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SENATE BILL 5019

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State of Washington

57th Legislature

2001 Regular Session

By Senators Jacobsen and Patterson

Read first time 01/08/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to controlling wildfires through emergency  
2 restrictions on outdoor burning; adding a new section to chapter  
3 48.48 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.48  
6 RCW to read as follows:

7 (1) Whenever the director of fire protection finds that  
8 conditions of extreme fire hazard exist and that state resources  
9 or the protection of life and property may be in danger, the  
10 director of fire protection may recommend to the governor that the  
11 governor forbid outdoor burning on public and private land  
12 throughout the state or within specific portions of the state.

13 (2) Prior to making such a recommendation to the governor, the  
14 director of fire protection must consult with:

- 15 (a) The commissioner of public lands;  
16 (b) The director of the department of ecology;  
17 (c) The director of the department of agriculture; and  
18 (d) The director of the state parks and recreation commission.

1       (3) Upon receiving such a recommendation from the director of  
2 fire protection, and if the governor finds that state resources or  
3 the protection of life and property are in danger, then the  
4 governor may issue an executive order forbidding outdoor burning  
5 throughout the state or within specific portions of the state. The  
6 order is effective until rescinded by the governor. The order may  
7 allow for specific exceptions to be made where the governor  
8 determines that certain outdoor burning will not unduly endanger  
9 state resources nor the protection of life and property, and  
10 subject to limitations and conditions as recommended by the  
11 director of fire protection.

12       (4) It is unlawful for any person to conduct or cause to be  
13 conducted outdoor burning at any time and place that is forbidden  
14 by an executive order issued under subsection (3) of this  
15 section. An intentional violation of this section is a gross  
16 misdemeanor. A knowing violation of this section is a class 1 civil  
17 infraction under chapter 7.80 RCW. For the purposes of this  
18 subsection, the terms "intentional violation" and "knowing  
19 violation" have the same meaning as defined in RCW 9A.08.010.

20       (5) In addition to the penalty provided in subsection (4) of  
21 this section, any injured party may bring a civil cause of action  
22 in superior court for a violation of an executive order issued  
23 under subsection (3) of this section. A person may be liable under  
24 such an action for actual damages and reasonable attorneys' fees,  
25 court costs, and investigative costs incurred in bringing the  
26 action.

27       (6) For the purposes of this section, "outdoor burning" means  
28 the combustion of material of any type in an open fire or in an  
29 outdoor container.

30       (7) The chief of the Washington state patrol, through the  
31 director of fire protection, may adopt rules necessary to  
32 implement this section.

33       (8) The provisions of this section may be enforced by any  
34 general or limited authority Washington peace officer, as those  
35 terms are defined in RCW 10.93.020, and by a district, city,  
36 county, or state fire authority.

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