

CHAPTER 132

[Senate Bill No. 5231]

ANTIQUÉ FIREARMS—DEFINED

AN ACT Relating to antique firearms; and amending RCW 9.41.150.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 15, chapter 172, Laws of 1935 as amended by section 11, chapter 124, Laws of 1961 and RCW 9.41.150 are each amended to read as follows:

RCW 9.41.010 through 9.41.160 shall not apply to antique (~~((pistols and revolvers manufactured prior to 1898 and held as collector's items))~~) firearms. "Antique firearm," as used in this section, means a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Passed the Senate March 15, 1989.

Passed the House April 10, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

CHAPTER 133

[Substitute Senate Bill No. 5252]

PREMISES UNFIT FOR HUMAN HABITATION—ABATEMENT

AN ACT Relating to unfit buildings, dwellings, structures, and premises; and amending RCW 35.80.010, 35.80.020, and 35.80.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 35.80.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 127, Laws of 1969 ex. sess. and RCW 35.80.010 are each amended to read as follows:

It is hereby found that there exist, in the various municipalities and counties of the state, dwellings which are unfit for human habitation, and buildings ~~((and))~~, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical

to the health and welfare of the residents of such municipalities and counties.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination.

Sec. 2. Section 35.80.020, chapter 7, Laws of 1965 as last amended by section 2, chapter 127, Laws of 1969 ex. sess. and RCW 35.80.020 are each amended to read as follows:

The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Board" shall mean the improvement board as provided for in RCW 35.80.030(1)(a);

(2) "Local governing body" shall mean the council, board, commission, or other legislative body charged with governing the municipality or county;

(3) "Municipality" shall mean any city, town or county in the state;

(4) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality or county relating to health, fire, building regulation, or other activities concerning dwellings, buildings, ~~((and))~~ structures, or premises in the municipality or county.

Sec. 3. Section 35.80.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 213, Laws of 1984 and RCW 35.80.030 are each amended to read as follows:

(1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, said governing body may adopt ordinances relating to such dwellings, buildings, ~~((or))~~ structures, or premises. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board or officer in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as herein defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, ~~((or))~~ structure, or premises, the board or officer finds that it is unfit for

human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, ~~((or))~~ structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer ~~((shall))~~ makes an affidavit to ~~((the))~~ that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the ~~((notice))~~ complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address ~~((appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor. A copy of the notice and order shall also be mailed, addressed to such person, at the address))~~ of the building involved in the proceedings, ~~((if different, and to each person or party having a recorded right, title, estate, lien, or interest in the property))~~ and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, ~~((or))~~ structure, or premise is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, ~~((or))~~ structure, or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, ~~((or))~~ structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, ~~((or))~~ structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7)(a)

herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building ((σ)), structure, or premises for other use.

(e) That the determination of whether a dwelling, building, ((σ)) structure, or premises should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, ((σ)) structure, or premises, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, ((σ)) structure, or premises, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure or premises is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1)(c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, ((σ)), structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, ((σ)), structure, or premises, if such course of action is deemed proper on the basis of the standards set forth as required in subdivision (1)(e); or (ii) requires the owner or party in interest, within the time specified ((σ)) in the order, to remove or demolish such dwelling, building, ((σ)), structure, or premises, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, ((σ)), structure, or premises is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by

the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, ~~((or))~~, structure, or premises, the board or officer may direct or cause such dwelling, building, ~~((or))~~, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements~~((:));~~; or vacating and closing~~((:));~~; or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the treasurer of the municipality in cases arising out of the city or town or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84-.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building ~~((or))~~, structure, or premises is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, ~~((or))~~, structure, premises in accordance with procedures set forth in said ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the costs incident thereto.

The ~~((demolition))~~ assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1)(f) hereof may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) To determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings ~~((or))~~, structures, or premises are unfit for other use; (b) to administer

oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other ((use)) property conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may (by ordinance adopted by its governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, or county, (b) prescribe minimum standards for the use or occupancy of any building ((or)), structure, or premises used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, ((or)), structure, or premises, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

Passed the Senate April 10, 1989.

Passed the House April 4, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

CHAPTER 134

[Senate Bill No 5301]

FACTORY BUILT HOUSING—STANDARDS AND SPECIFICATIONS

AN ACT Relating to codes for factory built housing; and amending RCW 43.22.480.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 7, chapter 44, Laws of 1970 ex. sess. as last amended by section 2, chapter 76, Laws of 1979 ex. sess. and RCW 43.22.480 are each amended to read as follows: