

**ORDINANCE NO. 19-17**

**AN ORDINANCE REGULATING ASSORTED BURNING AND FIRE HAZARDS**

WHEREAS, Asotin County is experiencing an increase in non-structural fire emergency responses and deteriorating air quality, and

WHEREAS, there is a lack of fire suppression services in rural areas of the County, and

WHEREAS, the revisions set forth are consistent if not more restrictive than the guidelines established by the Washington State Department of Ecology, and

WHEREAS, the Board of County Commissioners has the duty to assure public health, safety, and protection of property.

WHEREAS, The Board of County Commissioners held a public hearing regarding the Ordinance on March 18, 2019.

THEREFORE BE IT ORDAINED, that the following standards, requirements and processes for the controlled burning, recreational fires, other assorted burns and fire hazards be adopted as written.

**ARTICLE I. INTRODUCTORY PROVISIONS**

I-01 PURPOSE. The purpose of this Ordinance shall be to assist with maintaining air quality and with the prevention of wild fires and other damaging fires that are caused by recreational fires, camp fires, barbecues, weed control fires, or other burning, and to restrict controlled burning, as determined by the Fire Marshal and/or designee. Fireworks shall be regulated by a separate County Ordinance. The following standards, requirements and processes are necessary for the health, safety, and general welfare and convenience of the inhabitants of Asotin County.

I-02 APPLICABILITY. Controlled burning as defined by this Ordinance within the Controlled Burning Area Boundary as outlined in the following description:

Beginning at the intersection of the centerline of the Snake River and the west line of Section 24, Township 11 North, Range 45 East W.M.: thence southerly along the west line of said Section 24, and 25 of said T 11 N, R 45E, W.M.; thence westerly along the north line of Section 35 and 34; thence south along the westerly line of Section 34, T11N, R45E, W.M, and Section 3, T10N, R45E, W.M.; thence easterly along the south line of Section 3 and 2; thence southerly along the west line of Section 12; thence easterly along the south line of Section 12, T10N, R45E W.M, and to the southeast corner of Section 7, T10N, R46E, W.M; thence south along the east line of Sections 18 and 19 to the southwest corner of Section 20; thence easterly along the south section lines of Section 20, 21, and 22, to its' intersection with centerline of the Snake River; thence northerly and westerly along the center of the Snake River to the Place of Beginning.

This area of the unincorporated areas of the County shall be subject to the conditions hereinafter set forth. Exempting those areas within the corporate limits of the City of Clarkston and the City of Asotin. Fire Hazard mitigation as described in "Article III, Fire Prevention" and IV-01(c) "Combustible Material" shall be subject County wide to the conditions herein after set forth.

Exempting those areas within the corporate limits of the City of Clarkston, City of Asotin and within the Umatilla National Forest.

I-03 DEFINITIONS. For the purpose of this Ordinance, the following words shall have the meanings ascribed to them:

“Agricultural Burning” means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices. (WAC 173.430.020(1)). Agricultural burning can only be conducted in “Agricultural”, “Ag-Transitional”, “Rural Residential”, “Recreation and Open Space” Zones within the County, and will be regulated by jurisdictions having authority.

“Air Stagnation” means there is a lack of air movement.

“Bonfire” is the open burning of cut trees, vegetation or lumber.

“Campfire” see “Recreational Fire”

“Combustible Waste Matter” includes magazines, books, trimmings from lawns, trees or flower gardens, pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, boxes, rubbish, and refuse that will ignite through contact with flames of ordinary temperatures.

“Control Officer” means the Asotin County Fire Marshal or designee.

“Controlled Burning” is the burning of a bonfire, rubbish fire, or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit.

“Episode” is a period when a forecast, alert, warning, or emergency air pollution stage is declared by the Control Officer or applicable State or Federal Agencies.

“Fire Hazard” is any thing or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

“Fireworks” are devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation.

“Fuel Break” is a strip or block of land on which the vegetation has been permanently modified so that fires burning into it will not propagate across it.

“Hogged Material” is a mixture of bark, chips, dust or other pieces of natural wood by-products.

“Owner” includes persons having vested or contingent interest in the property in question and their duly authorized agents or attorneys, purchasers, devisees and fiduciaries.

“Public Nuisance” is the existence of dry and drying weeds, rubbish and waste material on property, lands or premises which is dangerous or injurious to that or neighboring property, lands or premises and which is detrimental to the welfare of the occupants or residents of the vicinity.

“Recreational Fire” is the burning of materials for pleasure, other than rubbish where fuel being burned is either directly on the ground or contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking or similar purposes.

“Rubbish” is waste material including, but not limited to, garbage, waste paper and debris from construction or demolition.

## ARTICLE II. BURNING

II-01 PROHIBITED BURNING. Certain materials, appliances and types of burning will be prohibited.

II-01(a), Incinerators shall be prohibited unless they are constructed in accordance with State of Washington, Dept. of Ecology Air Quality Division standards.

II-01(b), Interior solid fuel appliances such as wood stoves shall not be used to burn those prohibited items listed in this section.

II-01(c), Burn Barrels shall be prohibited at all times according to State Law. (WAC 173-425)

II-01(d), Impaired Air Quality / “Episode’s”. Burning shall be prohibited during periods of air stagnation as declared by the State of Washington, Board of County Commissioners, or the Control Officer.

II-01(e), Fire Danger / “Episode’s”. Burning shall be prohibited during periods of dry, and/or windy periods as determined by the Fire Marshal or designee

II-01(f), It is illegal, at any time, to burn garbage, rubbish, trade wastes, grass, salvageable material, agricultural wastes and other wastes, including, but not limited to:

- a) Garbage
- b) Oil, grease, or asphalt
- c) Lawn clippings
- d) Junked motor vehicles
- e) Commercial or industrial waste
- f) Rubber
- g) Dead animals
- h) Demolition debris

- i) Asphalt shingles
- j) Railroad ties
- k) Telephone poles
- l) Leaves
- m) Fence poles (treated)
- n) Building materials
- o) Green vegetation
- p) Any substances, which emits dense smoke or obnoxious odors
- q) Pallets

II-01(g), Burning shall be conducted on the property where the materials originated. It shall be unlawful to burn materials that have been relocated to another property or transported into Asotin County for the purpose of burning.

II-01(h), No person shall accept material for disposal or the purpose of burning that was not generated on the property where the burn is to be conducted.

II-02 CONTROLLED BURNING. Controlled burning will not be allowed except where the following applies.

II-02(a), Unless restricted by the Control Officer or designee, controlled burning will be allowed from April 1 through May 31, and October 15 through December 15.

II-02(b), When allowed, controlled burning shall only be conducted from 9:00 AM to 4:00 PM daily. All fires must be completely extinguished including all embers by 4:00 PM.

II-02(c), The control officer may allow controlled burning during the open burning periods upon compliance of all of the following conditions...

1) The weather conditions are satisfactory for good smoke dissipation, and no episode has been declared by the Washington State Department of Ecology and that no period of air stagnation or impaired air quality has been determined by the control officer. (Call 243-2002 for information)

2) The person conducting the controlled burn is in legal control of the lot or parcel of land on which the burning is to be done.

3) The person conducting the controlled burn has taken all precautions that any smoke caused by the fire will rise up and away from neighbors, highways, or populated areas.

4) The fire will at all times be at a distance of at least 50 feet from any building, structure or combustible material.

5) A garden hose and water supply or other adequate fire extinguishing equipment shall be on hand until all fire is extinguished.

- 6) A competent person shall be in attendance until all the fire is extinguished.
- 7) The size of the fire may not be larger than four feet by four feet, by three feet high. (4'x4'x3')

II-03, EXEMPTIONS. Certain types of burning are not regulated during or outside of the annual controlled burning period.

II-03(a), The following activities are exempt under the terms of Section II-02 Restrictive Controlled Burning...

- 1) Barbeques
- 2) Ceremonies
- 3) Fireplaces
- 4) Campfires
- 5) Manufactured portable patio heaters
- 6) Fire Training ( for official fire fighting personnel with permission of the Control Officer or designee)
- 7) Weed/fire hazard control by government agencies
- 8) Cemetery maintenance (by Department of Ecology permit only).
- 9) Agricultural burning shall be controlled by the Jurisdiction having Authority.

II-03(b), The Fire Control Officer or designee shall have the authority to disallow any burn, if in his or her judgement the burn would not be in the best interest of the safety or well being of the neighborhood or community.

II-03(c), During the controlled burning period the Fire Control Officer or designee shall, on a daily basis provide a telephone recording (243-2002) or equivalent which citizens can access, information of weather conditions for controlled burning as outlined in Section II-02. The telephone number shall be promoted and made available through the local media.

II-03(d), In the event smoke and odor, etc. drifts to a neighbor or populated area and such occurrence causes a verbal complaint made to the Fire Control Officer or designee, the fire will be evaluated and possibly ordered terminated.

### **ARTICLE III. FIRE PREVENTION**

#### **III-01 GENERAL**

The International Fire Code and this Ordinance, as adopted by Asotin County provides the means to assist with the mitigation of fire hazards and to enforce applicable corrections as determined by the Control Officer or appointed representative.

III-02 RECREATIONAL FIRES. Certain burning will be allowable based on weather conditions, location, type and method of burn.

III-02(a), Recreational fires shall be conducted no closer than 25 feet of a structure or combustible material and shall be contained in a steel fire ring, fire pan, approved containment device (except burn barrels), or manufactured fireplace or campfire appliance. Rock fire rings may be used on private property only. Combustible materials within 25 ft. of the fire be shall be eliminated prior to ignition.

III-02(a)1, It is illegal, at any time, to burn those items listed in Section II-01(f) in a recreational fire. A recreational fire is not intended for the disposal of waste materials.

III-02(a)2, The deposit of non-combustible materials, bottles, cans, nails, metals, or trash of any kind in a recreational fire can be a violation of this and other applicable statutes.

III-02(a)3, Each recreational fire shall be constantly attended by a person capable of extinguishing the fire with a garden hose hooked to a water supply, a fire extinguisher, or buckets and shovels.

III-03, Barbecue pits shall be constructed of concrete or approved noncombustible materials and shall not be located within 10 feet of combustible walls, roofs, or other combustible materials.

## IV COMBUSTIBLE MATERIALS

### IV-01 GENERAL

Storage, accumulation, use and handling of combustible materials shall be in accordance with the following sections.

IV-01(a), Rubbish accumulation within and adjacent to buildings or structures shall be in containers of noncombustible construction. Containers larger than 40 gallons (5 1/3 cf.) shall be provided with noncombustible lids.

IV-01(b), Combustible vegetation, cut or uncut weeds, grass, over twelve inches (12") in height, vines, and other vegetation shall be removed when determined by the Chief, and/or Fire Marshal or designee to be a fire hazard. When it is determined that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.

IV-01(c), Hogged material shall not be used for embankment construction for depths greater than 2 feet due to the possibility of spontaneous combustion. This does not restrict its use for thinner landscaping applications.

## ARTICLE V. ENFORCEMENT

### V-01 DISCONTINUANCE

IV-01(a), Asotin County reserves the right to restrict, cancel or mitigate burning, fire hazards and other aspects of this Ordinance as written.

### V-02 PENALTIES

IV-02(a), Any person who violates any of the provisions of this Ordinance as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the appropriate appeal process, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, shall incur a civil penalty. The penalty for the first violation shall be \$200.00. The first \$100.00 of this penalty shall not be suspended or deferred. The penalty for a second violation of this Ordinance shall be \$500.00, and the first \$300.00 of this penalty shall not be suspended or deferred. The penalty for a third violation of the same section of this Ordinance shall be \$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.

IV-02(b), The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

IV-02(c), In addition to the fines above, in the event of a violation, the Board of County Commissioners may charge any suppression costs, investigative costs or costs of testing materials to the property owner and/or any responsible parties involved.

### V-03 REPEALER

Asotin County Ordinance No. 06-14 is hereby repealed in its entirety.

### V-04 SEVERABILITY

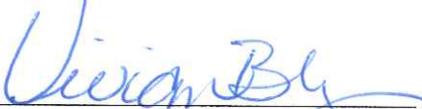
If any section, subsection, sentence, clause, phrase or portion of this Ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect, invalidate or nullify the remaining portions of this Ordinance.

VI-05 EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after its approval as required by law.

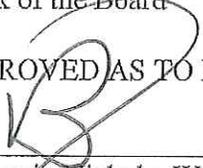
Dated this 25 day of March, 2019

ATTEST:



Vivian Bly  
Clerk of the Board

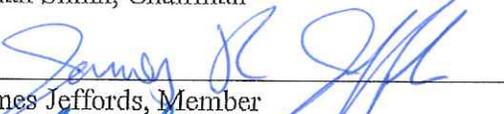
APPROVED AS TO FORM

  
Benjamin Nichols, WSBA #23006  
Prosecuting Attorney

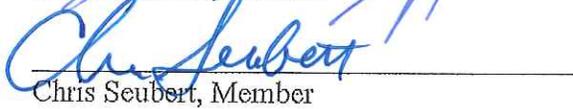
ASOTIN COUNTY BOARD OF  
COMMISSIONERS



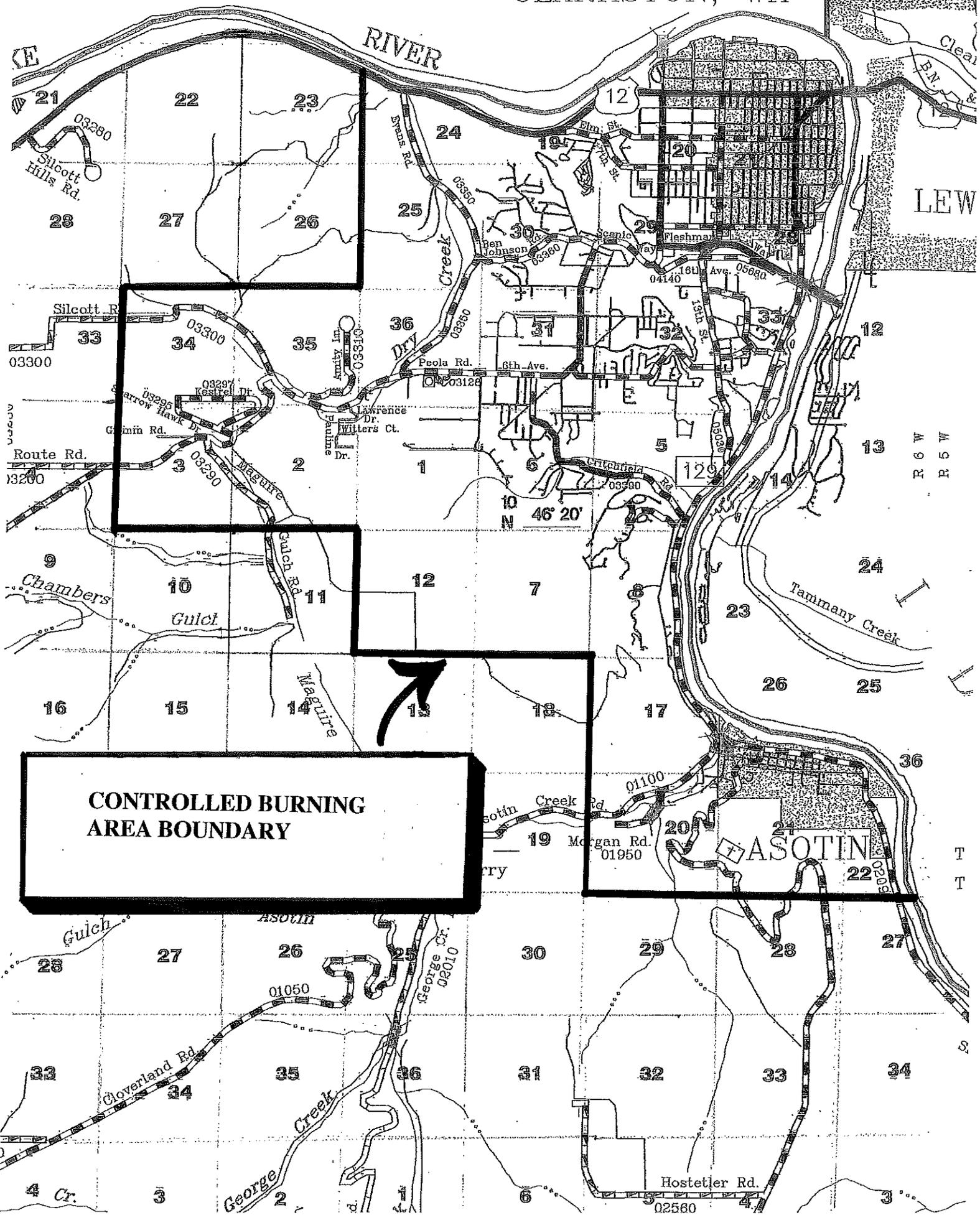
Brian Shim, Chairman



James Jeffords, Member



Chris Seubert, Member



**CONTROLLED BURNING  
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