

---

SENATE BILL 6304

---

State of Washington

52nd Legislature

1992 Regular Session

By Senators Owen, Metcalf, Bauer and Craswell

Read first time 01/24/92. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to the administration of the outdoor burning  
2 control program in rural areas; and amending RCW 70.94.750 and  
3 70.94.780.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.750 and 1991 c 199 s 412 are each amended to  
6 read as follows:

7 The following outdoor fires described in this section may be burned  
8 subject to the provisions of this chapter and also subject to city  
9 ordinances, county resolutions, rules of fire districts and laws, and  
10 rules enforced by the department of natural resources if a permit has  
11 been issued by a fire protection agency, county, or conservation  
12 district:

13 (1) Fires consisting of leaves, clippings, prunings and other yard  
14 and gardening refuse originating on lands immediately adjacent and in

1 close proximity to a human dwelling and burned on such lands by the  
2 property owner or his or her designee. This subsection shall not apply  
3 to fires in nonurbanized areas containing a total amount of combustible  
4 material four feet or less in diameter. The agency or unit of local  
5 government issuing burning permits pursuant to RCW 70.94.780 may by  
6 ordinance, resolution, or regulation elect to exempt from the permit  
7 requirement those fires in nonurbanized areas containing total  
8 combustible material between four feet and ten feet in diameter.

9 (2) Fires consisting of residue of a natural character such as  
10 trees, stumps, shrubbery or other natural vegetation arising from land  
11 clearing projects or agricultural pursuits for pest or disease control;  
12 provided the fires described in this subsection may be prohibited in  
13 those areas having a general population density of one thousand or more  
14 persons per square mile.

15 For purposes of this section, "nonurbanized areas" includes all  
16 areas of the state which are not within an urban growth area as defined  
17 by RCW 36.70A.030.

18 **Sec. 2.** RCW 70.94.780 and 1991 c 199 s 411 are each amended to  
19 read as follows:

20 In addition to any other powers granted to them by law, the fire  
21 protection agency, county, or conservation district issuing burning  
22 permits shall regulate or prohibit outdoor burning as necessary to  
23 prevent or abate the nuisances caused by such burning. No fire  
24 protection agency, county, or conservation district may issue a burning  
25 permit in an area where the department or local board has declared any  
26 stage of impaired air quality per RCW 70.94.473 or any stage of an air  
27 pollution episode. All burning permits issued shall be subject to all  
28 applicable fee, permitting, penalty, and enforcement provisions of this

1 chapter. The permitted burning shall not cause damage to public health  
2 or the environment.

3 Any entity issuing a permit under this section may charge a fee at  
4 the level necessary to recover the costs of administering and enforcing  
5 the permit program.

6 A fire protection agency, county, or conservation district may  
7 elect not to administer burning permits in rural areas, which for  
8 purposes of this section are all areas of the state that are not urban  
9 growth areas as defined by RCW 36.70A.030. In the case of such  
10 election the issuance of burning permits and enforcement of the program  
11 shall be conducted by the local air pollution control authority, or if  
12 there is no activated authority, by the department of ecology.