
Local Government Committee

HB 1367

Brief Description: Authorizing assessments for nuisance abatement in cities and towns.

Sponsors: Representatives Kirby, Jenkins, Crouse, Green, Fey, Sawyer, Kochmar, Fitzgibbon and Pollet.

Brief Summary of Bill

- Authorizes cities and towns to declare by ordinance what is deemed a nuisance within the city or town, which may include "litter" and "potentially dangerous litter" as defined by statute, to abate the nuisance and to recover reimbursement costs for the abatement.
- Authorizes cities and towns to have a lien against property to recover costs for abating a nuisance.

Hearing Date: 2/1/13

Staff: Michaela Murdock (786-7289).

Background:

Authority of Cities and Towns to Declare Nuisances.

Under current law, all cities and towns are authorized to declare what is deemed a nuisance and to abate the nuisance. Various statutes provide the following:

- **First class cities** are authorized to declare what is a nuisance, to abate any nuisance, and to impose fines upon persons creating, continuing, or allowing nuisances.
- **Second class cities** are authorized to declare what is deemed a nuisance; to prevent or abate nuisances at the expense of the party creating or maintaining the nuisance; and to levy a special assessment against premises where the nuisance is located to recover abatement costs.
- **Code cities** are granted by reference the same authority as other cities to determine what is deemed a nuisance and to abate nuisances.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- **Towns** may declare by ordinance what is deemed a nuisance and may exercise all remedies provided by law for preventing and abating nuisances.

Additionally, any city or town may by general ordinance require property owners to remove all or part of trees, plants, shrubs, or vegetation that impair the use of sidewalks or streets. Any city or town may require property owners to remove grass, weeds, shrubs, bushes, trees, or vegetation that have died or to remove debris on their property that is a fire hazard or menace to public health, safety, or welfare. Cities and towns are authorized to provide for removal of such items and to charge the property owner for the cost of removal. The charge is a lien against the property.

Other statutes further define what is deemed a "nuisance" and provide civil and criminal remedies and penalties for public and private nuisances.

"Litter" and "Potentially Dangerous Litter".

The Waste Reduction, Recycling, and Model Litter Control Act (Act) aims to coordinate litter control, increase waste reduction, and stimulate all components of recycling by delegating authority to the Department of Ecology (DOE) to create programs and to enforce and administer the provisions of the Act.

The Act defines "litter" as all waste material, which includes disposable packages or containers deposited in a prohibited manner, solid waste that is illegally dumped, and all potentially dangerous litter. "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property and includes cigarettes, cigars, or other tobacco products capable of starting a fire; glass; hypodermic needles or other cutting or piercing medical instruments; raw human waste; and nails or tacks.

Summary of Bill:

A city or town is authorized to declare by ordinance what is deemed a nuisance within the city or town. Any definition of nuisance adopted by a city or town may include "litter" and "potentially dangerous litter" as those terms are defined by the Waste Reduction, Recycling, and Model Litter Control Act.

Cities and towns may abate any nuisance at the expense of the parties creating the nuisance and may levy a special assessment on the property where the nuisance is situated to provide for the cost of abating it. Any assessment on the property is a lien against the property that has equal rank with state, county, and municipal taxes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.