



# ***DRAFT ORDINANCE NO. 26-726***

**AN ORDINANCE OF THE CITY OF WINSTON, OREGON, CITY COUNCIL, AMENDING TITLE IX OF THE WINSTON MUNICIPAL CODE SECTION 90.036(B)(1) TO REPLACE FIXED MONTHS FOR RESIDENTIAL YARD-WASTE BURNING WITH FIRE-SEASON AND BURN-RESTRICTION STANDARDS CONSISTENT WITH DOUGLAS FOREST PROTECTIVE ASSOCIATION (DFPA) REQUIREMENTS.**

**WHEREAS**, Winston Municipal Code Section 90.036(B)(1), as amended by Ordinance No. 20-668, currently allows residential yard waste burning during the months of April and May and October and November; and,

**WHEREAS**, DFPA regulates debris burning on lands within its protection jurisdiction based on the declaration of fire season and current public-use restrictions rather than by a fixed municipal calendar; and,

**WHEREAS**, during DFPA fire season, outdoor debris burning, including debris piles, is prohibited when DFPA public-use restrictions prohibit such burning, and DFPA may require a written burn permit when burning is otherwise authorized during fire season(burn barrels fully prohibited all year); and,

**WHEREAS**, outside of fire season, DFPA does not require a DFPA permit for backyard debris burning outside incorporated cities, while local fire districts, cities, and other agencies may impose additional restrictions; and,

**WHEREAS**, the City Council desires to remove the fixed April-May and October-November burning periods and instead condition residential yard-waste burning within the City upon current fire-season declarations, burn bans, and restrictions issued by DFPA and other agencies having jurisdiction; and,

**WHEREAS**, all residential yard-waste burning remains subject to applicable Oregon Department of Environmental Quality requirements, Central Douglas Fire & Rescue restrictions, Oregon fire-safety requirements, and all other provisions of Winston Municipal Code Section 90.036.

**NOW, THEREFORE, THE CITY OF WINSTON, OREGON, CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Municipal Code Title IX Section 90.036(B)(1) is hereby amended to read as follows:

**90.036(B)(1) Residential Yard-Waste Burning.** Residential yard waste generated on the property where it is burned may be burned only when all of the following conditions are satisfied:

- (a) No declaration of fire season, public-use restriction, burn ban, total burn closure, or other restriction issued by the Douglas Forest Protective Association (DFPA), Central Douglas Fire & Rescue, Oregon State Fire Marshal, Oregon Department of Environmental Quality (DEQ), or other agency having jurisdiction prohibits the proposed burning;
- (b) If DFPA fire season is in effect, no residential yard-waste burning may occur when DFPA public-use restrictions prohibit debris burning. If debris burning is allowed during fire season only by written permit, the person conducting the burn must first obtain the

required written permit from DFPA or the local fire department or other agency authorized to issue the permit;

- (c) The person conducting the burn shall verify, immediately before ignition, that residential debris burning is currently allowed under applicable DFPA and Central Douglas Fire & Rescue restrictions and shall comply with any conditions, hours, equipment requirements, fire-trail requirements, permit requirements, or other restrictions then in effect;
- (d) The burning complies with all applicable DEQ open-burning requirements, including restrictions on materials that may be burned, smoke and air-quality requirements, and any applicable burning-hour or permit requirements; and
- (e) The burning complies with all other requirements of Winston Municipal Code Section 90.036. Nothing in this subsection authorizes burning that is prohibited by federal law, state law, administrative rule, fire-district restriction, DFPA restriction, or another provision of the Winston Municipal Code.

**SECTION 2.** The fixed calendar-month limitation previously contained in Section 90.036(B)(1) - April and May, and October and November - is repealed and replaced by the standards stated in Section 1 of this Ordinance.

**SECTION 3.** For purposes of administering Section 90.036(B)(1), the City may rely upon the current fire-season declarations, public-use restrictions, burn bans, burn closures, and burn-permit requirements published or issued by DFPA, Central Douglas Fire & Rescue, DEQ, the Oregon State Fire Marshal, or another agency having jurisdiction. The most restrictive applicable requirement shall control.

**SECTION 4.** This Ordinance does not expand the geographic jurisdiction of DFPA. DFPA declarations and restrictions are incorporated into the City's burning standard as a local condition on residential yard-waste burning within the City of Winston.

**SECTION 5.** This Ordinance is effective on the thirtieth day following its adoption.

**FIRST READING BY THE CITY OF WINSTON, OREGON, CITY COUNCIL, ON THIS 5TH DAY OF OCTOBER 2026.**