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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4243

AN ORDINANCE relating to the abatement of junk vehicles; adding a new Chapter 9.09 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Title 9, Health and Safety, is amended by the addition of a new Chapter 9.09 which reads as follows:

Chapter 9.09 Abatement of Junk Vehicles

9.09.010	Purpose
9.09.020	Definitions
9.09.030	Exemptions
9.09.040	Abatement and Removal
9.09.050	Violation - Penalty
9.09.060	Severability

9.09.010 Purpose. The purpose of this Chapter is to preserve the character and safety of the City's neighborhoods by eliminating as nuisances, junk vehicles from private property, and to provide procedures for the removal of junk vehicles as authorized by RCW 46.55.240.

9.09.020 Definitions. For the purposes of this Chapter, the following words shall have the following meaning:

A. "Junk vehicle" means any vehicle substantially meeting all of the following requirements: (RCW 46.55.010(4))

1. Is three years old or older; and
2. Is extensively damaged, such damage including, but not limited to any of the following: broken window or windshield or missing wheels, tires, motor or transmission; and
3. Is apparently inoperable; and
4. Is without a valid, current registration plate; and
5. Has an approximate fair market value equivalent only to the approximate value of the scrap in it.

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B. "Applicable department director" means the director of the Department of Design and Development or any designated alternate appointed by the City Manager.

C. "Code compliance officer" means the person designated by the Director of the Design and Development Department to enforce this chapter.

D. "Landowner" means an owner of private property, or a person in possession or control of private property.

9.09.030 Exemptions. The provisions of this chapter shall not apply to:

A. A vehicle or part thereof which 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 which 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 RCW 46.80.130.

9.09.040 Abatement and removal of junk vehicles on private property.

A. Public nuisance declared. All junk vehicles certified as such by a law enforcement officer according to RCW 46.55.230 and found on private property are declared to constitute a public nuisance subject to removal, impoundment and disposal.

B. Voluntary correction. Whenever the Code compliance officer determines that a vehicle is a public nuisance and in violation of this chapter, a reasonable attempt shall be made to secure voluntary correction from the landowner and the vehicle's registered owner.

C. Issuance of Notice of Civil Violation. If the Code compliance officer does not obtain voluntary correction of the public nuisance, the officer may issue a Notice of Civil Violation to the landowner and the vehicle's registered owner in accordance with the provisions of Bellevue City Code 1.18.040.C.

D. Content. For violations of this Chapter the Notice of Civil Violation shall contain the following information:

1. The name and address of the landowner upon whose property the vehicle is located; and

2. The name and address of the vehicle's last registered owner of record provided license or vehicle identification numbers are available; and

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3. The vehicle description including: the license plate number and/or the vehicle identification number; the model year; the make; and the factors which render the vehicle a public nuisance; and

4. The street address or a description sufficient for identification of the property where the vehicle is located; and

5. The required corrective action and a date and time by which the correction must be completed; and

6. The date, time and location of a hearing before the Hearing Examiner which will be at least 10 days from date the notice is issued; and

7. A statement indicating that the hearing will be cancelled and no monetary penalty will be assessed if the Code compliance officer approves the completed required corrective action at least 48 hours prior to the scheduled hearing; and

8. A statement indicating that the City may remove, impound and dispose of the vehicle, and assess all costs and expenses of administration, removing, impounding and disposing of the vehicle against the landowner or the registered owner as ordered by the Hearing Examiner; and

9. A statement that a monetary penalty pursuant to Paragraph 1.18.040.E in an amount per day for each violation shall be assessed against the landowner and/or the vehicle's registered owner as specified and ordered by the Hearing Examiner in accordance with Section 1.18.050.

E. Landowner responsibility disclaimer. The landowner may appear in person at the hearing or present a written statement prior to the hearing, to deny responsibility for the vehicle's presence on the property. If the Hearing Examiner determines that the vehicle was placed on the property without the landowner's consent and that the landowner has not subsequently acquiesced in its presence, then the costs and expenses of administration, removing, impounding and disposing of the vehicle shall not be assessed against the landowner.

F. Removal by the City. Pursuant to the Hearing Examiner's Orders, the City may use any lawful means to cause the vehicle to be removed from the private property and disposed of to a licensed motor vehicle wrecker or hulk hauler, with notice to the Washington State Patrol and the Washington Department of Licensing that the vehicle has been wrecked.

G. Recovery of costs and expenses. To the extent allowed by law the City may file or record with appropriate State or County Offices a claim or claims for lien for the costs of and expenses of removal, which impoundment and disposal of the vehicle may be enforced in accordance with the appropriate provisions of law.

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9.09.050 Violation - Penalty.

A. It shall be unlawful for any person to allow, cause to allow or place a junk vehicle, on any premises.

B. Any violation of any provision of this chapter is a civil violation as provided for in Bellevue City Code, Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein.

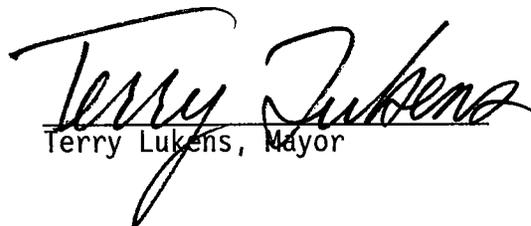
C. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter shall be guilty of misdemeanor.

9.09.060 Severability. If any one or more section, paragraph or sentence of this Chapter are held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portion of this Chapter and the same shall remain full force and effect.

Section 2. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

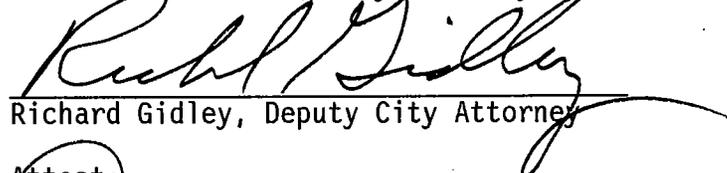
PASSED by the City Council this 15th day of April, 1991, and signed in authentication of its passage this 15th day of April, 1991.

(SEAL)

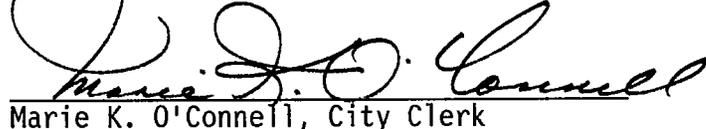

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published April 22, 1991