City Council
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www.eugene-or.gov

EUGENE CITY COUNCIL AMENDED AGENDA

September 19, 2022

5:30 p.m. EUGENE CITY COUNCIL PUBLIC HEARING

As the state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held in hybrid in person and virtual meeting technology. Information about online or other options for access and participation will be available at https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials

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Meeting of September 19, 2022;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Claire Syrett, President	Matt Keating, Vice President
Mike Clark	Greg Evans
Randy Groves	Jennifer Yeh
Emily Semple	Alan Zelenka

5:30 p.m. EUGENE CITY COUNCIL PUBLIC HEARING

1. **PUBLIC HEARING: An Ordinance Vacating a Portion of East 5th Avenue Located Within the Boundaries of the Plat of Town Run**

   Note: This public hearing was rescheduled for October 17, 2022.

2. **PUBLIC HEARING: An Ordinance Concerning Fireworks Restrictions and Amending Section 4.934 of the Eugene Code, 1971.**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Concerning Fireworks Restrictions and Amending Section 4.934 of the Eugene Code, 1971.

Meeting Date: September 19, 2022
Department: Fire & Emergency Medical Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Mike Caven
Contact Telephone Number: 541-682-7115

ISSUE STATEMENT

This public hearing is to consider a total ban of the sale and use of personal fireworks within the City limits. The draft ordinance is included in Attachment A.

Ordinance No. 20653 prohibited the use and sale of fireworks within the city limits in the areas south of 18th Ave or east of Agate Street through 2022 (Attachment B). The ordinance was signed and immediately effective in June 2021 as the City Council had declared an emergency due to drought and weather conditions. The temporary ban will expire at the end of 2022.

The draft ordinance under consideration is being brought before Council ahead of the fireworks product ordering season. Local non-profit organizations place their order for fireworks products in December to prepare for charitable sales the following June 23 through July 6.

BACKGROUND

On July 11, 2022 Council President Claire Syrett proposed a motion for an ordinance to be drafted and to schedule a public hearing banning the sale and use of personal fireworks during a Eugene City Council Work Session on the topic. The draft ordinance is included in Attachment A.

Since 2012, fireworks have been reported to have caused 11 fires in the banned area. Three of those fires took place in 2021. Attachments C and D provide additional data.

Approaches by Other Oregon Communities

In 2007, Ashland prohibited the use of fireworks throughout the city and year but allowed the legal use of smoke bombs, snakes, and party poppers. Bend and Portland both put a temporary ban in place in 2021 followed by a permanent ban in 2022. Before the ban, Portland reported 73 fireworks related fires in 2020 and 29 fireworks related fires in 2021.

PREVIOUS COUNCIL DIRECTION

On July 1, 2015, the City Council instituted a ban on the use of fireworks for the remainder of 2015 in response to drought-like conditions for the Wildland Urban Interface (WUI) for properties

south of 18th Avenue and east of Agate Street. This ban also addressed the use of illegal fireworks. The Eugene Police Department (EPD) held an amnesty turn-in day of illegal fireworks and enforced the ban following information called into a tip line. EPD has continued amnesty turn-in events including July 2 and 3, 2022.

On May 14, 2018, City Council approved amending Section 1, Section 4.934 of the Eugene Code, 1971, to restrict the use of fireworks to December 31, January 1, July 3, or July 4. The code previously allowed for the use of fireworks June 23 through July 6.

On May 24, 2021 Councilor Matt Keating proposed a motion to have a public hearing banning the use and sale of fireworks during a Eugene City Council Work Session on the topic of Wildfire Preparedness. The public hearing took place on June 21, 2021 and resulted in a unanimous decision to establish Ordinance No. 20653. The ordinance identifies the areas south of 18th Avenue and east of Agate Street due to its potential threat of wildfires. A 2014 GIS analysis conducted by Lane Council of Governments identified the South Hills as a "very high" fire hazard.

On June 21, 2021 Eugene City Council voted unanimously to temporarily ban all fireworks in the south hills, south from 18th Avenue and east of Agate Street through 2022. This ban was a necessary step for public health and safety. The ban includes legal fireworks like fountains, flitter sparklers, ground spinners and wheels.

On July 11, 2022 Council President Claire Syrett proposed a motion for an ordinance to be drafted and to schedule a public hearing banning the sale and use of personal fireworks during a Eugene City Council Work Session on the topic.

COUNCIL OPTIONS
This item is scheduled for public hearing only.

ATTACHMENTS
A. Draft Ordinance
B. Ordinance No. 20653
C. Fire Hazard Map, 2015
D. Fireworks Related Fires 2012-2021

FOR MORE INFORMATION
Staff Contact: Mike Caven
Telephone: 541-682-7115
Staff E-Mail: mcaven@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING FIREWORKS RESTRICTIONS AND AMENDING SECTION 4.934 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.934 of the Eugene Code, 1971, is amended to provide as follows:

4.934 Fireworks Restrictions.

In addition to restrictions on the sale, possession, use, detonation or explosion of fireworks under state law, it is unlawful to:

(1) Sell, ~~U~~use, light, detonate or display any consumer fireworks anywhere in the city at any time ~~except on December 31, January 1, July 3 or July 4~~.

(2) Use, light, detonate or display any display fireworks anywhere in the city at any time except July 3 through July 5, unless specifically authorized by the city manager or designee.

For the purposes of this section, "consumer fireworks" and "display fireworks" have the meanings given in ORS 480.111.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2022

_____
City Recorder

Approved by the Mayor this

____ day of _____, 2022

_____
Mayor

COUNCIL ORDINANCE NO. 20653

AN ORDINANCE PROHIBITING THE USE OF FIREWORKS WITHIN THE CITY LIMITS IN THE AREAS SOUTH OF 18TH AVENUE OR EAST OF AGATE STREET THROUGH THE REMAINDER OF 2021 AND IN 2022; PROHIBITING THE SALE OF FIREWORKS IN THE AREAS SOUTH OF 18TH AVENUE OR EAST OF AGATE STREET IN 2022; AND DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ADOPTED: June 21, 2021

SIGNED: June 23, 2021

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: June 23, 2021

ORDINANCE NO. 20653

AN ORDINANCE PROHIBITING THE USE OF FIREWORKS WITHIN THE CITY LIMITS IN THE AREAS SOUTH OF 18TH AVENUE OR EAST OF AGATE STREET THROUGH THE REMAINDER OF 2021 AND IN 2022; PROHIBITING THE SALE OF FIREWORKS IN THE AREAS SOUTH OF 18TH AVENUE OR EAST OF AGATE STREET IN 2022; AND DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. Subsection (1) of Section 4.934 of the Eugene Code, 1971, restricts the use of any consumer fireworks, allowing their use only on December 31, January 1, and July 3 or 4.

B. Subsection (2) of Section 4.934 of the Eugene Code, 1971, restricts the use of any display fireworks, allowing their use only on July 3 through 5, unless specifically authorized by the City Manager.

C. Severe drought conditions exist within the City of Eugene. Therefore, it is necessary for public health and safety to disallow the use of consumer and display fireworks within Eugene in the areas south of 18th Avenue or east of Agate Street through the remainder of 2021 and in 2022, and to prohibit the sale of fireworks within Eugene in the areas south of 18th Avenue or east of Agate Street in 2022.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. In addition to restrictions on the use of fireworks under State law and City Code, the use, lighting, detonation or display of consumer and display fireworks is prohibited within the City of Eugene in the areas south of 18th Avenue or east of Agate Street through the remainder of 2021 and in 2022.

Section 2. The sale of fireworks within Eugene in the areas south of 18th Avenue or east of Agate Street is prohibited in 2022.

Section 3. Due to the severe drought conditions and the upcoming 4th of July holiday, an emergency is declared to exist and, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately.

Passed by the City Council this

21st day of June, 2021.

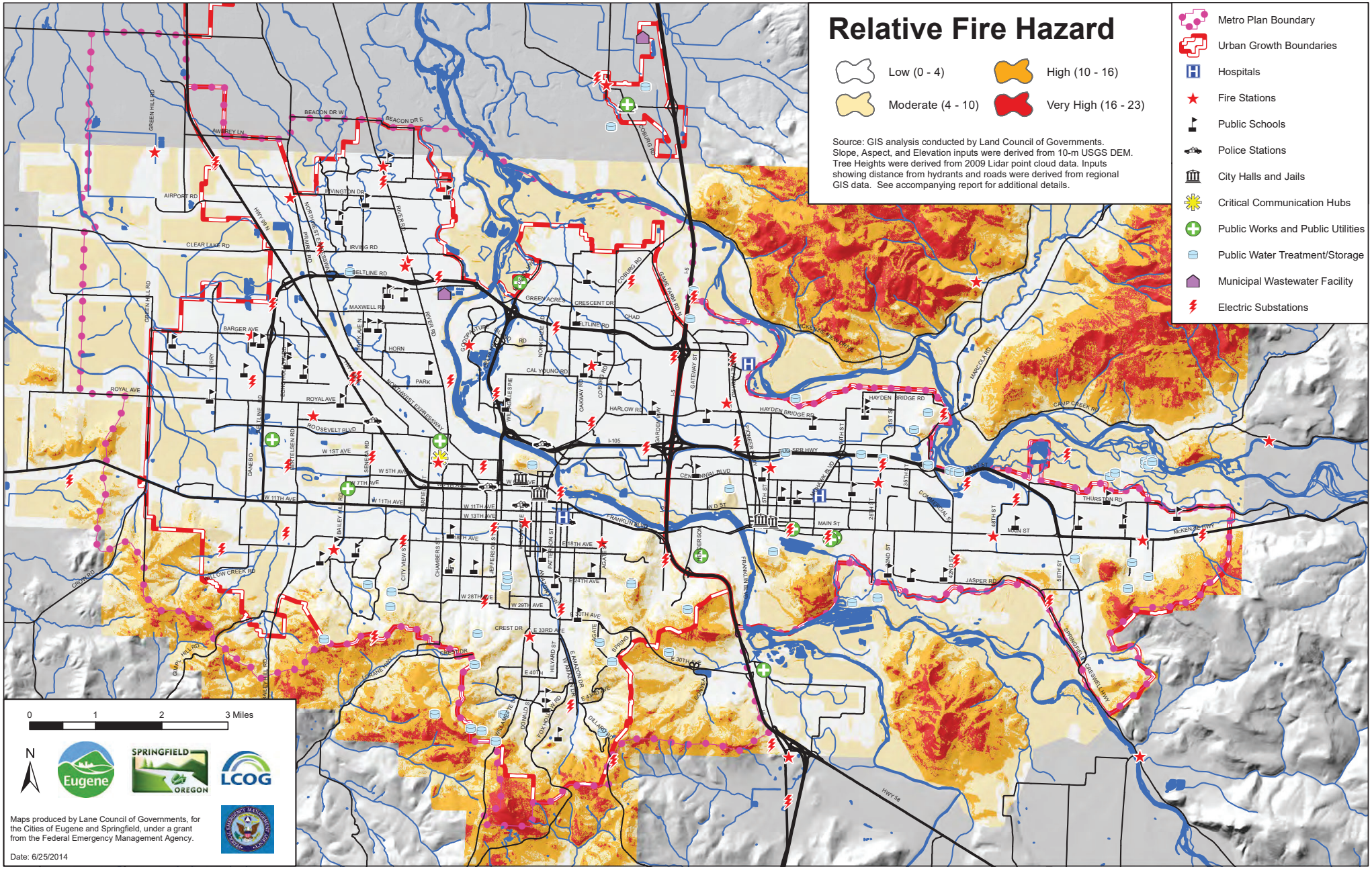
City Recorder - Deputy

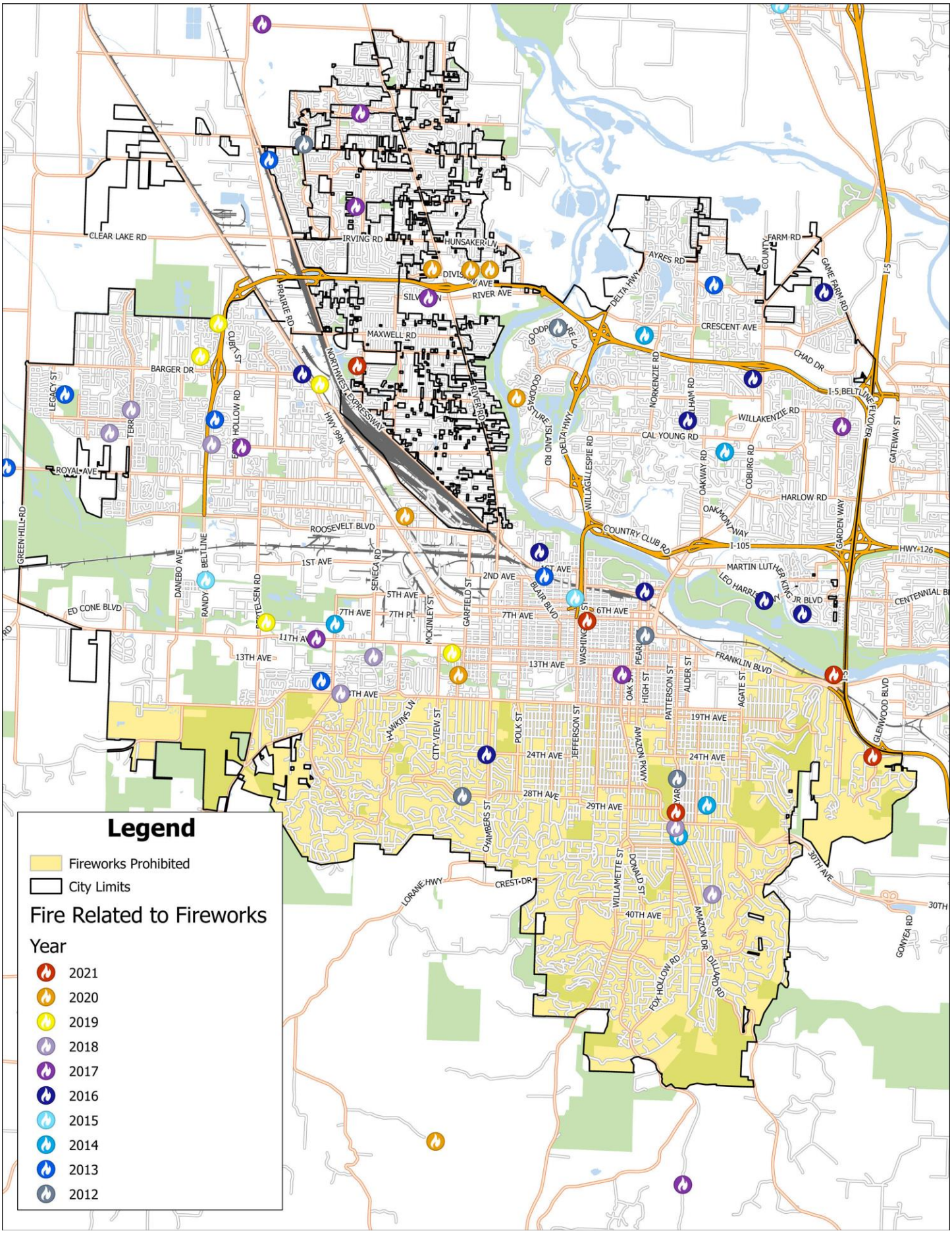
Approved by the Mayor this

23 day of June, 2021.

Lucy Vinis

Mayor


Relative Fire Hazard
Low (0 - 4)
Moderate (4 - 10)
High (10 - 16)
Very High (16 - 23)
Source: GIS analysis conducted by Land Council of Governments. Slope, Aspect, and Elevation inputs were derived from 10-m USGS DEM. Tree Heights were derived from 2009 Lidar point cloud data. Inputs showing distance from hydrants and roads were derived from regional GIS data. See accompanying report for additional details.
Metro Plan Boundary
Urban Growth Boundaries
Hospitals
Fire Stations
Public Schools
Police Stations
City Halls and Jails
Critical Communication Hubs
Public Works and Public Utilities
Public Water Treatment/Storage
Municipal Wastewater Facility
Electric Substations
0 1 2 3 Miles
N
Eugene
SPRINGFIELD OREGON
LCOG
Maps produced by Lane Council of Governments, for the Cities of Eugene and Springfield, under a grant from the Federal Emergency Management Agency.
Date: 6/25/2014


Legend
Fireworks Prohibited
City Limits
Fire Related to Fireworks
Year
2021
2020
2019
2018
2017
2016
2015
2014
2013
2012
CLEAR LAKE RD
IRVING RD
HUNSAKER LN
DIVISION AVE
RIVER AVE
SILVAN
MAXWELL RD
PRAIRIE RD
CUSICK ST
BARGER DR
LEGACY ST
HOLLOW RD
ROYAL AVE
HWY 99N
NORTHWEST EXPRESSWAY
RIVERSIDE DR
GOODPASTURE ISLAND RD
DELTA HWY
WILLAGILLESPIE RD
AYRES RD
COUNTY FARM RD
GAME FARM RD
I-5
CRESCENT AVE
CHAD DR
NORKENZIE RD
ELHAM RD
WILLAKENZIE RD
CAL YOUNG RD
I-5 BELTLINE
FLOWER
GATEWAY ST
OAKWAY RD
COBURG RD
HARLOW RD
OAKMONT WAY
GARDEN WAY
COUNTRY CLUB RD
I-105
HWY 126
MARTIN LUTHER KING JR BLVD
LEO HARRIS
CENTENNIAL BL
ROOSEVELT BLVD
1ST AVE
2ND AVE
5TH AVE
6TH AVE
7TH AVE
7TH PL
11TH AVE
13TH AVE
17TH AVE
GREEN HILL RD
DANEBO AVE
BELTLINE
RANDY
ED CONE BLVD
PETTELSEN RD
SENECA RD
GARFIELD ST
MCKINLEY ST
BLAIR BLVD
WASHINGTON ST
PEARL ST
OAK ST
HIGH ST
PATTERSON ST
ALDER ST
AGATE ST
FRANKLIN BLVD
GLENWOOD BLVD
19TH AVE
24TH AVE
28TH AVE
29TH AVE
30TH AVE
40TH AVE
HAWKINS LN
CITY VIEW ST
POLK ST
JEFFERSON ST
AMAZON PKWY
CHAMBERS ST
WILLAMETTE ST
DONALD ST
LORANE HWY
CREST DR
AMAZON DR
DILLARD RD
FOX HOLLOW RD
GONYEA RD