

**COLVILLE CITY COUNCIL AGENDA ITEM
BRIEFING SHEET**

Meeting Date: October 23, 2018

Contact: Mayor Janke

- **Topic: Burn ordinance**

Type of Briefing:

Information Only Discussion Only Decision Needed

Background of Situation:

Currently the city of Colville has no enforceable burn ordinance. We do have a resolution 13-14 which give the Fire Chief authority to ban any fires during severe fire danger and resolution 11-05 giving the Mayor authority to restrict access and other restrictions on city owned land outside of the city. There seems to be lack of clarity to the citizens what is allowed to burn in the city limit. RCW 70.94.6514 and WAC 173-5215-040 spell out restrictions on open burning in the UGA-none is allowed without permit. This will allow the fire department and police to enforce burning rules.

Goals and Objectives:

Council goals:

Colville is a community where people want to live and work.

Colville effectively delivers services.

Colville is safe and healthy place to live.

Strategic plan goals:

.Provide effective governance to the city.

Evaluate Alternatives or Options/Consequences of Inaction:

1. Do Nothing-makes it difficult and confusing how to enforce burning restrictions allow continued confusion on what is allowed.
2. Adopt ordinance-this will allow better understanding and enforcement of regulations

ATTACHMENTS:

1. Resolution No 14-14 authorizes the fire chief to impose a ban on open burning and recreational fires.
2. Resolution No 11-05 give mayor authority to restrict access to city property in times of high fire danger.
3. Email from DOE with supporting information
4. Propose ordinance regulation burning in the City of Colville

Funding: N/A

Recommended action with recommendation: recommend approval of ordinance

ORDINANCE NO. _____ N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF COLVILLE, WASHINGTON,
SETTING REGULATIONS ON BURNING IN THE CITY OF COLVILLE.**

WHEREAS, the City of Colville is a safe place to live; and

WHEREAS, the health of the residents of the City of Colville can be adversely effected by increased smoke from burning.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLVILLE, WASHINGTON DOES ESTABLISH A NEW SECTION IN THE COLVILLE MUNICIPAL CODE REGARDING THE REGULATION OF BURNING IN THE CITY LIMITS:

SECTION 1: Chapter 8.36

**Chapter 8.36
BURNING PERMITS AND REGULATIONS**

Sections:

- 8.36.010 Definitions
- 8.36.015 Prohibition of burning.
- 8.36.020 Recreational fires.
- 8.36.025 Prohibited uses – Fuel restrictions.
- 8.36.030 Controlled burns – Colville Fire Department Controlled Burns – Exception.
- 8.36.035 Enforcement.
- 8.36.040 Penalty for violations.

8.36.010 Definitions.

A. "Open fire" means any outdoor fire that occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

B. "Recreational fire" means cooking fires, campfires, and bonfires that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

8.36.015 Prohibition of burning.

It shall be unlawful for any person, firm or corporation to kindle or maintain or authorize the setting of any Open Fire upon any public or private land in the city of Colville.

8.36.020 Recreational fires.

(a) Use Conditions.

- (1) Only natural gas, clean, seasoned and dry firewood, charcoal, manufactured fire logs and liquid petroleum gas (LPG) (propane) are permissible fuels for a recreational fire.
- (2) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.
- (3) Are subject to burn ban limitations (except LPG as the fuel).
- (4) There is a minimum 25-foot distance required from any structure for a recreational fire device (excluding barbeques).
- (5) Fire shall not be within ten (10) feet of adjoining property lines, fences or decks.
- (6) Pits shall not exceed three (3) feet in diameter and two (2) feet in height. The depth of the pit shall be a minimum of four (4) inches and capable of containing all burned material.
- (7) A minimum of ten (10) feet shall be maintained around the entire pit, free of grass, shrubbery, weeds, vegetation and any other combustible material, including overhanging limbs from trees.
- (8) Fires shall be attended at all times by an alert individual with immediate access to a shovel and either five (5) gallons of water or a connected and charged water hose.

8.36.025 Prohibited uses – Fuel restrictions.

The following uses are prohibited:

- (a) Burn barrel.
- (b) Open burning.
- (c) Burning of yard waste/land clearing debris.

- (d) Garbage/trash burning.
- (e) Burning in a below-ground, open pit that contains the fire.
- (f) Burning of paper, except to start a fire.
- (g) Building materials burning, i.e., scrap wood, paint, vinyl flooring, roofing, carpet, etc.
- (h) Burning of dead animals, asphalt, petroleum products, paints, rubber products, plastics, cardboard, treated wood, construction/demolition debris, metal, or any substance (other than dry vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned.
- (i) Burning of a recreational fire during air-quality burn bans.
- (j) Outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance.

8.36.030 Controlled burns – Exception.

- (a) Department of Ecology permitted controlled burns by the Fire Department are allowed.
- (b) Any private Department of Ecology permitted open burns shall also be approved by the Fire Chief.
- (c) Controlled burns of structures are authorized with Department of Ecology approval.

8.36.035 Enforcement.

All illegal or unattended fires shall be extinguished immediately and are subject to investigation by the Colville fire department and citation from the Colville police department.

8.36.040 Penalty for violations.

- (a) Any person, firm or corporation convicted of violating this chapter or any portion thereof, shall be guilty of a misdemeanor.
- (b) Violation of this chapter is a misdemeanor, punishable by a fine of \$1,000.

SECTION 2: Effective Date

This Ordinance shall take effect and be in full force five (5) days from its passage, approval and publication.

Passed and adopted by the City Council of the City of Colville, Washington the ___ day of _____, 2018.

Louis Janke, Mayor

Attest: Holly Pannell, MMC, PFO,
City Clerk/Human Resources Manager

APPROVED AS TO FORM:

Logan A. Worley,
McGrane & Schuerman, PLLC
City Attorney

OrdinanceBurningRegulations

Adopted by Council on
Published on
Effective on

RESOLUTION NO. 14-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLVILLE, WASHINGTON, CONFIRMING THE DECLARATION OF AN EMERGENCY DUE TO A WINDSTORM ON JULY 23, 2014

WHEREAS, a severe windstorm on July 23, 2014 caused trees to blow over in Yep Kanum Park which damaged the electrical supply to the Park; and

WHEREAS, the annual Rendezvous Days festival in Yep Kanum Park was scheduled to begin on August 1, 2014; and

WHEREAS, the repair work would take several days to accomplish and the lack of electricity prevented vendors and the public from using the essential functions of the Park during the event, thereby creating an emergency situation within the City; and

WHEREAS, before Yep Kanum Park could be opened for this event, the electrical supply had to be restored.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Colville, Washington, as follows:

SECTION 1:

The City of Colville, Washington, hereby declares an emergency as a result of the lack of electricity in Yep Kanum Park caused by the windstorm on July 23, 2014, pursuant to RCW 39.04.280.


SECTION 2:

The actions taken, and to be taken, by the Mayor and authorized designees, as are reasonably necessary to restore the essential functions of Yep Kanum Park, are hereby confirmed. Competitive bidding requirements are hereby waived due to the existence of an emergency pursuant to RCW 39.04.280.

Passed and adopted by the City Council of the City of Colville, Washington, the 12th day of August, 2014.




Mayor Deborah Rarrick

Attest: 

Holly Pannell, CMC, PFO, City Clerk/
Human Resources Manager

Approved as to form and content:



City Attorneys McGrane & Schuerman

RESOLUTION NO. 11-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLVILLE PROVIDING FOR THE AUTHORITY TO RESTRICT ACCESS TO CITY PROPERTY DURING PERIODS OF HIGH FIRE DANGER.

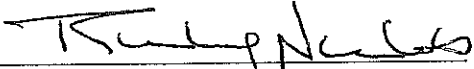
WHEREAS, the Council has determined that during fire season it is necessary to prevent access to certain City property; and

WHEREAS, the purpose of the closure is to preserve the City's property and to further reduce potential fire damage to property of others.

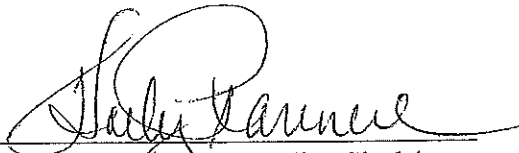
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLVILLE,
WASHINGTON HEREBY RESOLVES AS FOLLOWS:

1. The Mayor shall have the authority, subject to Council approval at the next regular meeting, to direct the closure of City property during fire season.
2. The closed property shall have sufficient signage to place the public on notice of the closure.

Passed and adopted by the City Council of the City of Colville, Washington, the 28th day of June, 2005.

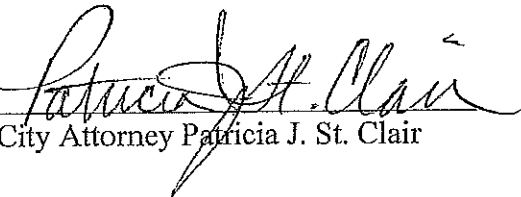


Mayor Richard Nichols

Attest: 

Holly Pannell, CMC, City Clerk/
Human Resources Manager

Approved as to form and content:



City Attorney Patricia J. St. Clair

Mayor Janke

From: Peterson, Kary (ECY) <KAPE461@ECY.WA.GOV>
Sent: Wednesday, October 03, 2018 10:45 AM
To: Mayor Janke
Subject: Outdoor Burn restrictions UGA's

Mayor Janke

70.94.6514 RCW is the statute section that reduces burning in UGA's.

WAC 173-425-040, that really spells out the restrictions and reduction in burning in UGA's.

For Colville and the Colville UGA, those restrictions have been in place since December 31, 2006.

Residential burning and Land clearing burning are NOT allowed within the Colville UGA which includes the City of Colville.

Residential burning means the outdoor burning of leaves, clippings prunings and other yard and garden refuse. Disposal burns are no longer allowed within the UGA

Land clearing burning is burning that changes the use of the land. Like burning to clear a home site are no longer allowed within the UGA.

In areas of the State that have these burn restrictions you can still have recreational fires.

Recreational fires are cooking fires, campfires, 3x3x2 in size and made with clean firewood or charcoal. Fires used for debris disposal purposes are not recreational fires.

The city can impose more restrictions just can't impose less restrictions, (I know you know that)

I'm continuing to look for actual city ordinances but I'm having a tough time finding them on the web.

Thanks Kary

Kary Peterson
Department of Ecology
Air Quality
509/329-3523