

City Council Action Item Cover Sheet

DATE: December 5, 2018

Agenda Item:

Ordinance 5.12.020(a)

Question Before Council:

Receive information from the Yachats Fire Department regarding 5.12.020(a)

Person/Group Initiating Request:

Fire Department

Item Summary/Background:

Ordinance 5.12 is attached

Yachats Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 5 - Health and Safety](#)**Chapter 5.12 - Burning**

5.12.010 Definitions.

As used in this chapter:

“Agricultural outdoor burning” means the outdoor burning of any agricultural waste.

“Agricultural waste” means any waste material generated or used by an agricultural operation.

“Commercial outdoor burning” means the outdoor burning of any commercial waste.

“Commercial waste” means any waste material generated or used by a commercial operation. Examples of commercial waste are waste from offices, wholesale or retail yards and outlets, warehouses, restaurants, and recreational vehicle parks.

“Construction outdoor burning” means the outdoor burning of any construction waste.

“Construction waste” means any waste material used for, resulting from, or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of a construction site.

“Demolition outdoor burning” means the outdoor burning of demolition waste.

“Demolition waste” means any material resulting from or produced by the complete or partial destruction or tearing down of any human-made structure or the clearing of any site for land improvement or cleanup.

“Domestic outdoor burning” means the outdoor burning of any domestic waste.

“Domestic waste” means household waste material. Examples of household waste are paper, cardboard, clothing, yard debris, and other material generated in or around a dwelling or on the property appurtenant to a dwelling.

“Industrial outdoor burning” means the outdoor burning of any industrial waste.

“Industrial waste” means any waste material, including process waste, produced as the direct result of any manufacturing or industrial process.

“Outdoor burning” means burning in outdoor open fires; burning in outdoor burn barrels; burning in outdoor incinerators; and burning of waste materials in any other outdoor structures or equipment.

“Person” means a natural person, firm, partnership, association, public or municipal corporation, political subdivision, or state or federal government or agency thereof.

“Person in charge of property” means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervising a construction project on the property.

“Person responsible” means an owner of property, a person in charge of property, and the person who caused or maintained outdoor burning on property.

“Waste” means any useless or discarded materials.

“Yard debris” means wood, needle, or leaf materials from trees, shrubs, plants, or grass from the real property appurtenant to a dwelling. (Ord. 316, 2012)

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, 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 (5) 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. (Ord. 343 § 1, 2016; Ord. 316, 2012)

5.12.030 Violations—Penalty—Injunction.

A. Any person who violates Section 5.12.020 commits a Class C civil infraction.

B. Each fire that violates Section 5.12.020 constitutes a separate violation.

C. Each day that a fire continues in violation of Section 5.12.020 constitutes a separate violation.

D. The City may, in addition or as an alternative to other remedies, institute injunctive or other appropriate proceedings to prevent or enjoin violations of Section 5.12.020 (Ord. 316, 2012)

View the [mobile version](#).