

**CITY OF NORTH BONNEVILLE
ORDINANCE #1086**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING
NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 8.32 OUTDOOR BURNING.**

WHEREAS, North Bonneville has reviewed and wishes to update Municipal Code Chapter 8.32 relating to outdoor burning; and

WHEREAS, North Bonneville seeks to better define portions of this code chapter relating to specific permit requirements, penalties and oversight.

NOW, THEREFORE, the City of North Bonneville, Washington, does hereby ordain as follows:

Section 1.

Amending NBMC Chapter 8.32 Outdoor Burning.

North Bonneville Municipal Code Chapter 8.32 is hereby amended as follows:

Key: Added language underlined
 Deleted language ~~strikethrough~~

8.32.010 Permit required for outdoor burning.

~~A. Small Fires.~~ Outdoor burning shall be regulated by a permit system that will include a small fire permit for fires that do not exceed piles with outside dimensions of four (4) feet by four (4) feet by three (3) feet high from July 1st through October 15th and ten (10) feet by ten (10) feet by five (5) feet high from October 16th through June 30th.

~~B. Large Fires. Large fire permits will include all fires exceeding the small fire dimensions.~~

8.32.020 Permit issued.

The City ~~Fire Chief~~ is responsible to oversee the permitting process and ~~designate in writing those who will issue the permits~~ and the process by which permits practices will be conducted. The permitting process will conform to the Laws of the State of Washington and such other ordinances and regulations that are now or may become in effect in City of North Bonneville.

8.32.030 Permit fee.

The permit fee shall be ~~none~~ Five Dollars (\$5.00).

~~A. Open burning will be allowed between November 1st and March 31st without a permit. An open burning permit will be required between April 1st and October 31st.~~

A. Open burning permits will be provided by the ~~Chief of the City Fire Department~~. A record of the permit will be maintained by the City in a file to be called "open burning permit record." Open burning permits may be obtained by personal, ~~written or telephone~~ request.

B. The Fire Chief may prohibit any or all open fires when, in his/her sole discretion, atmospheric conditions, air pollution conditions or other local circumstances make such fires hazardous or create an air contamination problem.

8.32.040 Fire allowed.

The following outdoor fires described in this section may be burned subject to the provisions of the Laws of the State of Washington and such other ordinances and regulations that are now or may become in effect in the City of North Bonneville.

Fires shall be restricted to natural vegetation grown on the property where the burning occurs, consisting of leaves, clippings, prunings, residue from trees, stumps or other natural occurring vegetation. All other material is prohibited except what paper is necessary to ignite the burning process.

8.32.050 Emergency closure.

Any Fire District or other municipality or agency with fire protection or air quality authority may declare a temporary emergency to exist and report the same to the Fire Chief of the City, who may determine whether or not to continue said closure and the duration thereof.

8.32.060 Burning rules.

All outdoor fires are subject to the following rules:

A. 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. Phone number will be on the permit;

B. Burning must be done with the following clearances from structures, property lines and other combustible materials:

(1) Not less than twenty (20) feet when using an approved burning appliance.

(2) Not less than twenty-five (25) feet for pile sizes four (4) feet by four (4) feet or less.

(3) Not less than fifty (50) feet for pile sizes greater than four (4) feet by four (4) feet.

C. The person capable of extinguishing the fire shall attend it at all times and the fire must be totally extinguished before leaving it. A sufficient water supply and shovel must be at the burning site and ready to use on small fires and such equipment as required by the large fire permit;

D. Burning shall be conducted only during daylight hours and only one (1) pile may be burned at a time and it must be extinguished before starting another;

E. ~~No fires are permitted in or within five hundred (500) feet of forest slash without first obtaining a written permit. The permit fee shall be determined by Fire Chief City on a case by case basis.~~ The person or entity obtaining a burn permit shall be responsible to burn in accordance with the conditions of said permit. Response by Fire Department for "out of control" burns will be billed to permit holder.

F. If a fire creates a nuisance, it must be extinguished upon direction from fire control authorities and those designated under Section 8.32.070.

8.32.070 Enforcement.

~~The Police Chief of the City and/or his designate shall be responsible to enforce this chapter and issue notices of violation to the person(s) responsible for the fire~~ The provisions of this chapter may be enforced by any entity or person as the City may from time to time designate. In emergency situations where immediate action is required, officials representing a fire protection authority, such as the City Fire Chief, State Department of Natural Resources and SW Washington Air Pollution Control Authority may issue notice of violation under any of the following:

A. Conditions of a permit issued under this chapter are violated;

B. Any open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and has not been obtained;

C. Prohibited materials are burned in an open fire, including trash and garbage disposal in "burn barrel;"

D. Any open fire is ignited when a condition of impaired air quality, or burn ban has been declared;

E. The fire causes emissions that unreasonably interfere with property use and enjoyment of adjacent property owners.

8.32.080 Penalties.

A. A violation of this chapter 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.

B. Violations under the preceding section will be a civil infraction in accordance with the laws of the City and shall be punishable by a fine of ~~not more than five hundred dollars (\$500.00)~~ in accordance with Section 7.01.020(D) of this code for each occurrence. ~~for small fires or actual costs for large fires.~~

Section 2.

Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3.

Effective Date and Publication.

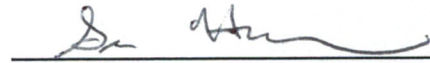
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON OCTOBER 24, 2017.



Don Stevens, Mayor

Attest:



D. Sam Hughes, City Administrator

Approved as to Form:



Ken Woodrich, City Attorney