

ORDINANCE NO. 462

AN ORDINANCE OF THE CITY OF HARRINGTON, PROHIBITING THE STORAGE OF JUNK VEHICLES ON PUBLIC OR PRIVATE PROPERTY WITHIN THE LIMITS OF THE CITY OF HARRINGTON AND ESTABLISHING THE PROCEDURE FOR REMOVAL AND RECOVERY OF COSTS THEREFOR; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the council of the City of Harrington has determined that the improper storage of junk vehicles on public or private property within the limits of the City of Harrington is a public nuisance inasmuch as such vehicles become repositories for filth, waste and decay, and are unsightly and contribute to the deterioration of neighborhoods;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HARRINGTON DOES ORDAIN AS FOLLOWS:

SECTION 1: DEFINITIONS.

- A. "Junk vehicle" shall mean a motor vehicle meeting four of the five following requirements:
- a. Is three years old or older
 - b. Is extensively damaged, such damage including but not limited to any of the following:
 - i. 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 an approximate fair market value equal only to the approximate value of the scrap in it.
- B. "Code Enforcement Officer" shall mean the individual designated by the Mayor to enforce the provisions of this ordinance.
- C. "Hearing Officer" shall mean the Mayor or a panel designated by the Mayor to conduct hearings and make determinations pursuant to this ordinance.
- D. "Public property" shall mean any publicly owned property, including the dedicated portions of highways, streets and alleys, whether developed or not; public parks and public parking lots and any other property owned by the City of Harrington.
- E. All other words shall have their normal ordinary meaning unless the context or subject matter clearly require otherwise.

SECTION 2. JUNK VEHICLES ON PUBLIC PROPERTY. Junk vehicles as defined in this ordinance found parked or stored on public property are hereby declared a public nuisance and may be abated as follows:

- A. The City Code Enforcement Officer shall determine whether any unlicensed vehicle parked on public property is a junk vehicle as herein defined. Upon such determination the Code Enforcement Officer shall post a Notice of Intention to Impound in a prominent place on said vehicle, such notice citing this Ordinance as authority to impound, shall give the time and date of posting, and shall provide that if such vehicle is not removed from the public property within four (4) days of the posting that the vehicle shall be impounded. The Code Enforcement Officer shall further send a copy of said Notice of Intention to Impound to the Registered Owner of the vehicle at the address listed with the Washington State department of Licensing. The four days shall commence with the later of the posting of the vehicle or mailing. If the vehicle is parked along a right-of-way, the Code Enforcement Officer shall also deliver, in person or by regular mail, a copy of the Notice of Intent to Impound to the owner of the property in front of which the vehicle is parked.
- B. If, after the expiration of the four day period, the vehicle remains on the public property, the Code Enforcement Officer shall arrange for the removal of the vehicle to a safe place, and shall see that the notice provided for in RCW 46.55.110 is sent out, which notice shall contain written notice of the right of redemption and the opportunity to request a hearing as to the validity of the impoundment. Costs of the impoundment shall be considered part of the redemption price unless it is determined at such hearing that the impoundment was invalid.

SECTION 3. JUNK VEHICLES ON PRIVATE PROPERTY. Junk vehicles as defined in this Ordinance, or parts of such vehicle, found parked or stored on private property are hereby declared a public nuisance and may be abated as follows:

- A. Upon notice that a vehicle parked or stored on private property may be a junk vehicle as defined in this Ordinance, the City Code Enforcement Officer shall investigate and inspect the vehicle and shall make an initial determination as to whether or not the vehicle is a junk vehicle as defined in this Ordinance. If the vehicle is determined to be a junk vehicle, the Code Enforcement Officer shall record the make and vehicle identification number or license number if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.
- B. If the vehicle is determined to be a junk vehicle, the Code Enforcement Officer shall notify the last registered owner of record at the address listed by the Washington Department of Licensing and the owner of record of the property where the vehicle is located of the determination and advise them that
 - i. a hearing may be requested by written request to the City Clerk within 15 days of the date of the notice and

- ii. if no hearing is requested, after said 15 days the vehicle may be removed by the City and
 - iii. the costs of removal may be assessed against the last registered owner of the vehicle or the owner of the property on which the vehicle is located.
- C. This ordinance shall not apply to
- i. A vehicle or part thereof completely enclosed within a building, garage or carport or
 - ii. 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 dismantler or licensed vehicle dealer, and is fenced according to the provisions of R.C.W. 46.80.130.
- D. The last registered owner of the vehicle may challenge the determination that the vehicle is a junk vehicle.
- E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement, signed under penalty of perjury, in time for consideration at the hearing, and may challenge the determination that the vehicle is a junk vehicle or deny responsibility for the presence of the vehicle on the land, with his 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 has not subsequently acquiesced in its presence, the City shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect from the property owner.
- F. Costs of the removal of junk vehicles or parts thereof may be assessed against the registered owner of the vehicle if the ownership of the vehicle can be ascertained or the costs of removal may be assessed against the owner of the property on which the vehicle is located. Such costs shall be considered to be an indebtedness to the City, and may be collected in the same manner as any other debt.

SECTION 4. HEARING.

- A. Notice. If the City Clerk shall receive a request for hearing under Section 2B or Section 3B, the City Clerk shall forward the request to the Hearing Officer or Hearing Panel who shall set a time for the hearing. Notice of the hearing, giving the date, time and location thereof, shall be sent to
- i. The last registered and legal owner of the vehicle at the address provided by the Washington Department of Licenses and to the owner of the land as shown on the records of Lincoln County, unless the vehicle is in such condition that identification numbers are not available to determine ownership, and
 - ii. The owner of the land as shown on the latest tax rolls of Lincoln County.
- B. Conduct of the Hearing. The Hearing Officer or Hearing Panel shall conduct any hearing requested pursuant to this ordinance. The Hearing Officer or Hearing Panel shall be empowered to administer oaths, to take evidence, both oral and written, and to make determinations required under the provisions of this Ordinance. Decision shall be made after considering all evidence and announced orally at the hearing, but

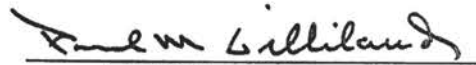
a written copy thereof shall be mailed to Code Enforcement Officer, the person requesting the hearing, the owner of the property where the vehicle is located, and the registered and legal owner of the vehicle, if one has been ascertained. The decision of the administrative hearings officer shall be final unless the same is appealed within ten days to the Lincoln County District Court.

SECTION 5. EFFECTIVE DATE.

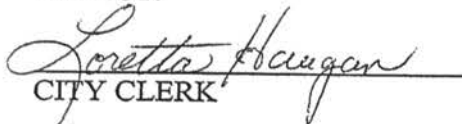
This ordinance shall go into force and effect from and after June 1, 2008, upon passage and publication required by law.

PASSED BY THE COUNCIL OF THE CITY OF HARRINGTON this 9th day of APRIL, 2008.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

Cynthia McMullen
CITY ATTORNEY