

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