

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY OF PALOUSE, WASHINGTON, adopting Palouse Municipal Code Chapter 8.32, "OUTDOOR BURNING," thereby providing for the regulation of outdoor burning within the City of Palouse, and providing penalties for the violation thereof.

THE CITY COUNCIL OF THE CITY OF PALOUSE, DO ORDAIN AS FOLLOWS:

Section 1. There is hereby adopted as Palouse Municipal Code Chapter 8.32, the following:

"Chapter 8.32 OUTDOOR BURNING

Sections:

8.32.010 - Applicability

8.32.020 - Definitions

8.32.030 - Outdoor Burning Prohibited - - Exceptions

8.32.040 - Permits for Ceremonial, Religious, or Celebratory Fires

8.32.050 - Fire Suppression Training Fires

8.32.060 - Unlawful to Leave Fire Unattended

8.32.070 - Responsibility for Damage and Other Liabilities

8.32.080 - Right of Entry

8.32.090 - Violations - Right to Extinguish Fire-Penalty

8.32.010 - Applicability. This chapter shall apply to all outdoor burning within the City of Palouse except the following, specific types of fires:

- (a) fires for grilling, cooking, or smoking food which are contained within an appliance or device using charcoal, wood, or combustible gas for fuel; and
- (b) kerosene, gasoline, propane or other gas-fueled fires emitted from a torch, burner manifold, or similar device intended for heating, construction, or maintenance purposes.

8.32.020 - Definitions. The following terms shall have the following meanings when used in this chapter:

- (a) Campfire means a small, outdoor fire not larger than 3'in diameter, and 2' tall, intended and used only for recreation or cooking purposes.
- (b) Ceremonial, religious or celebratory fire means an outdoor fire associated with religious ceremony or ritual, or an organized school or civic celebration.
- (c) Fire Chief means the duly elected or appointed chief of the Palouse Fire Department or, in absence of a City Fire Department, the duly elected or appointed chief of the Fire Department or agency charged with the responsibility to suppress fires within the City of Palouse.
- (d) Outdoor burning or outdoor fire means an open fire maintained outdoors, in the open atmosphere.
- (e) Open fire means a fire not contained within an enclosure equipped with vents to control draft and a chimney to vent smoke from the fire.
- (f) Virgin wood means any seasoned, natural unpainted and untreated wood that has not been processed other than by cutting to size and shape or compressed specifically for use as fuel for fireplaces and stoves (plywood, osb panels, hardboard, glued and laminated wood products, and glue impregnated wood or sawdust panels are examples of wood that has been processed).

8.32.030 - Outdoor Burning Prohibited - - Exceptions. All outdoor burning and outdoor fires within the City of Palouse shall be unlawful, excepting the following, specific types of outdoor fires:

- (a) Campfires using only virgin wood for fuel (paper may be used to start the campfire);
- (b) Ceremonial, religious, or celebratory fires using only virgin wood for fuel, provided no such fire larger than a campfire shall be allowed without a valid permit issued under the provisions of this chapter (paper may be used to start a ceremonial, religious, or celebratory fire);
- (c) Fire conducted by the City Fire Department (or, in absence of a City Fire Department, the Fire Department or agency charged with the responsibility to suppress fires within the City of Palouse); and

- (d) agricultural burns authorized under a valid agricultural burn permit issued by the Washington State Department of Ecology, conducted in accordance with the provisions of this chapter and the laws of the State of Washington.

8.32.040 - Permits for Ceremonial, Religious, or Celebratory Fires. No ceremonial, religious, or celebratory fire larger than a campfire shall be allowed without a valid permit, therefore, issued by the Fire Chief (or by the Fire Chief's authorized deputy in the Fire Chief's absence). The application shall be in a form prescribed by the Fire Chief, stating the applicant's name and address, the purpose of the fire, and the time, place, and duration of the proposed fire. The Fire Chief (or authorized deputy, as the case may be) may impose conditions upon the proposed fire to minimize the risk of an uncontrolled fire, smoke, or other situation which may have an adverse impact on the health or safety of neighbors or residents of the City of Palouse. As an additional condition of the permit, the Fire Chief may require the applicant to provide reasonable notice of the time and place of the fire to the general public and/or persons who may be adversely impacted by smoke from the fire. The Fire Chief may also deny a permit during periods of extreme fire danger resulting from dry or adverse weather conditions, or due to fire suppression equipment and/or personnel shortages within the City of Palouse.

8.32.050 - Fire Suppression Training Fires. All open burning conducted by the City Fire Department (or, in the absence of a City Fire Department, the Fire Department or agency charged with the responsibility to suppress fires within the City of Palouse) for fire suppression training purposes shall comply with the following requirements:

- (a) The burn must be exclusively for fire suppression training; in no event shall the fire be used as a means of disposing of waste, debris, or hazardous materials.
- (b) All households within 1,000 feet of the proposed burn site shall be notified in writing at least 48 hours before the burn of the date, time, purpose of the burn, and expected duration of the burn. The notice may be delivered in person to a household and left with an occupant therein of suitable age and discretion, or it

can be mailed. In addition, copies of the notice shall be posted in three public areas within the City (for example, at City Hall, Public Library, and on the Heritage Park bulletin board).

- (c) All fire suppression training associated with the burn shall be conducted in accordance with guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

8.32.060 - Unlawful to Leave Fire Unattended. It shall be unlawful to leave any outdoor or open fire unattended. A responsible person capable of extinguishing the fire must attend to it at all times until extinguished. When extinguished, the fire must be cold to the touch and emit no smoke before it can lawfully be left unattended.

8.32.070 - Responsible Party. Any person who initiates and/or conducts any kind or type of outdoor fire shall be fully responsible for all fire suppression costs incurred to control, suppress, and/or extinguish the fire.

8.32.080 - Right of Entry. Any law enforcement officer of the City of Palouse or the Fire Chief (or authorized representative of the Fire Chief) shall have the right to enter onto any private property within the City of Palouse upon which an outdoor fire is burning, for the purposes of inspecting the property, to ascertain whether the fire is in compliance with the provisions of this chapter; provided, this right to inspect shall not be considered a duty to inspect.

8.32.090 - Violations –Right to Extinguish Fire – Penalty. The Fire Chief or, in the Chief’s absence, the Chief’s authorized subordinate, shall have full authority to direct such members of the fire department as may be needed to enter onto any property where a fire is burning in violation of this chapter and extinguish the fire. Any person violating this chapter shall be fined in accordance with the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
First offense within 3 yr period	75.00	500.00
Second offense within 3 yr period	150.00	500.00

Third offense within 3 yr period	325.00	500.00
Fourth offense within 3 yr period	500.00	500.00"

Section 2. This ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the City of Palouse as required by law.

ADOPTED this ___ day of _____, 2007, by the City Council of the City of Palouse.

APPROVED:

Mayor

ATTEST: _____
Clerk

Approved as to form:

Stephen Bishop, City Attorney

Passed: _____

Published: _____

Effective date: _____