

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY
STATE OF WASHINGTON**

ORDINANCE NO. 2016-005

**ORDINANCE TO AMEND TITLE 9 OF THE KITITAS COUNTY CODE TO ADD SECTION
9.09.035 FIRE MARSHAL'S AUTHORITY TO PROHIBIT DISCHARGE, AND TO ADOPT POLICY
FM 01-10 IMPLEMENTING A FIREWORKS BAN**

WHEREAS: Revised Code of Washington (RCW) 70.77.250 allows counties and cities to adopt code more restrictive than state law with an effective date one year after adoption; and

WHEREAS: RCW 70.77 also provides that local fireworks ordinances are not in effect until a year after their adoption; and

WHEREAS: In times of high fire danger a temporary ban on fireworks, as determined by the Fire Marshal may be necessary; 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 Fire Marshal has determined that a temporary ban on fireworks mitigates damage and risk to life and property and reduces the risk of fires due to fireworks; and

WHEREAS: Amendment to Title 9 to add language granting the Fire Marshal the authority to implement a ban when critical fire weather and data indicates a ban is necessary; and

WHEREAS: The Board received recommendations from the Fire Marshal to adopt the new code; and

WHEREAS: The Board held a public hearing regarding amending Title 9 and adopting policy FM 01-10;

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 9 to add a new section as follows:

KCC 9.30.035 Fire Marshal's Authority To Prohibit Discharge

The Kittitas County Fire Marshal is authorized to prohibit the ignition or discharge of fireworks within the unincorporated areas of Kittitas County whenever the fire danger components and indices have reached or exceeded those described in Standard Operating Procedure F01-10 as now existing or as hereafter amended.

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

BE IT FURTHER ORDAINED The Kittitas County Information Technology Department is to add the above new section to the county code on the Kittitas County website.

BE IT FURTHER ORDAINED The Prosecuting Attorney's Office is charged with correcting any scrivener's errors it notices and determines arose out of the amendment and enactment process. No further authorization will be required from the Board of County Commissioners for the Prosecuting Attorney's Office to effect correction of scrivener's errors relating to this Ordinance and the Prosecutor's Office shall direct Information Technology to make such needed corrections.

ADOPTED this 1st day of March 2016.


**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**



Commissioner Obie O'Brien, Chairman



Commissioner Paul Jewell, Vice-Chairman



Commissioner Gary Berndt



ATTEST:



Julie A. Kjorsvik,
Clerk of the Board

APPROVED AS TO FORM:

Gregory L. Zempel
Prosecuting Attorney
WSBA #19125



KITTITAS COUNTY FIRE MARSHAL'S OFFICE

411 NORTH RUBY STREET SUITE #2 ■ ELLENSBURG, WA 98926
PHONE (509) 962-7000 ■ FAX (509) 962-7682

F01-10

Standard Operating Procedures

IMPLEMENTING A FIREWORKS BAN

SCOPE: This guideline shall outline criteria under which the Fire Marshal has the discretion to implement a fireworks ban.

PURPOSE: To provide the Fire Marshal and the public with consistency by creating guidelines based on fire weather and danger observations from credible sources, which the Fire Marshal shall consider when deciding whether a ban on fireworks is necessary.

PROCEDURE: The Fire Marshal shall be given the discretion to ban fireworks, by zone or fire district as described in Kittitas County Code 20.08.020, when the following fire danger components and indices have been reached in at least one of the three RAWs Stations:

1. The Burning Index is at least 18; and
2. The Fuel Moisture Content of the 10 hour fuels is below 8; and
3. The Energy Release Component is in the 90th percentile (42 for upper county and 44 for lower county);

And/or one of the following conditions exist:

1. Predicted fire weather; and/or
2. Resource depletion.

DATE: _____

FIRE MARSHAL: _____