

ORDINANCE NO. 367

**AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, AMENDING CHAPTER 1.08 OF THE
WOODINVILLE MUNICIPAL CODE (WMC), "JUNK
VEHICLES" TO CLARIFY PROHIBITED ACTS AND
REPEALING WMC 10.09 "ABANDONED VEHICLES."**

WHEREAS, the City of Woodinville has been using the junk motor vehicle procedures adopted by Ordinance No. 350 and codified as WMC 1.08; and

WHEREAS, the City Council desires to amend WMC 1.08.020 for the purpose of clarifying the prohibition on outdoor storage of junk motor vehicles and parts thereof on private property ; and

WHEREAS, Chapter 10.09 of the Woodinville Municipal Code should be repealed to allow for WMC 1.05 through WMC 1.09 to serve as the City's enforcement provisions; and

WHEREAS, the Woodinville City Council desires that the City's junk vehicle abatement program have tools sufficient to meet the City's various code enforcement needs; and

WHEREAS, this Ordinance accomplishes that goal NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Chapter 10.09 of the Woodinville Municipal Code, entitled "Abandoned Vehicles," is hereby repealed in its entirety.

Section 2. Woodinville Municipal Code 1.08.020(1) is hereby amended to provide in its entirety as follows:

(1) The storage or retention of an abandoned or unauthorized junk motor vehicle or parts thereof, as defined herein, on private property is prohibited and declared to constitute a public nuisance subject to removal and impoundment. The Code Enforcement Officer shall inspect and investigate complaints relative to unauthorized junk motor vehicles or parts thereof on private property. Upon discovery of such nuisance, the Code Enforcement Officer shall give notice in writing to the last registered owner of record, if identifiable, and to 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 subject the vehicle to removal at their expense. Notice shall also be posted at the property where the vehicle is located. The notice shall also inform both that a hearing before the Hearing Examiner may be requested in writing, directed to the City Clerk within 10 days of said notice, and that if no hearing is requested within 10 days, the vehicle will be removed at either or both of their expense.

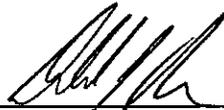
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the

validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. 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.

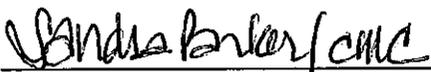
PASSED by the City Council of the City of Woodinville this 21st day of June, 2004.

APPROVED:



MAYOR DON BROCHA

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA PARKER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY  _____

PASSED BY THE CITY COUNCIL: 6-21-2004
PUBLISHED: 6-28-2004
EFFECTIVE DATE: 7-3-2004
ORDINANCE NO. 367

Attachment A to Ordinance No. 367

Chapter 1.08 JUNK VEHICLES

Sections:

1.08.020 Abatement and removal of unauthorized junk motor vehicles or parts thereof from private property.

1.08.030 Owner of record presumed liable for costs when vehicle abandoned – Exceptions.

1.08.040 Owner or agent required to pay charges – Lien.

1.08.050 Written impound authorization form.

1.08.060 Hearing Examiner to hear impound.

1.08.020 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 prohibited and declared to constitute a public nuisance subject to removal and impoundment. The Code Enforcement Officer shall inspect and investigate complaints relative to unauthorized junk motor vehicles or parts thereof on private property. Upon discovery of such nuisance, the Code Enforcement Officer shall give notice in writing to the last registered owner of record, if identifiable, and to 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 subject the vehicle to removal at their expense. Notice shall also be posted at the property where the vehicle is located. The notice shall also inform both that a hearing before the Hearing Examiner may be requested in writing, directed to the City Clerk within 10 days of said notice, and that if no hearing is requested within 10 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 assessment roll and to the vehicle's 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 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 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 in subsection (3) of this section.

(5) This section shall not apply to:

(a) A vehicle or part thereof that is kept 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

(b) 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 Code Enforcement Officer 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. (Ord. 350 § 5, 2003)

1.08.030 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 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 of the need to abate. (Ord. 350 § 5, 2003)

1.08.040 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, to the extent authorized by law, be paid by the owner or his 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 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. (Ord. 350 § 5, 2003)

1.08.050 Written impound authorization form.

Whenever the Code Enforcement Officer 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 Chapter 46.55 RCW authorizing the impound. In the alternative, a notice of infraction or citation for an offense which authorizes the impound may be substituted. (Ord. 350 § 5, 2003)

1.08.060 Hearing Examiner to hear impound.

All abatement hearings required under this chapter shall be conducted by the Hearing Examiner. A decision made by the Hearing Examiner under this chapter regarding abatement shall be final, as to abatement. (Ord. 350 § 5, 2003)