

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY
STATE OF WASHINGTON**

ORDINANCE

NO. 2012-004

**ORDINANCE AMENDING TITLE 20.07 OF THE KITTITAS COUNTY CODE FOR FIRE AND LIFE
SAFETY TO ADD A DEFINITION FOR SKY LANTERNS AND FIRE HAZARDS AND TO
PROHIBIT THE USE OF SKY LANTERNS IN KITTITAS COUNTY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS: Sky lanterns create a danger to the public health, safety and general welfare because they have an unpredictable flight path and can travel several miles before landing with the potential of starting a fire if they land on combustible materials while their fuel cell is still burning; and

WHEREAS: Sky lanterns do not meet the definition of a firework and thus are not subject to RCW 70.77.250 (4) which requires county ordinances more restrictive than state law regarding fireworks to have an effective date of one year after adoption; and

WHEREAS: This ordinance is categorically exempt from SEPA threshold determination requirements as it is a procedural action pursuant to WAC 197-11-800 (19); and

WHEREAS: The Board finds that in order to protect the health, safety and welfare of the public, it is necessary to adopt certain fire safety requirements;

WHEREAS: The Board received recommendations from Fire Marshal to ban the lighting and release of sky lanterns and to update Kittitas County Code Title 20.07 to include the definition and prohibition of a sky lantern; and

WHEREAS: The Board held a public hearing regarding the ban on the lighting and release of sky lanterns within Kittitas County;

NOW, THEREFORE, BE IT ORDAINED That the Board of County Commissioners after due deliberation and in the best interest of the public, does hereby amend Kittitas County Code Title 20.07 as follows:

**Title 20.07
Fire Hazards**

- 20.07.010 Definitions**
- 20.07.020 Authority**
- 20.07.030 Piles of Natural Vegetation for Burning**
- 20.07.040 Recreational Fires**
- 20.07.050 Sky Lanterns**

20.07.010 Definitions.

Fire Hazard—Any arrangement of materials and/or heat sources that presents the potential for harm, such as personal injury or ignition of combustibles.

Sky Lanterns---Miniature, unmanned air balloon that relies on an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere. Typically made of rice paper or flame resistant paper, it has a fuel cell in the opening.

20.07.020 Authority. The Fire Marshal or his/her designee may deem a property or condition on a property as a fire hazard.

20.07.030 Piles of Natural Vegetation for Burning. Piles of natural vegetation for burning shall be no greater than 10' in diameter, and no more than 10' in height. If prior approval is obtained by the Fire Marshal and local fire district, pile sizes may be increased. It shall be the responsibility of the property owner to contact the local fire district to determine if a permit will be required, as well as to notify the fire district upon commencement of burning.

The following rules shall apply to all Outdoor Burning at all times:

- a. The burning of garbage, trash, rubbish, or utilization of burn barrels, etc. is illegal;
- b. No open burning within 50 feet of any structure or combustible material;
- c. Pile size shall be no greater than 10' in diameter, unless prior approval to increase pile size is obtained from the Fire Marshal and fire district;
- d. No more than one pile may be burned on any property at the same time;
- e. Piles may be stored on a property no longer than twelve months;
- f. Conditions that may cause the fire to spread shall be eliminated prior to ignition;
- g. No open burning shall occur when wind speeds or gusts exceed 10 mph, unless prior approval is obtained by the Fire Marshal and local fire district;
- h. A person capable of utilizing fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment, etc., shall be on site at all times; and

Fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment or any equipment that will provide suppression of the proposed fire, shall be on site at all times while the fire is burning.

20.07.040 Recreational Fires. Recreational fires are allowed in unincorporated areas of Kittitas County, provided that no restrictions or burn bans are in effect.

The following rules for Recreational Fires shall apply at all times:

- a. Recreational fires, camp fires, cook fires, etc. shall be no greater than 3' x 3' in diameter and no more than 2' in height;
- b. No recreational fires shall be located within 25 feet of any structure;
- c. A person capable of utilizing fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment, etc., shall be on site at all times; and
- d. Fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment or any equipment that will provide suppression of the proposed fire, shall be on site at all times while the fire is burning.

20.07.050 Sky Lanterns. The lighting and/or release of sky lanterns or like materials shall be prohibited in Kittitas County.

BE IT FURTHER ORDAINED That such amendment shall be effective immediately upon execution of this document by the Board of County Commissioners.

ADOPTED this 19 day of June 2012.

**BOARD OF COUNTY COMMISSIONERS
KIT TITAS COUNTY, WASHINGTON**



Alan Crankovich
Commissioner Alan Crankovich, Chairman

Obie O'Brien
Commissioner Obie O'Brien, Vice-Chairman

Paul Jewell
Commissioner Paul Jewell

ATTEST:

Mandy Robinson
~~Julie A. Kjorsvik,~~
Clerk of the Board Deputy

APPROVED AS TO FORM:

Gregory L. Zempel
Prosecuting Attorney
WSBA #19125