

HIGHLAND HILLS MAINTENANCE COMMISSION  
Board of Trustees

**BOARD POLICY NO: 3-6**

**Effective: 1 Dec 1998**  
**Last Revised: 1 Oct 2008**  
**(effective 1 Jan 2009)**

(Notice: This Policy supersedes all previous HHMC Board actions related to this subject)

**TITLE: PRESERVATION OF THE ENVIRONMENT: OUTDOOR BURNING WITHIN HIGHLAND HILLS**

**PRIMARY RESPONSIBILITY:** Community Environment Committee  
Architectural Control Committee

**REFERENCES:**

- 1) HHMC Articles of Incorporation (Article III)
- 2) Washington Clean Air Act (RCW Chapter 70.94)
- 3) Clallam County Fire District #3

**BACKGROUND AND PURPOSE:**

As originally conceived, Highland Hills was to have been a community of lots of at least five acres. In the intervening years, the minimum lot size has been significantly reduced. And Highland Hills is now more than 2/3 built out.

The proximity of homes in Highland Hills, and the often-breezy conditions here, have made it increasingly difficult for property owners or their contractors to conduct outdoor burning in compliance with the State of Washington's open burning regulations posted by Clallam County Fire District #3. In May of 2005, the Board banned "lot clearing burning" in Highland Hills. Since that time, approximately 27% of the "residential burning" in Highland Hills has generated one or more complaints of non-compliance with conditions applicable to such burning.

Effective January 1, 2007, the State of Washington banned all outdoor burning, other than "recreational fires" and "ceremonial fires," in incorporated areas and in Urban Growth Areas ("UGAs"). Although Highland Hills is unincorporated and is not included in the Sequim UGA, it is abutted on three sides by the City of Sequim and the Sequim UGA.

Clallam County Fire District #3 has expressed its full support for an expansion of HHMC's ban on outdoor burning.

Based on the foregoing, the Board has concluded that, with exceptions for "recreational fires" and "weed-control spot burning" (each as defined below), all outdoor burning

within Highland Hills should be prohibited. This Policy, as amended, implements that prohibition.

The primary purposes of the prohibition are to reduce the risk of fire in Highland Hills and to improve the air quality in Highland Hills for the benefit of our residents.

**NOTE: THIS POLICY DEALS ONLY WITH PROHIBITIONS AND RESTRICTIONS ON OUTDOOR BURNING IMPOSED BY HHMC. ADDITIONAL PROHIBITIONS AND RESTRICTIONS IMPOSED BY THE STATE OF WASHINGTON, CLALLAM COUNTY FIRE DISTRICT #3, A STATE OR COUNTY CLEAN AIR AUTHORITY OR ANOTHER GOVERNMENTAL AGENCY MAY ALSO APPLY. MEMBERS ARE INDIVIDUALLY RESPONSIBLE FOR DETERMINING THE EXISTENCE OF, AND FOR COMPLYING WITH, ANY SUCH ADDITIONAL PROHIBITIONS AND RESTRICTIONS.**

**I. RECREATIONAL FIRES AND WEED-CONTROL SPOT BURNING (EACH AS DEFINED BELOW) ARE THE ONLY OUTDOOR BURNING WITHIN HIGHLAND HILLS NOT PROHIBITED BY HHMC**

“Recreational fires” means fires for cooking or fires for pleasure. The term does not include “ceremonial fires.”

“Fires for cooking” means fires for the preparation of food in pits or surrounds or in barbecue structures, grills or the like.

“Fires for pleasure” means fires for personal comfort or enjoyment in pits or surrounds or in outdoor fireplaces, chimineas, free-standing fire pits or the like.

The following restrictions apply to recreational fires:

- Only propane or the like, seasoned firewood or charcoal may be used. Fires for debris disposal are not permitted.
- Uncontained burn piles are not permitted.
- The use of metal burn barrels is illegal.
- Fires may not be any larger than 3 feet by 3 feet by 2 feet high.

“Weed-control spot burning” means the use of a hollow wand or tube to direct burning propane or the like to a local area for the spot elimination of weed growth. It does not include the open burning of weeded areas.

Weed-control spot burning may not be done during a County-wide burn ban.

If smoke, flying ash or any other emission from a recreational fire or from weed-control spot burning causes damage to property or causes a nuisance, the fire must be extinguished immediately. Smell shall not be considered a nuisance.

Any fire has the potential to spread rapidly if left unattended or in the event of a wind gust. This is particularly true in the case of weed-control spot burning. Please exercise caution and common sense during outdoor burning, including having on hand a means to extinguish the fire should that become necessary.

## **II. ALL OTHER OUTDOOR BURNING WITHIN HIGHLAND HILLS IS STRICTLY PROHIBITED BY HHMC**

Outdoor burning in Highland Hills other than recreational fires and weed-control spot burning (each as defined above) is strictly prohibited. This is true year-round, whether or not a Clallam County burn ban is in effect, and whether or not a member has a burn permit from Clallam County Fire District #3.

Examples of prohibited burning are “land clearing burning,” “residential burning” and “ceremonial fires.” Clallam County Fire District #3 defines them as follows:

“Land clearing burning” means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear land surface so it can be developed, used for a different purpose, or left unused).

“Residential burning” means the outdoor burning of leaves, clippings, pruning and other yard and garden refuse originated on lands immediately adjacent to and in close proximity of a human dwelling and burned on such lands by the property owner or his or her designees.

“Ceremonial fires” are fires that constitute an integral part of Native American or other religious rites.

## **III. ALTERNATIVES TO BURNING**

Disposal of natural vegetation by burial within the boundaries of HHMC is unlawful. See Chapter 41.10 of the Clallam County Code.

Large trees, stumps and branches may be disposed of by processing them into firewood, provided the firewood is stacked.

Other natural vegetation from land clearing projects, and yard and garden refuse, may be chipped or removed by truck. Such services are available from several local land clearing, landscaping, and lawn and garden maintenance companies, and from some local handymen. Members should consult the yellow pages of local phone directories.

Yard and garden refuse may also be disposed of by composting or taken to the dump maintained by the City of Sequim (open only during certain times on certain days of the week).

Deadlines for disposal apply. See Board Policy 3-7.

#### **IV. FAILURE TO COMPLY**

In addition to all available legal remedies for enforcement, violation of this Policy will cause a property owner to be subject to penalty under Board Policy 1-4.

Clallam County Fire District #3 may assess its own penalty. It may also recover costs incurred during response or in the control or extinguishing of an unlawful or out-of-control fire. Property owners may also be liable for damage to any public or private property caused by smoke, flying ash or flame, as well as for any adverse effect on the health of any other person.

#### **V. CALL 911**

If prohibited outdoor burning is occurring in Highland Hills, seeing that it is promptly discontinued should be the primary concern. A member who observes any such burning should attempt as soon as possible to contact the violator, and only thereafter to contact HHMC. If the burning poses an imminent risk of spreading, 911 should be called without delay.