

# Clackamas Fire District #1



June 29, 2021

## Clackamas Fire Statement on Fireworks Prohibitions

**With record breaking weather and drought conditions in 2021, Clackamas Fire is urging people to not use fireworks this year. Please consider attending a public display, watch fireworks on television or celebrate with friends and family without the use of fireworks.**

Clackamas Fire often receives inquiries about the sale and use of fireworks each Fourth of July. The laws related to fireworks in Oregon can be complex. Below are answers to commonly asked questions.

**Can Clackamas Fire ban the use of Oregon Legal fireworks?** No. As a rural fire protection district, Clackamas Fire does not have the legal authority to ban the use of retail fireworks. ORS 480.160(4)(c) specifically prohibits a fire district from banning the use of Oregon legal fireworks.

**Can other governments ban the use of retail fireworks?** City governments have the authority to ban the use of fireworks under broad “home rule” authority and state of emergency powers. The cities of Ashland and Eugene have ordinances prohibiting use of fireworks in some or all of their city. Other cities enacted temporary emergency rules after the September 2020 wildfires that included broad prohibitions on activities that produced sparks or flames, including fireworks.

**Can Clackamas Fire ban professional fireworks displays?** Yes, but only if a proposed firework display is found to pose a fire danger to the public per ORS 480.140. Clackamas Fire reviews each display application to ensure it meets fire safety requirements, it also must be approved by the applicable police or sheriff’s office, and then it is reviewed by the State Fire Marshal before approval. We encourage the public to leave fireworks to the “professionals”, and we work with display operators to ensure fireworks displays can safely be performed.

**Is use of retail fireworks prohibited during a Clackamas Fire High-Fire Hazard Burn Ban?** Unfortunately, no. The scope of burn season regulations under ORS 478.960 is strictly related to open burning of yard debris, domestic wastes, field burning and related open burning of materials. It does not include authority to ban the use of fireworks.

**Who enforces laws related to use of illegal fireworks in Oregon?** Law enforcement agencies enforce criminal laws related to the use of illegal fireworks in Oregon. Depending on the nature of the crime, a wide variety of criminal charges may be cited ranging from reckless burning, criminal mischief, reckless endangerment and more with fines up to \$2500 per violation. People can also be held civilly liable for damage caused by improper use of any fireworks -legal or illegal.