

Repealed by 2975

ORDINANCE NO. 2493

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ABANDONED VEHICLES AND AMENDING SECTIONS 11.76.010, 11.76.030, 11.76.040 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, Section 17, Chapter 178, Washington Laws 1979, First Ex. Session, relating to the removal, storage, and disposal of abandoned vehicles requires that local ordinances provide for the processing of such vehicles in a manner consistent with said chapter.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Section 11.76.010 of the Kirkland Municipal Code is hereby amended to read as follows:

"11.76.010 Definitions. For the purpose of this chapter:

(1) "Abandoned automobile hulk" or abandoned vehicle hulk means the abandoned remnant or remains of any motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs;

(2) "Abandoned vehicle" means any vehicle left within the right-of-way of any public street, highway, alley or way open to the public or upon the property of another without the consent of the owner of such property for a period of twenty-four hours; provided, however, that the vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. (Ord. 2088 §1, 1970).

(3) A registered abandoned vehicle disposer or a registered disposer means any currently licensed tow truck operator, garage keeper, or other person engaged in the business of removing, storing or disposing of vehicles, abandoned vehicles, or abandoned vehicle hulks, and who is properly registered and licensed pursuant to RCW 46.52.108 as now or hereafter amended.

Section 2. Section 11.76.030 of the Kirkland Municipal Code is hereby amended to read as follows:

"11.76.030 Procedure where abandoned within public right-of-way or on other public property. The Chief of Police shall cause any vehicle or automobile hulk found and declared by Section 11.76.020 (1) or (2) to be a public nuisance to be forthwith impounded and shall

immediately place said vehicle in the custody of a registered disposer, who shall thereupon process said vehicle in the manner provided in RCW 46.52.111 and RCW 46.52.112. /upon impound, notify the Chief of the State Patrol and the King County Executive, (or other county official performing the function of county sheriff). -- If, at the expiration of fifteen days from impound, the vehicle or automobile hulk has not been claimed, it shall be disposed of in the manner provided for in RCW 46.52.116.7

Section 3. Section 11.76.040 of the Kirkland Municipal Code is hereby amended to read as follows:

"11.76.040 Procedure where abandoned on private property. Upon the request of or with the permission of the property owner, the Chief of Police shall cause any vehicle or automobile hulk found and declared by Section 11.76.020 (3) to be a public nuisance, to be forthwith impounded and shall immediately place said vehicle in the custody of a registered disposer who shall thereupon process said vehicle in the manner provided for in RCW 46.52.111 and RCW 46.52.112. /notify the Chief of the Washington State Patrol and the King County Executive (or other King County official performing the appropriate functions of the county sheriff).

In addition thereto, the City Manager or his delegate (which may be the Chief of Police) shall:
(1) -- Give notice to the last registered owner of record of the vehicle or automobile hulk, and to the property owner of record, that a public hearing may be requested before the City Council and that if no hearing is requested, the vehicle or automobile hulk will be removed;

(2) -- In the event such request for hearing is received, give notice of the time, location and date of such hearing on the questions of abandonment and removal of the vehicle or part thereof as a public nuisance, which notice shall be mailed by certified mail, with a five-day return requested to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record, unless the vehicle or automobile hulk is in such condition that identification numbers are not available to determine ownership;

(3) -- The owner of the land on which the vehicle or automobile hulk 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 reasons for such denial. -- If it is determined at the

hearing-that-the-vehicle-or-automobile-hulk-was-placed
on-the-land-without-the-consent-of-the-landowner,-and
that-he-has-not-subsequently-acquiesced-in-its-presence,
then-the-cost-of-removal-of-the-vehicle-or-automobile
hulk-shall-not-be-assessed-against-said-property,-nor
shall-such-costs-be-in-any-other-manner-charged-or
collected-from-the-property-owner;

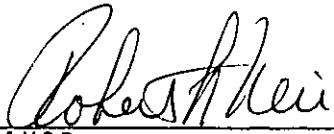
(4)--Fifteen-days-after-giving-of-the-notice
required-by-subsection-(1)-of-this-section,-or-where-a
hearing-has-been-requested-fifteen-days-after-the-date
of-the-hearing,-the-vehicle,-automobile-hulk-or-parts
thereof-shall-be-removed-at-the-request-of-the-Chief-of
Police-and-disposed-of-to-a-licensed-auto-wrecker-and-
notice-of-this-fact-shall-be-given-to-the-Washington
State-Patrol-and-the-Department-of-Motor-Vehicles.7

The foregoing procedure shall also apply as to any
abandoned automobile hulk declared to be a public
nuisance by virtue of the provisions of Section 11.76.060.

Section 4. This Ordinance shall be in force five (5)
days from and after its passage by the City Council and
publication as required by law.

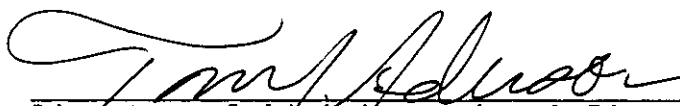
PASSED by the Kirkland City Council in regular meeting
on the 19th day of November, 1979.

SIGNED IN AUTHENTICATION thereof on the 19th day of
November, 1979.



MAYOR

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney

Ord. 2493