
HOUSE BILL 1828

State of Washington

59th Legislature

2005 Regular Session

By Representatives Dunn, Wallace, Curtis, Pettigrew, Takko, McCune and Flannigan

Read first time 02/07/2005. Referred to Committee on Local Government.

1 AN ACT Relating to nuisance abatement powers of county governments;
2 and amending RCW 36.32.120.

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

4 **Sec. 1.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to read
5 as follows:

6 The legislative authorities of the several counties shall:

7 (1) Provide for the erection and repairing of court houses, jails,
8 and other necessary public buildings for the use of the county;

9 (2) Lay out, discontinue, or alter county roads and highways within
10 their respective counties, and do all other necessary acts relating
11 thereto according to law, except within cities and towns which have
12 jurisdiction over the roads within their limits;

13 (3) License and fix the rates of ferriage; grant grocery and other
14 licenses authorized by law to be by them granted at fees set by the
15 legislative authorities which shall not exceed the costs of
16 administration and operation of such licensed activities;

17 (4) Fix the amount of county taxes to be assessed according to the
18 provisions of law, and cause the same to be collected as prescribed by
19 law;

1 (5) Allow all accounts legally chargeable against the county not
2 otherwise provided for, and audit the accounts of all officers having
3 the care, management, collection, or disbursement of any money
4 belonging to the county or appropriated to its benefit;

5 (6) Have the care of the county property and the management of the
6 county funds and business and in the name of the county prosecute and
7 defend all actions for and against the county, and such other powers as
8 are or may be conferred by law;

9 (7) Make and enforce, by appropriate resolutions or ordinances, all
10 such police and sanitary regulations as are not in conflict with state
11 law, and within the unincorporated area of the county may adopt by
12 reference Washington state statutes and recognized codes and/or
13 compilations printed in book form relating to the construction of
14 buildings, the installation of plumbing, the installation of electric
15 wiring, health, or other subjects, and may adopt such codes and/or
16 compilations or portions thereof, together with amendments thereto, or
17 additions thereto: PROVIDED, That except for Washington state
18 statutes, there shall be filed in the county auditor's office one copy
19 of such codes and compilations ten days prior to their adoption by
20 reference, and additional copies may also be filed in library or city
21 offices within the county as deemed necessary by the county legislative
22 authority: PROVIDED FURTHER, That no such regulation, code,
23 compilation, and/or statute shall be effective unless before its
24 adoption, a public hearing has been held thereon by the county
25 legislative authority of which at least ten days' notice has been
26 given. Any violation of such regulations, ordinances, codes,
27 compilations, and/or statutes or resolutions shall constitute a
28 misdemeanor or a civil violation subject to a monetary penalty:
29 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
30 compilation, and/or statute relating to traffic including parking,
31 standing, stopping, and pedestrian offenses is a traffic infraction,
32 except that violation of a regulation, ordinance, code, compilation,
33 and/or statute equivalent to those provisions of Title 46 RCW set forth
34 in RCW 46.63.020 remains a misdemeanor. However, the punishment for
35 any criminal ordinance shall be the same as the punishment provided in
36 state law for the same crime and no act that is a state crime may be
37 made a civil violation. The notice must set out a copy of the proposed
38 regulations or summarize the content of each proposed regulation; or if

1 a code is adopted by reference the notice shall set forth the full
2 official title and a statement describing the general purpose of such
3 code. For purposes of this subsection, a summary shall mean a brief
4 description which succinctly describes the main points of the proposed
5 regulation. When the county publishes a summary, the publication shall
6 include a statement that the full text of the proposed regulation will
7 be mailed upon request. An inadvertent mistake or omission in
8 publishing the text or a summary of the content of a proposed
9 regulation shall not render the regulation invalid if it is adopted.
10 The notice shall also include the day, hour, and place of hearing and
11 must be given by publication in the newspaper in which legal notices of
12 the county are printed;

13 (8) Have power to compound and release in whole or in part any debt
14 due to the county when in their opinion the interest of their county
15 will not be prejudiced thereby, except in cases where they or any of
16 them are personally interested;

17 (9) Have power to administer oaths or affirmations necessary in the
18 discharge of their duties and commit for contempt any witness refusing
19 to testify before them with the same power as district judges;

20 (10) Have power to declare by ordinance what shall be deemed a
21 nuisance within the county, including but not limited to "litter" and
22 "potentially dangerous litter" as defined in RCW 70.93.030; to prevent,
23 remove, and abate a nuisance at the expense of the parties creating,
24 causing, or committing the nuisance; and to levy a special assessment
25 on the land or premises on which the nuisance is situated to defray the
26 cost, or to reimburse the county for the cost of abating it. This
27 assessment shall constitute a lien against the property which shall be
28 of equal rank with state, county, and municipal taxes;

29 (11) Have power to declare by ordinance what shall be deemed
30 nuisances within the county; to prevent, remove, and abate nuisances at
31 the expense of the parties creating, causing, or committing or
32 maintaining them; and to levy a special assessment on the land or
33 premises on which the nuisance is situated to defray the cost, or to
34 reimburse the county for the cost of abating it, and this assessment
35 shall constitute a lien against the property which shall be of equal
36 rank with state, county, and municipal taxes.

--- END ---