

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN REGARDS TO AMENDING
THE WALLA WALLA COUNTY
CODE WITH REGARDS TO AIR
POLLUTION CONTROL AND OPEN
AND AGRICULTURAL BURNING

ORDINANCE NO. 229

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, Walla Walla County has adopted the Uniform Fire Code, 1994 Edition as amended by the State of Washington and Uniform Fire Code Standards, 1994 Edition, 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

- 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

15.04.141 Hazardous Air Pollutants Prohibited

The negligent or knowing release 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 an applicable permit or emission limit, which negligently or knowingly places any person or property in imminent danger, is unlawful. None of the following materials shall be burned: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, treated wood, paper products, cardboard, metal, construction debris, demolition debris, rubbish, or any substances which emit dense smoke or obnoxious odors. Standing buildings shall not be burned except as fire department training burns.

15.04.142 Limited Open Burning - Permits Required

No permit is required for burning incidental to commercial agricultural activities outside of the Urban Growth Area if the burning is of; orchard prunings, organic debris along fence lines or irrigation or drainage ditches, or organic debris blown by wind. however, timing of such burning should be according to the "Burn Day Message". This message will announce a "good burn day" only when the predicted afternoon smoke dispersal forecast from the National Weather Service is in the "good" category or "fair" category.

- A. Permits Required. A permit shall be obtained from Walla Walla County, except those Fire Districts who choose to issue permit, prior to engaging in; 1) any open burning not incidental to commercial agriculture, 2) agricultural burning on areas of ten

acres or more. Those Districts issuing permits shall use the form as provided by the County and shall notify the County in writing of their decision to do so. The county annual fee for Open burning shall be \$10.00 for a pile 4' in diameter or less and \$20 per year for a larger pile, fence row, ditch line or area less than 10 acres which are not incidental to commercial agriculture. The annual fee for Agricultural burning on areas of ten acres or more shall be \$20 for county administration plus \$.75 per acre. Twenty five cents per acre will be remitted to the Department of Ecology for administration and \$.50 per acre will be remitted to the Agricultural Burning Research Fund. Remittance by the County will be on the last day of June and the last day of December. Permits shall be obtained from Walla Walla County by submitting a properly completed application.

The application process:

1. Supply: 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 and location of the burn if different from mailing address. Open burn permits do not require pre-approval but merely adherence to the rules on the application form.
2. Additional requirements for Agricultural burns: acreage; legal description; date; crop/ reason why necessary. Accuracy will be required for a valid application and an accurate map must be supplied if a refund is to be requested when fewer acres are actually burned than requested in the permit application. Refunds will not result in a fee of less than \$20.00 per year per applicant. A farmer must comply with all other applicable local, state or Federal law and agreement.
3. The applicant must agree to the conditions of this section including but not limited to the requirement of calling the "burn day" telephone number prior to each burn to determine if the conditions which allow burning exist; and

Upon satisfaction of the foregoing conditions, a permit may be issued. 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 burning.

B. Conditions for Limited Burning. All burning must comply with the following regulations:

1. Prior to each burning, the "burn day" message must be called to determine if atmospheric conditions permit open burning.
2. Prior to each burning, a written approval is required, as well as a permit, for a 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 certain crops when the permittee obtains the permission of the fire chief in the district in which the burning will take place;
 - b. Extremely high temperatures (greater than 95 deg F.) and low humidity (less than 20%), and drought;
 - c. Pollution alerts; or
 - d. Meteorological conditions not conducive to good smoke dispersal as reported by the national Weather Service. Agricultural burning shall be done when wind takes the smoke away from roads, homes, population centers or other public areas, to the greatest extent possible.
4. Only one pile at a time shall be ignited and each shall be extinguished before lighting another.
5. All burning shall take place during time periods as announced on the "burn day" message.
6. At least one responsible person, at least eighteen years old, is required to attend and control the Open Burning as a fire monitor until the fire has been completely extinguished. The fire monitor shall have in his/her possession, while attending and controlling the Open burn;
 - a) a shovel, hoe or rake; and
 - b) a charged hose or other water source sufficient to extinguish the fire.All Agricultural burning 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. Equipment and personnel adequate to control or extinguish the Agricultural burn must be present when the burning is begun.
7. The fire shall be located not less than fifty (50) feet from any structure ~~or power pole~~ with a fire break isolating the fire from the structure. ~~MS~~
 8. No person shall kindle or maintain a fire upon the land belonging to another person without written permission of the landowner or agent.
 9. The valid written permit must be available at the burn for fires requiring a permit.
 10. The fire must be extinguished at any time the fire creates a public hazard.
 11. No outdoor fire shall be permitted in or within 500 feet of forest slash.

Nothing stated in the "Burn Day" announcement shall relieve the applicant from responsibility to avoid unreasonable interference with enjoyment of life and property or relieve the burner from responsibility to conduct a safe burn.

15.04.143 Issuance of Infractions - Burn Control Officer

- A. The County 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 ordinance 209 to enforce this code.
- B. The Walla Walla County Sheriff Deputies, City of Walla Walla Police Officers, the Burn Control Officer and any others designated by Walla Walla County shall have the authority to issue infractions for violations of this ordinance in the same manner and in the same forms provided by state statutes and court rules for civil infractions. The County 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 or 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 on 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.

Done this 19th day of September, 19 95

Attest:

Connie R Vint

Clerk of the Board.

Lewis L. Jacky

Chairman

David J. Conroy

Commissioner

Charles A. Truelsen

Commissioner

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Constituting the Board of County Commissioners
of Walla Walla County, Washington.

JANICE E. BATES
COUNTY AUDITOR

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