

ORDINANCE NO. 344

AN ORDINANCE REQUIRING BURNING PERMITS WITHIN
THE TOWN OF YACOLT AND AUTHORIZING ISSUANCE OF
BURNING PERMITS.

WHEREAS, RCW 70.94.740 through 70.94.780 prohibits outdoor burning except in accordance with said statute and the Washington Administrative Code Rules promulgated pursuant thereto; and,

WHEREAS, Southwest Washington Air Pollution Control Authority has indicated that the Town of Yacolt is an area in which there shall be allowed limited outdoor burning; and,

WHEREAS, said limited outdoor burning shall be allowed only by persons who have acquired a permit from the Town of Yacolt and are conducting the burning of outdoor fires in accordance with the law;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Permit Required for Outdoor Burning . The Town of Yacolt shall be and is hereby designated as a limited outdoor burning area. Outdoor burning shall not be allowed within the Town of Yacolt unless the persons conducting the outdoor burning shall first obtain a permit from the City Clerk of the Town of Yacolt and otherwise burn outdoor fires in accordance with the laws and regulations promulgated by the State of Washington and the Town of Yacolt.

Section 2. Permit Issued. The city clerk of the Town of Yacolt is authorized to issue a uniform "written permit to conduct open burning" as is promulgated through regulations, ordinances and policies of the Department of Ecology and the Southwest Washington Air Pollution Control Authority.

Section 3. Permit Fee. Persons desiring to conduct outdoor fires shall obtain a written permit from the city clerk upon the payment of \$ 0 . Said permit shall be valid for the balance of the calendar year in which it is issued and it shall expire on December 31st of said calendar year.

Section 4. Fires Allowed. The following outdoor fires described in this section may be burned subject to the provisions of RCW 70.94, the ordinances of the Town of Yacolt, The rules of the Yacolt Fire Department, and the laws and rules enforced by the Department of Natural Resources and by the Department of Ecology of the State of Washington.

- (1) Fires consisting of leaves, clippings, prunings and other natural vegetation originating on lands where burning occurs.
- (2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control.
- (3) Burning must be restricted to natural vegetation grown on the property where burning occurs. All other material is prohibited except what paper is necessary to start the fire.

Section 5. Burning Rules. All outdoor fires are subject to the following rules:

- (1) A fire protection authority may declare a fire hazard in areas where burning is banned and in areas where burning is allowed. If open burning is determined the most appropriate manner to abate the fire hazard, the request must be reviewed and permitted by local air pollution

control authority.

(2) The local fire protection authority may be permitted to burn structures and other materials for fire training purposes. Any such request must be reviewed and permitted by local air pollution control authority.

(3) No open burning shall be done during the declared period of impaired air quality. Burning conditions shall be obtained each day before starting to burn.

(4) Burning must be done with the following clearances from structures property lines and other combustible materials:

(a) Not less than fifteen feet when using an approved burning appliance.

(b) Not less than twenty five feet for pile sizes four feet by four feet or less.

(c) not less than fifty feet for pile sizes greater than four feet by four feet but less than ten feet by ten feet.

(4) The person capable of extinguishing the fire shall attend it at all times and the fire must be totally extinguished before leaving it

(5) Burning shall be conducted only during daylight hours and only one pile may be burned at a time and it must be extinguished before starting another.

(6) The burn pile shall not be larger than ten feet by ten feet by three feet (10' x 10' x 3'); provided, however, that larger piles may be burned by special approval; provided further that the applicant shall pay any additional cost incurred for fees requested by permitting authority,

(7) No fires are permitted in or within five hundred feet of a forest slash and without a slash burning permit.

(8) If a fire creates a nuisance, it must be extinguished upon direction from fire control authority, air pollution control authority or the Sheriff's Office.

Section 6. Violations . The Southwest Washington Air Pollution Control Authority or officers of the Clark County Sheriff's Department may issue a notice of violation to the person responsible for the fire under any of the following:

- (1) Conditions of a permit issued under this ordinance are violated.
- (2) Any open fire is ignited where, under this ordinance, such fires are prohibited or where a permit is required and has not been obtained;
- (3) Prohibited materials are burned in an open fire;
- (4) Any open fire is ignited when a condition of impaired air quality or air pollution episode stage is declared;
- (5) Any ignited open fire that is not extinguished when a condition of impaired air quality or air pollution episode is declared;
- (6) The fire causes emissions detrimental to health;
- (7) The fire causes emissions that unreasonably interfere with property use and enjoyment.

Section 7. Penalties. A violation of this ordinance may subject a person to any penalty or other remedy authorized in RCW 70.94. If a fire protection authority is called to respond to control or extinguish an illegal or out of control fire, said fire control authority may charge and recover from the person responsible for the fire the costs of its response and control action.

Violations under the preceding section will be a misdemeanor in accordance with the laws of the Town of Yacolt and shall be punishable by a fine of not more than five hundred dollars for each occurrence.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE TOWN OF YACOLT

THIS 19 DAY OF July, 1993.

Paul Grooms
Paul Grooms, Mayor

Attest:

Irene Christiansen
Irene Christiansen, City Clerk

Ayes: Councilmembers Mason, Kaski, Messer, Smith

Nayes: None

Absent: Councilmember Robertson

Abstain: None

Approved as to form:

City Attorney