

**BOARD OF COUNTY COMMISSIONERS
Grant County, Washington**

**AN ORDINANCE ADOPTING A NEW
CHAPTER 6.10.070 OF THE GRANT
COUNTY FIRE HAZARD CODE
ESTABLISHING AN ANNUAL BURN
RESTRICTION AND RENUMBERING
EXISTING CHAPTERS 6.10.070
THROUGH 6.10.090 AS 6.10.080
THROUGH 6.10.100**

ORDINANCE No. 17-082-CC

RECITALS:

WHEREAS, the Board of County Commissioners adopted by Grant County Resolution and Ordinance No. 13-028-CC, (2013), an amendment and update to the Grant County Fire Hazard Code 6.10, and now seeks to add and adopt an annual burn restriction to the Code, and

WHEREAS, the Board of County Commissioners have determined that it is in the best interest of the county to add a new Annual Burn Restriction Chapter to Fire Hazard Code 6.10, and

WHEREAS, based on the recommendation of the Grant County Fire Marshal and the Washington State Department of Ecology, the Board of County Commissioners has found and determined that it is in the best interests of the County to adopt an annual burn restriction automatically placed into effect beginning June 1st and ending September 30th of every year on outdoor burning within the unincorporated areas of the County.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of County Commissioners of Grant County, State of Washington, that a new chapter titled "Annual Burn Restriction" be added to Chapter 6.10 as 6.10.70, and renumber existing Chapters 6.10.070 through 6.10.090 as 6.10.080 through 6.10.100:

SECTIONS

- 6.10.010** **Short Title.**
- 6.10.020** **Definitions.**
- 6.10.030** **Authority.**
- 6.10.040** **Piles of natural vegetation for burning.**
- 6.10.050** **Recreational fires.**
- 6.10.060** **Sky lanterns.**
- 6.10.070** **Annual burn restriction.**
- 6.10.080** **Violations as a civil infraction.**
- 6.10.090** **Citation procedure.**

6.10.100 Severability.

6.10.010 - Short title.

This chapter shall be known and may be commonly referred to and cited as the "Fire Hazards."

6.10.020 - Definitions.

"Burn Barrel" is defined as: any drum, tank, cylinder, can or any other device which has not been approved by a certified testing agency or the local authority for the burning of natural waste, garbage or any other substance.

"Fire Hazard" shall be defined as any arrangement of materials and/or heat sources that presents the potential for harm, such as personal injury or ignition of combustibles.

"Sky Lantern" shall be defined as a miniature, unmanned air balloon that relies upon an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere. Typically made of rice paper or flame resistant paper, it has a fuel cell in the opening.

"Open Burning" shall be defined as the burning of natural vegetation.

"Natural Vegetation" shall be defined as unprocessed plant material from herbs, shrubbery and trees, including grass, weeds, leaves, clippings, pruning, brush, branches, roots, stumps, and trunk wood.

"Recreational Fire" means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

6.10.030 - Authority.

The Fire Marshal or his/her designee may deem a property or condition on or about a property to be a fire hazard.

6.10.040 - Piles of natural vegetation for burning.

Piles of natural vegetation for burning shall be no greater than 5' in diameter, and no more than 5' in height. If prior approval is obtained by the Fire Marshal and local fire district, pile sizes may be increased. It shall be the responsibility of the property owner to contact the local fire district to determine if a permit will be required, as well as to notify the fire district upon commencement of burning.

The following rules shall apply to all Open Burning at all times:

1. The burning of garbage, trash, rubbish, or utilization of burn barrels, etc. is illegal.
2. No open burning within 25 feet of any structure or combustible material.
3. Pile size shall be no greater than 5' in diameter, unless prior approval to increase pile size is obtained from the Fire Marshal and fire district.
4. No more than one pile may be burned on any property at the same time.
5. Piles may be stored on a property no longer than twelve months.
6. Conditions that may cause the fire to spread shall be eliminated prior to ignition.
7. No open burning shall occur when wind speeds or gusts exceed 10 mph, unless prior approval is obtained by the Fire Marshal and local fire district.
8. A person capable of utilizing fire extinguishing equipment such as buckets, shovels, garden hoses connected to a charged water supply, fire extinguishers, heavy equipment, etc., shall be on site at all times.
9. Fire extinguishing equipment such as buckets, shovels, garden hoses connected to a charged water supply, fire extinguishers, heavy equipment or any equipment that will provide suppression of the proposed fire, shall be on site at all times while the fire is burning.

6.10.050 - Recreational Fires.

Recreational fires are allowed in unincorporated areas of Grant County, provided that no restrictions or burn bans are in effect.

The following rules for Recreational Fires shall apply at all times:

1. Recreational fires, camp fires, cook fires, etc. shall be no greater than 3' x 3' in diameter and no more than 2' in height.
2. No recreational fires shall be located within 25 feet of any structure.
3. A person capable of utilizing fire extinguishing equipment such as buckets, shovels, garden hoses connected to a charged water supply, fire extinguishers, heavy equipment, etc., shall be on site at all times.
4. Fire extinguishing equipment such as buckets, shovels, garden hoses connected to a charged water supply, fire extinguishers, heavy equipment or any equipment

that will provide suppression of the proposed fire, shall be on site at all times while the fire is burning.

6.10.060 - Sky lanterns.

The lighting and/or release of sky lanterns or like materials shall be prohibited in Grant County.

6.10.070 – Annual burn restriction.

An automatic burn restriction on outdoor burning shall be placed into effect from June 1st to September 30th each year within the unincorporated areas of the County.

1. Burn restriction conditions and procedures;

(Note: Burning in burn barrels is illegal – see 6.10.040 (1) above.)

- a. This burn restriction limits all residential burning to include yard waste (trees, shrubs, grass clipping, etc.), the burning of ditch banks or any other private burning.
- b. The burning of household garbage, building materials (processed lumber) is never allowed by Washington State law at any time.
- c. Agricultural field burning or orchard burning is allowed when properly permitted by the Washington State Department of Ecology and precautions have been made for fire suppression if needed.
- d. Recreational fires - camp fires are allowed in approved devices at public campgrounds when allowed by the campground authority. Recreational fires are allowed in private pits at residences when surrounded by 25 feet of non-combustible space around the fire pit, a charged water line is present and the fire is attended at all times. (See 6.10.050 above.)
- e. Cooking fires are allowed for large events whether public or private and must be permitted through the Fire Marshal's office prior to the event.
- f. Open flames associated with gas barbeques or charcoal start-up are allowed in a safe and sane manner. These devices are to be used in an area away from combustible materials including vegetation and must be attended at all times.

- g. The Grant County Board of County Commissioners, (BOCC), may extend the ending date of the burn restriction at will based on existing conditions at the time.
- h. Additional conditions may be imposed by the BOCC as an emergency procedure if fire conditions become more extreme.

2. This burn restriction does not change the limits on burning already imposed on all cities in the State of Washington and Grant County. Since 2007, burning restrictions have been imposed by the Washington Department of Ecology for all cities and within Urban Growth Areas. When the countywide burn restriction is lifted, the Ecology burn limitations for all cities and Urban Growth Areas will still be in effect.

3. The County burn restriction does not affect fires at State or Federal campgrounds in approved devices, (check for state or federal bans) or agricultural burning such as the burning of field crop residue and orchard tear out residue, provided the burning is permitted and conducted in accordance with the Washington Department of Ecology. (For more information on agro burning, contact the Department of Ecology directly.)

6.10.080 - Violations as a civil infraction.

The performance of any act prohibited by this chapter is designated as an infraction.

6.32.090 - Citation procedure.

The procedures for issuance of notice of infraction, hearings, assessments and payments of monetary penalties, shall be in accordance with the provisions contained in Title 25.16 of the Grant County Code (Unified Development Code). Hearings on notices of infractions issues pursuant to this chapter shall subject the violator to the following penalties:

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|--|----------|
| (1) First offense one hundred and fifty dollars | \$150.00 |
| (2) Second offense three hundred dollars | \$300.00 |
| (3) Third and subsequent offenses five hundred dollars | \$500.00 |

6.10.100 - Severability.

If any section, subsection, sentence, clause, phrase, words, word of this chapter is for any reason found to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining portions of this chapter, it being expressly declared that each section, subsection, sentence, clause, phrase, words or word would have been prepared, proposed, adopted, approved and

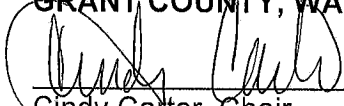
ratified irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, words, or word be declared or otherwise found unconstitutional or invalid for any reason.

A public hearing was held on the above ordinance at 11 o'clock, on the 5th day of September, 2017.

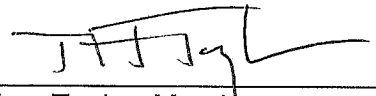
PASSED AND ADOPTED this 5th day of September, 2017.

**BOARD OF COUNTY
COMMISSIONERS
GRANT COUNTY, WASHINGTON**

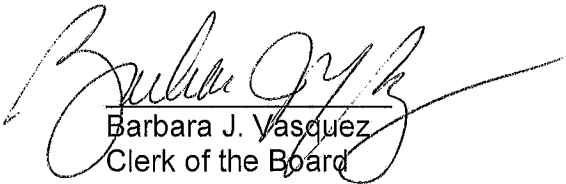
| Yea | Nay | Abstain |
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Cindy Carter, Chair


Richard Stevens, Vice-Chair


Tom Taylor, Member

ATTEST:


Barbara J. Vasquez
Clerk of the Board

Approved as to Form:

By 
Jim Mitchell WSBA #31031
Deputy Prosecuting Attorney

Date: 9/5/17