

CITY OF BELLEVUE, WASHINGTON

ORIGINAL

ORDINANCE NO. 2179

AN ORDINANCE regarding open burning and prohibiting the same except when done pursuant to permit.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following new section, to be designated section 23.40.010 of the Bellevue City Code, is hereby adopted:

23.40.010 Open fires allowed only with permit.

No person, firm, or corporation shall start or continue, or cause to be started or continued, any open outdoor fire except for the following within the limits of the city without a written permit therefor issued by the city. No permit shall be issued for a fire on any forest or cut-over land.

- (1) Small fires for cooking when contained in a stove, pit, receptable, or other burner designed and used for cooking purposes;
- (2) Flares, torches, pots or burners for the destruction or control of insects, incense burners, and smokeless waste gas burners;
- (3) Fires for abating a forest fire hazard, to prevent a fire hazard, or for the instruction of public officials in methods of forest fire fighting, and any silvicultural operation to improve forest lands when and where such fires described in this subsection are permitted by the State Department of Natural Resources;
- (4) Fires for the instruction of fire fighters or public officials in methods of fire fighting when and where such fires are permitted by the Puget Sound Air Pollution Control Agency;
- (5) Fires for the testing of fire resistant materials or fire protection equipment when prior written approval for such fires has been issued by the Puget Sound Air Pollution Control Agency;
- (6) Fires for disease control, pest control, and weed abatement related to agricultural activities but only when prior written approval for such fires has been issued by the Puget Sound Air Pollution Control Agency;
- (7) Fires for the disposal of bulky waste natural vegetation or debris when due to unusual and exceptional conditions of the land whereon the same exists, relating to location and topography, no reasonable alternate means of disposal exists; provided, that prior written approval for the

fires described in this subsection must be obtained from the Puget Sound Air Pollution Control agency and the Bellevue Fire Marshal for the City of Bellevue, or his designated representative.

- (8) Fires not exceeding three feet in diameter, for religious or ceremonial purposes, subject to compliance with fire regulations.

Section 2. The following new section, to be designated section 23.40.030 of the Bellevue City Code, is hereby adopted:

23.40.030 Application for permit. Applications for permits shall be made to the Fire Marshal, or other official designated by the City Manager, on forms to be provided by the city. The permit shall designate the premises and the exact location thereon where the fire may be started and continued; the nature of the material to be burned; the time limit of the permit; and may contain any special requirements pertaining to the fire and the control thereof as the issuing officer or the Fire Chief deem necessary for safety. If the premises upon which the fire is to be started and continued is within the city, or if such premises are within the city limits of any municipality which contracts with the city for fire protection services, the permit shall be issued upon payment by permittee of a fee to be established by rules and regulations of the Fire Marshal, or other official designated by the City Manager.

Section 3. The following new section, to be designated section 23.40.040 of the Bellevue City Code, is hereby adopted:

23.40.040 Permissible burning period - Council to designate - Authority to issue permits. The Fire Marshal or other licensing official shall have authority to issue permits hereunder only during such periods as the City Council or its designee shall from time to time designate as "permissible open burning periods." Such designation shall be made by resolution of the Council, and may be of such duration as the Council may determine, which may be terminated by further resolution of the Council.

Section 4. The following new section, to be designated section 23.40.050 of the Bellevue City Code, is hereby adopted:

23.40.050 Factors which Council may consider. In determining whether to establish a permissible open burning period, or whether to terminate the same, the City Council may consider, among other factors it may deem appropriate, the following: prevailing atmospheric conditions, degree of pollution resulting, and fire hazard.

Section 5. The following new section, to be designated section 23.40.060 of the Bellevue City Code, is hereby adopted:

23.40.060 Review by Fire Marshal. All permits authorized hereunder shall be issued in the discretion of the Fire Marshal or other licensing official. The Fire Marshal or other licensing official shall not be

required to issue any permits if said Fire Marshal or licensing official determines the issuance of such permit would present an unreasonable risk to the public health and safety.

Section 6. The following new section, to be designated section 23.40.070 of the Bellevue City Code, is hereby adopted:

23.40.070 Duties of permittee. The permittee shall comply with all the terms and conditions of the permit, and shall keep a responsible person in charge of the fire at all times, who shall hold the fire under control and not permit it to spread to other property or structures, and shall thoroughly extinguish the fire when the authorized burning is completed. The possession of such a permit shall not relieve the permittee from civil liability for any damages resulting from the fire for which he may be liable otherwise.

Section 7. The following new section, to be designated section 23.40.080 of the Bellevue City Code is hereby adopted:

23.40.080 Violations of terms of permit. The violation of or failure to comply with any provision of this chapter pertaining to fire permits, or of any term or condition of the permit prescribed by the rules or regulations of the fire department, shall be a misdemeanor.


Section 8. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

PASSED by the City Council this 20 day of January, 1975, and signed in authentication of its passage this 20 day of January, 1975.

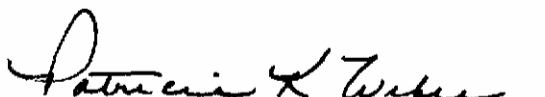
(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published Jan 30, 1975