

Ordinance No. 00039

[\(Council Minutes 96/01/16\)](#)

ORDINANCE NO. 39 - Amended

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating a new Chapter 8.24 of the Lakewood Municipal Code relating to Junk Vehicles and Storage of Vehicles

WHEREAS, among the responsibilities falling on the City of Lakewood upon incorporation would be those of providing for and enforcing ordinances protecting and insuring the general health and welfare of the City; and,

WHEREAS, to those ends, there are a number of areas of regulations that would assist the City, including regulations to address general nuisances in the City; and,

WHEREAS, typically included among such nuisances are junk vehicles and improperly stored vehicles which cannot only present unsightly detractions from the beauty of the City but also can constitute attractive nuisances for children and present safety concerns for people in the vicinity, and/or harborages for rodents, insects or other pests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

SECTION 1. ADOPTION OF LAKEWOOD MUNICIPAL CODE CHAPTER 8.24.

That Chapter 8.24 of the Lakewood Municipal Code, relating to Junk Vehicles and Vehicle Storage, be, and the same hereby is, created to read as follows:

Chapter 8.24

JUNK VEHICLES -VEHICLE STORAGE

Sections:

I. JUNK VEHICLES

8.24.010 Declaration of junk vehicles as nuisance.

8.24.020 Definition of junk vehicle.

8.24.030 Certification.

8.24.040 Junk vehicle violations.

8.24.050 Exceptions.

8.24.060 Notices required.

8.24.070 Abatement and removal.

8.24.080 Costs of abatement and removal.

II. VEHICLE STORAGE

8.24.090 Definitions.

8.24.100 Storage of certain vehicles and components prohibited.

8.24.110 Exceptions.

8.24.120 Declaration of public nuisance.

8.24.130 Enforcement.

8.24.140 Third party liability.

I. JUNK VEHICLES

8.24.010 Declaration of junk vehicles as nuisance.

Junk motor vehicles in areas not zoned for storage of junk or scrap metal are hereby declared a public nuisance subject to abatement and removal.

8.24.020 Definition of junk vehicle.

"Junk vehicle" means a motor vehicle that has been certified as meeting all of the following requirements:

A. 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;

B. Is apparently inoperable;

C. Is without valid, current license plates or certificate of registration.

8.24.030 Certification.

The City Manager, or designee, 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 of the vehicle, the vehicle identification number, and the license plate number of the vehicle if available. The certifying individual shall also describe in detail the damage, missing equipment, or condition, and factors supporting the determination that the vehicle is apparently inoperable. The certifying individual shall also make specific notation regarding the absence of a valid, current license plates or certificate of registration.

8.24.040 Junk vehicle violations.

It shall be unlawful to park, store or abandon junk vehicles on private property, subject only to the exceptions provided in Section 8.24.050. Such a violation shall be deemed a nuisance subject to abatement.

8.24.050 Exceptions.

The provisions of this Chapter relating to junk vehicles shall not apply to a vehicle or part thereof which: (1) is not visible from the street or other public or private property; or (2) is stored or parked in a lawful manner on fenced private property in connection with the business of a licensed hulk hauler, tow truck operator, dismantler, repair facility, or motor vehicle dealer and is fenced.

8.24.060 Notices required.

The last registered owner of the junk vehicle and the property owner of record shall each be given a notice and order pursuant to this Chapter. Each shall have the right of appeal as provided by this Chapter. The notice and order need not be provided to the last registered owner of the vehicle if the vehicle is in such condition that the identification numbers cannot be readily determined or if the owner of the land has prevented access to the vehicle.

8.24.070 Abatement and removal.

After the notice and order becomes final, the junk vehicle or vehicles shall be removed by a licensed tow truck operator or hulk hauler and the City Manager or designee shall give notice to the Washington State Patrol and to the Washington State Department of Licensing.

8.24.080 Costs of abatement and removal.

The costs of abatement and removal may be assessed against the last registered owner as in the case of abandoned motor vehicles pursuant to state law. The costs of abatement and removal, any civil penalties assessed, and costs incurred by the City, may also be imposed and be enforced as provided by law, and pursuant to Section 8.24.130.

II. VEHICLE STORAGE

8.24.090 Definitions.

The definitions set forth herein and in other Ordinances of the City, as presently existing or as may be hereafter developed or subsequently amended, shall apply to this Chapter and, in addition, the following definitions shall apply:

"Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

"Property" means land and any buildings or structures located thereon.

"Recreational vehicle" means a camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit.

8.24.100 Storage of certain vehicles and components prohibited.

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall retain or store, except as may be permitted by any other City ordinance, any of the following:

- A. One or more wrecked, dismantled or partially dismantled, inoperative, or unlicensed (vehicle licensing plates and current tabs) and uninsured vehicles;
- B. Body parts, engines or drive-train parts, or any other parts, assemblies or components of automobiles and other motor vehicles;
- C. Any recreational vehicle, boat or trailer within the required front yard, or within the required five-foot side yard setbacks, unless parked and stored within the driveway;
- D. Any pickup truck campers or canopies (not mounted on a pickup truck), unless safely located within the driveway or side yard, but not within the required side yard setback.

8.24.110 Exceptions.

The prohibitions of Section 8.24.100, shall not apply to the following:

- A. A vehicle, recreational vehicle, boat, trailer, or component thereof which is completely enclosed within a building in lawful manner where it is not visible from the street or other public or private property; or
- B. A vehicle, recreational vehicle, boat, trailer, or component 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 applicable State law.

8.24.120 Declaration of public nuisance.

The retaining or storage of any vehicle or component in violation of Section 8.24.100, and not within the exception of Section 8.24.110, of this Chapter, is hereby declared to be a public nuisance and shall be abated by removal.

8.24.130 Enforcement.

The provisions of this Chapter shall be enforced pursuant to Ordinance No. 32, as it presently exists or as it may subsequently be amended, and as allowed by law, provided that the following additional provisions shall be followed:

- A. The person(s) designated by the City Manager with duties of enforcement of this Ordinance shall give notice to the last registered owner of record of the vehicle and to the property owner of record that a hearing may be requested but that, if no hearing is requested, the vehicle will be removed and impounded;
- B. If a request for a hearing is received, the City shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle, or part thereof as a public nuisance, which notice shall be mailed, by certified mail with return receipt requested to the owner of the property as shown on the last equalized assessment role and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;
- C. The owner of the property on which the vehicle, recreational vehicle, boat, trailer, or component thereof, 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 or item on the property, with his or her reasons for the denial and, if it is determined at the hearing that the vehicle or item was placed on the land without the consent of the owner, and that the owner has not subsequently acquiesced in its presence, then the City Hearing Examiner shall not assess costs of administration or removal

against the property upon which the vehicle or item is located;

D. After notice has been given of the intent of the City to dispose of the vehicle and, after a hearing, if requested, the vehicle shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked; and

E. In addition to the enforcement provisions above, violation of this Chapter shall constitute a civil infraction punishable by a fine of up to \$500, with a minimum fine of \$250 per violation.

8.24.140 Third party liability.

A. It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Chapter.

B. It is the specific intent of this Chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this Chapter is intended to impose any duty whatsoever upon the City or any of its officers and employees, for whom the implementation or enforcement of this Chapter shall be discretionary and not mandatory.

C. Nothing contained in this Chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this Chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Chapter by its officers, employees or agents.

SECTION 2. GENERAL SEVERABILITY.

That if any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstances shall not be affected.

SECTION 3. EFFECTIVE DATE.

That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996.

ADOPTED by the City Council this 16th day of January, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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