

1 A BILL

ORDINANCE NO.
2023- 866

3 FOR

4 AN ORDINANCE

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6
7 AMENDING ORDINANCE RELATING TO THE
8 REGULATION OF FIREWORKS WITHIN THE CITY OF
9 KEIZER (AMENDING ORDINANCE NO. 2022-851);
10 DECLARING AN EMERGENCY

11
12 WHEREAS, the City Council of the City of Keizer adopted Ordinance No. 2022-
13 851 (Relating to the Regulation of Fireworks Within the City of Keizer) on October 3,
14 2022;

15 WHEREAS, the City Council adopted an amendment to Section 4 of Ordinance
16 No. 2022-851 on June 5, 2023;

17 WHEREAS, the City Council finds it appropriate and necessary to amend Section
18 3 (Temporary Prohibitions During Extreme Fire Danger);

19 Now therefore, the City of Keizer ordains as follows:

20 Section 1. AMENDMENT OF ORDINANCE 2022-851, SECTION 3. Section 3
21 of Ordinance No. 2022-851 is hereby amended as follows:

22 Section 3. TEMPORARY PROHIBITIONS DURING EXTREME
23 FIRE DANGER.

24 A. During times in which the City of Keizer is subject to a Red
25 Flag Warning, a person commits an offense under this Section, if they use,
26 ignite, explode or have exploded any fireworks within the City of Keizer,
27 or allow such conduct to occur.

28 B. A person commits the offense of allowing conduct under
29 Subsection A of this Section to occur if the person authorizes or permits
30 such conduct. A rebuttable presumption exists that the person who owns
31 or controls the real property on which the conduct occurs has authorized or

1 permitted the conduct if that person is on the property at the time of such
2 conduct.

3 C. All persons are presumed to be aware and attentive of when
4 Red Flag Warnings are in place.

5 D. Violation of this Section is punishable by a minimum fine of
6 \$300, a presumptive fine of \$400, and a maximum fine of \$500.

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8 Section 2. EFFECTIVE DATE. This Ordinance being necessary for the
9 immediate preservation of the public peace, health and safety, an emergency is declared
10 to exist, and this Ordinance shall take effect immediately upon its passage.

11 PASSED this 3rd day of July, 2023.

12 SIGNED this 3rd day of July, 2023.

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Cathy Clark
Mayor

Melissa Bisset
City Recorder

1 A BILL

ORDINANCE NO.
2023- 862

3 FOR

4 AN ORDINANCE

5 AMENDING ORDINANCE RELATING TO THE
6 REGULATION OF FIREWORKS WITHIN THE CITY OF
7 KEIZER (AMENDING ORDINANCE NO. 2022-851);
8 DECLARING AN EMERGENCY
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10 WHEREAS, the City Council of the City of Keizer adopted Ordinance No. 2022-
11 851 (Relating to the Regulation of Fireworks Within the City of Keizer) on October 3,
12 2022;

13 WHEREAS, the City Council finds it appropriate and necessary to amend Section
14 4 (Fireworks Limited Hours);

15 Now therefore, the City of Keizer ordains as follows:

16 A. Section 1. AMENDMENT OF ORDINANCE 2022-851, SECTION 4.
17 Section 4 of Ordinance No. 2022-851 is hereby amended as follows:

18 Section 4. FIREWORKS LIMITED HOURS.

19 A. A person commits an offense under this Section if they use, ignite,
20 explode or have exploded any fireworks between the hours of 10:00 p.m. and
21 10:00 a.m. the following day, except for the time period for December 31 to
22 January 1, and July 4 to July 5, or allows such conduct to occur.

23 B. A person commits the offense of allowing conduct under
24 Subsection A of this Section to occur if the person authorizes or permits such
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1 conduct. A rebuttable presumption exists that the person who owns or controls
2 the real property on which the conduct occurs has authorized or permitted the
3 conduct if that person is on the property at the time of such conduct.

4 C. Subsection A does not apply to persons authorized by a permit from
5 the State Fire Marshal pursuant to ORS 480.130.



6 D. Violation of this Section is punishable by a minimum fine of \$300,
7 a presumptive fine of \$400, and a maximum fine of \$500.

8 Section 2. EFFECTIVE DATE. This Ordinance being necessary for the
9 immediate preservation of the public peace, health and safety, an emergency is declared
10 to exist, and this Ordinance shall take effect immediately upon its passage.

11 PASSED this 5th day of June, 2023.

12 SIGNED this 5th day of June, 2023.

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Mayor

City Recorder

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A BILL

ORDINANCE NO.
2022- 851

FOR

AN ORDINANCE

RELATING TO THE REGULATION OF
FIREWORKS WITHIN THE CITY OF KEIZER

WHEREAS, the Keizer City Council has authority to exercise police powers with
the City, including the regulation of fireworks;

WHEREAS, ORS 480.160 further authorizes cities to adopt regulations involving
fireworks;

WHEREAS, fireworks, especially those fireworks already illegal under state law,
negatively impact livability, creating significant noise which affects the City’s residents
and pets;

WHEREAS, the National Weather Service periodically issues “Red Flag
Warnings,” for times in which fire danger is deemed to be particularly dangerous and is
based on drought conditions, high temperatures, low relative humidity, high or erratic
winds, and dry vegetation and fuel;

WHEREAS, during periods for which a Red Flag Warning is in effect, the use of
any firework, including those otherwise legal under Oregon law, creates an increased
fire hazard;

1 WHEREAS, Oregon law currently prohibits the sale, use, or discharge of any
2 fireworks unless specifically allowed under ORS 480.120 to ORS 480.124; however,
3 enforcement is often difficult and these cases are not a high priority for prosecution;

4 WHEREAS, in order to further deter the use of illegal fireworks, and to allow
5 City officials the ability to enforce firework regulations in municipal court and impose
6 civil penalties, the City Council finds it is appropriate to enact municipal regulation of
7 the sale, use, or discharge of these illegal fireworks;

8 WHEREAS, in order to reduce the risk of a dangerous fire, the City Council finds
9 it is appropriate to prohibit the use of all fireworks (including legal fireworks) during
10 Red Flag Warning periods;

11 Now, therefore, the City of Keizer ordains as follows:

12 Section 1. DEFINITIONS.

13 A. “Fireworks” has the meaning as defined in ORS 480.111.

14 B. “Person” means an individual or business entity.

15 C. “Red Flag Warning” means the warning issued by the National Weather
16 Service indicating extreme fire danger as a result of conditions such as
17 drought, high temperature, low humidity, high or erratic winds, and dry
18 vegetation and fuel.

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1 Section 2. ILLEGAL FIREWORKS PROHIBITED.

2 A. A person commits an offense under this Section if, unless authorized
3 pursuant to ORS 480.120 to ORS 480.124, a person sells, keeps or offers for sale,
4 exposes for sale, possesses, uses, ignites, explodes, or has exploded any fireworks within
5 the City of Keizer, or allows such conduct to occur.

6 B. A person commits the offense of allowing conduct under Subsection A of
7 this Section to occur if the person authorizes or permits such conduct. A rebuttable
8 presumption exists that the person who owns or controls the real property on which the
9 conduct occurs has authorized or permitted the conduct if that person is on the property
10 at the time of such conduct.

11 C. Violation of this Section is punishable by a minimum fine of \$300, a
12 presumptive fine of \$400 and a maximum fine of \$500.

13 Section 3. TEMPORARY PROHIBITIONS DURING EXTREME FIRE
14 DANGER.

15 A. During times in which the City of Keizer is subject to a Red Flag Warning,
16 a person commits an offense under this Section, if they use, ignite, explode or have
17 exploded any fireworks within the City of Keizer, or allow such conduct to occur.

18 B. A person commits the offense of allowing conduct under Subsection A of
19 this Section to occur if the person authorizes or permits such conduct. A rebuttable
20 presumption exists that the person who owns or controls the real property on which the

1 conduct occurs has authorized or permitted the conduct if that person is on the property
2 at the time of such conduct.

3 C. All persons are presumed to be aware and attentive of when Red Flag
4 Warnings are in place.

5 D. Subsection A does not apply to persons authorized by a permit from the
6 State Fire Marshal pursuant to ORS 480.130.

7 E. Violation of this Section is punishable by a minimum fine of \$300, a
8 presumptive fine of \$400, and a maximum fine of \$500.

9 Section 4. FIREWORKS LIMITED HOURS.

10 A. A person commits an offense under this Section if they use, ignite, explode
11 or have exploded any fireworks between the hours of 10:00 p.m. and 10:00 a.m. the
12 following day, except for the time period for December 31 to January 1, and July 4 to
13 July 5, or allows such conduct to occur.

14 B. A person commits the offense of allowing conduct under Subsection A of
15 this Section to occur if the person authorizes or permits such conduct. A rebuttable
16 presumption exists that the person who owns or controls the real property on which the
17 conduct occurs has authorized or permitted the conduct if that person is on the property
18 at the time of such conduct.

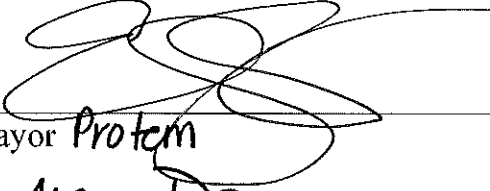
19 C. Violation of this Section is punishable by a minimum fine of \$300, a
20 presumptive fine of \$400, and a maximum fine of \$500.

1 Section 5. SEVERABILITY. If any section, subsection, sentence, clause,
2 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
3 is denied acknowledgment by any court or board of competent jurisdiction, then such
4 portion shall be deemed a separate, distinct, and independent provision and such holding
5 shall not affect the validity of the remaining portions hereof.

6 Section 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
7 days after its passage.

8 PASSED this 3rd day of October, 2022.

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10 SIGNED this 3rd day of October, 2022.

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15 Mayor Pro Tem

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17 City Recorder