

ORDINANCE NO. 126B
PACIFIC COUNTY, WASHINGTON

AN ORDINANCE RELATING TO THE BANNING OF OUTDOOR BURNING
AND REPEALING ORDINANCE NOS. 126 AND 126A

WHEREAS, sustained periods of dry weather produce extremely dry vegetation and ground cover in Pacific County; and

WHEREAS, vegetation is highly combustible during dry periods of the year and outdoor burning of any kind under such conditions is extremely hazardous; and

WHEREAS, extremely dry conditions justify the imposition of an outdoor burning ban in order to protect the health, safety, and welfare of the general public; now therefore,

IN ACCORDANCE WITH CHAPTER 36.32 RCW IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, AS FOLLOWS:

SECTION 1. SCOPE OF THIS ORDINANCE

This Ordinance shall apply to all unincorporated areas of Pacific County.

SECTION 2. AUTHORITY TO BAN OUTDOOR BURNING

- A. The Director of the Pacific County Department of Community Development or his or her designee shall have the authority to temporarily ban outdoor burning whenever he or she determines that there is a significant fire danger in all or part of the unincorporated area of Pacific County. In order to temporarily ban outdoor burning, the Director or his or her designee must make a written finding that the health, safety and welfare of the general public would be enhanced by the imposition of a temporary ban on outdoor burning.
- B. Any such temporary ban on outdoor burning which is promulgated by the Director of the Pacific County Department of Community Development or his or her designee shall be effective immediately upon the signing of a written order. The temporary ban on outdoor burning shall remain in effect for thirty (30) days or until the temporary ban is rescinded, whichever occurs first. The Director or his or her designee may extend the outdoor burning ban for successive thirty (30) day increments if conditions warrant. The Director or his or her designee shall take reasonable steps to disseminate any orders issued under this Ordinance.

- C. Any ban on outdoor burning issued by the Director of the Pacific County Department of Community Development shall delineate the area which is covered by the ban. As conditions warrant, the area may include part or all of the unincorporated area of Pacific County. Any ban on outdoor burning issued by the Director or his or her designee also shall indicate the extent, if any, to which fire pits and burning in designated portions of campground areas are excluded from the ban.

SECTION 3. PENALTIES

- A. Criminal Penalties. A person violating any provision of this Ordinance or who fails to comply with any of its requirements is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than ninety (90) days, or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.
- B. Civil Action. In addition to the criminal penalty provisions listed above, Pacific County may take civil action against a person who violates any provision of this Ordinance or who fails to comply with any of its requirements. Such civil action includes, but is not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a civil lawsuit, the court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both. Any or all of the remedies articulated above may be used by the County to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.
- C. The term "person" shall mean an individual, a partnership (including partners and members), a corporation (including board members, officers, and managers), or any other entity of any kind.

SECTION 4. SAVINGS AND SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, such provisions, or portion(s) thereof,

shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE/REPEAL OF ORDINANCE NOS. 126 AND 126A

Pacific County Ordinance No. 126B shall take effect immediately. Pacific County Ordinance Nos. 126 and 126A are hereby repealed.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 11th day of September, 2001.

3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON
/s/Norman B. Cuffel

Norman "Bud" Cuffel, Chairman
/s/Jon Kaino

Jon Kaino, Commissioner
/s/Pat Hamilton

Pat Hamilton, Commissioner

ATTEST:
/s/Kathy Noren

Kathy Noren
Clerk of the Board