

BEFORE THE BOARD OF COUNTY COMMISSIONER

Klickitat County, Washington

IN THE MATTER OF }
AMENDING BURNING RESTRICTION }
PROCEDURES WITHIN THE }
UNINCORPORATED AREAS OF }
KLICKITAT COUNTY }

ORDINANCE # ON 50923

WHEREAS, the Board of County Commissioners, meeting in regular session, having before it the need to amend the outdoor burning restriction procedures to clarify the outdoor burning ban regulations; and

WHEREAS, Klickitat County Code Chapter 8.24 (Ordinance #041194) adopted April 11, 1994, provides a procedure for regulating outdoor burning within the unincorporated areas of Klickitat County which allows more flexibility and coordination between the Board and various fire authorities; and

WHEREAS, the Klickitat County Board of Commissioners ("Board") is the primary fire control authority in those areas of Klickitat County outside the corporate limits of any city or town; the boundaries of any fire district, the jurisdiction of the Yakama Indian Nation; and the jurisdiction of the Washington State Parks and Recreation Commission; and

WHEREAS, the Board may, by resolution, may restrict outdoor burning in the areas of its primary authority in any manner the Board, in its sound discretion, determines reasonable; and

WHEREAS, the Board is the secondary fire control authority in all areas of Klickitat County outside the corporate limits of any city or town where the Board is not the primary authority. In any secondary authority area where the Board finds that the public safety is threatened by unrestricted outdoor burning and the primary authority in that area has not restricted burning or where the primary authority has requested that the Board act, the Board may restrict outdoor burning in any manner the Board, in its sound discretion, determines reasonable; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Klickitat County hereby amends Klickitat County Code Chapter 8.42, titled Burn Ban Procedures (Ordinance #041194), to be worded as follows:

8.24.010 Purpose and Definitions

Purpose:

The Purpose of this chapter is to provide a procedure for regulating outdoor burning in the unincorporated areas of Klickitat County.

Definitions:

Board: Means the Klickitat County Board of County Commissioners.

Outdoor Burning: Means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion and the control of emissions from the combustion.

Open Outdoor Burning: Means the combustion of any type in an open fire or open container outdoors; burning of materials wherein products of combustion are emitted directly into ambient air without passing through a stack or chimney or from an open combustion chamber.

Klickitat County Burn Ban: Means a ban on open outdoor burning in the areas the Board is the Primary or secondary authority as described in this chapter.

Klickitat County Burn Ban Zones (1, 2 & 3): Geographic zones created by Klickitat County Department of Emergency Management, in collaboration with the Klickitat County Fire District Chiefs, to more effectively institute appropriate Klickitat County Burn Bans using wildfire risk conditions based on geographic area across the county. Zone #1 - East County, Zone #2 - Central County, and Zone #3 - West County.

8.24.020 Primary Authority

The Board is the primary fire control authority in those areas of Klickitat County outside; the corporate limits of any city or town, the boundaries of any fire district, the jurisdiction of the Yakama Indian Nation, the jurisdiction of the Washington State Department of Natural Resources, and the jurisdiction of the Washington State Parks and Recreation Commission. The Board may, by resolution, restrict outdoor burning in the areas of its primary control in any manner the Board, in its sound discretion, determines reasonable.

8.24.030 Secondary Authority

The Board is the secondary fire control authority in all areas of Klickitat County outside the corporate limits of any city or town where the Board is not the primary authority. In any secondary authority area where the Board finds that the public safety is threatened by unrestricted outdoor burning and the primary authority in that area has not restricted outdoor burning or where the primary authority has requested that the Board act, the Board may restrict outdoor burning in any manner the Board, in its sound discretion, determines reasonable.

8.24.040 Enforcing Fire District Burn Bans

Any Klickitat County fire district may utilize the enforcement and penalty provisions of this chapter by incorporating this chapter by reference in the district's resolution creating a burn ban. The incorporating resolution may not be inconsistent with this chapter or with applicable laws.

8.24.050 Outdoor Burning Allowed During a Klickitat County Burn Ban

- A. No person shall conduct any open outdoor burning, or permit open outdoor burning to occur during a Klickitat County Burn Ban, except as provided by this chapter or by state or federal law.
- B. During a Klickitat County Burn Ban, no open outdoor burning is allowed other than those authorized by this chapter or those permitted by other governmental agencies with the authority to regulate outdoor burning in Klickitat County. Permits must be obtained from the governmental agency responsible for regulating such outdoor burning in Klickitat County. It is not the intent of Klickitat County Code 8.24 to preclude or limit the authority of any city, fire protection district, state agency, federal agency, or political subdivision from engaging in those fire prevention, prescribed fire, or live fire training activities with which they are charged.

- C. During a Klickitat County Burn Ban, outdoor burning may be conducted as follows:
- a. Use of enclosed containers designed and built for outdoor burning such as barbecues, smokers, outdoor ovens or stoves or other devices used for food preparation, personal warmth or pleasure, using solid fuels; briquettes, pellets, wood chips or wood pieces. These containers must be constructed with an enclosed combustion chamber and equipped with an attached spark arrester made of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch before exiting the combustion chamber or an exhaust port, stack, or chimney from an enclosed combustion chamber.
 - b. Use of devices that burn natural gas, liquid petroleum, liquid petroleum gas, or propane with an open flame that have a shut off valve and do not incorporate solid fuels in the combustion process; such as barbecues, outdoor ovens or stoves, fire bowls, or other devices used for food preparation, personal warmth, or pleasure.
 - c. Use of camp stoves, lanterns, and other devices designed and built for food preparation, personal warmth, or pleasure with attached pressurized fuel canisters that have a shut off valve.
 - d. Use of solid fuel and citronella candles in metal or glass enclosed containers.
 - e. Other requirements:
 - i. Remove all combustible materials within a 10 foot perimeter in all directions of the device.
 - ii. Flame length not to exceed 12 inches for devices that burn liquid petroleum, liquid petroleum gas, or propane with a shut off valve that do not incorporate solid fuels in the combustion process; such as barbecues, outdoor ovens or stoves, fire bowls, camp stoves, lanterns, and other devices designed and built for food preparation, personal warmth, or pleasure.
 - iii. All outdoor burning containers and devices must be used in a safe and sane manner
 - iv. A person capable of turning off the fuel supply or extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it. A sufficient water supply to extinguish the fire and a shovel must be present and ready to use.

8.24.060 Emergency Burn Ban

- A. If the Klickitat County Department of Emergency Management Director or their designee, in consultation with the Klickitat County Fire Chiefs of the affected Klickitat County Burn Ban Zone(s), determines emergency conditions exist, the Director may declare a 10-day emergency burn ban at any time during the year, as follows:
1. Against all open outdoor burning regulated by this chapter.
 2. Against all outdoor burning of any kind.
- B. The Klickitat County Department of Emergency Management Director or their designee shall promptly notify the board of commissioners of such a burn ban and the reasons for the ban. The Board, as soon as practical, shall conduct a public meeting to determine whether to continue and/or extend the emergency burn ban. If extended, the emergency burn ban shall remain in effect until the Board orders the ban lifted.

- C. The Klickitat County Department of Emergency Management Director or their designee shall be responsible to notify the public, county law enforcement, fire protection districts and Washington Department of Natural Resources of all burn bans and resumption of outdoor burning.

8.24.070 Enforcement

The Sheriff of Klickitat County shall be responsible to enforce this chapter and issue notices of violation to the person(s) responsible for the fire. In emergency situations where immediate action is required, officials representing a fire authority, such as a Klickitat County Fire Protection District and/or the Washington State Department of Natural Resources may extinguish the fire, and then notify the Klickitat County Sheriff for further enforcement action under, but not limited to any of the following:

- A. Conditions of this chapter are violated;
- B. Any outdoor fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and has not been obtained; or
- C. Prohibited materials are burned in an open fire, including trash or garbage.

8.24.080 Penalties

Any violation of any resolution passed pursuant to the ordinance codified in this chapter shall be an infraction subject to civil penalty pursuant to Klickitat County Code 1.20. Any such penalties shall be in addition to any other rights and remedies the County or any other fire control authority may have. If a fire authority is called to respond to control or extinguish an illegal or out of control fire, such fire authority may charge and recover from the person(s) responsible for the fire, the costs of its response and control action.

(Signatures on Next Page)

Dated this 9th day of May 2023.

BOARD OF COUNTY COMMISSIONERS
Klickitat County, Washington



Dan Christopher, Chairman



Jacob Anderson, Commissioner



Lori Zoller, Commissioner

ATTEST:

Clerk of the Board



in and for the County of Klickitat
State of Washington

APPROVED AS TO FORM:

Klickitat County Prosecuting Attorney