
SENATE BILL 5868

State of Washington

52nd Legislature

1991 Regular Session

By Senator L. Smith.

Read first time February 26, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to surface mining; adding new sections to chapter
2 78.44 RCW; creating a new section; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
5 public interest to enable counties, in the exercise of their police
6 powers, and in the interest of public health and safety, to regulate
7 the conduct of surface mining activities to the degree that such
8 activities may adversely impact the citizens and visitors of said
9 counties.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 78.44 RCW
11 to read as follows:

12 Notwithstanding any common law doctrines, any provisions of this
13 chapter, or any express provisions of any reclamation plan to the
14 contrary, the county legislative authority may, in the exercise of its

1 police powers, and in the interest of public health and safety, by the
2 enactment of ordinances, regulate the ongoing affairs of a surface
3 mining operation, including but not limited to:

4 (1) The level of noise;

5 (2) Traffic, including ingress and egress of vehicles from the
6 operation site;

7 (3) Hours of operation;

8 (4) Screening from neighboring properties;

9 (5) Dust created by the operation; and

10 (6) Public safety.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 78.44 RCW
12 to read as follows:

13 The county legislative authority shall work with cities affected by
14 a surface mining operation to ensure that the cities' interests are
15 protected. If a surface mining activity is conducted wholly within a
16 city, then the city shall have the power vested in the county
17 legislative authority to regulate ongoing affairs of a surface mining
18 operation under this chapter.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect immediately.