

## Chapter 7.52

### FIRE HAZARD AREAS\*

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\* Prior resolution history: Resos. 2015-90, 2015-81, 2015-72, 2015-62, 2015-54, 2014-75, 2014-48, 2013-44, 2011-57, 2010-95, 2009-106, 2009-78, 2008-137, 2004-78, 2004-68, 94-114, 94-100, 93-101 and 93-81.

#### **7.52.010 Definitions.**

The purpose of this section is to provide a primary source for the definition of terms used in this chapter. If a term is not specifically defined in this section, it shall have the meaning referenced in the most current edition of the Merriam-Webster Dictionary or, if not in the Merriam-Webster Dictionary, the International Fire Code adopted pursuant to Chapter 3.04, International Codes Adopted. Whenever the following words and phrases appear in this chapter, they shall be given the meanings attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision.

“Activity restriction stages” are progressive limitations of actions implemented by the Board of County Commissioners as necessary to reduce the potential ignition of wildland fires in certain fire danger level areas.

“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 and twenty-four inches high. 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.

“Chiminea” means a freestanding earthenware or metal fireplace that in its typical form has a bulbous body which is open in the front and is topped by an elongated chimney.

“Fireworks” shall have the same meaning as set forth in Section 7.44.030(2).

“Labeled” means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

“Liquified petroleum gas” means a material which is composed predominantly of the following hydrocarbons or mixtures of them: propane, butane (normal butane or isobutane) and butylenes.

“Listed” means equipment, materials, products or services included in a list published by an organization acceptable to the fire marshal and concerned with evaluation of products or services that maintained periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

“Outdoor fire” means the combustion of material with no provisions for the control of such combustion or the control of the emissions from the combustion products.

“Outdoor fireplace” means a device made of rock, metal, concrete or any other noncombustible material and shall not be more than thirty-six inches in diameter and twenty-four inches high.

“Portable fireplaces/pits” means a portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-40 (Exh. A) (part), 5/29/18).

“Travel restriction stages” are progressive limitations in the operation of motorized vehicles off road or within designated fire danger level areas as determined by the Board of County Commissioners.

**7.52.020 Designation.**

(1) The chairman of the fire advisory board shall notify the Chelan County sheriff, the director of the Chelan County department of public works, and the Chelan County fire marshal of the fire advisory board’s recommendation in writing to designate an area as a fire hazard area. Upon receiving such notification, the Chelan County sheriff shall present the recommendation of the fire advisory board to the board of 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 or the Chelan County fire marshal, 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 high fire danger is present.

(3) In the event the board of Chelan County commissioners is unable to meet within twenty-four hours after the fire advisory board transmits its written recommendation pursuant to subsection (1) of this section, the Chelan County sheriff, the Chelan County fire marshal or the director of the Chelan County department of public works may temporarily designate a fire hazard area and impose travel and/or activity restrictions. Such designation and restrictions shall be in effect until the next regular meeting of the board of Chelan County commissioners. At the next regular meeting, the board of Chelan County commissioners may approve by resolution the fire hazard area designation and any accompanying travel and/or activity restrictions. If no resolution is so adopted all temporary designations and restrictions shall terminate.

(4) Upon designation, by resolution, of a fire hazard area, any or all of the following fire hazard levels may be applied to the fire hazard area:

- (A) Moderate;
- (B) High;
- (C) Very high;
- (D) Extreme.

(5) For purposes of designation of fire hazard areas, Chelan County shall be divided into two geographical zones based on the Central and Northeast Washington Interagency Fire Danger Operating Plan:

- (A) Valley Zone shall be composed of those unincorporated lands and area within the legal boundaries of Chelan County Fire Districts 1, 5, 6, 7 and 8.
- (B) Chelan Mountain Zone shall be composed of those unincorporated lands and area within the legal boundaries of Chelan County Fire Districts 3, 9 (Lake Wenatchee Fire and Rescue) and 10.

The following describes in detail the boundary between the Chelan Mountain and Valley fire danger rating areas in Chelan County from south to north:

From the intersection of Squilchuck, Stemilt, and Naneum hydrologic divides on the Chelan County line; N on Squilchuck-Stemilt divide to the Chelan FPD 1 boundary; W and N along the western edge of the Chelan FPD 1 boundary briefly following the Wenatchee Fire and Rescue FPD to the Number 2-Nahahum divide; W on Number 2-Nahahum divide to intersection with Mission divide; N on Mission-Nahahum divide to Chelan County FPD 6 boundary; follow the Chelan County FPD 6 boundary in a clockwise direction to the intersection with Swakane divide; W on Swakane-Nahahum divide to intersection with Ollala divide; N on Swakane-Ollala divide to intersection with Eagle divide; N on Swakane-Eagle divide to Roaring divide; E on Swakane-Roaring to Mills divide; N on Roaring-Mills divide to Chelan County FPD 8 boundary; follow the Chelan County FPD 8 boundary in a clockwise direction to the Okanogan Wenatchee NF boundary in T.26N. R.20E. S.8 SW; E along NF boundary to Potato-Mud divide; N on Potato-Mud divide to First Creek divide; E on Mud-First divide to intersection with Johnson divide; E on First-Johnson divide to Chelan County FPD 7; follow the Chelan County FPD 7 boundary in a clockwise direction to the intersection with Chelan County FPD 5; follow the Chelan County FPD 5 boundary in a clockwise direction to the intersection with Chelan County FPD 7; follow the Chelan County FPD 7 boundary in a N and then E to Okanogan County.

(6) 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. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-42, 6/4/18; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.010).

#### **7.52.030 Travel restrictions.**

(1) Travel restriction stages are progressive and shall include any and all lower-level travel restrictions unless modified. Pursuant to the designation provisions of Section 7.52.020, the following travel restrictions shall be enforced by the Chelan County sheriff as conditions warrant, throughout those unincorporated areas of Chelan County designated as fire hazard areas:

(A) Beginning June 1, unless modified at the discretion of the BOCC depending on hazard conditions in the Valley Zone, (Initial restrictions in the Chelan Mountain Zone to be established as seasonal drying necessitates).

(i) No operation of any motor vehicles off the county roadway; except to access open public lands

(B) Stage 1 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) Stage 2 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 7.52.060.

(2) Notice of travel restrictions shall be posted as set forth in Section 7.52.070. Travel restrictions shall become effective upon such posting and will remain so until September 30th, unless revised in accordance with Section 7.52.020. A list of area road designations shall be kept in the office of the Chelan County department of public

works. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-42, 6/4/18; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.015).

**7.52.040 Activity restrictions.**

(1) Activity restriction stages are progressive and shall include any and all lower level activity restrictions unless modified. Pursuant to the designation provisions of Section 7.52.020, activity restrictions shall be enforced by the Chelan County sheriff as conditions warrant, throughout those unincorporated areas of Chelan County designated as a fire hazard area.

(A) Beginning June 1, unless modified at the discretion of the BOCC depending on hazard conditions in the Mountain and Valley Zone.

(i) No Fireworks. Use, display, and discharge of all fireworks is prohibited, except by the authority of a written permit issued by the Fire Marshal's Office.

(ii) The use of exploding targets and incendiary ammunition is prohibited.

(B) Beginning June 1, unless modified at the discretion of the BOCC depending on hazard conditions in the Valley Zone, (Initial activity restrictions in the Chelan Mountain Zone to be established as seasonal drying necessitates).

(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 or approval from the appropriate fire protection agency;

Exception: 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.

Exception: Recreational 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;

(C) Stage 1 restrictions include:

(i) Restricted 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 or approval from the appropriate fire protection agency.

Exception: No permit will be required for outdoor fires on private residential premises or designated campsites where such fires may be built in a permanent barbecue, portable barbecue, outdoor fireplace, or grill. Such a permit shall incorporate such terms and conditions to reasonably safeguard public safety and property.

(ii) Portable fireplaces/pits/chimineas are approved providing they are placed on noncombustible material or all combustible material is removed to mineral soil with all combustible material one and one-half feet around the portable fireplace/pit/chiminea removed. Only natural wood materials shall be burned in the portable fireplace/pit/chiminea and the fuel shall not extend outside the portable fireplace/pit/chiminea.

(iii) Restricted Open Flame Devices. No person shall operate or use any device liable to start or cause fire in or upon any 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 labeled 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.
- (VI) Listed gas campfire devices.
- (VII) Commercial operators can obtain a permit from the county fire marshal or permission from the appropriate fire protection agency for non-labeled devices.

(D) Stage 2 restrictions include:

- (i) No outdoor fires and/or outdoor open flame devices, except as allowed by written permit or approval from the appropriate fire protection agency. Permits are not required for use of the following: (1) commercially made listed/labeled barbeque devices located and used at a residence; and (2) stoves or fireplace fires completely contained within a residence.
- (ii) Use of charcoal briquettes is prohibited, except for commercially made listed/labeled barbeque devices located and used at a residence.
- (iii) No target shooting outside of gun ranges. Hunting permitted in open areas.

(E) Stage 3 restrictions include:

- (i) Specific travel and activity area closures.

(2) Notice of activity restrictions shall be posted as set forth in Section 7.52.070. Activity restrictions shall become effective upon such posting and will remain so until September 30th, unless revised in accordance with Section 7.52.020. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-42, 6/4/18; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.020).

**7.52.050 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 agencies for the respective fire hazard areas, including the Chelan County fire districts and 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. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.030).

**7.52.060 Notification requirements—List of designated fire hazard areas and restrictions.**

(1) Following designation as set forth in Section 7.52.020, 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 department of 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;
- (J) Chelan-Douglas Utility Council.
- (K) Chelan County public information office

(2) A list of those areas designated as a fire hazard area and accompanying 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 offices of the board of Chelan County commissioners and the Chelan County sheriff. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.040).

**7.52.070 Posting of notices.**

The board of Chelan County commissioners shall designate the Chelan County department of public works 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 Chelan County department of public works will also be tasked with the removal of such signs when all restrictions are removed by resolution. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.050).

**7.52.080 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 and/or ninety days in jail.

(2) In addition to the criminal penalties which may be imposed pursuant to this chapter, the expenses of responding to and /or 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 the case of an obligation under contract, express or implied.

(3) The court may also impose such damages as restitution in any criminal prosecution brought pursuant to this provision. (Res. 2019-67 (Exh. A) (part), 6/4/19; Res. 2018-40 (Exh. A) (part), 5/29/18; Res. 2016-49 (Exh. A) (part), 5/31/16. Formerly 7.52.060).