

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**In the Matter of Declaring a Jefferson County
Outdoor Burn Ban and Establishment of the
Fire Risk -Burn Level - Restriction Guidelines
for the 2022 Fire Season**

RESOLUTION NO. 30 22

WHEREAS, Article XI, section 11 of the Washington Constitution, confers upon county legislative authorities the police power to adopt such local police, sanitary and other regulations as are not in conflict with general laws; and,

WHEREAS, Article XI, section 11 of the Washington Constitution is a direct delegation of the police power to cities and counties, and the power delegated is as extensive within their sphere as that possessed by the legislature; and,

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, police power is that inherent and plenary power which enables prohibition of all things hurtful to the comfort, safety and welfare of society; and,

WHEREAS, the scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people; and,

WHEREAS, the Fire Chiefs for the Fire Protection District within Eastern Jefferson County have called for a county-wide ban on outdoor burning (as defined in WAC 173-425-030(16)¹) between July 1, 2022 and September 30, 2022 as a valuable tool to reduce the occurrence of preventable human caused wildfires; and,

WHEREAS, the Fire Chiefs for the Fire Protection Districts for East Jefferson County have been consulted regarding the proposed county-wide ban on outdoor burning between July 1, 2022 and September 30, 2022; and,

WHEREAS, the Jefferson County Fire Marshal supports enacting the proposed county-wide ban on outdoor burning between July 1, 2022 and September 30, 2022; and,

WHEREAS, fire precautions and safeguards against hazards to life, safety and property from the dangerous conditions associated with fire; protect citizens, firefighters, emergency responders and private property; and,

¹ “‘Outdoor burning’ means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this rule, “outdoor burning” means all types of outdoor burning except agricultural burning and silvicultural burning. (RCW 70.94.743(2)).” WAC 173-425-030(16).

WHEREAS, the Jefferson County Board of Commissioners wishes to promote the health, safety and welfare of its citizens under the statutory purposes of the Washington Clean Air Act; and,

WHEREAS, Jefferson County has the authority vested under Washington Administrative Code 173 -425 -050 [3][a] [iii] Entitled “Curtailments” to declare for Jefferson County Fire Danger Burn Restrictions in areas under its statutory jurisdiction, in addition to the statutory authority vested to the Washington State Department of Natural Resources (DNR) and the Olympic Region Clean Air Agency (ORCAA); and,

WHEREAS, Jefferson County has enacted the authority to establish a county-wide ban on outdoor burning in Resolution Number 42-05, adopted on June 28, 2005; and,

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners that:

Section 1. Outdoor Burn Ban Declared. The Jefferson County Board of Commissioners declare a county-wide ban outdoor burning as defined in WAC [173-425-030\(16\)](#), other than for recreational fires (as defined in the Uniform Fire Code [Chapter 2-Definitions](#)²), for all of Jefferson County from July 1, 2022 through September 30, 2022, concurrent with the burn ban implementation plans of Jefferson County Fire Districts. This county-wide ban outdoor burn ban may be extended beyond September 30, 2022, based upon consultation between the Fire Marshal, County Fire Chiefs, and in consideration of the current atmospheric and field conditions.

Section 2. County Will Follow DNR Guidance. Should the DNR issue guidance banning recreational fires on all forestlands (as defined in RCW [76.04.005\(11\)](#)³), Jefferson County will follow suit and the outdoor burning ban declared in this resolution shall be extended to ban all open burning, including recreational fires, until atmospheric and field conditions lower.

Section 3. Findings. The Jefferson County Board of Commissioners adopts the above recitals (the “WHEREAS” statements) as its findings of fact supporting this resolution.

Section 4. Severability. The provisions of this resolution are declared separate and severable. If any provision of this resolution or its application to any person or circumstances is held invalid, then the remainder of this resolution or application of its provisions to other persons or circumstances shall remain valid and unaffected.

Section 5. SEPA Compliance. This resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800\(19\)](#).

² “**RECREATIONAL FIRE.**” An *outdoor fire* burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial cooking, warmth or similar purposes.” UFC [Chapter 2- Definitions](#) (2018).

³ “Forestland” means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade mountains may be considered forestlands when such areas are adjacent to or intermingled with areas supporting tree growth. Forestland, for protection purposes, does not include structures. RCW [76.04.005\(11\)](#)

Section 6. Resolution 42-05. Resolution number 42- 05 remains in effect, subject to the provisions of this resolution.

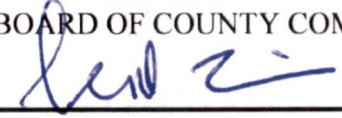
Section 7. Effective Date. This resolution becomes affective on the date approved by the Jefferson County Board of Commissioners. This resolution shall be considered null and void and without effect on December 31, 2022.

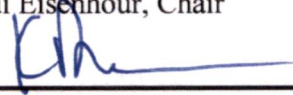
(SIGNATURES FOLLOW ON NEXT PAGE)

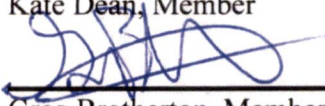
ADOPTED this 27th day of June 2022, at 11:54 a.m.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS




Heidi Eisenhour, Chair


Kate Dean, Member


Greg Brotherton, Member

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA REQUEST**

TO: Board of County Commissioners

FROM: Mark McCauley

DATE: June 27, 2022

SUBJECT: DISCUSSION AND POTENTIAL ACTION re: County Burn Ban

STATEMENT OF ISSUE:

Resolution No. 42-05 (June 28, 2005) relies on WAC 173-425-050(3)(a)(iii) to resolve that:

- Open burning shall be curtailed during periods of closure as defined by the current established Washington State Department of Natural Resources open burning curtailment program, due to fire danger, and/or;
- Open burning shall be curtailed during periods of closure as defined by the Olympic Clean Air Agency due to air quality degradation, and;
- Open burning may be curtailed during additional periods identified by Jefferson County in consultation with the Fire Chiefs.

Resolution No. 43-05 (June 28, 2025), Resolution No. 22-13 (June 24, 2013), Resolution No. 40-20 (June 29, 2020), and Resolution No. 31-21 (June 28, 2021) implement Jefferson County burn bans under Resolution No. 42-05, Section 4. The language of these 2005, 2013, 2020, and 2021 resolutions are essentially the same. In those years, the Fire Chiefs have recommended that Jefferson County adopt its own burn ban under Resolution No. 42-05.

The Fire Chiefs recommend that the fire danger is such that the County should adopt its own burn ban this fire season to begin on July 1, 2022.

ANALYSIS:

Resolution No. 42-05 (June 28, 2005) authorizes the County Board of Commissioners to adopt a County burn ban, in consultation with the Fire Chiefs.

FISCAL IMPACT:

None.

RECOMMENDATION:

Pass a resolution (attached) adopting a County-wide burn ban, as recommended by the Fire Chiefs.

REVIEWED BY:

Approved Telephonically
Mark McCauley, County Administrator

6/24/22
Date