

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
IMPOUNDMENT OF VEHICLES

Be it ordained by the City Council of the City of
Kirkland as follows:

Section 1. There is hereby created a new chapter to
be known as Chapter 12.40, ABANDONED AND UNAUTHORIZED
VEHICLES, and to read as follows:

Chapter 12.40 ABANDONED AND UNAUTHORIZED VEHICLES*
*For provisions relating to the City's authority to
impound junk vehicles from private property see Chapter
11.76.

12.40.010 Definitions. For the purpose of this
chapter:

(1) "Abandoned vehicle" means any vehicle or hulk
left within the right-of-way of any public street,
highway, alley or way open to the public for a period of
twenty-four hours.

(2) "Automobile hulk" or "hulk" or "junk vehicle"
means a motor vehicle or remnant or remains thereof which
is apparently inoperable and is extensively damaged or
missing vital parts or mechanisms.

(3) "Registered tow truck operator" or "operator"
means any person who engages in the impounding,
transporting, disposal or storage of unauthorized or
abandoned vehicles and who is properly registered or
licensed pursuant to RCW chapters 46.52 or 46.55.

(4) "Unauthorized vehicle" means a vehicle that is
subject to impoundment at the direction of the City after
being left unattended in one of the following locations
for the indicated period of time:

Subject to removal after:

- | | |
|--|-------------|
| (a) Constituting a traffic
hazard (see RCW 46.61.565) | Immediately |
| (b) Abandoned and tagged
(see RCW 46.52.170) 24 hours after attachment
(for instance) of tag | |
| (c) Coming within a provision
of KMC Chapter 12.44 or
12.48 which authorizes
impoundment | Immediately |

12.40.020 Procedure for Impoundment. An unauthorized

vehicle may be impounded by a registered tow truck operator at the direction of a police officer, parking enforcement person, or other public official authorized by the chief of police. Removal and storage of a vehicle impounded under this section shall be at the registered and legal owners' expense as provided in RCW Title 46. Within 24 hours after an unauthorized vehicle is impounded, the Police Department shall send notification by first class mail to the last known registered and legal owners of the vehicle, unless the vehicle is redeemed prior to the mailing of the notice. The notification shall include the name, address, and phone number of the impounding tow firm and the location and time of impound. Further, the notification will inform any owner of an opportunity for a hearing to contest the basis of the impoundment which shall contain a certificate of mailing and which shall be accompanied by a form to be directed to the Northeast District Court for requesting a hearing. Unless otherwise specified, any impoundment pursuant to this code or other ordinances of the City shall follow the procedure set forth in this section.

12.40.030 Impoundment for License Violations. A vehicle which is being operated by a person committing a driver's license violation for which immediate impoundment is authorized (see RCW 46.20.435) may be impounded according to the procedure set forth in Section 12.40.020, provided that, if possible, the notification described therein will be immediately served upon the driver.

12.40.040 Private Remedies. Nothing in this code or other ordinances of the City shall restrict a private landowner's authority to have vehicles removed under the common law or pursuant to State statutes, such as RCW 46.55.230 or RCW 46.55.080. Upon request of a landowner, the police department shall provide information as described in RCW Chapter 46.55 relating to removal of a junk vehicle.

Section 2. Section 12.44.010 is hereby amended as follows:

12.44.010 Parking and storage of trailers, truck tractors and large vehicles prohibited. (a) It is ~~unlawful~~ a traffic infraction for any person to park or store a trailer upon any street, highway, off-street public parking facility, or way open to the public within the city, except as provided in this subsection.

(1) For the purpose of this subsection, the word "trailer" includes boat trailer, camping trailer, house trailer, utility trailer, or any other vehicle or conveyance designed to be connected to or drawn by a motor

vehicle or dray animal;

(2) The traffic engineer is authorized to designate by proper signs off-street parking facilities adjacent to public parks, recreational areas, and boat launching sites where recreational trailers may be parked.

(b) It is ~~unlawful~~ a traffic infraction for any person to park or store a truck tractor or a vehicle of twenty-five thousand pounds gross weight or more upon any street, highway, off-street public parking facility, or way open to the public ~~within or abutting~~ any area of the city where a residential use is permitted except as provided in this subsection.

(1) For the purpose of this subsection, the words "truck tractor" include any vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(2) ~~A map of the city indicating the area in which this prohibition is effective~~ The Planning Director is authorized to designate areas which do not include or abut residential uses where vehicles regulated by this subsection may be parked or stored. A map indicating any such designated areas will be kept on file with the police department and will be available for public inspection.

(c) ~~The authority granted to the police department by Section 12.56.010 of this title in respect to impounding vehicles shall include any trailer, truck tractor or vehicle parked in violation of this section. A vehicle, trailer, or truck tractor which is in violation of this section a second time may be impounded according to the procedure set forth in Section 12.40.020 if the impoundment occurs at least 24 hours after tagging with notification of intent to impound for violation of this section.~~

Section 3. Section 12.44.035 is hereby amended as follows:

12.44.035 Impoundment. A motor vehicle which is in violation of Section 12.44.030 for the second time within one week after an interval of at least four hours shall be impounded upon the direction of the chief of police or the designate of the chief of police and processed in the manner provided for in ~~RGW 46.52.111 and 46.52.112~~ Section 12.40.020. This provision is in addition to and an alternative to issuance of a citation for violation of Section 12.44.030. Nothing in this section limits the right of the city to pursue other lawful criminal, civil or equitable remedies to abate or correct violations of Section 12.44.030.

Section 4. Section 12.48.040 is hereby amended as

follows:

12.48.040 Authority. Any vehicle left unattended within a bus stop zone is declared to be an obstruction to traffic and immediate danger to the safety of the general public and a public nuisance. Such public nuisance shall be summarily abated by the removal and impoundment of such vehicle in accordance with the procedures established for removal and impounding of vehicles set forth in Chapter ~~12.60~~ of the Kirkland Municipal Code Section 12.40.020.

Section 5. Section 21.34.060 is hereby amended as follows:

21.34.060 Duty to honor designated fire lanes.

It is unlawful for any person to cause or allow any vehicle or other impeding object to remain in a designated fire lane. Any person who fails to meet the duty imposed by this section is guilty of a misdemeanor, provided that if the object violating this section is a motor vehicle licensed or registered under RCW Title 46, the violation is a traffic infraction.

Section 6. Chapter 3.88 of the Kirkland Municipal Code is hereby amended by adding a new section to be known as Section 3.88.015, entitled Trash not retained, and to read as follows:

NEW SECTION

3.88.015 Trash not retained. Whenever personal belongings come into the possession of or are turned over to the police department, such as by a tow truck operator, the police department may determine that certain items have insubstantial commercial value or are trash or garbage. Such items need not be handled as provided in Section 3.88.010 and may be immediately disposed of or destroyed.

Section 7. Chapter 11.76 of the Kirkland Municipal Code is hereby repealed.

Section 8. There is hereby created a new chapter to be known as Chapter 11.76, entitled JUNK VEHICLES and to read as follows:

Chapter 11.76 JUNK VEHICLES*

*For provisions relating to impoundment of abandoned or unauthorized vehicles, see Chapter 12.40

11.76.010 Definitions. For purposes of this chapter:

(1) "Automobile hulk" or "hulk" or "junk vehicle" means a motor vehicle or remnant or remains thereof which is apparently inoperable and is extensively damaged or missing vital parts of mechanisms.

(2) Residential property means property that has no more than four living units located on it.

11.76.020 Public Nuisance Declared. A junk vehicle remaining on:

(1) Private residential property for one hour, or private non-residential property for twenty four hours, without the permission of the owner or person with authority over such property; or

(2) Private property with or without permission for twenty days, is a public nuisance and shall be abated in accordance with the procedures listed in Section 11.76.040.

The cost of removal or abatement shall be a joint and several debt of the last owner of the junk vehicle and the property owner, except as otherwise provided in this chapter.

11.76.040 Procedure for Abatement. The chief of police shall cause any vehicle or junk vehicle found and declared to be a public nuisance by virtue of section 11.76.020 or other provision, to be impounded or removed in accordance with the following provisions:

(1) Notice will be given to the last registered owner of record and the property owner of record that a hearing before a person designated by the chief of police may be requested and that if no hearing is requested within ten (10) days, the vehicle or automobile hulk will be removed.

(2) If a hearing is requested, a notice giving the time, location, and the date of the hearing on the question of abatement and removal of the junk vehicle as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land 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.

(3) The owner of the land on which the vehicle 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 or her 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 or she has not subsequently acquiesced in its presence, then 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 the cost from the owner.

(4) After notice has been given of the intent of the city to dispose of the vehicle and after a hearing, if requested, has been held, the junk vehicle shall be removed at the request of a police officer.

11.76.045 Abandoning Junk Motor Vehicles Prohibited.

No person shall willfully leave a junk vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or within the right-of-way of any public street, highway, alley or way open to the public for forty-eight hours or longer without notification to the chief of police of the reasons therefor.

For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

Violation of this section shall be a simple crime.

Any action brought pursuant to this section shall be in addition to, rather than in lieu of, any other remedies available in dealing with unauthorized, abandoned, or junk vehicles.

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

(1) 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

(2) 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 vehicle dealer or a licensed dismantler and fenced according to the provisions of RCW 46.80.130.

11.76.080 Alternative Abatement. Nothing in this code or other ordinances of the City shall restrict a private landowner's authority to have vehicles removed under the common law or pursuant to State statutes, such as RCW 46.55.230 or RCW 45.55.080. Upon request of a landowner, the police department shall provide information as described in RCW Chapter 46.55 relating to removal of a junk vehicle.

Section 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 10. This ordinance shall be force and effect five days from and after its passage by the Kirkland City council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of September, 1986.

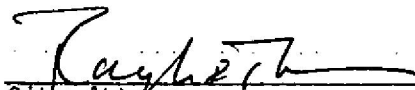
Signed in authentication thereof this 15th day of September, 1986.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

SUMMARY OF ORDINANCE 2975

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
IMPOUNDMENT OF VEHICLES.

Section 1. Creates a new chapter, 12.40, in the Kirkland Municipal Code providing for impoundment of unauthorized vehicles.

Section 2. Amends Kirkland Municipal Code Section 12.44.010, clarifying prohibition of parking of large vehicles in residential areas.

Section 3. Amends Kirkland Municipal Code Section 12.44.035, clarifying procedure for impounding vehicles parked for prohibited purposes.

Section 4. Amends Kirkland Municipal Code Section 12.48.040 to update procedure for impoundment.

Section 5. Amends Kirkland Municipal Code Section 21.34.060, clarifying prohibition on parking in a fire lane.

Section 6. Creates a new section, 3.88.015, in the Kirkland Municipal Code, specifying that the police department need not store trash along with personal belongings which are held.

Section 7. Repeals Chapter 11.76 of the Kirkland Municipal Code.

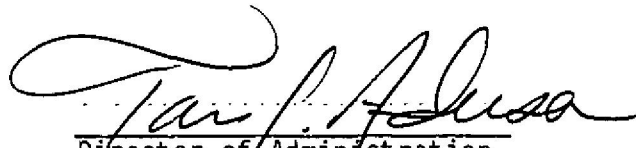
Section 8. Creates a new chapter, 11.76, in the Kirkland Municipal Code, providing for removal of junk vehicles from private property after they become public nuisances.

Section 9. Provides for the validity of other provisions of this ordinance should any one part be invalid.

Section 10. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the Director of Administration and Finance for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 15th day of September, 1986.

I certify that the foregoing is a summary of
Ordinance 2975 approved by the Kirkland City Council
for summary publication.



Director of Administration
and Finance (ex officio
City Clerk)