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ORDINANCE NO. 96

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING SUBSECTION 9(E) AND SECTION 12 OF ORDINANCE NO. 93, ESTABLISHING THE TRAFFIC CODE OF THE CITY OF WOODINVILLE, IN ORDER TO AMEND THE DEFINITION OF "ABANDONED JUNK VEHICLE" AND THE ENFORCEMENT PROCEDURES FOR "ABANDONED" AND "JUNK" VEHICLES, REPEALING SECTION 13 OF ORDINANCE NO. 93 AND SETTING AN EFFECTIVE DATE.

WHEREAS, the staff has outlined several problems with the enforcement of abandoned and/or junk motor vehicles as it is contained in the current Woodinville Traffic Code, and

WHEREAS, state law establishes minimum standards that must be included for an ordinance on junk vehicle impounds, and

WHEREAS, the changes as outlined in the state statute and as recommended by the staff, will result in increased enforcement of these provisions, and

WHEREAS, the Woodinville City Council finds that based upon staff recommendations, the Woodinville Traffic Code Subsection 9(E) and Section 12 of Ordinance No. 93, defining and regulating abandoned and junk vehicles should be amended to allow for easier enforcement and to clarify enforcement procedure and responsibility, and Section 13 of Ordinance No. 93 should be

repealed because it may conflict with the amended sections, NOW,  
THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

Section 1. Subsection 9(E) of Ordinance No. 93 is hereby  
amended to read as follows:

Section 9. Definitions. The following  
definitions shall apply to the provisions of  
this ordinance:

\* \* \* \*

E. Abandoned Junk Vehicle. As used in all  
sections of this ordinance, means a vehicle  
meeting all of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage  
including but not limited to any of the  
following: a broken window or windshield,  
or missing wheels, tires, motor, or  
transmission;
3. Is apparently inoperable and has not  
been moved off the property in over six  
months;
4. Is without a valid, current  
registration plate;
5. Has an approximate fair market value  
equal only to the approximate value of  
the scrap in it; and
6. Excluding farm tractors and farm  
vehicles.

Section 2. Section 12 of Ordinance No. 93 is hereby  
amended to read as follows:

A. ABATEMENT AND REMOVAL OF  
UNAUTHORIZED JUNK MOTOR VEHICLES OR PARTS  
THEREOF FROM PRIVATE PROPERTY.

1. The storage or retention of an  
abandoned or unauthorized junk motor  
vehicle or parts thereof, as defined  
herein, on private property is

declared to constitute a public nuisance subject to removal and impoundment. The police department shall inspect and investigate complaints relative to unauthorized junk motor vehicles, or parts thereof on private property. Upon discovery of such nuisance, the police department shall give notice in writing to the last registered owner of record if identifiable and the property owner on whose land it is located, of the violation of the nuisance provisions and demand that either or both of them abate the nuisance or the vehicle will be removed and costs will be assessed against either or both of them. The notice shall also inform both that a hearing before the administrative hearing officer may be requested in writing, directed to the City Planner within ten (10) days of said notice, and that if no hearing is requested within ten days, the vehicle will be removed at either or both of their expense.

2. If a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or parts thereof as a public nuisance shall be mailed, by certified mail with a five day return receipt requested, to the owner of the land as shown on the last equalized assessment role and to the last registered and legal owner of record unless the vehicle is in such condition that the identification numbers are not available to determine ownership.

3. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with

reasons for the denial and that s/he has not given consent for the vehicle to be there. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that s/he has not subsequently acquiesced to its presence, then the court shall not assess costs of administration or removal of the vehicle against the owner of the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner of the property.

4. Costs of removal of vehicles or parts thereof under this section shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored, unless the property owner establishes the facts set forth above in subsection 3.

5. This section shall not apply to:

i) A vehicle or part thereof that is maintained within a building in a lawful manner where it is not visible from the street or other public or private property except through an open garage door; or

ii) A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed

vehicle dealer and is fenced according to RCW 46.80.130.

6. After notice has been given of the city's intent to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or parts thereof shall be removed at the request of the police department and disposed of to a licensed motor vehicle wrecker or hulk hauler with written notice being provided to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

B. OWNER OF RECORD PRESUMED LIABLE FOR COSTS WHEN VEHICLE ABANDONED--EXCEPTIONS.

1. The abandonment of any junk vehicle or parts thereof shall constitute a prima facie presumption that the last owner of record is responsible for such junk vehicle and thus liable for any costs incurred in removing, storing and disposing of said vehicle less amounts realized at auction.

2. A registered owner transferring a vehicle shall be relieved from personal liability under this chapter if within five days of the transfer s/he transmits to the department a seller's report of sale on a form prescribed by the director to show that the vehicle had been transferred prior to the date notice was given to him/her of the need to abate.

C. OWNER OR AGENT REQUIRED TO PAY CHARGES--LIEN.

1. Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on such vehicle impounded

shall be paid by the owner or his/her agent if the vehicle is redeemed. In the case of abandoned vehicles, all costs of removal and storage shall be paid by the owner or his/her agent if the vehicle is redeemed, but if not redeemed, such costs shall be received from the proceeds of sale and deficiencies assessed against the registered owner of the vehicle.

2. Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom.

D. WRITTEN IMPOUND AUTHORIZATION FORM.

Whenever the police department impounds a vehicle pursuant to the provisions of this chapter, the officer shall complete an authorization form approved by the Chief of Police which specifies the section of this chapter or RCW 46.55 authorizing the impound. In the alternative, a law enforcement notice of infraction or citation for an offense which authorizes the impound may be substituted at the officer's discretion.

E. HEARING EXAMINER TO HEAR IMPOUND.

All abatement hearings required under this section shall be conducted by an administrative hearing officer. The hearing examiner shall serve as the administrative hearing officer, unless otherwise designated. A decision made by the administrative hearing officer under this section regarding abatement shall be final, as to abatement.

Section 3. Section 13 of Ordinance No. 93 is hereby repealed.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Woodinville this 26th day of September, 1994.

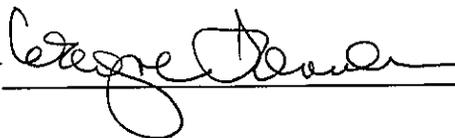
APPROVED:

  
MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

  
CITY CLERK/TREASURER, JAMES KATICA

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

**ORIGINAL**

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL: September 26, 1994  
PUBLISHED: 10/3/94  
EFFECTIVE DATE: 10/8/94  
ORDINANCE NO. 96