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**City of Yachats
Ordinance No. 343**

**An Ordinance Amending The Yachats Municipal Code Chapter 5.12 - Burning, And
Declaring An Emergency**

Whereas, the City Council adopted Ordinance No. 316 to add Chapter 5.12 – Burning following numerous discussions about a burn ban and alternative methods of yard debris; and

Whereas, it was not the City Council’s intent to include barbecue grills as a use that required a permit by the Fire District;

Now therefore, the City of Yachats ordains that Chapter 5.12 – Burning is hereby amended as follows:

Section 1. – Amendment to Municipal Code Section 5.12.020

Section 5.12.020 is hereby amended to read:

5.12.020 Outdoor burning prohibited – Exceptions.

No owner or other person responsible shall cause or allow to be initiated or continued on the owner’s property any agricultural, commercial, construction, demolition, domestic, or industrial outdoor burning, except that the following shall not be prohibited by this section:

A. A fire used only for ceremonial or cooking purposes and fueled only by commercially available fireplace or barbecue fuel or by wood, with the fire contained in a fireplace, ~~barbecue grill, chinaria~~[chiminea](#), or other similar structure or equipment (but not a burn barrel) specifically designed for outdoor ceremonial or cooking purposes and permitted by the Yachats Rural Fire Protection District;

B. A fire set or permitted by The Yachats Rural Fire Protection District when in the opinion of the district fire chief the fire is necessary or appropriate for the performance of the district’s official duty for fire fighting or fire protection training;

C. A fire set or permitted by The Yachats Rural Fire Protection District and in accord with such conditions and restrictions as the fire chief deems appropriate, when in the opinion of the fire chief the fire is necessary or appropriate for fire fighting, fire prevention, or fire protection purposes;

D. A fire set or permitted by The Yachats Rural Fire Protection District and in accord with such conditions and restrictions as the fire chief deems appropriate, when the City Council has issued a written declaration of emergency and authorization of the fire on the ground that a hazard to the public health or safety cannot be removed or disposed of in any other practical manner;

E. A fire permitted by the Yachats Rural Fire Protection District on properties over five acres, provided mechanical means, as approved by the Fire District, for introducing oxygen to accelerate the burn are used;

F. A campfire in a firepit structure provided by the State of Oregon in any State Park.

G. A barbecue grill.

Section 2. - Adoption and Declaring an Emergency

1 The adoption of this Ordinance is necessary to preserve peace, health, safety and welfare of the
2 citizens of the City, an emergency is hereby declared to exist and this ordinance shall be in full
3 force and effect immediately upon its adoption by the City Council.

4
5 **Passed and adopted** by the City Council of the City of Yachats on this _____ day of
6 _____.

7
8 Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

9
10 **Approved** by the Mayor this ____ day of _____.

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Attest:

Ronald L Brean, Mayor

Nancy Batchelder, City Recorder