

SHB 1409 - S AMD TO NR COMM AMD (S-2713.2/03) 371
By Senator McCaslin

PULLED 04/15/2003

1 On page 1, line 3 of the amendment, after "**Sec. 1.**" insert "(1)"

2 On page 1, after line 13 of the amendment, insert the following:

3 "(2) The legislature further finds that litter is a nuisance, and,
4 in order to alleviate such a nuisance, counties must be provided
5 statutory authority to declare what shall be a nuisance, to abate a
6 nuisance, and to impose and collect fines upon parties who may create,
7 cause, or commit a nuisance."

8 On page 6, after line 6 of the amendment, insert the following:

9 "**Sec. 6.** RCW 36.32.120 and 1994 c 301 s 8 are each amended to read
10 as follows:

11 The legislative authorities of the several counties shall:

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

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

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

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

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

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

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

1 description which succinctly describes the main points of the proposed
2 regulation. When the county publishes a summary, the publication shall
3 include a statement that the full text of the proposed regulation will
4 be mailed upon request. An inadvertent mistake or omission in
5 publishing the text or a summary of the content of a proposed
6 regulation shall not render the regulation invalid if it is adopted.
7 The notice shall also include the day, hour, and place of hearing and
8 must be given by publication in the newspaper in which legal notices of
9 the county are printed;

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

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

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

28 Renumber the remaining section consecutively.

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1 On page 6, line 12 of the title amendment, strike "and 46.61.645"
2 and insert "46.61.645, and 36.32.120"

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