

**CITY OF ILWACO
ORDINANCE NO. 848**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, ALLOWING FOR
CITY WIDE BURNING RESTRICTIONS TO BE DECLARED BY THE FIRE CHIEF.**

WHEREAS, the Washington State Legislature enacted laws that restrict both residential yard-waste burning and land clearing burning; and

WHEREAS, since 2007, residential outdoor burning has been prohibited in all Urban Growth Areas (UGA's) within the state; and

WHEREAS, Pacific County Fire Districts and Fire Departments in cooperation with the Washington Department of Natural Resources (DNR) and the Olympic Clean Air Agency (ORCAA) enacted a Fire Safety Burn Ban on outdoor burning; and

WHEREAS, exceptionally low rainfall amounts combined with an increase in population, and activities which heighten fire hazards, create a need for further restrictions of activities normally allowed under RCW 70.94.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter 8 shall be amended to add the following provision as Section 8.25:

- 1) Declaration by Fire Chief of City Wide Burning Restriction
 - a) A City Wide Burning Restriction, if declared by the fire chief, will;
 - i) revoke any and all discharge, firing, or throwing of any exploding or burning devices, including Legal Fireworks (aerial/projectile) by private citizens within the city limits,
 - ii) Limit the size of recreational cook fires to no more than 2ft around and 16 inches in height. Additionally;
 - (1) Fire must be attended at all times,
 - (2) Fire must be extinguished prior to leaving the site,
 - (3) Enact methods to reduce the amount of sparks omitted,
 - (4) Have a bucket of water or hose available at all times.
- 2) Enforcement
 - (1) The authority and responsibility for enforcing this chapter are vested in the chief of police, who may take such enforcement measures as deemed appropriate. Such measures may include, but are not limited to, the issuance of verbal or written warnings, the issuance of notices of infraction, when allowed under this chapter.
- 3) Violation of chapter—Infraction—Exceptions.

- a) Violations of this chapter shall be classified as infractions, except as otherwise provided. Infractions are noncriminal offenses.
- 4) Notice of infractions.
 - a) A notice of infraction represents a determination that an infraction has been committed.
- 5) Civil monetary penalties and process.
 - a) Civil infraction penalties shall accrue as follows: each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of two hundred fifty dollars (\$250.00) per day that violations occur and for each day of violation thereafter until the violation has been corrected. All proceedings for the civil violation will be in accordance with Section 1.20.020.
- 6) Severability.
 - a) If any section, paragraph, clause, or phrase of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force immediately after its passage, approval and publication of an approved summary of the title, as provided by law and designated herein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 29TH DAY OF JUNE, 2015.

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Forner	Cassinelli
Ayes	X	X	X		X	
Nays						
Abstentions						
Absent				X		

PUBLISHED: July 1, 2015

EFFECTIVE: July 1, 2015

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