ORDINANCE NO. 2016-22

A ORDINANCE DECLARING AN EMERGENCY AND SUSPENDING ANY TYPE OF FIRES/OPEN BURNING IN THE UNINCORPORATED AREAS OF ASOTIN COUNTY

WHEREAS, this summer 2016 continues to experience warm and dry weather resulting in extreme fire hazard conditions; and

WHEREAS, the Lewiston-Clarkston valley, at times, experiences air quality levels that are less than desirable.

WHEREAS, the Asotin County Fire Marshal is authorized to determine when extreme conditions merit the closure of fires and open burning within the unincorporated areas of Asotin County.

NOW THEREFORE, the Asotin County Board of Commissioners recognizes the increased threat to public safety caused by these conditions. In response thereto, the Board does declare an emergency in order to avoid time consuming notice requirements so that a timely response may be made to the present hazard and finally does; and

HEREBY RESOLVED, that all fires and open burning in the unincorporated areas of Asotin County is hereby suspended until further Ordinance is adopted lifting such suspension.

Exceptions:

1. Campfires will be permitted within designated fire pits at Chief Timothy Park (island only) unless a Washington State-wide Burn Ban is enacted.
2. Throughout the unincorporated areas of Asotin County, approved propane fire rings, approved propane and charcoal barbeques are allowed.

Penalty for Violation: Any person who violates any provisions of this Ordinance shall incur a civil penalty. The penalty for the first violation of this Ordinance shall be $200.00, and the first $100.00 of this penalty shall not be suspended or deferred. The penalty for a second violation of the same section of this Ordinance shall be $500.00, and the first $300.00 shall not be suspended or deferred. The penalty for a third violation of the same section shall be up to $1,000.00 and the first $500.00 shall not be suspended or deferred. The penalty for a fourth violation of the same section shall be up to $10,000.00 in accordance with RCW 70.94.431 (1), and the first $1,000.00 shall not be suspended or deferred. For each violation of a continuing nature, each day shall constitute a separate offense. A notice of infraction may be issued by the Sheriff, a commissioned Deputy Sheriff or designee, or such persons designated by the Asotin County Legislative Authority.

In addition to the fines above, in the event of an illegal burn, the Board of County Commissioners may charge any costs of response or costs incurred for fire suppression, testing of materials, or investigation to the property owner and/or any responsible parties involved.

THE EFFECTIVE DATE OF THIS ORDINANCE IS IMMEDIATE AND SHALL CONTINUE UNTIL FURTHER ORDINANCE IS ADOPTED LIFTING SUCH SUSPENSION

ADOPTED by the Board of County Commissioners of Asotin County, Washington, at a regular meeting thereof held on 18th July, 2016.

ATTEST:

~~Vivian Bly~~

"Acting" Clerk of the Board

APPROVED AS TO FORM:

~~Benjamin Nichols~~ Robert A. Lehman

Deputy Prosecuting Attorney

WSBA ~~#23006~~ 47783

ASOTIN COUNTY BOARD OF COMMISSIONERS

Brian Shinn, Chairman

Jim Fuller, Vice Chair

Jim Jeffords, Member

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