

November 3, 1986
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Introduced by: Bruce Laing

Proposed No.: 86 - 561

ORDINANCE NO. 17846

AN ORDINANCE providing for the abatement and removal as public nuisances of junk motor vehicles from private property, as provided by RCW 46.55.240 and adding a new chapter to Title 23 of the King County Code and amending K.C.C. 20.24.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Purpose. The purpose of this ordinance is to establish procedures for the abatement and removal as public nuisances of junk motor vehicles pursuant to RCW 46.55.240.

NEW SECTION. SECTION 2. Definitions.

"Junk vehicle" means a motor vehicle certified under Section 3 as meeting all the following requirements:

- 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. Is without a valid, current registration plate;
- E. Has a fair market value equivalent only to the value of the scrap in it.

NEW SECTION. SECTION 3. Any individual authorized by the manager of the building and land development division may inspect and certify that a vehicle meets the requirements of a junk vehicle. Such certification shall be in writing and shall record the make and vehicle identification number and license number of the vehicle if available. The certifying individual shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of scrap.

1 NEW SECTION. SECTION 4. It shall be unlawful to park,
2 store or abandon junk vehicles on private property with
3 exceptions as provided in Section 5. Such a violation shall be
4 a nuisance subject to the abatement procedure set out in this
5 chapter and shall be deemed a violation of a land use ordinance
6 for purposes of K.C.C. Title 23. The procedures in this
7 chapter are in addition to the existence and use of any other
8 remedy available.

9 NEW SECTION. SECTION 5. Exceptions. This ordinance shall
10 not apply to a vehicle or part thereof which: (1) is not
11 visible from the street or other public or private property; or
12 (2) is stored or parked in a lawful manner on private property
13 in connection with the business of a licensed dismantler,
14 licensed vehicle dealer and is fenced as required by state law.

15 NEW SECTION. SECTION 6. Notice required.

16 A. The last registered vehicle owner of record and the
17 property owner of record shall each be given notice by
18 certified mail, with a return receipt requested, that a public
19 hearing may be requested before the zoning and subdivision
20 examiner and that if no hearing is requested within 15 days
21 from the date of the postmark of the notice, the vehicle or
22 automobile hulk will be removed.

23 B. If a request for hearing is received within 15 days of
24 the postmark, a notice giving the time, location and date of
25 such hearing on the question of abatement and removal of the
26 vehicle or vehicles or part(s) as a public nuisance shall be
27 mailed, by certified mail with a return receipt requested, to
28 the owner of the land as shown on the last equalized assessment
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1 roll and to the last registered and legal owner of record of
2 each vehicle unless the vehicle is in such condition that
3 identification numbers are not available to determine ownership
4 or the owner of the land has denied the certifying individual
5 entry to the land to obtain the vehicle identification number.

6 NEW SECTION. SECTION 7. Determination of responsibility.

7 The owner of the land on which the vehicle is located may
8 appear in person at the hearing or present a written statement
9 in time for consideration at the hearing, and may deny
10 responsibility for the presence of the vehicle on the land
11 stating the reason for such denial. If it is determined by the
12 hearing officer that the vehicle was placed on the land without
13 consent of the land owner and that the land owner has not
14 subsequently acquiesced in its presence, then costs of
15 administration or removal of the vehicle shall not be assessed
16 against the property upon which the vehicle is located nor
17 otherwise be collected from the land owner. Nothing in this
18 chapter shall relieve the property owner from any civil
19 penalties which may accrue from any zoning code violation
20 related to the improper placement, parking, or storage of
21 vehicles or parts thereof.

22 NEW SECTION. SECTION 8. Hearing. In addition to

23 determination of responsibility as provided in Section 7, the
24 hearing officer shall receive and examine evidence on issue of
25 whether a public nuisance as defined in this chapter exists.
26 The decision of hearing examiner shall be final. Any further
27 approval shall be as prescribed in K.C.C. 20.24.240 (b).
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1 NEW SECTION. SECTION 9. Abatement and removal. After
2 notice has been given that the county intends to dispose of the
3 vehicle or vehicles or part(s) thereof, and after a hearing has
4 been held if requested consistent with this ordinance and with
5 K.C.C. 20.24, the vehicle(s) or part(s) thereof shall be
6 removed at the direction of a law enforcement officer or zoning
7 code enforcement officer. The vehicle(s) or part(s) thereof
8 shall be disposed at a licensed vehicle wrecker, hulk hauler or
9 scrap processor with notice given to the Washington State
10 Patrol and to the department of licensing that the vehicle has
11 been wrecked.

12 NEW SECTION. SECTION 10. Costs of removal and disposal

13 A. The costs of removal and disposal shall be assessed
14 against the last registered owner if the identity of the owner
15 can be determined unless the owner in the transfer of ownership
16 complied with RCW 46.12:101, or against the owner of the
17 property on which the vehicle is stored subject to Section 7,
18 or both. If both the owner of the vehicle and the property
19 owner are assessed the costs of removal, then liability for the
20 costs shall be their joint and separate obligation.

21 B. The costs of administration and of removal and disposal
22 of the vehicle may be recovered pursuant to K.C.C. Chapter
23 23.20.

24 NEW SECTION. SECTION 11. Rules and procedures. The
25 manager of the building and land development division may adopt
26 such rules as may be necessary to effectively implement and
27 administer this ordinance, consistent with K.C.C. 2.98.
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1 SECTION 12. K.C.C. 20.24.080(A) is amended as follows:

2 20.24.080 Final decisions by the examiner. A. The
3 examiner shall receive and examine available information,
4 conduct public hearings and prepare records and reports
5 thereof, and issue final decisions based upon findings and
6 conclusions in the following cases:

7 1. Appeals from the decisions of the administrator for
8 short subdivisions;

9 2. Appeals of threshold determinations;

10 3. Appeals from notices and orders issued pursuant to
11 Title 23 of this code or the rules and regulations VII of the
12 King County department of public health;

13 4. Appeals from decisions of the department of public
14 works regarding permits or licenses in flood hazard areas
15 pursuant to Section 21.54.100;

16 5. Appeals from conditions imposed on final approvals of
17 subdivisions receiving extensions pursuant to Section 19.28.050
18 E. or F.;

19 6. Appeals from decisions of the zoning adjustor on
20 administrative conditional use permits, conditional use permits
21 or variances;

22 7. Appeals from decisions regarding site plan approvals
23 pursuant to Section 21.46.180 and pursuant to Ordinance 4122;

24 8. Appeals from decisions regarding the abatement of
25 nonconforming uses;

26 9. Applications for shoreline substantial development
27 permits when combined with other land use applications pursuant
28 to Section 25.32.080;

29 10. Appeals from decisions regarding modification of
30 landscaping requirements pursuant to Section 21.51.050;

1 11. Appeals from decisions of the director of the
2 department of public works on requests for rate adjustments to
3 surface and storm management rates and charges.

4 12. Appeals from decisions regarding the reuse of public
5 school pursuant to Section 21.08.040H.;

6 13. Appeals from decisions to condition or deny
7 applications pursuant to RCW 43.21C.060, as provided in Section
8 20.44.110 2.C.;

9 14. Appeals from department of public safety seizures and
10 intended forfeitures, when properly designated by the chief law
11 enforcement officer of that department as provided in RCW
12 69.50.505;

13 15. Appeals from notices and certifications of junk
14 vehicles to be removed as a public nuisance as provided in this
15 ordinance.

16 ((15-)) 16. Other applications or appeals which the
17 council may prescribe by ordinance.

18 INTRODUCED AND READ for the first time this 22nd
19 day of September, 1986.

20 PASSED this 3rd day of November 1986.

21 KING COUNTY COUNCIL
22 KING COUNTY, WASHINGTON

23 Clevey Guger
24 Chair

25 ATTEST:

26
27 Dorothy M. Owens
Clerk of the Council

28 APPROVED this 13th day of November, 1986.

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30 [Signature]
31 King County Executive