

# SENATE BILL REPORT

## SB 5323

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As Passed Senate, February 25, 2013

**Title:** An act relating to assessments for nuisance abatement in cities and towns.

**Brief Description:** Authorizing assessments for nuisance abatement in cities and towns.

**Sponsors:** Senators Roach, Darneille, Conway and Carrell.

**Brief History:**

**Committee Activity:** Governmental Operations: 2/04/13, 2/11/13 [DP].  
Passed Senate: 2/25/13, 46-0.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Braun, Conway, Fraser and Rivers.

**Staff:** Sam Thompson (786-7413)

**Background:** Cities and towns may determine by ordinance what constitutes a nuisance and remove nuisances through a procedure called abatement. Provisions vary for different classes of municipalities.

A city may, for example, determine that piling of garbage on property constitutes a nuisance and act to remove garbage if it is not removed by a landowner, following notice in abatement proceedings. The city may file a lien against the property to recover its abatement costs. This lien may be junior to other liens.

Counties have similar authority, but may specifically include, as nuisances, litter and potentially dangerous litter as defined in the state Waste Reduction, Recycling, and Model Litter Control Act (Act). Counties may also levy special assessments on property to recover their abatement costs. These assessments constitute priority liens, of equal rank with tax liens.

The Act broadly defines litter as waste material, solid waste that is illegally dumped, and potentially dangerous litter. Potentially dangerous litter means litter likely to injure a person or cause property damage, including tobacco products capable of starting fires, glass,

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hypodermic needles or other cutting or piercing medical instruments, raw human waste, and nails or tacks.

**Summary of Bill:** All cities and towns are granted authority to include, as nuisances, litter and potentially dangerous litter as defined in the Act; and levy special assessments on property to recover their abatement costs. These assessments constitute priority liens, of equal rank with tax liens.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill simply harmonizes the lien authority of cities to that of counties. It does not expand the police powers of government or make any changes to the rights of a property owner.

**Signed in, Unable to Testify & Submitted Written Testimony:** PRO: Joe Lonergan, Randy Lewis, City of Tacoma; Dave Williams, Assn. of WA Cities.