ORDINANCE NO. 1611

AN ORDINANCE of the City of Kent, Washington repealing Kent City Ordinance 1594 (April, 1969), defining a "Abandoned Motor Vehicle" and prescribing the manner for impounding such abandoned motor vehicles and disposal thereof.

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

Section 1. Kent City Ordinance 1594 passed the 21st day of April, 1969 is hereby repealed in its entirety.

Section 2. This Ordinance is based upon Chapters 46.12 and 46.52 and 60.62 of the Laws of the State of Washington and also upon the provisions of Chapter 42 House Bill No. 69, Extraordinary Session of the 1969 Washington State Legislature.

Section 3. An "abandoned vehicle" for the purposes of this Ordinance shall mean any vehicle left within the City Limits of any highway or upon the property of another within the City Limits of the City of Kent without the consent of the owner of such property for a period of twenty-four (24) hours or longer except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

A "abandoned automobile hulk" for the purposes of this chapter shall mean the abandoned remnant or remains of the motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts of mechanisms and the application of a substantial amount of labor to effect repairs.

Section 4. The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing and disposing of such motor vehicle or automobile hulk. A registered owner who has
complied with the requirements of Washington State Law in the
transfer of ownership of any such vehicle or hulk shall be relieved
of liability under this section.

Section 5. Any vehicle impounded pursuant to the pro-
visions of this Ordinance and left unclaimed for a period of
fifteen (15) days shall be deemed to be an abandoned vehicle and at
the expiration of such period said vehicle shall be deemed to be in
the custody of the Sheriff of King County and the King County
Sheriff shall deliver the vehicle to a tow truck operator who
shall dispose of such vehicle in the manner provided in Chapter 42
House Bill No. 769 of the 1969 Extraordinary Session of the Wash-
ington State Legislature; provided that if the vehicle is of a
model year 10 or more years prior to the calendar year in which
such vehicle is stored the Sheriff may be authorized to declare
such vehicle is a public nuisance and may dispose of such vehicle
without notice of sale and in such case the Director of Motor
Vehicles shall issue an appropriate Bill of Sale to the tow truck
operator to dispose of the vehicle as he may determine.

Section 6. The Chief of Police of the City of Kent or a
police officer designated by him may cause the abatement and re-
moval as public nuisances of abandoned, wrecked, dismantled or
inoperative vehicles or automobile hulks or parts thereof from
private property not including highways and the costs of such
removal may be assessed against the last registered owner of the
vehicle or automobile hulk if the identity of such owner can be
determined unless such owner in the transfer of ownership of such
vehicle or automobile hulk has complied with the laws pertaining
thereto of the State of Washington or the costs may be assessed
against the owner of the property on which the vehicle is stored
provided that the following procedures are complied with:

(a) Notice of any such abatement or removal of any
such vehicle shall be given to the last registered owner of record
of such vehicle and the property owner of record that a public
hearing may be requested before the governing body of the City of
Kent, Washington and that if no hearing is requested the vehicle
or automobile hulk will be removed.

(b) If thereafter a request for a hearing is received
a notice giving the time, location and date of such hearing on the
question of abatement and removal of the vehicle or part there of
as a public nuisance shall be mailed by certified or registered
mail with the five (5) day return requested to the owner of the
land as shown on the last equalized assessment roll and to the
last registered and legal owner of record unless the vehicle
is in such condition that identification numbers are not available
to determine ownership.

(c) The provisions of this Ordinance shall not apply to
(l) a vehicle or part thereof which is completely enclosed within a
building in a lawful manner where it is not visible from the street
or other public or private property or (2) a vehicle or part thereof
which is stored or parked in a lawful manner on private property
in connection with the business of a licensed dismantler, licensed
vehicle dealer, fenced according to the provisions of RCW 46.80.130
of the Laws of the State of Washington.

(d) The owner of the land on which any such 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 his
reasons for such denial. If it is determined at the hearing that
the vehicle was placed on the land without the consent of the land
owner and that he has not subsequently acquiesced in its presence
then the City of Kent shall not assess costs of administration or
removal of the vehicle against the property on which the vehicle
is located or otherwise attempt to collect such costs from the
owner.

(e) After notice has been given of the intent of the City of Kent to dispose of the vehicle and after a hearing if requested has been held the vehicle or part thereof shall be removed at the request of the Kent Chief of Police or an officer designated by him and disposed of to a licensed auto wrecker with notice to the Washington State Patrol and the Department of Motor Vehicles that the vehicle has been wrecked.

Section 7. Whenever any owner or person having possession or control of real property finds a vehicle standing upon his property without his consent he is authorized to have such vehicle removed from said property and stored or held for its owner. Any towing firm providing such removal service shall promptly report the fact of the vehicle impound together with the license number, make, year and place of impound of such vehicle to the appropriate law enforcement agency and shall post the authorized charges therefor prominently at its place of business and the charges and costs incurred in the removal of any such vehicle as aforementioned shall be paid by such vehicle's owner and shall be a lien upon said vehicle until paid, said lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally.

Section 8. This Ordinance shall take effect and be in force within five (5) days after its passage, approval and publication as provided by law.

ALEX THORNTON, Mayor

Attest:

MARIE JENSEN, City Clerk
Approved as to form:

JOHN B. BERREITER, City Attorney

Passed this 2 day of Sept., 1969.
Approved this 3 day of Sept., 1969.
Published this 4 day of Sept., 1969.

I hereby certify that this is a true copy of Ordinance No. 1611 passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, City Clerk