

## 8.20.065 Open burning regulation.

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A. Except as provided hereafter, all open burning shall be prohibited within the corporate limits of the city.

B. Notwithstanding the foregoing, open burning shall be allowed within the city from April 1st through May 31st and October 15th through December 15th of each calendar year, from the hours of 10:00 a.m. to 5:00 p.m. each day under the following conditions:

1. The air quality specialist has not declared an episode and the control officer has not declared a period of air stagnation or impaired air quality;
  2. The smoke from the open burning shall remain away from neighboring structures;
  3. The open burning shall be a distance of at least 50 feet from any building, structure or other combustible matter;
  4. A garden hose connected to a water supply or other fire extinguishing equipment is available;
  5. An adult is in attendance until all fire has been extinguished;
  6. The person conducting the burning must be in legal possession of the land on which the burning is to be done;
  7. The person conducting the burning shall obtain all necessary state and federal permits;
  8. All burning activities shall be conducted in accordance with all applicable state and federal regulations;
  9. The substance being burned shall not consist of any of the following:
    - a. Garbage;
    - b. Oil, grease or asphalt;
    - c. Junk motor vehicles;
    - d. Commercial and industrial wastes;
    - e. Rubber;
    - f. Dead animals;
    - g. Demolition debris (provided, however, untreated lumber and/or wood shall be burnable);
    - h. Plastic;
    - i. Asphalt shingles;
    - j. Railroad ties;
    - k. Telephone poles;
    - l. Fence poles treated with any chemicals;
    - m. Damp yard garbage, trimmings and residue and any other material or product that would smolder;
    - n. No burning barrels. (Ord. 06-684 § 1, 2006; Ord. 01-593 § 1, 2001; Ord. 99-568 § 1, 1999; Ord. 93-463 § 1, 1993; Ord. 91-436 § 4, 1991)
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## 8.20.080 Open burning – Exemptions.

The following activities are exempt under the terms of this chapter:

- A. Barbecues;
- B. Ceremonies;
- C. Fireplaces;
- D. Fire fighting training under the direction of the fire chief;
- E. Weed or fire hazard control upon the approval of the fire chief;
- F. Other building, structures and material deemed a hazard to public safety or health by the building inspector. (Ord. 91-436 § 2, 1991; Ord. 86-361 § 2, 1986)

## 8.20.100 Enforcement.

The fire chief is vested with authority to:

- A. Require any person to remove from property occupied by him or under his control, any accumulation of weeds, grass, rubbish or flammable material of any kind constituting a fire hazard;
- B. Remove from any property at the expense of the owner or occupant thereof after due notice given as hereinafter provided, any accumulation of weeds, grass, rubbish or flammable material of any kind, constituting a fire hazard;
- C. Notify any owner or occupant of property by written notice personally served upon such owner or occupant of any accumulation of weeds, grass, rubbish or flammable material of any kind constituting a fire hazard and requiring the owner or occupant to remove such accumulation within 10 days after service of such written notice. In the event such notice is served upon an owner having the right to immediate possession of the property and such owner fails, refuses or neglects to remove such accumulation within 10 days after the service of such written notice, the cost of removing such accumulation may be charged as a lien against the property by filing a notice of claim of lien with the auditor of Asotin County, Washington. If such written notice is served on any person, other than the owner thereof, having the right to possession or occupancy of property and such person fails, refuses or neglects to remove such accumulation within 10 days from the service of such written notice, the cost of removing such accumulation may be recovered from such person by civil action in the name of the city in the municipal court of the city or in the superior court of the state in and for Asotin County. (Ord. 125 § 6, 1961)

## 8.20.110 Penalties.

- A. Any person who violates any of the provisions of this chapter as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the appropriate appeal process, or by a court of competent jurisdiction, within the required times, shall severally for each and every such violation and noncompliance, respectively, incur a civil penalty. The penalty for the first violation shall be \$200.00. The first \$100.00 of this penalty shall not be suspended or deferred. The penalty for a second violation of this chapter shall be \$500.00, and the first \$300.00 of this penalty shall not be suspended or deferred. The penalty for a third violation of the same section of this chapter shall be \$1,000, and the first \$500.00 shall not be suspended or deferred. The penalty of a fourth violation of the same section shall be up to \$10,000 in accordance with RCW [70.94.431\(1\)](#), and the first \$1,000 shall not be suspended or deferred. For each violation of a continuing nature, each day shall constitute a separate offense. A notice of infraction may be issued by the police chief, mayor or fire marshal, a commissioned deputy sheriff or designee, or such persons designated by the Asotin County legislative authority.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. In addition to the fines above, in the event of a violation, the city may charge any suppression costs, investigative costs or costs of testing material to the property owner and/or any responsible parties involved. (Ord. 06-684 § 2, 2006; Ord. 91-436 § 4, 1991; Ord. 86-361 § 7, 1986)