

Board of County Commissioners
Walla Walla County

In Regards to Amending the)
Walla Walla County Code with) Ordinance No. 221
Regards to Air Pollution Control)
and Open and Agricultural Burning.)
_____)

Whereas, the County has authority pursuant to that portion of RCW Chapter 70.94 pertaining to air quality to control the release into the ambient air any substance deemed a hazardous air pollutant by the State of Washington and to administer the issuance and enforcement of permits for certain burning; and

Whereas, the County is required by RCW 19.27.110 to administer and enforce the Uniform Fire Code, adopted by reference by the state by virtue of RCW 19.27.031, in the unincorporated areas of the county; and

Whereas, certain amendments to Walla Walla County Code Chapter 15.04 are necessary for the proper issuance and enforcement Chapter 70.94 RCW pertaining to air pollution control and the Uniform Fire Code, Now, Therefore,

BE IT RESOLVED that chapter 15.04 (Part IV) of the Walla Walla County Code be amended to read as follows:

Chapter 15.04
IV. Air Pollutants - Uniform Fire Code and Uniform Fire
Code Standards

Sections:

15.04.140	Adoption
15.04.141	Hazardous Air Pollutants Prohibited
15.04.142	Open and Agricultural Burning - Permits Required
15.04.143	Issuance of Citations
15.04.144	Violations - Penalty
15.04.145	Severability

15.04.140 Adoption.

The Uniform Fire Code, 1991 Edition, including Article 80, together with Appendices I-B, II-A, II-D, III-A, III-B, III-C, IV-A, V-A, VI-A, VI-C; and the Uniform Fire Code Standards, 1991 Edition, as published by the International Conference of Building Officials and the Western Fire Chiefs

Association are adopted; Provided that, for the purposes of administration and enforcement, the term "Chief" shall mean the Director of Regional Planning for Walla Walla County. (Ord. 173 sec. 1.20(C) (part), 1983; Ord. 190 (part); Ord. 201 (part), 1989)

15.04.141 Hazardous Air Pollutants Prohibited.

The negligent or knowing release of into the ambient air of any substance listed pursuant to Chapter 70.94 RCW by the State of Washington, Department of Ecology, as a hazardous air pollutant, other than in compliance with the terms of of an applicable permit or emission limit, which negligently or knowingly places any person or property in imminent danger, is unlawful.

15.04.142 Open and Agricultural Burning - Permits Required.

A. Open Burning Permitted. Open burning for residential or agricultural purposes is permitted in Walla Walla County by permit except when specifically prohibited by declaration of the Director of Walla Walla County Regional Planning, and subject to the conditions set forth in subsection B. and C. of this section. This section does not apply to ceremonial, cooking or warming fires, or activities specified by section 4.108 of the Uniform Fire Code.

B. Permits Required. A permit shall be obtained from the Walla Walla County Regional Planning Office prior to engaging in the activities permitted by this section. The annual fee for residential outdoor burning shall be \$10.00. The annual fee for agricultural burning shall be \$20.00. Permits shall be obtained by applying to the Office of Walla Walla County Regional Planning, in person, by mail or telefacsimile, or by telephone and providing the following:

1. The name, address and phone number of the applicant requesting the permit, and the name of the landowner if the applicant is not the same person;

2. The location, date, acreage or tonnage of the burn and whether the burn will be agricultural or residential;

3. The agreement by the applicant to the conditions of this section including but not limited to the requirement of contacting the Walla Walla County Planning Office "Burn Line" prior to each burn to determine if the conditions which allow burning exist; and

4. The payment of the appropriate fee and receipt of written permit approval.

Upon completion of the foregoing conditions, the designee of the Director may issue a permit. Permits shall be valid for a period of one (1) year from the date of issuance, unless otherwise revoked, and shall contain the conditions for open burning.

C. Conditions for Open Burning. All open burning must comply with the following regulations:

1. Prior to each burning the County Planning Office or its designee must be contacted to determine if atmospheric conditions permit open burning.

2. Prior to each burning, any written approvals required by the County Planning Office must first be obtained and the County Planning Office must be notified of any fuel source for the fire greater than four (4) feet in diameter and three (3) feet in height.

3. The following conditions shall make burning unacceptable, resulting in "no burn" periods:

- a. Winds over ten (10) miles per hour, except when the permittee obtains the permission of the fire chief or fire marshal in the district in which the burning will take place;
- b. Extremely high temperatures and low humidity, and drought;
- c. Pollution alerts; or
- d. Meteorological conditions not conducive to smoke dispersal.

4. Residential burning shall be limited in size to piles of fuel not more than four (4) feet in diameter and three (3) feet in height. When more than one pile is being burned, only one pile at a time shall be ignited and each shall be extinguished before igniting another.

5. All burning shall take place between 9 a.m. and sunset. No additional fuel may be added within one-half hour prior to sunset.

6. At least one responsible person, at least eighteen years old, is required to attend and control the fire until it has been completely extinguished as a fire monitor. The fire monitor shall have in his/her possession, while attending and controlling the fire:

- a. a shovel, hoe or rake; and
- b. a charged hose or other water source sufficient to extinguish the fire.

7. The fire shall be located not less than fifty (50) feet from any structure or power pole, shall have an adequate fire break, and shall not be under any overhead transmission lines.

8. No person shall kindle or maintain a fire upon the land of another person without written permission of the landowner or agent.

9. None of the following materials may be burned: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, treated wood, paper products (except as necessary to start the fire as per U.F.C. sec. 11.203), or any substances which emit dense smoke or obnoxious odors (i.e. wet or green plant vegetation).

10. All agricultural or field burns must have an adequate fire break to protect the surrounding areas. An

adequate fire break must be consistent with fuel and wind conditions and must eliminate ninety percent of the fuel.

11. The written permit must be available at the burn.

12. The fire must be extinguished at any time the fire creates a public safety hazard or interferes with the right of other persons to enjoy their property.

13. No outdoor fire shall be permitted in or within 500 feet of forest slash.

15.04.143. Issuance of Citations - Burn Control Officer.

A. The Director of Regional Planning shall designate a Burn Control Officer charged with the duty of enforcing this ordinance, and shall further have the authority pursuant to section 2.105 of the Uniform Fire Code as adopted by reference herein to enforce this code.

B. The Walla Walla County Sheriff and his deputies, and the Burn Control Officer designated by the Director of Regional Planning for Walla Walla County, and the Director shall have the authority to issue citations for violations of this ordinance in the same manner and in the same form as provided by state statutes and court rules for civil infractions. The Director of Regional Planning shall establish and cause to be administered to each person who will exercise this authority a special enforcement training program regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites for proper prosecution of violations thereof, appropriate procedures for the issuance of citations or complaints, and the legal and practical ramifications and limitations attendant thereto. All such citations or complaints shall be duly deposited with the Walla Walla County Sheriff's Office for review and filing with the court.

15.04.144 Violations - Penalty.

Any person violating this chapter or any section thereof shall be guilty of a civil infraction, and upon a finding that the infraction has been committed and is a first offense within a five year period, a civil penalty of not more than seventy-five dollars shall be assessed, including court costs. Upon a finding that the infraction has been committed and is the second or subsequent offense within a five year period, a civil penalty of not more than five hundred dollars shall be assessed, including court costs. Each occasion a fire is ignited or used contrary to this chapter shall constitute a separate violation.

15.04.145 Severability.

If any section, subsection, clause, phrase, or word in this ordinance or any provision adopted by reference herein is for any reason held to be invalid or unconstitutional by a

court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provisions adopted by reference herein.

Dated this 5th day of April, 1994.

Board of County Commissioners

David S. Carey

Chairman

Senis S. Jacky

Commissioner

Commissioner

Attest:

Connie B. Juntti

Clerk of the Board

FILED FOR RECORD
IN WALLA WALLA CO. WASH.
BY WW Co Commissioners

APR 11 2 10 PM '94

JANICE E. DATES
COUNTY AUDITOR

copy to Sue
Miller, Franklin
CO. Comm, 6-1-94
copy to Don Schebe,
Asotin CO. Comm 10-12-94

Original to
Recording
45-94
1 copy - Dancy
1 copy - Jim Nagle

Board of County Commissioners
Walla Walla County

In Regards to Amending the
Walla Walla County Code with
Regards to Air Pollution Control
and Open and Agricultural Burning.)

Ordinance No. 221

Whereas, the County has authority pursuant to that portion of RCW Chapter 70.94 pertaining to air quality to control the release into the ambient air any substance deemed a hazardous air pollutant by the State of Washington and to administer the issuance and enforcement of permits for certain burning; and

Whereas, the County is required by RCW 19.27.110 to administer and enforce the Uniform Fire Code, adopted by reference by the state by virtue of RCW 19.27.031, in the unincorporated areas of the county; and

Whereas, certain amendments to Walla Walla County Code Chapter 15.04 are necessary for the proper issuance and enforcement Chapter 70.94 RCW pertaining to air pollution control and the Uniform Fire Code, Now, Therefore,

BE IT RESOLVED that chapter 15.04 (Part IV) of the Walla Walla County Code be amended to read as follows:

Chapter 15.04

IV. Air Pollutants - Uniform Fire Code and Uniform Fire Code Standards

Sections:

- | | |
|-----------|--|
| 15.04.140 | Adoption |
| 15.04.141 | Hazardous Air Pollutants Prohibited |
| 15.04.142 | Open and Agricultural Burning - Permits Required |
| 15.04.143 | Issuance of Citations |
| 15.04.144 | Violations - Penalty |
| 15.04.145 | Severability |

15.04.140 Adoption.

The Uniform Fire Code, 1991 Edition, including Article 80, together with Appendices I-B, II-A, II-D, III-A, III-B, III-C, IV-A, V-A, VI-A, VI-C; and the Uniform Fire Code Standards, 1991 Edition, as published by the International Conference of Building Officials and the Western Fire Chiefs

Association are adopted; Provided that, for the purposes of administration and enforcement, the term "Chief" shall mean the Director of Regional Planning for Walla Walla County. (Ord. 173 sec. 1.20(C) (part), 1983; Ord. 190 (part); Ord. 201 (part), 1989)

15.04.141 Hazardous Air Pollutants Prohibited.

The negligent or knowing release of into the ambient air of any substance listed pursuant to Chapter 70.94 RCW by the State of Washington, Department of Ecology, as a hazardous air pollutant, other than in compliance with the terms of of an applicable permit or emission limit, which negligently or knowingly places any person or property in imminent danger, is unlawful.

15.04.142 Open and Agricultural Burning - Permits Required.

A. Open Burning Permitted. Open burning for residential or agricultural purposes is permitted in Walla Walla County by permit except when specifically prohibited by declaration of the Director of Walla Walla County Regional Planning, and subject to the conditions set forth in subsection B. and C. of this section. This section does not apply to ceremonial, cooking or warming fires, or activities specified by section 4.108 of the Uniform Fire Code.

B. Permits Required. A permit shall be obtained from the Walla Walla County Regional Planning Office prior to engaging in the activities permitted by this section. The annual fee for residential outdoor burning shall be \$10.00. The annual fee for agricultural burning shall be \$20.00. Permits shall be obtained by applying to the Office of Walla Walla County Regional Planning, in person, by mail or telefacsimile, or by telephone and providing the following:

1. The name, address and phone number of the applicant requesting the permit, and the name of the landowner if the applicant is not the same person;

2. The location, date, acreage or tonnage of the burn and whether the burn will be agricultural or residential;

3. The agreement by the applicant to the conditions of this section including but not limited to the requirement of contacting the Walla Walla County Planning Office "Burn Line" prior to each burn to determine if the conditions which allow burning exist; and

4. The payment of the appropriate fee and receipt of written permit approval.

Upon completion of the foregoing conditions, the designee of the Director may issue a permit. Permits shall be valid for a period of one (1) year from the date of issuance, unless otherwise revoked, and shall contain the conditions for open burning.

C. Conditions for Open Burning. All open burning must comply with the following regulations:

1. Prior to each burning the County Planning Office or its designee must be contacted to determine if atmospheric conditions permit open burning.

2. Prior to each burning, any written approvals required by the County Planning Office must first be obtained and the County Planning Office must be notified of any fuel source for the fire greater than four (4) feet in diameter and three (3) feet in height.

3. The following conditions shall make burning unacceptable, resulting in "no burn" periods:

- a. Winds over ten (10) miles per hour, except when the permittee obtains the permission of the fire chief or fire marshal in the district in which the burning will take place;
- b. Extremely high temperatures and low humidity, and drought;
- c. Pollution alerts; or
- d. Meteorological conditions not conducive to smoke dispersal.

4. Residential burning shall be limited in size to piles of fuel not more than four (4) feet in diameter and three (3) feet in height. When more than one pile is being burned, only one pile at a time shall be ignited and each shall be extinguished before igniting another.

5. All burning shall take place between 9 a.m. and sunset. No additional fuel may be added within one-half hour prior to sunset.

6. At least one responsible person, at least eighteen years old, is required to attend and control the fire until it has been completely extinguished as a fire monitor. The fire monitor shall have in his/her possession, while attending and controlling the fire:

- a. a shovel, hoe or rake; and
- b. a charged hose or other water source sufficient to extinguish the fire.

7. The fire shall be located not less than fifty (50) feet from any structure or power pole, shall have an adequate fire break, and shall not be under any overhead transmission lines.

8. No person shall kindle or maintain a fire upon the land of another person without written permission of the landowner or agent.

9. None of the following materials may be burned: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, treated wood, paper products (except as necessary to start the fire as per U.F.C. sec. 11.203), or any substances which emit dense smoke or obnoxious odors (i.e. wet or green plant vegetation).

10. All agricultural or field burns must have an adequate fire break to protect the surrounding areas. An

adequate fire break must be consistent with fuel and wind conditions and must eliminate ninety percent of the fuel.

11. The written permit must be available at the burn.

12. The fire must be extinguished at any time the fire creates a public safety hazard or interferes with the right of other persons to enjoy their property.

13. No outdoor fire shall be permitted in or within 500 feet of forest slash.

15.04.143. Issuance of Citations - Burn Control Officer.

A. The Director of Regional Planning shall designate a Burn Control Officer charged with the duty of enforcing this ordinance, and shall further have the authority pursuant to section 2.105 of the Uniform Fire Code as adopted by reference herein to enforce this code.

B. The Walla Walla County Sheriff and his deputies, and the Burn Control Officer designated by the Director of Regional Planning for Walla Walla County, and the Director shall have the authority to issue citations for violations of this ordinance in the same manner and in the same form as provided by state statutes and court rules for civil infractions. The Director of Regional Planning shall establish and cause to be administered to each person who will exercise this authority a special enforcement training program regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites for proper prosecution of violations thereof, appropriate procedures for the issuance of citations or complaints, and the legal and practical ramifications and limitations attendant thereto. All such citations or complaints shall be duly deposited with the Walla Walla County Sheriff's Office for review and filing with the court.

15.04.144 Violations - Penalty.

Any person violating this chapter or any section thereof shall be guilty of a civil infraction, and upon a finding that the infraction has been committed and is a first offense within a five year period, a civil penalty of not more than seventy-five dollars shall be assessed, including court costs. Upon a finding that the infraction has been committed and is the second or subsequent offense within a five year period, a civil penalty of not more than five hundred dollars shall be assessed, including court costs. Each occasion a fire is ignited or used contrary to this chapter shall constitute a separate violation.

15.04.145 Severability.

If any section, subsection, clause, phrase, or word in this ordinance or any provision adopted by reference herein is for any reason held to be invalid or unconstitutional by a

court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provisions adopted by reference herein.

Dated this 5th day of April, 1994.

Board of County Commissioners

David J. Carey
Chairman

Senis L. Jacky
Commissioner

Commissioner

Attest:

Connie R. Juntti
Clerk of the Board