

RESOLUTION NO. 2021-47

**RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY RELATED
TO EXTREME HEAT AND THE DANGERS OF FIREWORKS AND PROHIBITING
THE USE OF LEGAL FIREWORKS WITHIN THE CITY OF FOREST GROVE
ON JULY 2, 3 AND JULY 4, 2021**

WHEREAS, the City of Forest Grove has the authority granted under ORS Chapter 401 and the Forest Grove Emergency Operations Plan, Section 1.7.2, to declare a state of emergency under certain conditions; and

WHEREAS, City Code Section 91.035 allows the use of legal fireworks on July 2, 3 and July 4 of this year and prohibits the use of legal fireworks within city limits all other days except January 1; and

WHEREAS, due to the conditions outlined below, the City Council declares a state of emergency beginning on July 2, 2021, and extending through July 4, 2021; and

WHEREAS, the following exigent circumstances exist:

- In the week preceding this declaration, the City of Forest Grove experienced a historic heat wave with three of the hottest days ever recorded, culminating with a high temperature of 113 degrees on Monday, June 28, 2021;
- The National Weather Service issued an excessive heat warning for much of Oregon, including Washington County;
- The current National Weather Service forecast for Forest Grove shows daily high temperatures in the 90's Fahrenheit through July 4, 2021, with no precipitation;
- The extreme heat has led to extreme dry conditions which are contributing to an already high fire danger;
- According to the National Fire Protection Association, fireworks cause over 19,000 fires and require emergency room treatment for over 9,000 people in the US each year;
- The City can anticipate citizens celebrating the Fourth of July holiday with personal firework displays unless otherwise restricted;
- Late June and early July is a busy period for the City of Forest Grove Fire Department. The public health emergency caused by the extreme heat will further impact the Department's already stretched resources, jeopardizing public health and safety. Mitigating the risk of fires caused by the use of fireworks will allow the Department to prioritize public safety needs;

WHEREAS, under ORS 401.309 and the Forest Grove Emergency Operations Plan, Section 1.7.2, the City Council has the authority to declare, by resolution, that a state of emergency exists within the City and the resolution may establish procedures to prepare for and carry out activities to prevent, minimize, respond to or recover from an emergency; and

WHEREAS, under ORS 401.309 and Forest Grove Emergency Operations Plan, Section 1.7.2, a declaration of a state of emergency is necessary to protect life, property and to minimize danger to life and property, and to ensure the City of Forest Grove has the appropriate resources to respond to the emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. IT IS DECLARED that a state of emergency exists in the City of Forest Grove, Oregon, encompassing all of the area within the city limits; and

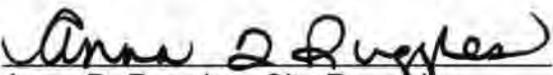
Section 2. IT IS FURTHER DECLARED use of any and all fireworks as defined by ORS 480.111 within the City of Forest Grove during this emergency is strictly prohibited. For the purposes of this section, "use" includes lighting, exploding, or igniting in any way. The use of fireworks that are illegal under state law continue to be prohibited at all times.

Section 3. IT IS FURTHER DECLARED that any person who violates this resolution commits a civil infraction and shall be subject to a penalty not to exceed \$1000 under Forest Grove Municipal Code section 10.99.

Section 4. IT IS FURTHER DECLARED that the City Manager or his designee is authorized to take all necessary actions authorized by law to enforce this resolution. The City Manager or his designee is also authorized to coordinate response and recovery efforts related to this emergency including, but not limited to requesting assistance from the State of Oregon and neighboring local governments.

Section 5. THIS DECLARATION IS EFFECTIVE JULY 2, 2021, AND SHALL REMAIN IN EFFECT UNTIL MIDNIGHT JULY 4, 2021, UNLESS SUPERSEDED SOONER BY ACTION OF THE CITY COUNCIL.

PRESENTED AND PASSED this 29th day of June, 2021.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 29th day of June, 2021.



Peter B. Truax, Mayor



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>3.</u>
MEETING DATE:	<u>06/30/2021</u>
FINAL ACTION:	<u>RESO 2021-47</u>

CITY COUNCIL STAFF MEMORANDUM

TO: City Council

FROM: Jesse VanderZanden, City Manager
Patrick Fale, Interim Fire Chief

MEETING DATE: June 30, 2021

SUBJECT TITLE: Emergency Declaration temporarily banning fireworks

ACTION REQUESTED:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ordinance	Order	X	Resolution	Motion	Informational

X all that apply

BACKGROUND:

Per Council Rule Section 3.4, the Mayor has called for a Special Meeting to discuss temporarily banning legal fireworks in the city limits of Forest Grove under a declaration of emergency. In response to record high temperatures and drought conditions, other municipalities in Washington County and around the state are holding similar meetings in the days preceding July 4 to discuss the same topic. The City of Tualatin and Portland passed emergency declarations recently. Cities are granted the authority under Oregon Revised Statute (ORS) Chapter 401 and the Forest Grove Emergency Operations Plan, Section 1.7.2, to declare a state of emergency under certain conditions. Attached are some documents for additional background that may be of interest:

- City of Tualatin’s Resolution
- TVF&R Statement on Firework Prohibitions
- City of Forest Grove Resolution

The Police and Fire Chiefs will be available during the meeting to answer any questions about enforcement issues and existing field and fire hazard conditions.

OPTIONS:

The Council has two options:

- 1) Pass a resolution banning the use of legal fireworks in Forest Grove under an emergency declaration for a specified time, or
- 2) Direct staff to send a strongly worded public message discouraging the use of legal fireworks. Staff will be prepared to answer questions about both options at the meeting and encourages Councilors to contact staff prior to the meeting if there are any questions.

RESOLUTION NO. 5562-21

A RESOLUTION DECLARING A STATE OF EMERGENCY RELATED TO EXTREME HEAT AND THE DANGERS OF FIREWORKS; AND PROHIBITING THE USE OF FIREWORKS WITHIN THE CITY OF TUALATIN.

WHEREAS, the City has been experiencing extreme heat for several days, including multiple days with temperatures above 105 degrees Fahrenheit;

WHEREAS, the National Weather Service issued an Excessive Heat Warning for the region, including Tualatin;

WHEREAS, the current National Weather Service forecast for Tualatin shows daily high temperatures exceeding 90 degrees Fahrenheit through at least July 4, 2021;

WHEREAS, the extreme heat is contributing to an already high fire danger;

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

WHEREAS, under ORS 401.309, the governing body of a city may declare, by resolution, that a state of emergency exists within the city, which resolution may establish procedures to prepare for and carry out activities to prevent, minimize, respond to, or recover from an emergency;

WHEREAS, under Tualatin Municipal Code (TMC) Chapter 1-7, the City has established an emergency operations plan; and

WHEREAS, under ORS 401.309 and TMC 1-07, a declaration of state of emergency is necessary to protect life and property, to minimize danger to life and property, and to ensure the City of Tualatin has the appropriate resources to respond to the emergency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Declaration of Emergency. A State of Emergency for the entire City of Tualatin is immediately in effect and will remain in effect until July 9, 2021, unless sooner terminated or extended by the Tualatin City Council.

Section 2. Emergency Conditions. The following conditions have resulted in the need for a state of emergency:

- A. Extreme heat and dry conditions;
- B. Dangerous conditions for the use of fireworks; and
- C. Significant likelihood of fire damage from the use of fireworks.

Section 3. Use of Fireworks Prohibited. The use of any and all fireworks as defined by ORS 480.111 within the City of Tualatin, during this emergency is strictly prohibited. For purposes of this section, "use" includes lighting, exploding, or igniting in any way. Fireworks displays approved by the Tualatin Valley Fire and Rescue or the Oregon State Fire Marshall are exempt from this restriction. Use of fireworks that are illegal under state law continues to be prohibited at all times.

Section 4. Violations. Pursuant to TMC 1-7-070 any person who violates the measures set forth in this resolution commits a civil infraction and shall be subject to a fine of \$500 for each violation, and may be prosecuted in municipal court.

Section 5. City Manager Authority. The City Manager, or designee, is authorized to take all necessary actions authorized by law to enforce this resolution. The City Manager, or designee, is also authorized to coordinate response and recovery efforts related to this emergency, including, but not limited to, requesting assistance from the State of Oregon, and Washington and Clackamas Counties.

Section 6. Effective Date. This resolution is effective upon adoption.

Adopted by the City Council this 28th day of June, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

TVF&R Statement on Fireworks Prohibitions

With record breaking weather and drought in 2021, TVF&R is urging people to not use fireworks this year. Please attend a public display, watch fireworks on television, or just celebrate with friends and family without fireworks.

Tualatin Valley Fire & Rescue often receives inquiries about the sale and use of fireworks each Fourth of July. The laws related to fireworks in Oregon can be complex. Below are answers to commonly asked questions:

Can TVF&R ban the use of Oregon Legal fireworks? No. As a rural fire protection district, TVF&R does not have the legal authority to ban the use of retail fireworks. ORS 480.160(4)(c) specifically prohibits a fire district from banning the use of Oregon legal fireworks.

Can other governments ban the use of retail fireworks? City governments have the authority to ban the use of fireworks under broad "home rule" authority and state of emergency powers. The cities of Ashland and Eugene have ordinances prohibiting use of fireworks in some or all of their city. Other cities enacted temporary emergency rules after the September 2020 wildfires that included broad prohibitions on activities that produced sparks or flames, including fireworks.

Can TVF&R ban professional fireworks displays? Yes, but only if a proposed firework display is found to pose a fire danger to the public per ORS 480.140. TVF&R reviews each display application to ensure it meets fire safety requirements, it also must be approved by the applicable police or sheriff's office, and then it is reviewed by the State Fire Marshal before approval. We encourage the public to leave fireworks to the "professionals", and we work with display operators to ensure fireworks displays can safely be performed.

Is use of retail fireworks prohibited during a TVF&R High-Fire Hazard Burn Ban? Unfortunately, no. The scope of burn season regulations under ORS 478.960 is strictly related to open burning of yard debris, domestic wastes, field burning and related open burning of materials. It does not include authority to ban the use of fireworks.

Who enforces laws related to use of illegal fireworks in Oregon? Law enforcement agencies enforce criminal laws related to the use of illegal fireworks in Oregon. Depending on the nature of the crime, a wide variety of criminal charges may be cited ranging from reckless burning, criminal mischief, reckless endangerment and more with fines up to \$2500 per violation. People can also be held civilly liable for damage caused by improper use of any fireworks -legal or illegal.

Last updated June 29, 2021