

ORDINANCE NO. 2011-3

AN ORDINANCE OF PEND OREILLE COUNTY, WASHINGTON, IMPOSING COUNTY BURNING CONTROLS UPON LANDS WITHIN PEND OREILLE COUNTY DURING THE SAME TIME PERIOD AND UPON THE SAME CONDITIONS AS BURNING CONTROLS IMPOSED BY THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES WITH EXCEPTIONS FOR RECREATIONAL FIRES ON IMPROVED PROPERTY UNDER SPECIFIC CONDITIONS, IMPOSING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE NO. 2008-5

WHEREAS, uncontrolled fires in our county can present a very real danger to both persons and property, and

WHEREAS, the Washington State Department of Natural Resources generally monitors the level of fire danger upon all lands under its jurisdiction, and

WHEREAS, the Washington State Department of Natural Resources only has jurisdiction over certain unimproved property in our county and the County Commissioners have jurisdiction over other property in Pend Oreille County, and

WHEREAS, the County Commissioners believe that the protection of persons and property necessitates the implementation of County Burn Controls whenever the Washington State Department of Natural Resources imposes Burning Controls upon lands within Pend Oreille County,

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PEND OREILLE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1: IMPOSITION OF BURNING CONTROLS

Whenever the Washington State Department of Natural Resources imposes Burning Controls upon lands within Pend Oreille County, the Pend Oreille County Commissioners hereby direct that identical County Burning Controls will be imposed upon all lands under county jurisdiction without further action of the Board of County Commissioners with the following exception:

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RECREATIONAL FIRES ON IMPROVED PROPERTY WILL BE ALLOWED WHEN THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES ALLOWS CAMPFIRE IN DESIGNATED CAMPGROUNDS IN PEND OREILLE COUNTY IF AND ONLY IF THE RECREATIONAL FIRE MEETS ALL OF THE FOLLOWING CONDITIONS: THE FIRE (1) IS ATTENDED AT ALL TIMES, (2) IS NO LARGER THAN 3 FEET BY 3 FEET AND NO TALLER THAN 2 FEET, (3) A CHARGED HOSE OR FIVE GALLONS OF WATER IS PRESENT ALONG WITH A SHOVEL AND (4) THERE IS A FIRE BREAK/NON-COMBUSTABLE SURFACE OF AT LEAST THREE FEET AROUND THE FIRE. IN THE EVENT THAT A FIRE ESCAPES, THE PROPERTY OWNER IS RESPONSIBLE FOR ANY AND ALL FIRE SUPPRESSION COSTS.

When DNR prohibits campfires in designated campgrounds in Pend Oreille County, the recreational fires allowed above will also be prohibited. With the above noted exception, the County Burning Controls will become effective at the same time, upon the same terms and for the same duration as the Burning Controls imposed by the Washington State Department of Natural Resources.

When the Pend Oreille County Sheriff's Office verifies that the Washington State Department of Natural Resources has imposed Burning Controls upon lands within Pend Oreille County, the Sheriff's Office shall notify County Fire Districts and all local media about the imposition of the County Burning Controls and the Exception. The County Burning Controls will be in effect regardless of whether or not notification has been made. Further, when the Sheriff's Office verifies that the Washington State Department of Natural Resources has removed the Burning Controls, the Sheriff's Office shall notify County Fire Districts and all local media about the removal of the County Burning Controls.

The Board of County Commissioners retains the authority to independently impose burning controls if the Board determines that burning controls are necessary to protect persons or property.

SECTION II: PENALTIES FOR VIOLATION OF COUNTY BURNING CONTROLS

Any person, firm or corporation violating County Burning Controls shall be guilty of a civil infraction. For the first violation in a calendar year, a monetary penalty in the amount of \$125.00 shall be assessed, for the second violation in a calendar year, a monetary penalty in the amount of \$250.00 shall be assessed and for a third or subsequent violation in a calendar year, a monetary penalty in the amount of \$500.00 shall be assessed.

SECTION III: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances shall not be affected.

SECTION IV: REPEALER

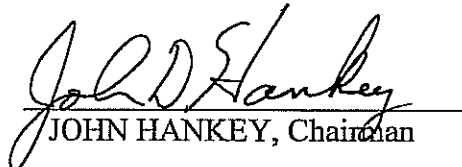
Ordinance No. 2008-5 is repealed upon the effective date of this Ordinance.

SECTION V: EFFECTIVE DATE

This Ordinance shall be effective from and after the 15 day of August, 2011.

ADOPTED THIS 15th DAY OF AUGUST, 2011

BOARD OF COMMISSIONERS
PEND OREILLE COUNTY


JOHN HANKEY, Chairman


DIANE WEAR, Member


LAURA MERRILL, Member

ATTEST:


(CHRIS) MYLAR, Clerk of the Board