

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Declaring an
Emergency as a Result of Extreme
Temperature and Dry Conditions and
Ordering Measures to Reduce the
Risk of Fires by Human Activities



Resolution No. 2021-57

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WHEREAS, ORS 401.025(1) defines “Emergency” as “a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to: (a) Fire, . . . severe weather . . . drought”;

WHEREAS, ORS 401.309 authorizes the Board of County Commissioners as the governing body to declare a state of emergency within the County and to establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency;

WHEREAS, Clackamas County has been experiencing extremely hot temperatures and dry conditions for several days. New record high temperatures were recorded in the Portland metropolitan area. The forecast through the 4th of July holiday continues to call for hot and dry weather conditions;

WHEREAS, the hot and dry weather conditions contribute to drought-like conditions and also present a high fire danger;

WHEREAS, the National Weather Service has issued an Excessive Heat Warning for much of the state. High temperatures are forecasted for Clackamas County through Sunday, July 4, 2021;

WHEREAS, the extreme heat is contributing to already high fire danger within area forests;

WHEREAS, water levels in area lakes, reservoirs, rivers and streams are approaching all-time lows, and municipalities within Clackamas County are monitoring water use and encouraging users to implement volunteer reduction efforts due to a shortage of chlorine necessary for treatment;

WHEREAS, human activity can be a contributing cause to fires and wildfires. Such activity includes but is not limited to smoking, open burning of fires, use of heat generating or spark emitting vehicles, tools, and implements, and the use of both legal and illegal fireworks;

WHEREAS, the Fourth of July is Independence Day, a national holiday celebrating our nation’s independence and commemorating the Declaration of Independence on 1776. This holiday is frequently celebrated with both the public and private display of fireworks;

WHEREAS, due to the dry weather conditions and extreme heat forecasted for the Pacific Northwest region, the use of fireworks within the region during the Fourth of July holiday presents a high likelihood of fire danger;

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WHEREAS, there is a critical need to preserve water resources and not overly tax existing emergency response capacities within the region;

WHEREAS, Clark County, Washington has prohibited the sale and use of fireworks, and the City of Portland, the City of Tualatin, the City of Milwaukie, and the City of Wilsonville, among others, have prohibited the use of fireworks during the July 4th weekend holiday;

WHEREAS, a number of other Oregon Counties, such as Deschutes, Wasco, Lane, are considering declaring emergencies and imposing bans on legal fireworks;

WHEREAS, Governor Brown has invoked the Emergency Conflagration Act in response to the Wrentham Market Fire that broke out in Wasco County and that a threat to life, safety, and property exist due to the fire, and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment;

WHEREAS, due to these hot and dry weather conditions, the U.S. Forest Service has prohibited all fireworks, campfires, charcoal or briquette fires, pellet fires, or any other open fires through the Mt. Hood National Forest, Gifford Pinchot National Forest, and Forest Service Lands within the Columbia River Gorge National Scenic Area;

WHEREAS, Chief Browne and the Board of Directors of the Clackamas Fire District #1 have requested that the Board of County Commissioners impose a ban on legal fireworks; and

WHEREAS, ORS 401.309 and the Clackamas County Emergency Operations Plan authorize the county governing body to declare a state of emergency within the county or within a designated portion of the county and to establish procedures to prepare for and carry out activities which are necessary to prevent, minimize, respond to, or recover from an emergency; now therefore,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. Pursuant to ORS 401.309 and the Clackamas County Code Chapter 6.03, a local emergency is declared to exist throughout Clackamas County due to the significant fire danger occasioned by the record-breaking excessive heat conditions occurring throughout the region and projected to continue through at least July 4, 2021, and likely beyond;
2. Pursuant to the authority provided in ORS Chapter 401, County Code Chapter 6.03, and ORS 480.160, the governing body orders that the use of any and all fireworks, as defined by ORS 480.111, within the unincorporated area of Clackamas County

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during this declared emergency is strictly prohibited. Violations of this order are a civil penalty subject to a \$500 fine. For purposes of these prohibitions, "use" includes lighting, exploding, or igniting in any way. Use of fireworks that are illegal under state law continue to be prohibited at all times;

3. Prohibiting the open burning of any fires;
4. The public is urged to celebrate the Fourth of July holiday in a safe and orderly manner and without resorting to the use of fireworks;
5. The public is discouraged from engaging in any activities that, if not carefully performed, could result in fires. Such activities includes, but are not limited to, use of fireworks, smoking, open burning of fires, use of heat generating or other spark emitting vehicles, tools, and implements;
6. As appropriate, Clackamas County will coordinate the implementation, education, response, and recovery of this emergency with local and state jurisdictions, including the Clackamas County Fire Defense Board, Clackamas Fire District No. 1, Tualatin Valley Fire and Rescue, and all other district and municipal fire departments;
7. That efforts be made to fully educate County residents on the dangers of improper and careless use of any fireworks or other spark or heat emitting devices and the fire risk dangers imposed by the use of such devices, whether legal or illegal under Oregon law; and
8. This Resolution is effective upon signing and will remain in effect, unless otherwise amended, revoked or extended, until July 10, 2021.

DATED this 1st day of July 2021.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS


Chair


Recording Secretary