

RESOLUTION NO. 2016 - 49
Repealing Resolution No. 2003-80 High Fire Danger Areas
Area and County Road Restrictions and County Road Closures

WHEREAS, the Board of Chelan County Commissioners adopted Resolution No. 2003-80 High Fire Danger Areas, Area and County Road Restrictions and County Road Closures on June 17, 2003; and

WHEREAS, the Board had a public meeting on May 23, 2016 to hear any objections to revising County Code 7.52 Fire Hazard Travel and Activity Restrictions; and

WHEREAS, it has been determined that Resolution No. 2003-80 shall be repealed and a new section of County Code 7.52 Fire Hazard Travel and Activity Restrictions be enacted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chelan County Commissioners that Resolution No. 2003-80 is hereby repealed effective on the date of this resolution; and

BE IT FURTHER RESOLVED that the Board of Chelan County Commissioners adopts the Attachment "A" hereto, Fire Hazard Travel and Activity Restrictions, to be codified as Chapter 7.52 of the County Code.

Dated at Wenatchee, Washington this 31st day of May 2016.



ATTEST: CARLYE BAITY

BOARD OF COUNTY COMMISSIONERS

ABSENT

KEITH W. GOEHNER, Chairman

DOUG ENGLAND, Commissioner

RON WALTER, Commissioner


Clerk of the Board

EXHIBIT "A"

To Resolution No. 2016- 49

CHAPTER 7.52
FIRE HAZARD TRAVEL AND ACTIVITY RESTRICTIONS

Sections:

- 7.52.010 Designation.
- 7.52.015 Travel restrictions.
- 7.52.020 Activity restrictions.
- 7.52.030 Fire Advisory Board.
- 7.52.040 Notification requirements – List of designated fire hazard areas and restrictions.
- 7.52.050 Posting of notices.
- 7.52.060 Violation - Penalty.

7.52.010 Designation.

- (1) The chairman of the Fire Advisory Board shall notify the Chelan County Sheriff's Department of their recommendation in writing to designate an area as a fire hazard area. Upon receiving such notification, the Chelan County Sheriff shall present the recommendation to the Chelan County Commissioners along with a resolution for their action.
- (2) The Board of Chelan County Commissioners, upon the recommendation of the Chelan County Sheriff, may officially determine and publicly announce when any area shall be designated as a fire hazard area, and may further determine and publicly announce when such designation may be withdrawn. The Board of Chelan County Commissioners may make this determination, taking into account the need to protect public and private lands from the danger of fire during times of the year when fire danger is present.
- (3) Upon designation, by resolution, of a fire hazard area, any or all of the following travel and activity restriction levels may be applied to the fire hazard area:
 - (a) Moderate
 - (b) High
 - (c) Extreme
- (4) Travel and activity restriction levels are progressive and shall include any and all lower level travel and activity restrictions already in place unless modified.

- (5) Any modification, addition, or deletion of these designations or provisions shall be by resolution of the Board of Chelan County Commissioners, upon written recommendation of the Chairman of the Fire Advisory Board following the same procedures as outlined for the initial designation.

7.52.015 Travel Restrictions.

- (1) The following travel restrictions shall be enforced by the Sheriff as conditions warrant, with approval of the Board of Chelan County Commissioners, throughout those unincorporated areas of Chelan County designated as fire hazard areas:
- (a) Moderate restrictions include:
 - (i) No operation of any motor vehicles off the roadway;
 - (b) High restrictions include:
 - (i) Restricts travel on county roads, except for the following:
 - a. Bona fide residents;
 - b. Landowners and leaseholders to access land to perform work to protect property;
 - c. Authorized and official business only;
 - d. Access to open public lands for legitimate purpose/use.
 - (c) Extreme restrictions include:
 - (i) Barricades placed at the intersection of county roads;
 - a. County roads containing a barricade shall be identified in the list of designated fire hazard areas and restrictions set forth in Section 7.52.040.

- (2) Notice of travel restrictions shall be posted as set forth in Section 7.52.050. Travel restrictions shall become effective upon such posting and will remain so until September 30th, unless revised in accordance with Section 7.52.010. A list of area road designations shall be kept in the Chelan County Public Works Department.

7.52.020 Activity Restrictions.

- (1) Activity restrictions shall be enforced by the Sheriff as conditions warrant, with approval of the Board of Chelan County Commissioners, throughout those unincorporated areas of Chelan County designated as a fire hazard area:

(a) Moderate restrictions include:

- (i) **Restricted Open Flame Devices.** No person shall operate or use any device liable to start or cause fire in or upon any Moderate fire hazard area, except by the authority of a written permit from the appropriate fire protection agency; provided, however, that no permit will be required if such use is within a habited premises or area directly related thereto;
- (ii) **Restricted Outdoor Fires.** No person shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purpose whatsoever, in a Moderate fire hazard area, except for recreational residential campfires burning in a campfire area installed in accordance with the Chelan County fire advisory board guidelines or except by authority of a written permit from the appropriate fire protection agency. "Campfire area" is an outdoor fire burning area for recreational fires where natural wood materials other than rubbish can be burned. The campfire area must have all combustible material removed down to mineral soil and shall have a containment area of either rock, metal, concrete or any other noncombustible material and shall not be more than thirty-six inches in diameter. All combustible material one and one-half feet surrounding the campfire area shall be removed. Fuel for the recreational residential campfire shall not extend above the edge of the campfire containment area;
- (iii) **Portable fireplaces/pits/chimeneas** are approved providing they are placed on noncombustible material or all noncombustible material is removed to mineral soil with all combustible material one and one-half feet around the portable fireplace/pit/chimenea removed. Only natural wood materials shall be burned in the portable fireplace/pit/chimenea and the fuel shall not extend outside the portable fireplace/pit/chimenea.

(b) High restrictions include:

- (i) No fireworks;
- (ii) **No Outdoor Fires.** No person shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purpose whatsoever, in or upon any High fire hazard area, except by the authority of a written permit from the appropriate fire protection agency. No permit will be required for outdoor fires within habited premises or designated campsites where such fires may be built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, or grill. Such a permit shall incorporate such terms and conditions to reasonably safeguard public safety and property.

(iii) Restricted Open Flame Devices: No person shall operate or use any device liable to start or cause fire in or upon any High fire hazard area, except for the approved open flame devices listed below or by the authority of a written permit from the appropriate fire protection agency:

a. Approved Open Flame Devices. Liquid gas stoves or fires, including:

- i. Pressurized gas camp stoves, catalytic heaters, and white gas camp stoves and lanterns.
- ii. Commercially made barbeque devices.
- iii. Stove or fireplace fires completely contained within a home or residence.
- iv. Propane or pressurized white gas warming devices with a shield and base.
- v. An enclosed solid fuel fire that utilizes a wick to distribute the flame.

(c) Extreme restrictions include:

- (i) No Outdoor Burning and/or Outdoor Open Flame Devices, except as allowed by written permit from the appropriate fire protection agency. Commercially made barbeque devices at residences and stoves or fireplace fires completely contained within a home or residence are allowed without a permit.

(2) Notice of activity restrictions shall be posted as set forth in Section 7.52.050. Activity restrictions shall become effective upon such posting and will remain so until September 30, unless revised in accordance with Section 7.52.010.

7.52.030 Fire Advisory Board.

- (1) Fire Advisory Board. There is established a Fire Advisory Board which shall consist, at a minimum, of representation from the U.S. Forest Service, Washington State Department of Natural Resources, Chelan County Fire Marshal, Chelan County Sheriff, Chelan County Emergency Management, and representation from the responsible land management and fire protection agency for the respective fire hazard

areas, including the Chelan County fire districts and the Washington State Department of Fish and Wildlife.

- (2) The Fire Advisory Board shall designate a chairman and alternate of such board and may convene board meetings as are necessary to carry out the purposes of this chapter.
- (3) The Fire Advisory Board shall develop guidelines to utilize in determining recommendations to the Board of Chelan County Commissioners, for the designation of fire hazard areas.

7.52.040 Notification Requirements – List of designated fire hazard areas and restrictions.

- (1) After designation and application of the specific provisions of this chapter by the Board of Chelan County Commissioners, the Fire Advisory Board shall disseminate such designation and application information within two days to:
 - (a) Local media;
 - (b) Chelan County Sheriff;
 - (c) Chelan County Public Works;
 - (d) Chelan County Fire Marshal;
 - (e) Chelan County Emergency Management;
 - (f) U.S. Forest Service;
 - (g) Washington State Department of Natural Resources;
 - (h) Respective Chelan County fire districts;
 - (i) Washington State Department of Fish and Wildlife; and
 - (j) Chelan-Douglas Utility Council.
- (2) A list of those areas designated as a fire hazard area and accompanying travel and activity restrictions shall be kept in the County Engineer's office and displayed on the Chelan County Department of Public Works website. Copies of the list shall be made available to the public in the Board of County Commissioner's office and the Sheriff's office.

7.52.050 Posting of Notices.

- (1) The Board of Chelan County Commissioners shall designate the Chelan County Public Works Department and other departments as necessary to post notices of and defining the restrictions and/or closures with a prominent sign at the point or points of restriction or

closure on county roads. The department will also be tasked with the removal of such signs when all restrictions are removed by resolution.

7.52.060 Violation - Penalty.

- (1) Anyone violating the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) and/or ninety (90) days in jail.
- (2) In addition to the criminal penalties which may be imposed pursuant to this chapter, the expenses of fighting any fires as a result of violations of this chapter are a charge against the person whose violation of this chapter caused the fire. Expenses for suppressing and damages caused by such fire shall constitute a debt of such person and are collectable by Chelan County in the same manner as an obligation under contract, express or implied.
- (3) A court may also impose such damages as restitution in any criminal prosecution brought pursuant to this provision.