



**MAPLE VALLEY FIRE AND LIFE SAFETY
KING COUNTY FIRE PROTECTION DISTRICT #43**

**RESOLUTION R-2012-016
Illegal Burning and Cost Recovery**

WHEREAS, the Fire District continues to accept the responsibility to issue open burning permits; establishing rules and regulations for outdoor burning; adopting enforcement procedures and monetary penalties to be imposed for illegal outdoor burning.

WHEREAS, the Board of Fire Commissioners has determined that it is in the best interest of King County Fire District No. 43 to regulate, control and enforce proper and safe outdoor burning practices and to establish reasonable service fees to offset primary costs associated to the management of outdoor burning within the District, and

WHEREAS, The Board of Fire Commissioners has established a long and productive working relationship with the Department of Natural Resources and the Puget Sound Clean Air Agency that has worked to promote a clean environment and fire safe District, and

WHEREAS, The Board of Fire Commissioners is convinced that persons or firms found in violation of outdoor burning rules and regulations should be required to reimburse the Fire District for the costs of mitigating and enforcing illegal burning practices, and

WHEREAS, The Board of Fire Commissioners wants to communicate its opinion that outdoor burning must be conducted, safely, cleanly and with the least impact to the local environment and the community as possible.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF MAPLE VALLEY FIRE & LIFE SAFETY (KING COUNTY FIRE PROTECTION DISTRICT #43) AS FOLLOWS:

Section 1: The Board of Fire Commissioners, in accordance with Washington State Law and District policies, hereby retain the responsibility for establishing rules and regulations to control and manage outdoor burning within the District.

Section 2: Enforcement and Monetary Penalties for Non-Compliance.

2a. The violation of or failure to comply with any provision of outdoor burning rules and regulations or any terms or conditions of a properly issued permit by King County Fire District #43 is illegal and shall constitute a misdemeanor under the laws of the State of the Washington. The District shall process enforcement actions through the King County Prosecutors office by way of summons and/or through the Puget Sound Clean Air Agency.

2b. If a person starts an unauthorized fire, or a fire without a permit, or if a permit holder fails to comply with any provisions of this Resolution pertaining to outdoor fires, or of any term or condition of an issued permit and as a result, the Fire District is required to mitigate the incident,

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the person, permit holder and/or property owner is liable to the District to reimburse it for the costs of all fire services rendered.

2c. Violation of outdoor burning rules and regulations is a misdemeanor as defined in RCW and is punishable by fine and/or imprisonment in the County jail. The Fire District may coordinate misdemeanor enforcement actions through the King County Prosecutors office by way of summons and/or through the Puget Sound Clean Air Agency.

2d. Non-compliance with these rules and regulations can result in the issuance of a citation and/or a civil penalty up to \$16,000 per occurrence, per day by the Puget Sound Clean Air Agency.

2e. The Fire District will work in close coordination with the Puget Sound Clean Air Agency on all pertinent enforcement actions implemented under these rules and regulations.

2f. The Fire Chief of the District is responsible to adopt Operating Guidelines to guide Fire District members in the application of these rules and regulations and the implementation of illegal fire enforcement actions. These guidelines shall include instructions for member conduct, the application of sound judgment and professional discretion when implementing these rules and regulations and methodology for implementing reasonable enforcement actions.

2g. The Fire Chief is hereby authorized, in his/her own discretion, to waive all permit fees or penalties within this Resolution where a significant disaster event has affected the community and will necessitate large-scale outdoor burning practices to facilitate the recovery of the community.

2h. The Fire Chief is hereby authorized, in his/her own discretion, to waive any burn permit fee requirement of this Resolution for other tax supported agencies such as the Department of Transportation and King County Road Department that may conduct open burning to dispose of natural debris from the District.

2i. Where the Fire District initiates an action to recover costs in conjunction with illegal outdoor burning and/or non-compliance with outdoor burning rules and regulations the Fire District, the District shall impose a base fee for response of \$150.00 plus use the most current edition of the Fire Service Rate and Fee Schedule published by the Washington State Fire Chief's Association to assign costs.

2j. The Fire district is authorized to withhold the issuance of outdoor fire burn permits and/or to direct any person, firm, or corporation to abstain from igniting or permitting any outdoor fire upon their property parcel when, in the discretion of the Fire District it is a necessary action to prevent recurring illegal outdoor burning. The Fire District shall not withhold or restrict outdoor burning for any single occurrence beyond a two (2) year period.

2k. The District authorizes Puget Sound Clean Air Agency, its agents, assigns, employees and delegates to perform duties within its scope of its practice, inside the boundaries of Fire

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District #43. This specifically includes the enforcement of all rules and regulations contained within this Resolution.

PASSED at a Regular Meeting of the Board of Fire Commissioners of Maple Valley Fire and Life Safety (King County Fire Protection District 43) held on this 4th day of October, 2012.

APPROVED:

ATTEST:

William VanRuff, Chairperson

Michele de Leon, District Secretary

Gabriel DeBay, Commissioner

Mike Scott, Fire Commissioner

Brian McGee, Commissioner

Camille Walls, Commissioner