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**SUBSTITUTE HOUSE BILL 2006**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Schindler, Gombosky, Ahern, Sump, Wood, Jarrett, Crouse, Pearson, Clements, Ericksen and Moeller)

READ FIRST TIME 03/05/03.

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 1994 c 301 s 8 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) Counties located east of the Cascades with a population  
21 greater than four hundred thousand shall also have power to declare by  
22 ordinance what shall be deemed nuisances within the county; to prevent,  
23 remove, and abate nuisances at the expense of the parties creating,  
24 causing, or committing or maintaining them; and to levy a special  
25 assessment on the land or premises on which the nuisance is situated to  
26 defray the cost, or to reimburse the county for the cost of abating it,  
27 and this assessment shall constitute a lien against the property which  
28 shall be of equal rank with state, county, and municipal taxes.

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