ORDINANCE NO. 3315

AN ORDINANCE of the City Council of the City of
Kent, Washington, amending Chapter 8.08 of the Kent City
Code relating to junk vehicles.

WHEREAS, Chapter 8.08 of the Kent City Code provides for the abatement
of junk vehicles; and

WHEREAS, the City Council desires to amend this code to be consistent with
state law; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.08 of the Kent City Code entitled "Junk Vehicles" is
hereby amended to read as follows:

CHAPTER 8.08. JUNK VEHICLES

Sec. 8.08.010. Purpose.

The purpose of this chapter is to preserve the character and safety of the city's
neighborhoods by eliminating as nuisances, junk vehicles from private property, and to
provide procedures for the removal of junk vehicles as authorized by RCW 46.55.240.
Sec. 8.08.020. Definitions.

For the purposes of this chapter, the following words shall have the following meaning:

Director means the director of the department in charge of code enforcement or his or her designee or any designated alternate who is empowered by ordinance or by the mayor to enforce this chapter including assigned code enforcement officials.

Junk vehicle means any vehicle substantially meeting at least three of the following requirements: (RCW 46.55.010(4))

1. Is three (3) years old or older; and

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; and

3. Is apparently inoperable; and

4. Is without a valid, current registration plate; and

5. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Landowner means an owner of private property, or a person in possession or control of private property.

Sec. 8.08.030. Public nuisance declared.

All junk vehicles certified as such by a law enforcement officer or code enforcement officer designated by the director according to RCW 46.55.230 and found on private property are declared to constitute a public nuisance subject to removal, impoundment and disposal. It is unlawful for any individual firm, entity or corporation to allow, cause to allow or place a junk vehicle on any premises.
Sec. 8.08.040. Exemptions.

A. 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

B. 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 or licensed vehicle dealer and is fenced according to the provisions of RCW 46.80.130.

Sec. 8.08.050. Abatement and removal of junk vehicles on private property.

A. Voluntary correction. Whenever the code enforcement officer determines that a vehicle is a public nuisance and in violation of this chapter, a reasonable attempt shall be made to secure voluntary correction from the landowner and the vehicle's registered owner.

B. Issuance of notice of civil violation. If the code compliance officer does not obtain voluntary correction of the public nuisance, the officer may issue a notice of civil violation to the landowner of record and the vehicle's last registered owner of record in accordance with the provisions of Kent City Code 1.04.040.

C. Content. For violations of this chapter the notice of civil violation shall contain the following information:

1. The name and address of the landowner of record upon whose property the vehicle is located; and

2. The name and address of the vehicle's last registered owner of record provided license or vehicle identification numbers are available; and

3. The vehicle description including: the license plate number and/or the vehicle identification number; the model year; the make; and the factors which render the vehicle a public nuisance; and

4. The street address of a description sufficient for identification of the property where the vehicle is located; and

5. The required corrective action and a date and time by which the correction must be completed; and
6. The date, time and location of a hearing before the hearing examiner on the question of abatement and removal of the vehicle or part thereof as a public nuisance which will be at least ten (10) days but no more than forty-five (45) days from the date the notice is issued; and

7. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the required corrective action is completed at least forty-eight (48) hours prior to the scheduled hearing; and

8. A statement indicating that the city may remove, impound and dispose of the vehicle, and assess all costs and expenses of administration, removing, impounding and disposing of the vehicle against the landowner or the registered owner as ordered by the hearing examiner; and

9. A statement that a monetary penalty pursuant to section 1.04.040 E. in an amount per day for each violation shall be assessed against the landowner and/or the vehicle's registered owner as specified and ordered by the hearing examiner in accordance with section 1.04.040.

D. Service of notice. The notice 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 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.

E. Landowner responsibility disclaimer. The landowner may appear in person at the hearing or present a written statement prior to the hearing, to deny responsibility for the vehicle's presence on the property. If the hearing examiner determines that the vehicle was placed on the property without the landowner's consent and that the landowner has not subsequently acquiesced in its presence, then the costs and expenses of administration, removing, impounding and disposing of the vehicle shall not be assessed against the landowner or otherwise attempted to be collected from said landowner.

F. Removal by the city. Pursuant to the hearing examiner's orders, the vehicle or part thereof may be removed at the request of a law enforcement officer, the city may use any lawful means to cause the vehicle to be removed from the private property and disposed of to a licensed motor vehicle wrecker or hulk hauler or scrap processor, with notice to the Washington State Patrol and the Washington Department of Licensing that the vehicle has been wrecked.
G. Recovery of costs and expenses.

1. The costs of removal and disposal shall be assessed against the last registered owner if the identity of the owner can be determined unless the owner in the transfer of ownership complied with RCW 46.12.101, or against the landowner of record of the property on which the vehicle is stored, or both. If both the owner of the vehicle and the property landowner are assessed the costs of removal, then liability for the costs shall be their joint and separate obligation.

2. The costs of administration and of removal and disposal of the vehicle may be recovered pursuant to Kent City Code 1.04.060 D.

H. Conflict of provisions. The notice and related requirements of this section, Kent City Code 8.08.050, are intended to supplement those of Kent City Code 1.04.040, however, should a conflict exist, the provisions of Kent City Code 8.08.050 shall prevail.

Sec. 8.08.060. Violation; penalty.

A. Any violation of any provision of this chapter is a civil violation as provided for in Kent City Code, Chapter 1.04, for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor pursuant to section 1.01.140 of the Kent City Code.

Sec. 8.08.070. Rules and procedures.

The applicable department director in charge of enforcement of this chapter may adopt such rules as may be necessary to effectively implement and administer this chapter.

SECTION 2. If any one or more sections, sub-sections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the
validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR PRO TEM

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 1st day of October 1996.

APPROVED 1st day of October 1996.

PUBLISHED 4th day of October 1996.
I hereby certify that this is a true copy of Ordinance No. 3315, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

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