
Local Government Committee

HB 2006

Brief Description: Authorizing nuisance abatement powers of county governments.

Sponsors: Representatives Schindler, Gombosky, Ahern, Sump, Wood, Jarrett, Crouse, Pearson, Clements, Ericksen and Moeller.

Brief Summary of Bill

- Provides counties with explicit statutory authority to declare what shall be a nuisance, to abate a nuisance, and to impose and collect fines upon parties who may create, cause, or commit a nuisance.

Hearing Date: 3/4/03

Staff: Amy Wood (786-7127).

Background:

The concept of nuisance developed through common law, and is also regulated by state statute. Washington law defines nuisance as follows:

"Nuisance consists of unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property."

A nuisance which affects equally the rights of an entire community or neighborhood is a public nuisance, whereas, a nuisance affecting the rights of a landowner to use and enjoy his or her property is a private nuisance.

Examples of activities deemed a public or private nuisance include, feedlot operation, encroachment of tree roots, immoral conduct, television tower, river bed destruction, drive-in theater, shooting gallery, highway construction, use of explosives, and smelter fumes.

First class cities, second class cities, and towns have the power to declare what shall be a nuisance, to abate a nuisance, and to impose fines upon parties who may create, continue, or cause nuisances to exist. Counties have broad statutory powers to enforce police and sanitary regulations by appropriate resolutions or ordinances, however, unlike cities and towns, counties do not have explicit statutory authority regarding nuisances.

Summary of Bill:

Counties are given explicit statutory authority to declare what shall be a nuisance, to abate a nuisance, and to impose and collect fines upon parties who may create, cause, or commit a nuisance.

Appropriation: None.

Fiscal Note: Not Requested.

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