

CHAPTER 229

[Senate Bill No. 4650]
BURNING PERMITS

AN ACT Relating to fire protection districts; amending section 20, chapter 254, Laws of 1947 and RCW 52.28.010; amending section 21, chapter 254, Laws of 1947 and RCW 52.28.020; amending section 22, chapter 254, Laws of 1947 and RCW 52.28.030; amending section 23, chapter 254, Laws of 1947 and RCW 52.28.040; and adding new sections to chapter 52.12 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 20, chapter 254, Laws of 1947 and RCW 52.28.010 are each amended to read as follows:

~~((No))~~ In any district in which the commissioners have adopted and published a resolution assuming the authority of issuing burning permits, a person, firm, or corporation shall not start ((or continue)), permit, or cause to be started or ((continued;)) permitted an open fire on any ((cleared or cultivated)) land within a fire protection district, without a written permit ((therefor;)) issued by ((authority of)) the district((; in any such district in which the commissioners thereof have adopted and published a resolution assuming the privilege of issuing such permits. No)) under terms and conditions as the district establishes by resolution. A fire district shall not assume authority to issue a burning permit for a fire on any forest or cut over land, except as otherwise provided by law.

Sec. 2. Section 21, chapter 254, Laws of 1947 and RCW 52.28.020 are each amended to read as follows:

~~((If))~~ The commissioners of ((such)) a district ((desire to assume the privilege of issuing such fire permits, they shall)) may adopt a resolution ((to that effect, and publish it)) authorizing the district to issue fire permits and establishing the terms and conditions under which the permit shall be issued. Notice of the resolution shall be published once a week for three consecutive weeks in a newspaper published in the county and of general circulation in the district and post it in three public places in the district. The affidavit of publication by the publisher and of the clerk of the district of the posting shall be filed in the records of ((the commissioners and shall be prima facie evidence of such publication and posting)) the district. Ten days after ((such)) the posting and the last publication, the resolution shall take effect.

Sec. 3. Section 22, chapter 254, Laws of 1947 and RCW 52.28.030 are each amended to read as follows:

~~((Such))~~ Burning permits ((shall)) may be issued upon request, ((without charge;)) by the persons authorized by the commissioners ((so to do;)) when the issuing officer deems it ((safe to do so)) appropriate. The permit shall designate the premises and the exact location ((thereon)) where

the fire may be started and ~~((continued;))~~ permitted, the nature of the material to be burned~~((;))~~, the time limit of the permit~~((;))~~, and may contain any special requirements and conditions pertaining to the fire and the control ~~((thereof))~~ of the fire as the issuing officer deems ~~((necessary for safety))~~ appropriate.

Sec. 4. Section 23, chapter 254, Laws of 1947 and RCW 52.28.040 are each amended to read as follows:

The permittee shall comply with ~~((all))~~ the terms and conditions of the permit, and shall ~~((keep))~~ maintain a responsible person in charge of the fire at all times~~((;))~~ who shall ~~((hold))~~ maintain 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 or when directed by district personnel. The possession of ~~((such))~~ a permit shall not relieve the permittee from liability for ~~((any))~~ damages resulting from the fire for which ~~((he))~~ the permittee may otherwise be liable.

NEW SECTION. Sec. 5. There is added to chapter 52.12 RCW a new section to be codified as RCW 52.12.106 to read as follows:

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, is a misdemeanor.

NEW SECTION. Sec. 6. There is added to chapter 52.12 RCW a new section to be codified as RCW 52.12.108 to read as follows:

If a person starts a fire without a permit or if a permit holder fails to comply with any provision of this chapter pertaining to fire permits, or of any term or condition of the permit, and as a result of that failure the district is required to suppress a fire, the person or permit holder is liable to the district to reimburse it for the costs of the fire suppression services.

Passed the Senate March 2, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

CHAPTER 230

[Substitute Senate Bill No. 4711]
FIRE PROTECTION DISTRICTS

AN ACT Relating to fire protection districts under Title 52 RCW; amending section 1, chapter 34, Laws of 1939 as last amended by section 5, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.020; amending section 2, chapter 34, Laws of 1939 as last amended by section 1, chapter 13, Laws of 1963 ex. sess. and RCW 52.04.030; amending section 3, chapter 34, Laws of 1939 and RCW 52.04.040; amending section 4, chapter 34, Laws of 1939 and RCW 52.04.050; amending section 5, chapter 34, Laws of 1939 as amended by section 3, chapter 254, Laws of 1947 and RCW 52.04.060; amending section 6, chapter 34, Laws of 1939 and RCW 52.04.070; amending section 7, chapter 34, Laws of 1939 and RCW 52.04.080; amending section 8, chapter 34, Laws of 1939 and RCW 52.04.090; amending section 9, chapter 34,