

HOUSE BILL REPORT

HB 2006

As Reported by House Committee On:
Local Government

Title: An act relating to nuisance abatement powers of county governments.

Brief Description: Authorizing nuisance abatement powers of county governments.

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

Brief History:

Committee Activity:

Local Government: 3/4/03, 3/5/03 [DPS].

Brief Summary of Substitute Bill

- Provides counties located east of the Cascades with populations greater than 400,000 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.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Ericksen, Mielke and Moeller.

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 acts deemed a public or private nuisance include the following: 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 Substitute Bill:

Counties located east of the Cascades with populations greater than 400,000 or more 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.

Substitute Bill Compared to Original Bill:

The authority of counties to declare and abate nuisances is limited to counties located east of the Cascades with populations greater than 400,000.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Our biggest frustration is dealing with complaints of junk cars, garbage, refrigerators, and methamphetamine houses. These are real hazards to citizens' health and safety. Cities currently have the authority to abate nuisances in a fair and timely manner. Counties' processes, however, include lengthy civil and sometimes criminal

actions. This bill will allow us to abate nuisances and collect fees in a fair and efficient manner. There are other means to abate certain nuisances, but we are seeking the same authority as cities to abate a broader range of nuisances.

Although the treasurers are supportive of giving counties the authority to abate nuisances, we do have concerns related to foreclosure of property. It is possible under this act for an abatement lien to be added to a foreclosed property, and that the abatement lien coupled with the back property taxes owed could exceed the value of the property. This concern could be easily remedied with an amendment.

Testimony Against: None.

Testified: Representative Schindler, prime sponsor; Kate McCaslin, Commissioner of Spokane County; Paul Parker, Washington State Association of Counties; and Rose Bowman, Washington State Association of County Treasurers.