

Proposed amendment to Chapter 10.28 WMC:

10.28.030 Abatement and removal of unauthorized junk motor vehicles or parts thereof from private property.

A. The storage or retention of an unauthorized junk motor vehicle, as defined in RCW [46.55.010\(4\)](#), on private property is declared to constitute a public nuisance subject to removal and impoundment. The police shall inspect and investigate complaints relative to unauthorized junk motor vehicles, or parts thereof, on private property. Upon discovery of such nuisance, the sheriff's department shall give notice in writing to the last registered owner of record to abate the nuisance or face removal of said vehicle and informing the property owner of record that a hearing before a judge of the Douglas County district court may be requested in writing directed to the Douglas County sheriff within 10 days of said notice. If no hearing is requested within 10 days, the vehicle will be removed.

B. If a request for a hearing is received, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land 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 the identification numbers are not available to determine ownership.

C. 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 reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner, and that he has not subsequently acquiesced in its presence, then the court 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.

D. Costs of removal of vehicles or parts thereof under this section shall be assessed against the last registered owner of the vehicle or automobile hulk if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle or automobile hulk has complied with RCW [46.12.101](#), or the costs may be assessed against the owner of the property on which the vehicle is stored, unless

the property owner establishes the facts set forth above in subsection B.

E. This section shall not apply to:

1. A vehicle or part thereof that 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 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 RCW [46.80.130](#).

3. A vehicle or part thereof that is completely and permanently screened from the street or other public or private premises or property; provided, that the screening type and use activity for the premises or property is in compliance with the provisions of the Waterville Municipal Code, and that there is no harborage for vectors.

4. A vehicle that has a valid current Washington State Department of Licensing Collector Plate that meets the definition and requirements of the Department. A vehicle claimed to be a "collectable", "classic", or other similar status shall not be deemed as such unless meeting the requirements for a Collector Vehicle as determined by the Department.

F. After notice has been given of the town's intent to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or parts thereof shall be removed at the request of a police officer and disposed of to a licensed motor vehicle wrecker or hulk hauler with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked. (Ord. 476 § 2, 1988).

Proposed amendment to Chapter 8.08.100 Public Nuisance Vehicles:

8.08.100 Public nuisance vehicles.

A. One or more public nuisance vehicles, or parts thereof, which have been accumulated, dismantled, parked, placed or stored on any premises or property constitute a public nuisance which shall be abated pursuant to the provisions of this chapter and Chapter 7.48 RCW, except as follows:

1. The public nuisance vehicles, or parts thereof, are completely enclosed within a building in a lawful manner; provided, that the building and use activity for the premises or property is in compliance with the provisions of the Waterville Municipal Code, and that there is no harborage for vectors; or

2. The public nuisance vehicles, or parts thereof, are completely and permanently screened from the street or other public or private premises or property; provided, that the screening type and use activity for the premises or property is in compliance with the provisions of the Waterville Municipal Code, and that there is no harborage for vectors; or

3. The public nuisance vehicles, or parts thereof, are stored or parked in a lawful manner on private premises or property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, licensed vehicle dealer, junk salvage or wrecking yard, provided the business is in compliance with the provisions of the Waterville Municipal Code, the premises or property is fenced as required by RCW 46.80.130, and that there is no harborage for vectors.

4. A vehicle that has a valid current Washington State Department of Licensing Collector Plate that meets the definition and requirements of the Department. A vehicle claimed to be a "collectable", "classic", or other similar status shall not be deemed as such unless meeting the requirements for a Collector Vehicle Plate as determined by the Department.

B. Ownership and vehicle registration status have no bearing on the determination of a vehicle as a public nuisance vehicle.

C. Upon being notified by the town of Waterville of the presence of a public nuisance vehicle, a landowner of the premises or property on which the public nuisance vehicle is located shall, within 45 days, remove the public nuisance, provide the town of Waterville with written proof that the public nuisance was removed in full compliance with all applicable laws, codes, and ordinances, and shall prevent a reoccurrence of the public nuisance.

D. Failure to remove the public nuisance within 45 days constitutes a Class I civil

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infraction. Violations shall be assessed in accordance with the Waterville Municipal Code.

E. A public nuisance vehicle may be abated by any lawful means. Abatement costs shall be charged against the last registered owner of the public nuisance vehicle and/or the person responsible for the violation. This may include the landowner of the premises or property but also any tenant or occupant, regardless of whether the tenancy or occupancy is legal or not. (Ord. 666 § 2, 2006).