

With a vacancy created in the Fire Department, the Fire Chief would like to change the Fire Maintenance Officer job description to that attached as a health and safety officer for both the fire department and City. The Officer will primarily be a fire department employee; however, they will undertake additional duties of helping with safety and health matters in all city departments. With the right certifications staff may be able to conduct in house blood draws for the police department DUIs rather than paying outside ambulatory services to do so. The salary range shall remain the same as the position it replaced, just a simple restructure their duties.

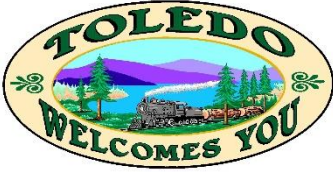
As for maintenance, Siletz will continue to help with the air pack maintenance given their help in paying for the training and additionally begin training current staff on the duty. The City mechanic may have to reach in and help some with small fire department vehicle maintenance issues, but the trade will come in the health and safety aspect the fire department will be providing the other departments.

Following Council approval, the Toledo Public Safety Association will be notified for their approval. Once approved, it would become a represented position for the City.

Fiscal Impact:	Fiscal Year:	GL Number:
\$4388 – \$5382/Month	2023-2024	001-500-500034

Attachment:

1. Draft Job Description

	City of Toledo Fire Health and Safety Officer Job Description	
	Salary Range: \$4388-\$5382/Month	Department: Fire Dept
	Classification: FLSA Non-Exempt	Supervisor: Fire Chief
	Representation: Toledo Public Safety Association	Location: Fire Department

General Roles and Responsibilities

To be a tactical responder for the fire department is the primary responsibility for this position. Then will be responsible to maintain all PPE within the fire department. Additionally, may support other City Departments as requested.

- **Structure.** Ensure that Personal Protection Equipment (PPE) is electronically accounted for. Issue PPE to FFs when needed. Manage, maintenance and disposal at end of life.
- **Wildland, Extrication.** Ensure that PPE is electronically accounted for. Issue PPE to FFs when needed. Manage, maintenance and disposal at end of life.
- **Medical.** Ensure that needed medical response items are in stock, ordered, and up to date.
- **Breathing Apparatus System (BAS)/Rapid Intervention Team (RIT) bags.** Ensure BAS and RIT bags are in good working order and needed maintenance is being done.
- **Air monitors.** Regular testing and maintenance of our portable air monitors.
- Manage the disaster cache and equipment with the Fire Chief.
- Manage annual requirements, hearing test, vaccinations, blood borne pathogens, Cardiopulmonary resuscitation (CPR) and first aid training for all City employees and volunteers.
- Assist City employees and volunteers with any SAIF claim issues in the field (Paperwork, evaluations, rides to urgent care and/or follow up appointments).
- Manage the city's respiratory protection plan, Fire, Public Works half mask and N95/99 testing.
- Participate in disaster and management planning public education events.
- Integrate into Oregon OSHA training.

The Health and Safety officer is not responsible to repair these items, but make sure they are in response ready condition and provide recommended maintenance of such items. The Health and Safety Officer will also serve as a duty officer four (4) times a month.

Schedule

- Employee shall normally be scheduled forty (40) hours per week, unless otherwise changed or approved by the Fire Chief.

Supervision Received and Exercised

- Functions under the direction of the Fire Chief.

Knowledge and Skills Required

Minimum Education

- High school diploma or equivalent.

Minimum Experience

- Minimum of 10 (ten) years of firefighting experience as a volunteer, part-paid, combination, or 5 (five) years as a full-time paid fire firefighter.
- Officer experience preferred.
- Military experience considered.

Certifications/Licenses

- Must have a valid Oregon Driver's License or the ability to obtain one within six (6) months upon acceptance of the position.
- Oregon Emergency Medical Technician or higher medical certification within 24 months
- Basic Life Support (BLS) CPR card/certification, Instructor.
- National Incident Management System certificates for IS-100, IS-200, IS-300, IS-400 and IS-700 within one (1) year of employment.
- Firefighter (FF) FF1 and FF2. Wildland FF type 2 or above. DPSSST or equivalent apparatus operator.
- We will train or find the available training to increase training and experience.
- National Fire Protection Association (NFPA) instructor 2

Knowledge of:

- Principles, practices, and procedures of modern firefighting and prevention (extensive level).
- The operation of various types of firefighting apparatus and equipment maintained by the department (thorough level).
- Communication: Frequent (60-80%) communication inside and outside the organization.
- Creativity: Substantial (60-80%) level of responsibility for creation, development, design or problem solving of new product, program, methods, systems, procedures or policy issues. The requirement to generate new ideas, innovate based on current practice, and/or create original work is an extremely important aspect of the position and occupies more than 50% of regular work time.
- Hazardous chemicals, gases, liquids, and explosives, and their potentials (extensive level).
- The geography of the service area as well as the location of draft sites, roads, and the location and nature of any hazardous areas (thorough level).

Skill & Ability in:

- Evaluating fires; identifying dangerous chemicals, hazardous conditions, and their potential.
- Reacting calmly and using sound judgment during emergency situations.
- Planning, assigning, directing, supervising, and reviewing emergency operations.
- Supervising and directing personnel and equipment during the worst possible conditions.
- Exercising initiative and independent judgment.
- Establishing and maintaining a healthy and effective relationship with subordinates, representatives of cooperating agencies, and the general public.
- Maintaining effective working relationships with other City departments and the general public.
- Computer literate in Word, Excel, PDF, Outlook and other commonly used software.
- Communicating effectively, both orally and in writing.

Primary/Essential Responsibilities

Administration

- A. Maintain an electric database of all equipment in the fire caches.
- B. Review policies/procedures/guidelines. Update each as needed.
- C. As requested, prepare reports to the City of Toledo by utilizing data inputted in Elite and other report writing databases. Present the reports as requested.
- D. Assist with following the current budget and help maintain apparatus replacement plan.

Operations

- A. Ability to assume the command role on fire related calls. Direct fire related operations. Request resources from outside agencies. Participate in firefighting operations as needed. Provide medical care as needed.
- B. Ability to work within the command structure when needed.

Maintenance

- A. Analyze the need for new equipment. Review quotes and the budget in regards to new equipment. Obtain approval for purchase. Receive and inventory new equipment. Assure proper training on the equipment and place in service.
- B. Keep up to date records on all equipment and current locations. Annual air pack testing. Air quality testing for the compressor. Testing and maintenance for portable air monitors.
- C. Coordinate all maintenance with Chief, Training and inspections as to not take equipment out of service that might be needed for upcoming events.

Completes other duties as assigned.

(Tasks listed are intended to be descriptive and not restrictive. An employee in this classification may perform any of the tasks listed; however, these examples do not include all the tasks which an employee may be expected to perform.)

Working Conditions

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This level has a work environment that contains hazards or obstacles on a regular (60-80%) basis. Exposure to working conditions such as high noise levels, heat, cold, lack of lighting, confinement, chemicals, inclement weather, machinery, contagious diseases, or where interactions with hostile, attacking individuals occur frequently and create a moderately high level of work risk or hazard.

Physical and Mental Demands

The physical demands described here are representatives of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Positions at this level operate with a substantial (60-80%) mental demand due to interruptions, changing priorities, disagreeable and/or demanding people, and deadlines which are very tight. Risk and possible adverse impact on the organization exist in majority of decisions. Flexibility and adaptability are definitely needed to withstand demands of position.

Positions at this level require moderate (40-60%) physical effort and manual labor such as carrying, constant movement, frequent lifting of light items, some lifting of moderately heavy objects.

While performing the duties of this position, the employee is frequently required to sit, stand, bend, kneel, stoop, communicate, reach, and manipulate objects.

The position requires the ability to operate a motorized vehicle. Manual dexterity and coordination are required to operate equipment such as computers, keyboards, telephones, standard office equipment, and standard police equipment. Physical exertion may be required to climb stairs and over walls, run, move heavy objects, crawl through tight spaces, and kneel in confined areas.

Additional Information

The employee is required to live within 30 minutes of the fire station within three (3) months of employment. Firefighters must adhere to annual NFPA 1582 standards and must submit to ongoing physical exams and fitness evaluations, including annual drug testing.


Reasonable accommodation may be made to enable qualified individuals with disabilities to perform essential functions.

Essential competencies of this job are described under the headings above. They may be subject to change at any time. The omission of specific statements of duties, does not exclude them from the position, if the work is similar, related, or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and may be changed by the employer at any time.

Revised: 12/26/2023

Adopted:

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	January 3, 2024	Discussion to consider whether to draft an ordinance prohibiting Fireworks sales in Toledo as requested by Lincoln County
Council Goal:	Agenda Type:	
Not Applicable	Discussion Items	
Prepared by:	Reviewed by:	Approved by:
City Manager Doug Wiggins	City Manager Doug Wiggins	City Manager Doug Wiggins

Recommendation:

Consideration on whether the City of Toledo will want to participate with the County in banning the sales of Fireworks permanently in Lincoln County.

Background:

Lincoln County Commissioners have sent a request for the City of Toledo along with sample ordinances passed in the majority of cities to ban the sales of fireworks permanently. As attached, Waldport, Lincoln City, Lincoln County, Newport, and Depoe Bay have passed ordinances to ban the sales of fireworks in their jurisdiction, or are considering it. They state they are trying to get ahead of the game as companies and fund raising charities begin to order up fireworks for the year.

Discussion needs to be had on whether to direct the City Attorney to draft an ordinance prohibiting such sales.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2023-2024	N/A

Attachment:

1. Depoe Bay Ordinance
2. Newport Ordinance
3. Lincoln City Ordinance
4. Lincoln County Ordinance
5. Waldport Ordinance
6. Open Letter from Lincoln County Fire Boards
7. OSFM Roles
8. Draft Lincoln County Ordinance
9. Sales & Use - by jurisdiction
10. Retail permits
11. Fireworks Alternatives information sheet

CITY OF DEPOE BAY

ORDINANCE 331-21

AN ORDINANCE OF THE CITY OF DEPOE BAY AMENDING CHAPTER 130 OFFENSES
GENERALLY ADDING NEW SECTION 130.03 FIREWORKS; and DECLARING AN
EMERGENCY.

WHEREAS, the Lincoln County Fire Defense Board, Chief Daniels attended the November 16, 2021 city council meeting and spoke of the inherent vulnerability and risk from fire from the use of fireworks; and

WHEREAS, Lincoln County authorizes the sale of retail fireworks in their independent jurisdiction but cannot ensure the safe use of the legally obtained fireworks: and

WHEREAS, many of the communities in the county have limited resources to enforce laws to respond to illegal fireworks and the complaints that are generated from the use of fireworks; and

WHEREAS, the Lincoln County Fire Defense Board requested the City of Depoe Bay be committed to protecting life and property from the dangers of wildfire; and

WHEREAS, the city acknowledges that the use of consumer fireworks during particular weather or weather-related conditions can increase the risk of wildfire and potentially create traumatizing and harmful situations for children, adults, and animals.

NOW, THEREFORE :

Section 1. The above findings are adopted in support of adding a new Section 130.03 Fireworks to Title XIII General Offenses of the Depoe Bay Municipal Code.

Section 2. Section 130.03 will read as follows:

130.03 FIREWORKS

- A. The discharging, or causing to be discharged, of any fireworks defined by ORS 480.111 is prohibited within Depoe Bay city limits.
- B. Subsection A. does not apply to a fireworks display issued a public display permit from the State Fire Marshall under ORS 480.130 to 480.150 and has the council's approval on the date and time of the event.

WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety, and welfare of the citizens of the City of Depoe Bay. This ordinance shall be in full force and effective immediately upon its adoption by the City Council of the City of Depoe Bay.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay on this 7th day of December, 2021.

Passed at the second reading, and public hearing, placed on final passage, and adopted by the City Council of the City of Depoe Bay on this 7th day of December, 2021.

Approved by the Mayor of the City of Depoe Bay this 7th day of December, 2021.

Kathy Suent
Mayor

Attest: Barbara Lester
City Recorder

CITY OF NEWPORT

ORDINANCE NO. 2190

AN ORDINANCE AMENDING CHAPTER 8.20
OF THE NEWPORT MUNICIPAL CODE ADDING
NEW SECTION 8.20.020 FIREWORKS

WHEREAS, the City of Newport is committed to protecting life and property from the dangers of wildfire; and

WHEREAS, the City has determined the use of consumer fireworks during certain weather or weather-related conditions can increase the risk of wildfire.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are adopted in support of adding new Section 8.20.020 to Chapter 8.20 (Offenses) of the Newport Municipal Code.

Section 2. Section 8.20.020 will read as follows:

8.20.020 FIREWORKS

A. By resolution of the City Council, the use of consumer fireworks, as defined at ORS 480.111 (Definitions for ORS 480.111 to 480.165), which shall include using, discharging, or exploding consumer fireworks, may be prohibited within the city limits of Newport for a specified duration based on certain weather or weather-related conditions.

B. Subsection A. does not apply to a fireworks display that is issued a public display permit under ORS 480.130 to 480.150.

Section 3. This ordinance shall take effect 30 days from the date of adoption by the City Council.

Date adopted by the Newport City Council: _____, 2022.

Signed by the Mayor on _____, 2022.

Dean H. Sawyer, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

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ORDINANCE NO. 2022-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8. (HEALTH AND SAFETY), ADDING A NEW CHAPTER CHAPTER 8.06 (FIREWORKS), TO PROHIBIT THE SALE AND USE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF LINCOLN CITY

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *La Grande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, for many years, community members in Lincoln City have expressed concern over the use of both legal and illegal fireworks within the city. Other community members have valued the ability to use fireworks, especially around the Fourth of July holiday. The City continues to receive public input on the issue; and

WHEREAS, in Oregon, cities may have their own rules or ordinances regarding the manufacture, sale, use, and discharge of fireworks. Those rules or ordinances may be more restrictive than state law; and

WHEREAS, in 2021, the City of Portland amended its fireworks ordinance to strengthen the fireworks ban by not exempting ORS 480.120(1)(h)&(i) sales (which includes retail licensed sales under ORS 480.127); and

1 **WHEREAS**, in 2021 the City of Bend amended its fireworks ordinance to narrow its ordinance
2 banning use and sale of fireworks to exempt only "exempt fireworks"; and

3
4 **WHEREAS**, the City of Sisters is one example of a city that has taken a more restrictive
5 approach. Since 1947, Sisters has prohibited the retail sale and use of fireworks that are
6 otherwise legal under state law; and

7
8 **WHEREAS**, the 2020 Echo Mountain Fire destroyed 1241 structures, of which 293 were homes;
9 and

10
11 **WHEREAS**, given the Echo Mountain disaster, community members have become increasingly
12 concerned about the use of fireworks, particularly as it relates to risk of catastrophic fire and
13 personal safety, as well as the impacts on veterans, and impacts on pets and other animals; and

14
15 **WHEREAS**, the City has acknowledged the impact of climate change on Lincoln City and the
16 surrounding area. It is anticipated that Oregon will experience hotter and drier summer seasons,
17 which have the potential to increase the risk of drought and wildfire conditions; and

18
19 **WHEREAS**, according to the National Fire Protection Association, (2021) fireworks cause over
20 19,000 fires and require emergency room treatment for over 9,000 people in the United States
21 each year; and

22
23 **WHEREAS**, annual reports published by the Oregon State Fire Marshal indicate fireworks as a
24 cause of fire in Oregon; and

25
26 **WHEREAS**, consumer fireworks pose an increased risk of fire; and

27
28 **WHEREAS**, considering all of the above, the Lincoln City City Council finds that the prohibiting
29 the use and sale of fireworks has benefits to the community, including through less risk of fire in
30 an increasingly dry environment, and less disruption to humans and animals. The Council also
31 finds that allowing for permitted public displays can serve to recognize and continue the
32 traditions associated with fireworks, especially around holidays such as the Fourth of July. The
33 Council finds that, on balance, this approach is the best way to reconcile both the current
34 concerns and the historical traditions around fireworks.

35
36 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

37
38 **SECTION 1.** Lincoln City Municipal Code Title 8 (*Health and Safety*), is amended to add a new
39 Chapter 8.06 (*Fireworks*) to read as follows:

1 **8.06.040 Fireworks.**

2
3 **A. The sale, offer for sale, possession, and use of fireworks, other than exempt**
4 **fireworks, is prohibited within the City of Lincoln City.**

5
6 **B. Fireworks displays that have been issued a State Fire Marshal General Fireworks**
7 **Display Permit are exempt from the prohibitions of this chapter.**

8
9 **C. The City may confiscate, destroy, remove, or have removed at the owner's**
10 **expense all fireworks in violation of this section, when necessary for the**
11 **preservation of public safety.**

12
13 **D. "Fireworks," "fireworks display," and "exempt fireworks" have the meanings**
14 **defined in ORS 480.111. The current definition of exempt fireworks in ORS**
15 **480.111 is as follows:**

16
17 **(5) "Exempt fireworks" means the following:**

18 **(a) Paper caps containing 0.25 grains or less of explosive mixture and**
19 **toy guns, canes or other devices designed for firing those caps.**

20 **(b) Snakes or similar smoke-producing items containing 100 grains or**
21 **less of combustible substances.**

22 **(c) Model rockets and model rocket motors that are used to propel**
23 **recoverable models of rocket.**

24 **(d) Novelties and trick noisemakers.**

25 **(e) Emergency signaling devices, if used in railroad, boat, motor vehicle**
26 **or other means of transportation for warning or illumination purposes.**

27 **(f) Blank cartridges of a type used:**

28 **(A) For theater or other shows;**

29 **(B) For signaling or ceremonial purposes in athletics or sports; or**

30 **(C) By the militia, an organization of war veterans or other**
31 **organizations, if parading an armed color guard.**

32 **(g) Cartridges, shells or gunpowder for use in legally permitted types of**
33 **firearms.**

34 **(h) Military pyrotechnic and signaling devices classified by the United**
35 **States Department of Transportation as Division 1.4 compatibility group S**
36 **explosives that are assigned to and in the possession of the Armed Forces of**
37 **the United States, or an authorized agent of the armed forces, as inventory**
38 **for use by the armed forces or agent in training active members of the**
39 **armed forces in their duties.**

40 **(i) Other items that in the judgment of the State Fire Marshal do not**
41 **require regulation or restrictions on sale.**

1 **E. Violation of this section is a Class B violation and is punishable by citation as**
2 **provided in Chapter 1.16. No provision of this ordinance shall interfere or excuse**
3 **the prosecution of persons using or possessing fireworks deemed illegal under**
4 **ORS 480.120 (a Class B misdemeanor criminal offense).**

5
6 **F. Notwithstanding the exemption above for "Exempt Fireworks," other city**
7 **ordinances prohibit any type of firework, including consumer and exempt**
8 **fireworks, in any city parks or open space, on any city property, on any city streets**
9 **or on any right-of-way in the City. Such offense carries a minimum \$500.00 fine.**

10
11 **SECTION 2. Findings Adopted.**

12
13 The findings contained in the Whereas Clauses of this Ordinance, as well as the competent
14 substantial evidence in the whole record of this legislative proceeding are incorporated into this
15 section by reference as if fully set forth herein, and are adopted in support of this legislative
16 action.

17
18 **SECTION 3. Severability.**

19 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity
20 of one section, subsection, paragraph, or clause shall not affect the validity of the remaining
21 sections, subsections, paragraphs and clauses.

22
23 **SECTION 4. Ordinance Effective Date.**

24
25 This ordinance shall take effect on July 7, 2022.

26
27 **SECTION 5. Codification.**

28
29 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and
30 the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word,
31 and the sections of this Ordinance may be renumbered, or re-lettered, provided that any
32 Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City
33 Recorder is authorized to correct any cross-references and any typographical errors.

34
35 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
36 9.2 of the City of Lincoln City Charter on the 25th day of April, 2022 (First Reading). The
37 Ordinance was again read by title only on the 25th day of April, 2022 (Second Reading) and
38 Council approved Second Reading and adoption of the Ordinance.

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 25th day of April,
2 2022.

3 [REDACTED]
4 [REDACTED]

5 SUSAN WAHLKE,
6 MAYOR

7
8
9 ATTEST:

10 [REDACTED]
11 [REDACTED]

12 JAMIE YOUNG, CITY RECORDER

13
14
15
16 APPROVED AS TO FORM:

17 [REDACTED]
18 [REDACTED]

19 RICHARD APPICELLO, CITY ATTORNEY

20

BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON
ORDINANCE # 527

1
2 **Relating to FIREWORKS in unincorporated Lincoln County and declaring an emergency.**
3
4

5 The Lincoln County Board of Commissioners ordains as follows:
6
7

8 **SECTION 1.**

9 Section 2 of this Ordinance are added to and made a part of LCC Chapter 2, as indicated.

10 **SECTION 2.**

11 **FIREWORKS**
12

13 **2.6000 Purpose**

14 (1) LCC 2.6000 through 2.6010 shall be known as the “Lincoln County Fireworks
15 Ordinance,” and is adopted pursuant to the authority provided the county in ORS chapter
16 480 and ORS 203.035.

17 (2) The purpose of the Lincoln County Fireworks Ordinance is to:

18 Establish a procedure for prohibiting the sale and/or use of consumer fireworks to
19 ensure the safety of the public from the danger of fire hazards.
20

21 **2.6005 Definitions**

22 (1) The words and phrases in LCC 2.6000 to 2.6010 shall have the meaning provided in
23 ORS chapter 480.
24

25 **2.6010 Fireworks Prohibition**

26 (1) By resolution of the Board of Commissioners, the use of consumer fireworks, as
27 defined at ORS 480.111 (Definitions for ORS 480.111 to 480.165), which shall include
28 using, discharging, or exploding consumer fireworks, may be prohibited within the
29 unincorporated limits of Lincoln County for a specified duration based on certain weather
30 or weather-related conditions.

PAGE 1 - ORDINANCE # 527

Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

Office of Lincoln County Legal Counsel
225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108

1 (2) By resolution of the Board of Commissioners, the sale of consumer fireworks, as
2 authorized by ORS 480.160, may be prohibited within the unincorporated limits of Lincoln
3 County for a specified duration based on certain weather or weather-related conditions.

4 (3) Subsection 1 or 2 does not apply to a fireworks display that is issued a public
5 display permit under ORS 480.130 to 480.150.

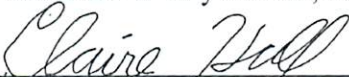
6
7 **2.6015 Penalties**

8 (1) Violation of any provision of LCC 2.6000 to 2.6010 is punishable pursuant to
9 LCC Chapter 10.

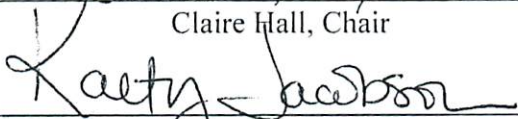
10
11 **SECTION 3.**

12 This Ordinance being necessary for the immediate preservation of the public peace,
13 health and safety, an emergency is declared to exist and this Ordinance shall take effect
14 upon its passage.
15

Dated this 8th day of June, 2022.



Claire Hall, Chair



Kaety Jacobson, Commissioner



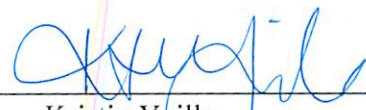
Doug Hunt, Commissioner

ATTESTED TO:



, Recorder

APPROVED AS TO FORM:



Kristin Yuille
County Counsel

PAGE 2 - ORDINANCE # 527

Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

Office of Lincoln County Legal Counsel
225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108

ORDINANCE #: 781

AN ORDINANCE AMENDING WALDPOR MUNICIPAL CODE SECTIONS 8.08.105 (B) FIREWORKS
AND DECLARING AN EMERGENCY

WHEREAS, the language in Title 8 refers to Health and Safety, and 8.08.105 (B) addresses fireworks; and

WHEREAS, the Council has determined that fire danger during certain times creates a public safety hazard due to the usage of consumer fireworks as defined by ORS 480.111 and 480.127,

NOW, THEREFORE, be it ordained by the Waldport City Council that:

Section 8.08.105 (B) shall be amended to read as follows:

"Fireworks. Unless specifically authorized by the city, the possession, use, explosion, or discharge of fireworks is prohibited in all parks, streets and public spaces. This prohibition does not apply to fireworks covered by a property issued a public display permit under the terms of ORS 480.130 to ORS 480.150. As used in this provision, the term "fireworks" means any device defined at ORS 480.110(1) and ORS 480.127 for which a permit from the State Fire Marshal is required before it may be sold, kept, used, or exploded.

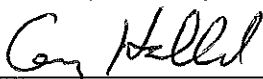
Further, upon resolution of the Council, fireworks as defined above may be banned within the limits of the City of Waldport for a specified duration for the good of the City."

FIRST read to this Council the 10th day of June, 2021.

PASSED by the Common Council of the City of Waldport this 10th day of June, 2021.

6 Ayes 0 Nays 0 Abstains 1 Absent

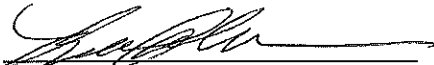
SIGNED by the Mayor this 10th day of June, 2021.



Greg Holland, Mayor

Effective this 10th day of June, 2021.

ATTEST:



Reda Eckerman, City Recorder



LINCOLN COUNTY FIRE DEFENSE BOARD

North Lincoln Fire & Rescue
Depoe Bay Fire District
Newport Fire Department
Toledo Fire Department
Siletz Valley Fire District
Seal Rock Fire District
Central Oregon Coast Fire & Rescue
Yachats RFPD
Oregon Dept. of Forestry

November 8, 2021

An open letter to:

Lincoln County Board of Commissioners,
City Leaders of Lincoln County,
Elected and Appointed Officials of Lincoln County,

Each year in Lincoln County, Oregon, we celebrate the Fourth of July with community parades, family gatherings, barbecues, and fireworks. During this holiday, the increased demand on local public safety agencies in response to firework use often requires extra personnel to meet the additional emergency services requests. The increased call volume ultimately impacts the number of available resources to respond to emergencies.

Entirely aside from the danger of fireworks (both professional and recreational), there's the increasing risk of fire and property damage. Legal and recreational fireworks have proven to be traumatizing and harmful to children, animals, and a growing number of war veterans who deserve our loyalty the most. With the Echo Mountain Complex first anniversary over Labor Day, we are continually reminded of our inherent vulnerability and risk from fire.

Per State Laws, legal fireworks may be purchased only from Oregon permitted fireworks retailers and stands. Oregon law forbids possession, use, or sale of fireworks that fly, explode, or travel more than six feet on the ground or 12 inches in the air. Bottle rockets, Roman candles, and firecrackers are **ILLEGAL** in Oregon. Additionally, the use of ANY fireworks is illegal on Oregon State Property, including beaches. Under Oregon law, officials may seize illegal fireworks fining offenders up to \$1000 per violation, including possession of illegal fireworks and for endangering life and property. Offenders may also be arrested. Any fireworks causing damage or misuse of fireworks carries liability for the offender, who may be required to pay for resulting fire or other damage. Parents are liable for fireworks-caused damage by their children. Costs may include assessed fines as well as the cost of suppressing fireworks-caused fires.

While each fire agency in Lincoln County authorizes the sale of retail (legal) fireworks in their independent jurisdictions, many can offer no measures to ensure the safe use of legally obtained fireworks. Additionally, few agencies have the resources to enforce laws in response to illegal fireworks, let alone respond to the many complaints generated each year. In meeting the demands, many fire and law enforcement service agencies in Lincoln County hire additional staff during the 4th of July period to respond to the increased fire threat, the increased call volume resulting from population influx, and to reduce response times given the congestion on the roadways during this holiday.

Regardless of whether you are a fireworks fan, there is no denying the data surrounding fireworks accidents and injuries. Based on NFPA statistics, fire agencies across the nation can expect over 18,500 fires caused by fireworks in the 30 days from June 20 to July 20. Of those, 1,500 will be structure fires, and 300 will be vehicle fires, with a loss of over \$21 million. Sixteen thousand will be "outdoor fires," including several hundred vegetation fires given the tinder-dry conditions in some areas of the country, including ours. Additionally, the CDC indicates that there will be approximately 11,000 injuries requiring a hospital visit or stay, primarily for serious burns or hand injuries. And 28% of these injuries will be from sparklers that burn more than 1,200 degrees – the favorite firework of young children who are the age group most likely to be their victims. The number of fireworks-related deaths has varied over the years, but there are typically about 25 or more during fireworks season. Many of these are the results of the structure fires caused by fireworks.

The Lincoln County Fire Defense Board asks you to consider the adverse effects of fireworks use on our agencies and communities when discussing recreational fireworks ordinances or policies. Any regulation implemented by ordinance must be adopted not later than January 1 of any calendar year in which regulation is to be operative.

Respectfully,

A handwritten signature in blue ink, appearing to read "Bryan Daniels".

Bryan Daniels, Fire Chief
Depoe Bay Fire District
Lincoln County Fire Defense Board Chief



FIREWORKS

OSFM & LOCAL AGENCY ROLES & AUTHORITIES

Oregon Revised Statute 480.111- 480.165 grants authority to specific entities to conduct certain activities. Under these ORS' the OSFM is mandated to issues permits for wholesale of fireworks, retail sales of consumer fireworks, for using fireworks in displays, the entertainment industry, and pest control (agriculture) purposes. The OSFM Regulatory Services Division also provides information regarding the fireworks statutes and rules; helps facilitate assistance from OSP when appropriate; provides guidance and information to local law enforcement agencies regarding seizure, storage, and pick up of fireworks; and can help facilitate the disposal of seized fireworks.

The below statutes & rules outline for governments and local authorities how to regulate fireworks in their communities. Entities should seek legal advice around these statutes.

ORS 480.140: Places the supervision of fireworks displays under the local fire and police agency or in unprotected areas, the county court.

ORS 480.160: Provides for local regulation of fireworks, including prohibiting fireworks.

OAR 837-012-0860 (9-11): Requires displays to be postponed or discontinued by the local authority or display operator if there are adverse conditions, lack of crowd control, or significant weather conditions that affect safety recognized by the local fire or law enforcement authority.

ORS 480.120 (2): Requires law enforcement agencies of the state, county, or municipality to enforce the provisions of ORS 480.111-480.165.

On the reverse is a matrix that summarizes the roles of the OSFM and local authorities relating to the retail sales of consumer fireworks, fireworks displays, and enforcement activities.



FIREWORKS

OSFM & LOCAL AGENCY ROLES & AUTHORITIES

FIREWORKS ACTIVITY	LOCAL ROLE		OFFICE OF STATE FIRE MARSHAL ROLE	
	PROTECTED AREAS	UNPROTECTED AREAS	OSFM DEPUTY ROLE	OSFM ROLE
RETAIL SALES OF CONSUMER FIREWORKS. (INCLUDES STORAGE OF CONSUMER FIREWORKS)	LOCAL FIRE APPROVAL SIGNATURE ON APPLICATION. (DOES NOT INCLUDE PRIVATE FIRE DEPARTMENT)	NONE	FIRE AUTHORITY APPROVAL SIGNATURE ON APPLICATION IN UNPROTECTED AREAS ONLY.	ISSUES THE PERMIT
DISPLAY OF FIREWORKS	LOCAL FIRE (DOES NOT INCLUDE PRIVATE FIRE DEPARTMENT) AND LAW ENFORCEMENT APPROVAL SIGNATURES ON APPLICATION	APPROVAL SIGNATURE ON APPLICATION BY COUNTY COURT OR THEIR DESIGNEE	CAN PROVIDE TECHNICAL ASSISTANCE TO THE COURT OR DESIGNEE	ISSUES THE PERMIT
ENFORCEMENT/SEIZURE (SMALL QUANTITIES OF ILLEGAL FIREWORKS)	LOCAL LAW ENFORCEMENT	LOCAL LAW ENFORCEMENT	NONE	NONE
ENFORCEMENT/SEIZURE (LARGE QUANTITIES OF ILLEGAL FIREWORKS)	LOCAL LAW ENFORCEMENT OR OSP EXPLOSIVES UNIT	LOCAL LAW ENFORCEMENT OR OSP EXPLOSIVES UNIT	NONE	CAN HELP FACILITATE OSP ASSISTANCE WHEN APPROPRIATE
IMPROVISED DEVICES HANDLING & SEIZURE	LOCAL LAW ENFORCEMENT/EXPLOSIVES UNIT OR OSP EXPLOSIVES UNIT	LOCAL LAW ENFORCEMENT/EXPLOSIVES UNIT OR OSP EXPLOSIVES UNIT	NONE	CAN HELP FACILITATE OSP ASSISTANCE WHEN APPROPRIATE

**BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON
ORDINANCE # 532**

1
2 **Amendments relating to FIREWORKS in unincorporated Lincoln County and declaring an**
3 **emergency.**
4

5
6 The Lincoln County Board of Commissioners ordains as follows:
7

8
9 **SECTION 1.**

10 Section 2 of this Ordinance are added to and made a part of LCC Chapter 2, as indicated.

11 **SECTION 2.**

12 **FIREWORKS**

13
14 2.6000 Purpose

15 (1) LCC 2.6000 through 2.6010 shall be known as the “Lincoln County Fireworks
16 Ordinance,” and is adopted pursuant to the authority provided the county in ORS chapter 480
17 and ORS 203.035.

18 (2) The purpose of the Lincoln County Fireworks Ordinance is to:

19 Establish a procedure for prohibiting the **possession**, sale and/or use of consumer fireworks
20 to ensure the safety of the public from the danger of fire hazards.
21

22 2.6005 Definitions

23 (1) The words and phrases in LCC 2.6000 to 2.6010 shall have the meaning provided in
24 ORS chapter 480.
25

26 2.6010 Fireworks Prohibition

27 (1) *[By resolution of the Board of Commissioners,]* **The possession and/or** use of
28 consumer fireworks, as defined at ORS 480.111 (Definitions for ORS 480.111 to 480.165),
29 which shall include using, discharging, or exploding consumer fireworks, *[may be]* **is** prohibited
30 within the unincorporated limits of Lincoln County. *[for a specified duration based on certain*
31 *weather or weather-related conditions.]*

PAGE 1 - ORDINANCE # 532

Note: Matter in **boldfaced** type in an amended section is new; matter in *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (2) *[By resolution of the Board of Commissioners,]* The sale of consumer fireworks, as
2 authorized by ORS 480.160, *[may be]* is prohibited within the unincorporated limits of Lincoln
3 County. *[for a specified duration based on certain weather or weather-related conditions.]*

4 (3) Subsection 1 or 2 does not apply to a fireworks display that is issued a public display
5 permit under ORS 480.130 to 480.150.

6 (4) **Lincoln County may confiscate, destroy, remove, or have removed at the owner's**
7 **expense all fireworks in violation of this section, when necessary for the preservation of**
8 **public safety.**

9
10 2.6015 Penalties

11 (1) Violation of any provision of LCC 2.6000 to 2.6010 is punishable pursuant to LCC
12 Chapter 10.

13 **SECTION 3.**

14 This Ordinance being necessary for the immediate preservation of the public peace,
15 health and safety, an emergency is declared to exist and this Ordinance shall take effect
16 upon its passage.
17
18

Dated this ____ day of January, 2024.

Claire Hall, Chair

Kaety Jacobson, Commissioner

Casey Miller, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

, Recorder

Kristin Yuille, County Counsel

PAGE 2 - ORDINANCE # 532

Note: Matter in **boldfaced** type in an amended section is new; matter in *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

Office of Lincoln County Legal Counsel
225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108

Fireworks Sale & Use – by Jurisdiction – 12.22.23

Jurisdiction	Ordinance	Sales	Use
Unincorporated Lincoln County	#532 (First reading 12.20.22)	Sales, *possession, & use prohibited	Sales, possession, & use prohibited
* “Lincoln County may confiscate, destroy, remove, or have removed at the owner’s expense all fireworks in violation of this section, when necessary for the preservation of public safety.”			
Lincoln City	#2022-21*	Sales permanently prohibited	Use permanently prohibited on public property
* Ordinance #2022-21 “Considering all of the above, the Lincoln City Council finds that the prohibiting the use and sale of fireworks has benefits to the community, including through less risk of fire in an increasingly dry environment, and less disruption to humans and animals. The Council also finds that allowing for permitted public displays can serve to recognize and continue the traditions associated with fireworks, especially around holidays such as the Fourth of July. The Council finds that, on balance, this approach is the best way to reconcile both the current concerns and the historical traditions around fireworks.			
Depoe Bay	#331-21	Allowed	permanently prohibited*
*” <i>The city acknowledges that the use of consumer fireworks during particular weather or weather-related conditions can increase the risk of wildfire and potentially create traumatizing and harmful situations for children, adults, and animals.</i>			
Newport	#2190	Allowed	Resolution required to prohibit – *weather related events
* <i>Resolution #3981 – “Forecasts for moisture and temperature levels for the 2023 summer season are extreme heat and dry conditions; dangerous conditions for the use of fireworks; and significant likelihood of fire damage from the use of fireworks.”</i>			
Toledo	No ordinance	Allowed	Allowed
Siletz	No ordinance	Allowed	Allowed
Waldport	#781	Allowed	No public property – resolution for private
Yachats*	No ordinance	Allowed	Allowed
#185 (1996) – Prohibits wholesale/manufacturing of fireworks			

Fireworks - Retail Permits – 6.22.23

RS-0004-23	Fred Meyer 227	Nelson	Veronica	150 NE 20th St.	Newport	97365	Lincoln
RS-0014-23	Safeway 0378	Anderson	Jody	2220 North Coast Hwy	Newport	97365	Lincoln
RS-0024-23	Walmart 1925 Rev. 1	Peel	Michael	160 NW 25th St	Newport	97365	Lincoln
RS-0072-23	Grace Wins Haven	Flowers	Traci	160 NW 25th St.	Newport	97365	Lincoln
RS-0118-23	Rays Food Place 44	Gay	Scott	580 NE Broadway St.	Waldport	97394	Lincoln
RS-0262-23	J.C. Thriftway	Miller	Allen	336 NE Hwy. 20	Toledo	97391	Lincoln
RS-0331-23	Richard Strait	Strait	Richard	580 NE Broadway St.	Waldport	97394	Lincoln
RS-0712-23	Jacob Bustamente	Bustamente	Jacob	2300 SE Hwy 101	Lincoln City	97367	Lincoln
RS-0724-23	Daniel Larson	Larson	Joshua	150 NE 20th St.	Newport	97365	Lincoln
RS-0739-23	Celebration Church 2	Barker	Kristina	541 SW Coast Hwy	Newport	97365	Lincoln
RS-0779-23	Toledo Summer Festival Inc	Duncan	Susie	1805 NE Hwy 20	Toledo	97391	Lincoln

Fireworks Safety



FIREWORKS are often used to mark special events and holidays. The only safe way to view fireworks is to attend a professional show. It is important to know that **fireworks are not safe in the hands of consumers**. Fireworks cause thousands of injuries each year.

A few ideas to get into the patriotic spirit, without fireworks:

1. Use glow sticks, they glow in the dark and are a safe alternative to a sparkler. Fun for all ages.
2. Loud and proud. Noise makers are sure to make a statement. They can be found at local party supply stores or make your own.
3. Outdoor movie night. Set up a screen and projector. Don't forget the bug spray!
4. Red, white and blue silly string...fun for all ages.
5. Make a patriotic craft with the family.
6. Throw a birthday party for the USA, and don't forget the cake.



FACTS

- ! More than 19,500 reported fires are started by fireworks annually.
- ! Burns account for 44% of the 9,100 injuries treated in emergency rooms seen in the month around July 4.
- ! Half of the fireworks injuries seen at emergency rooms were extremities: hand, finger, or leg. One-third were to the eye or other parts of the head.
- ! Children ages 10–14 had the highest rate of fireworks injury, with more than one-third (36%) of the victims of fireworks injuries under age 15.
- ! Sparklers account for roughly one-quarter of emergency room fireworks injuries.

Source: U.S. Consumer Product Safety Commission (CPSC) 2018 Fireworks Annual Report



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