H-3981.1

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**SUBSTITUTE HOUSE BILL 2348**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Local Government (originally sponsored by Representatives Hawkins, Gregerson, Kilduff, Peterson, Dent, Johnson, Wylie, Haler, Manweller, Dye, Riccelli, Magendanz, Harris, Ortiz-Self, Fey, Klippert, Orwall, Nealey, Kuderer, Muri, Appleton, Smith, Reykdal, Zeiger, Ormsby, Robinson, McCabe, Stanford, Walsh, Hayes, Blake, S. Hunt, Van De Wege, McBride, Rodne, Kochmar, Stambaugh, Hudgins, Moeller, and Tharinger)

AN ACT Relating to providing local governments with flexibility regarding local fireworks ordinances; amending RCW 70.77.250; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that preventing fires is essential to protecting personal safety, homes, farms, and other property, maintaining Washington communities, preserving wildlife and wildlife habitat, and defending water quality from fire-triggered landslides and sediment. The legislature also finds that communities need to be able to respond promptly to fire risks in order to prevent fires, particularly during hot, dry weather in the summer months. It is the intent of the legislature to provide communities and local officials with more flexibility to promptly and efficiently respond to fire risk conditions.

**Sec.**  RCW 70.77.250 and 2002 c 370 s 19 are each amended to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter.

(2) The chief of the Washington state patrol, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules relating to fireworks as are necessary for the implementation of this chapter.

(4)(a) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties and cities shall comply with these state rules. Any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption, except as provided in (b) of this subsection.

(b) The legislative body of a city or county may make findings in consultation with local fire officials that there is in the jurisdiction an extreme fire hazard or imminent threat of wildfire due to drought conditions and, based on those findings, enact an ordinance to temporarily restrict the use of fireworks sold at retail. The ordinance:

(i) May apply to all or a part of the geographic area within the boundaries of the city or unincorporated portions of the county;

(ii) May not have an effective date that is sooner than thirty days after its adoption, except as provided in (c) of this subsection; and

(iii) May be effective only during the period when the extreme fire hazard or imminent threat of wildfire exists, and for no longer than thirty days. If, after consultation with local fire officials, the legislative body determines that an extreme fire hazard or imminent threat of wildfire still exists, and a majority of the body votes to continue the ordinance, the ordinance remains in effect for an additional thirty days.

(c) An ordinance enacted by the legislative body of a city or county pursuant to (b) of this subsection may go into effect less than thirty days after its adoption only if:

(i) The governor has declared a state of emergency in accordance with chapter 43.06 RCW that includes the geographic area that is the subject of the ordinance; or

(ii) The legislative body of the city or county makes an additional finding that there is an immediate threat to life or property from the potential use of fireworks.

(5) The chief of the Washington state patrol, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency and city, county, or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency and city, county, or local government.

(6) The chief of the Washington state patrol, through the director of fire protection, shall adopt rules necessary to enforce the civil penalty provisions for the violations of this chapter. A civil penalty under this subsection may not exceed one thousand dollars per day for each violation and is subject to the procedural requirements under RCW 70.77.252.

(7) The chief of the Washington state patrol, through the director of fire protection, may investigate or cause to be investigated all fires resulting, or suspected of resulting, from the use of fireworks.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**