

## ORDINANCE NO. NS-2512

### AN ORDINANCE AMENDING BEND MUNICIPAL CODE CHAPTER 5.30.005, OPEN BURNING PROHIBITED

#### Findings:

A. The City of Bend Municipal Code generally prohibits open burning and outdoor fires within the city, subject to certain very limited exceptions and certain kinds of open burning and open fires that are specifically authorized by the code.

B. Bend Municipal Code 5.30.005 currently allows open burn fires initiated by Bend Fire and Rescue (formerly known as the City of Bend Fire Department) for training purposes, but does not allow initiation or authorization of fires for fuel reduction.

C. The code's limits on open burning have made it difficult for the City, including Bend Fire and Rescue, to address the need to consider using burning as a fuels reduction method, where appropriate, to mitigate fire risk to persons and property in the city.

D. At least one neighborhood in Bend has been seeking to create defensible space between the Deschutes River Canyon and homes in the neighborhood. In scenarios such as this, use of fire may be the best, most appropriate, and/or most feasible means of fuel reduction. However, under the current code, burning for this purpose is not allowed, and Bend Fire and Rescue does not have the discretion to approve a request to use fire for fuel reduction.

E. The City Council finds that the City needs more flexibility to address fire risk within the city as the city changes and develops, and as climate change presents increasing threats of potentially catastrophic fires that can threaten life and property in the city.

F. The Council finds that in certain scenarios, Bend Fire and Rescue should have the discretion to consider and authorize requests for properly planned and professionally managed burning to mitigate fire risk within the city.

G. This Ordinance amends the Municipal Code to provide that flexibility for the purpose of addressing the risk of wildfire. Other than those already authorized by the code, only those fires authorized or initiated by Bend Fire and Rescue may be used for fuel reduction purposes. All fires and burning not explicitly authorized by the code remain prohibited.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Code Chapter 5.30.005 is amended as shown on the attached Exhibit A.

Section 2. All other provisions of Bend Municipal Code remain unchanged and in full effect.


Section 3. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First reading: October 16, 2024

Second reading and adoption by roll call vote: November 6, 2024

YES: Mayor Melanie Kebler  
Mayor Pro Tem Megan Perkins  
Councilor Anthony Broadman  
Councilor Ariel Méndez  
Councilor Mike Riley  
Councilor Megan Norris

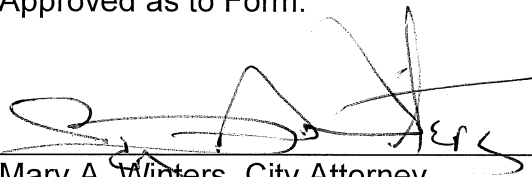
NO: none

  
\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:

  
\_\_\_\_\_  
Morgen Fry, City Recorder

Approved as to Form:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney

### **5.30.005 Open Burning Prohibited.**

A. Except as authorized by this section, no person shall start or maintain an outdoor fire within the boundaries of the City of Bend for the following purposes:

1. The burning of any refuse, garbage, or other waste products as described in the City of Bend Fire Department Outdoor Burning Regulations;
2. The burning of any yard debris including but not limited to branches, leaves and pine needles;
3. The burning of any construction or demolition waste;
4. Field, ditch or weed burning.

B. The following open burning is allowed subject to compliance with the provisions in the most recent fire code as adopted by the City of Bend and the Fire Department's Outdoor Burning Regulations, including but not limited to any applicable permit requirements:

1. Fires initiated and/or authorized by the Fire Department for training and/or fuel reduction purposes ~~which are approved by the Oregon Department of Environmental Quality~~;
2. Campfires, warming fires, cooking fires, outdoor fireplaces, outdoor kiln fires and other approved similar type fires that are not more than three feet in diameter;
3. Cooking pits approved by the City of Bend Fire Department;
4. Weed control by the City, County, or State within developed streets.

C. A violation of this section is a Class B civil infraction. [Ord. NS-2142, 2010]

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**The Bend Code is current through Ordinance NS-2488, passed December 20, 2023.**

Disclaimer: The city recorder's office has the official version of the Bend Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.bendoregon.gov](http://www.bendoregon.gov)

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