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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)

READ FIRST TIME 01/29/16.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that preventing  
6 fires is essential to protecting personal safety, homes, farms, and  
7 other property, maintaining Washington communities, preserving  
8 wildlife and wildlife habitat, and defending water quality from fire-  
9 triggered landslides and sediment. The legislature also finds that  
10 communities need to be able to respond promptly to fire risks in  
11 order to prevent fires, particularly during hot, dry weather in the  
12 summer months. It is the intent of the legislature to provide  
13 communities and local officials with more flexibility to promptly and  
14 efficiently respond to fire risk conditions.

15 **Sec. 2.** RCW 70.77.250 and 2002 c 370 s 19 are each amended to  
16 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21        NEW SECTION.    **Sec. 3.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of  
23 the state government and its existing public institutions, and takes  
24 effect immediately.

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