

ORDINANCE NO. 845

AN ORDINANCE OF THE CITY OF PALOUSE, WASHINGTON, adopting Palouse Municipal Code Chapter 8.36, "JUNK VEHICLES," thereby providing for the abatement and removal of junk vehicles and vehicle parts as public nuisances.

THE CITY COUNCIL OF THE CITY OF PALOUSE DO ORDAIN AS FOLLOWS:

Section 1. There is hereby adopted as Palouse Municipal Code Chapter 8.36 the following:

"Chapter 8.36 JUNK VEHICLES

Sections:

- 8.36.010 - Purpose
- 8.36.020 - Definitions
- 8.36.030 - Enforcement Authority
- 8.36.040 - Abatement of Junk
- 8.36.050 - Determination of Responsibility
- 8.36.060 - Abatement
- 8.36.070 - Costs of Abatement
- 8.36.080 - Exceptions

8.36.010 - Purpose. It shall be the purpose of this chapter to:

- A. Establish procedures for the abatement and removal of junk vehicles and junk vehicle parts as public nuisances in accordance with RCW 46.55.240;
- B. Reduce potential criminal conduct associated with junk vehicles and junk vehicle parts;
- C. Enhance the aesthetic qualities of Palouse to promote the general welfare of the residents of Palouse;
- D. Prevent the reduction in property values associated with the accumulation of junk vehicles and junk vehicle parts on neighboring properties; and
- E. Reduce inherent public health and safety problems associated with junk vehicles and junk vehicle parts.

8.36.020 - Definitions. For the purposes of this chapter, the following definitions shall be applicable:

- A. "Junk Vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting at least three of the

following requirements:

- (1) Is three years old or older;
- (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;
- (3) Is apparently inoperable; and
- (4) Has a fair market value equal only to the value of the scrap in it.

- B. "Vehicle" means every device capable of being moved upon a roadway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, trailers, motorcycles and tractors, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

8.36.030 - Enforcement Authority. The Palouse Police Department shall enforce this chapter and shall be responsible for the abatement and removal of any junk vehicle or part thereof as a public nuisance.

8.36.040 - Abatement of Junk Vehicles. A. Any Palouse police officer may inspect and certify that a vehicle meets the requirements of a junk vehicle. The officer making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the vehicle is equivalent only to the value of scrap in it.

B. If the officer determines that a vehicle is a junk vehicle, the officer shall provide notice to the last registered owner of record of the vehicle shown on the records of the Washington State Department of Licensing and the property owner of record of the property upon which the vehicle is located, by certified mail, with a five-day return receipt requested, that a hearing on the abatement of the junk vehicle as a public nuisance may be requested and that if no hearing is requested within 15 days of the date of the mailing of the notice, the vehicle will be removed.

C. If a written request for a hearing is received within 15 days, a notice, giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof, as a public nuisance 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 the last registered and legal owner of record unless a vehicle is in such condition that identification numbers are not available to determine ownership.

D. The hearing shall be conducted at a hearing before a duly appointed hearing examiner at least two weeks after the date of mailing the notice of hearing.

8.36.050 - Determination of Responsibility. The owner of the property on which the 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 or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the cost of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located, nor can the costs be collected from the property owner.

8.36.060 - Abatement. After notice has been given of the City's intent to abate, remove, or 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 Palouse Chief of Police or his departmental designee and disposed of by a licensed vehicle wrecker, hulk hauler, or scrap processor with notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been wrecked.

8.36.070 - Costs of Abatement. Subject to the provisions of Section 8.36.050, the cost of abatement and removal of the vehicle or part thereof under this chapter including the costs of administration and hearing shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle had complied with RCW 46.12.101, or the cost may be assessed upon the owner of the property on which the vehicle is stored.

8.36.080 - Exceptions. This chapter may not apply to:

- A. Any vehicle or hulk or part thereof which is completely enclosed within a building in a lawful manner and is

not visible from the street or other public or private property; or

- B. Any vehicle or hulk or part thereof stored or parked in the lawful manner on private property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, junk salvage/wrecking yard or licensed vehicle dealer, located on appropriately zoned property and fenced in accordance with the provisions of RCW 46.80.130.

- C. One vehicle only, which is actively being restored, repaired, or reconditioned. If this project is not completed within two years, the vehicle must be removed as prescribed in this chapter."

Section 2. This ordinance shall be in full force and effect five days after it, or a summary thereof, is published in the official newspaper of the City of Palouse as required by law.

PASSED by the CITY COUNCIL of the CITY OF PALOUSE at its regular meeting on _____, 2008.

Michael Echanove, Mayor

Attest: _____
Joyce Beeson, Clerk

Approved as to form:

Stephen Bishop
City Attorney

Passed: _____

Published: _____

Effective date: _____