

Chapter 8.08JUNK VEHICLES

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8.08.010 Junk Vehicles - Public nuisance. It is a physical nuisance to store a junk vehicle or part thereof on private property unless:

A. The vehicle or part 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 is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, which property is fenced in accordance with Kettle Falls City ordinances. (Ord. 1599, §4, 2000)

8.08.020 Definitions. For purposes of this chapter, certain words used herein are defined as follows:

A. "Junk vehicles": means a motor vehicle that meets at least three of the following criteria:

- (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, missing wheels, tires, motor, transmission, differential, or front suspension;
- (3) Is apparently inoperable; or
- (4) Has a fair market value equal to only the scrap in it.

(Ord. 1599, §4, 2000)

8.08.030 Abatement action. A. Upon discovery of a junk vehicle, the police department shall give Notice of Violation in writing to the last registered owner of record (if ascertainable) and to the property owner of record. The Notice of Violation shall state (1) that there is a junk vehicle (or vehicles) on the private property and (2) the reasons the vehicle is defined as a junk vehicle and (3) that if the vehicle is not removed within thirty (30) days of the Notice of Violation, there will be a Notice of Infraction issued. The Notice of Violation may be served personally or may be mailed by both first class mail, postage prepaid and by certified mail, return receipt requested. The Notice of Infraction shall include the description of the junk vehicle, the name of the registered owner of the junk vehicle, the street address of the real property, the legal address and the legal owner of the real property.

B. Failure to accept or receive said Notice of Violation shall not be a defense under this chapter.

C. If the junk vehicle (or vehicles) is not removed by thirty (30) days of the date of service or mailing of the Notice of Violation, then a Notice of Civil Infraction shall be issued and shall be heard by the Stevens County District Court.

D. Upon hearing the Civil Infraction, the Stevens County District Court may issue an Order of Abatement. The Order of Abatement shall contain, but is not necessarily limited to:

(1) Findings of fact that the vehicle in question is a junk vehicle as defined by RCW 46.55.010 (4) and KFCM 8.08.020A as meeting at least three of 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) has an approximate fair market value equal only to the approximate value of the scrap in it.

(2) Identify the registered owner and legal owner of the vehicle (if ascertainable);

(3) Identify the real property by street address and legal description and legal owners;

(4) Finding that proper notice was given to the registered and legal owners of the vehicle (if ascertainable) and to the legal owner of the property;

(5) Order that the vehicle or part thereof shall be removed by the City of Kettle Falls Police Department employees or other employees of the City of Kettle Falls or other City of Kettle Falls agents;

(6) Further ordering that the City of Kettle Falls Police Department employees or other employees of the City of Kettle Falls or any other City of Kettle Falls agents may enter upon the above described premises to remove the junk vehicle;

(7) Order that notice to the Washington State Patrol and Department of Licensing that the vehicle has been wrecked shall be given pursuant to RCW 46.55.240(e); and

(8) Enter a judgement for the reasonable costs incurred by the City in the abatement. These costs shall include, but are not necessarily limited to, filing fees, service fees, reasonable attorney's fees, and costs of removal. After removal, the City may request an additional judgement if the actual costs of removal exceed the original judgement amount entered.
(Ord. 1599, §4, 2000)

8.08.040 Public Property or Abandon on Private Property without consent of owner of such property shall be handled pursuant to RCW Ch. 46.55. (Ord. 1439, 1987; Ord. 1578, §1, 1998).

1) The abandoning of a motor vehicle hulk on public property or upon property of another without consent of the owner for a period of twenty-four (24) hours or longer shall constitute a public nuisance subject to abatement, removal and monetary penalties unless its owner or operator is unable to remove it from the place where it is located and notifies law enforcement officials and requests assistance.

2) The law enforcement officer who discovers an apparent abandoned vehicle or vehicle hulk shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

- a. Identity of officer;
- b. A statement that if the vehicle is not removed within twenty-four (24) hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and
- c. The address and telephone number where additional information may be obtained.

3) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

4) If the vehicle or hulk is not removed within twenty-four (24) hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle or hulk and provide for its removal to a place of safety. A place of safety will be the business location of a registered disposer.

5) When a vehicle or hulk is impounded pursuant to Subsection 4, the Kettle Falls Police Department shall, within twenty-four (24) hours after the impoundment, mail notification of this action to the last registered owner and the legal owner of the vehicle as shown on the records of the Department of Licensing or as otherwise ascertained. The notification shall be certified mail and shall inform the registered owner of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for impoundment. The notice need not be mailed if the vehicle is redeemed within the twenty-four hours or if the registered owner and the legal owner are not ascertainable.

6) Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner as ascertained.

7) The notification shall inform the registered owner that any hearing request shall be directed to the Stevens County Municipal Court and shall be accompanied by a form to be utilized for the purpose of requesting a hearing. All requests for a hearing shall be made by the court within ten (10) days of the date of notification. If the hearing request is not received by the court within the ten day period, the right to a hearing is waived and the registered owner shall be liable for any towing, storage or other impoundment charges permitted under this ordinance. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment and any alleged infraction.

8) Removal and storage of a vehicle or hulk under RCW Ch. 46.55 or under RCW 46.55.113 shall be at the owner's expense. (Ord. 1439, 1987; Ord 1578, §1, 1998).

9) Any abandoned vehicle or abandoned vehicle hulk impounded pursuant to this section shall be processed in the manner prescribed by RCW Ch. 46.55 and other pertinent provisions adopted in the Model Traffic Ordinance, Ch. 308-330 WAC. (Ord. 1439, 1987; Ord. 1578, §1, 1998)

8.08.050 Monetary penalties. Any person allowing a public nuisance in violation of the ordinance shall be subject to the maximum monetary penalty prescribes for said infraction in an amount not to exceed Two Hundred Fifty Dollars (250.00) for each offense in addition to costs of removal, storage and disposition of any vehicle, vehicle hulk or part thereof. Each day that a public nuisance is allowed to continue in violation of this ordinance, shall be considered a separate offense.

3.08.060 Construction. This ordinance shall implement and be supplementary to the provisions of the Washington Model Traffic Ordinance, Ch. 308-330 WAC, and shall be construed in a manner consistent with the provisions thereof. (Ord. 1439, 1987; Ord. 1578, §1, 1998)