

October 18, 1995
November 14, 1995 clerk
JUNKVEHC.D3/MMc

Introduced By:
Proposed No.:

GREG NICKELS
JANE HAGUE
RON SIMS
MAGGI FIMIA

95-685

ORDINANCE NO. **12024**

AN ORDINANCE amending K.C.C. Title 23 regarding abandoned, wrecked, dismantled or inoperative vehicles; repealing K.C.C. 23.10.010 through 23.10.110, and ordinance 7846, sections 1 through 11, and adding new sections to K.C.C. Titles 21A and 23.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 7846, Sections 1 through 11 and K.C.C. 23.10.010 through 23.10.110 are hereby repealed.

SECTION 2. The title of Chapter 23.10 shall be "ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES".

NEW SECTION. SECTION 3. There is hereby added to K.C.C. 23.10 a new section to read as follows:

Purpose. The purpose of this chapter is to establish procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled or inoperative vehicles pursuant to RCW 46.55.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. 23.10 a new section to read as follows:

Certification. Any enforcement officer of the department of development and environmental services may inspect and certify that a vehicle is a "wrecked, dismantled or inoperative vehicle or an abandoned vehicle" as those terms are defined in K.C.C. 21A. The certification shall be made in writing.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. 23.10 a new section to read as follows:

Notice Required. Whenever a vehicle has been certified as a wrecked, dismantled or inoperative vehicle or as an abandoned vehicle, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice

1 by certified mail that a public hearing may be requested before the hearing examiner. If no
 2 hearing is requested within ten days from the certified date of receipt of the notice, the
 3 vehicle shall be removed by the county.

4 NEW SECTION. SECTION 6. There is hereby added to K.C.C. 23.10 a new
 5 section to read as follows:

6 Notice of Hearing. If a request for hearing is received within ten days, a notice
 7 giving the time, location and date of such hearing on the question of abatement and
 8 removal of the vehicle or vehicles shall be mailed by certified mail to the land owner of
 9 record and to the last registered owner of record of each vehicle unless the vehicle is in
 10 such condition that ownership cannot be determined or unless the land owner has denied
 11 the certifying individual entry to the land to obtain the vehicle identification number.

12 NEW SECTION. SECTION 7. There is hereby added to K.C.C. 23.10 a new
 13 section to read as follows:

14 Determination of Responsibility. A. The owner of the land on which the vehicle is
 15 located may appear in person at the hearing or present a written sworn statement in time for
 16 consideration at the hearing. The owner may deny responsibility for the presence of the
 17 vehicle on the land stating the reason for such denial. If it is determined by the hearing
 18 officer that the vehicle was placed on the land without consent of the land owner and that
 19 the land owner has not subsequently acquiesced in its presence, then costs of
 20 administration or removal of the vehicle shall not be assessed against the property upon
 21 which the vehicle is located nor otherwise be collected from the land owner.

22 B. Nothing in this chapter shall relieve the landowner of any civil penalties which
 23 may accrue from any zoning code violation related to the improper placement, parking or
 24 storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

25 C. In addition to determination of responsibility as provided for in paragraph A,
 26 the hearing examiner shall receive and examine evidence on other relevant matters,
 27 including whether a public nuisance as defined in this chapter exists. The decision of the
 28 hearing examiner shall be final. Any further approval shall be as prescribed in K.C.C.
 29 20.24.240B.

1 NEW SECTION. SECTION 8. There is hereby added to K.C.C. 23.10 a new
2 section to read as follows:

3 Abatement and Removal Authorized. The county may remove any abandoned,
4 wrecked, dismantled or inoperative vehicle, automobile hulk or part thereof, after
5 complying with the certification and notice requirements of this chapter. The vehicle shall
6 be disposed at a licensed vehicle wrecker, hulk hauler or scrap processor with notice given
7 to the Washington State Patrol and to the department of licensing that the vehicle has been
8 wrecked. The proceeds of any such disposition shall be used to defray the costs of
9 abatement and removal of any such vehicle, including costs of administration and
10 enforcement.

11 NEW SECTION. SECTION 9. There is hereby added to K.C.C. 23.10 a new
12 section to read as follows:

13 Costs of Abatement and Removal. A. The costs of abatement and removal of any
14 such vehicle or remnant part, including costs of administration and enforcement, shall be
15 collected from the last registered vehicle owner if the identity of such owner can be
16 determined, unless such owner in the transfer of ownership thereof has complied with
17 RCW 46.12.101.

18 If the vehicle owner cannot be established, the costs of abatement and enforcement
19 shall be collected from the land owner on which the vehicle or remnant part is located,
20 unless the landowner has shown in a hearing that the vehicle or remnant part was placed on
21 such property without the landowner's consent or acquiescence.

22 B. Costs of administration for the removal and disposal of vehicles or remnant
23 parts may be recovered according to the lien and personal obligation provisions of Title 23.

24 NEW SECTION. SECTION 10. There is hereby added to K.C.C. 21A.06 a new
25 section to read as follows:

26 Abandoned Vehicle. An "abandoned vehicle" means any vehicle left upon the
27 property of another without the consent of the owner of such property for a period of
28 twenty-four hours or longer, except that a vehicle shall not be considered abandoned if its
29 owner or operator is unable to remove it from the place where it is located and so notifies
30 law enforcement officials and requests assistance.

1 NEW SECTION. SECTION 11. There is hereby added to K.C.C. 21A.06 a new
2 section to read as follows:

3 Wrecked, Dismantled or Inoperative Vehicle. "Wrecked, dismantled or inoperative
4 vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle which is
5 mechanically inoperative and cannot be made operative without the addition of vital parts
6 or mechanisms or the application of a substantial amount of labor and is certified by the
7 department of development and environmental services as meeting at least three of the
8 following requirements:

9 A. is three years old or older;

10 B. is extensively damaged, such damage including but not limited to any of the
11 following: missing wheels, tires, motor, or transmission;

12 C. is apparently inoperable;

13 D. has an approximate fair market value equal only to the approximate value of the
14 scrap in it.

15 NEW SECTION. SECTION 12. There is hereby added to K.C.C. 21A a new
16 section to read as follows:

17 Public Nuisance -- Prohibited Activities. It is unlawful for any person to keep,
18 maintain or deposit on any property in the county a public nuisance including, but not
19 limited to, the following:

20 A. Open storage of rubbish or junk including, but not limited to, refuse, garbage,
21 scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including
22 compost bins.

23 B. Combustible material likely to become easily ignited or debris resulting from
24 any fire and which constitutes a fire hazard, as defined in the Uniform Fire Code as
25 adopted by the county pursuant to K.C.C. 17.04.010.

26 C. Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant
27 parts thereof except as provided in section 13 of this ordinance.

28 NEW SECTION. SECTION 13. There is hereby added to K.C.C. 21A a new
29 section to read as follows:

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Wrecked, Dismantled or Inoperative Vehicles -- Prohibited Activity. No person may park, store or abandon a wrecked, dismantled or inoperative vehicle, or part thereof, on private property, except where the following conditions apply:

A. A vehicle is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property (a covering such as a tarp on the vehicles does not constitute a visual barrier); or

B. A vehicle 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 as required by state law.

NEW SECTION. SECTION 14. The county shall maintain a photographic record of all abated vehicles for a period of two years following the adoption of this ordinance. At the conclusion of the two year period, a written report along with copies of the photographs shall be transmitted to the council on the implementation of this ordinance.

1 NEW SECTION, SECTION 15. The department is hereby directed to promulgate
 2 administrative rules to implement this ordinance. These rules shall be developed with the
 3 participation of interested stakeholders and shall be adopted no later than six months
 4 following the adoption of this ordinance. The rules shall contain the department's
 5 implementation procedures including definitions for 'extensively damaged', 'apparently
 6 inoperable' and 'visible from other property'.

7 INTRODUCED AND READ for the first time this 9th day of
 8 October, 1995.

9 PASSED by a vote of 11 to 1 this 13th day of November,
 10 1995.

11 KING COUNTY COUNCIL
 12 KING COUNTY, WASHINGTON

13 Kent Pullen
 14 Chair

15 ATTEST:

16 Gerald A. Peters
 17 Clerk of the Council

18 APPROVED this 22nd day of November, 1995

19 Ray Loebe
 20 King County Executive

21 Attachments: