

ORDINANCE NO. 101

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DEFINING AND REGULATING ABANDONED AND JUNK VEHICLES, DECLARING ABANDONED AND JUNK VEHICLES TO BE NUISANCES, PROVIDING FOR A CIVIL ABATEMENT MECHANISM AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the presence of public nuisances has a detrimental affect on the health safety and welfare of the community; and

WHEREAS, the presence of abandoned or junk vehicles on either public or private property within the City present inherent safety and health concerns; and

WHEREAS, the legislature of the State of Washington allows cities to abate abandoned or junk vehicles as nuisances, in accordance with RCW 46.55.240; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purposes of this ordinance are to provide for the abatement of abandoned and junk vehicles as nuisances as provided for by RCW 46.55.240 and to provide for the regulation of inoperable vehicles on private property. Abatement and regulation are necessary to preserve and enhance the aesthetic character of the City's neighborhoods, protect property values and rights and to reduce health and safety problems associated with junk vehicles.

Section 2. Definitions. For the purposes of this chapter, the following definitions shall apply:

- A. "Abandoned Vehicle" means any vehicle left on a public right of way or on private property without the consent of the property owner for a period of 72 hours or longer.
- B. "Junk Vehicle" means any vehicle certified under RCW 46.55.230 and meeting at least three of the following criteria:
 - a. Is three years old or older;
 - b. 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;
 - c. Is apparently inoperable;
 - d. Has an approximate fair market value equal only to the approximate value of the scrap in it.

C. "Inoperable Vehicle" means a vehicle which is apparently inoperable or which requires repairs in order to be operated legally on the public roads, such as: repair or replacement of a window, windshield, wheel, tire, motor or transmission.

D. "Enforcement Officer" means the City of University Place Building official, his or her designee, or a City of University Place law enforcement official.

Section 3. Exemptions. The provisions of this Ordinance shall not apply to:

A. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, so as not to be visible from adjacent or nearby public or private property.

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 vehicle dismantler or licensed vehicle dealer and is fenced in accordance with the provisions of RCW 46.55.130.

Section 4. Abandoned or Junk vehicles, nuisance declared. The storage or retention of abandoned or junk vehicles on private property or a public right of way is declared a public nuisance which is subject to abatement and removal as set forth below:

A. The cost of abatement and removal may be assessed against the registered owner of the vehicle(s) if the identity of the owner can be determined, unless the owner in the transfer of ownership has complied with RCW 46.12.101. Alternatively, the cost may be assessed against the owner of the property on which the vehicle is stored.

B. The enforcement officer may inspect and certify that a vehicle meets the definition of a junk or abandoned vehicle. The officer shall provide notice to the last registered owner of record and the property owner of record that a hearing may be requested before the Hearings Examiner and that if no hearing is requested within 15 days, the vehicle will be removed.

C. If a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the County Assessor records and the legal owner of record of the vehicle, unless the vehicle condition is such that identification numbers are not available.

D. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement for consideration, and deny responsibility for the presence of the vehicle, with the reasons for the denial. If it is determined that the vehicle was placed on the property without the consent of the landowner and that the landowner has not acquiesced in its presence, then the cost of removal shall not be assessed against the landowner.

E. After notice has been given of the intent of the City to abate and dispose of the vehicle and after a hearing, if requested, has been held, the vehicle may be removed at the request of a law enforcement officer of the city and disposed of by a licensed vehicle wrecker or tow truck operator, with notice to the Washington State Patrol and the department of licensing that the vehicle has been wrecked.

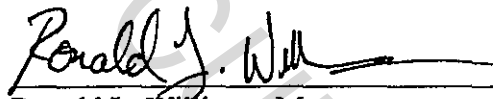
F. The City may, within 30 days after removal of an abandoned or junk vehicle from private property, file for recording with the County Auditor a claim for lien for the costs of removal.

Section 5. Inoperable Vehicles. The storage of inoperable vehicles on residentially zoned property is limited as provided for in the City zoning regulations and must be screened from neighboring properties and the public right of way. Failure to provide for view screening in accordance with city ordinances shall be subject to enforcement and the penalties outlined in Ordinance No. 100.

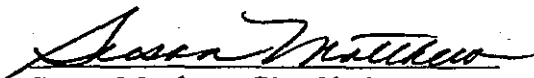
Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in official newspaper of the City. This ordinance shall be effective five days after its publication.

PASSED BY THE CITY COUNCIL ON JUNE 3, 1996


Ronald L. Williams, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: June 5, 1996
Effective Date: June 10, 1996