

ORDINANCE NO. 720, 2002

An ordinance repealing Chapter 11.10 of the Clallam County Code,  
Title 11 Traffic and creating Chapter 19.30 Junk Vehicle Nuisance in Title 19, Health and General  
Welfare of the Clallam County Code

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS

**JUNK VEHICLE NUISANCE ORDINANCE**

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**19.30.010 Title**

This chapter shall be known as the Clallam County junk vehicle nuisance ordinance, adopted pursuant to RCW 46.55.240.

**19.30.020 Purpose**

- A. The keeping of junk vehicles and parts thereof, creates conditions that reduce the value of adjacent private property, become hiding places for rodents, breeding places for mosquitoes and other insects, safety hazards for children, environmental hazards to the soils, surface and groundwaters, and blights on the landscape, all detrimental to the health, safety, welfare, peace, and well-being of the general public. Therefore, the purpose and intent of this Chapter is to regulate the proliferation of junk vehicles, declare junk vehicles a public nuisance, and provide for and implement the removal of junk vehicles, and parts thereof, from public and private property as authorized pursuant to RCW 46.55.240.
- B. All property owners have the right to the full use and enjoyment of their property, consistent with County land use ordinances, where such use does not infringe on the rights of adjacent property owners.
- C. In instances where an individual's actions significantly infringe on the use and enjoyment rights of adjacent property owners, the county may act to abate a nuisance.
- D. This Chapter is meant to supplement State Statute, not replace it. Nothing contained within this chapter shall be construed to mean that Clallam County will not avail itself of all remedies available pursuant to State Statute.
- E. Nothing in this Chapter shall be construed to mean that the County is compelled to physically remove junk vehicles from private property.

**19.30.30 Definitions**

Specific words and terms used in this ordinance shall have the meanings defined below. All other words or terms shall have the meanings defined by the latest edition of Webster's New Collegiate Dictionary.

- 1) "Administrator" means the Director of Clallam County Department of Community Development or his/her designee including duly authorized members of the County Sheriff's Department.
- 2) "Department" means the Clallam County Department of Community Development.
- 3) "Junk Vehicle" means a motor vehicle, or parts thereof, that meets at least three of the following criteria:
  - a) Is three years old or older;
  - b) 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;
  - c) Is apparently inoperable;
  - d) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- 4) "Landowner" means the legal owner of record of the land on which a junk vehicle is stored, kept, placed, or otherwise located, and/or a person with possession or control of such private property, or public official having jurisdiction over public property
- 5) "Motor Vehicle" shall mean any self-propelled device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway. The term does not include devices moved by human or animal power or used exclusively upon stationary rails or tracks.

**19.30.040 Nuisance Declared**

- A. The storing or keeping of three or more junk vehicles on private property of less than two acres, or five or more junk vehicles on private property of two acres or greater where such vehicles, or parts thereof, are visible from a public or private street or road or from public or private property located within eight hundred (800) feet of the property upon which the subject junk vehicles are located, is declared to be a public nuisance, except as provided in Section 19.30.050. The landowner and/or last registered owner of a public nuisance junk vehicle as declared herein shall take such measures as required pursuant to this Chapter to abate a public nuisance.
- B. With permission of the property owner, the administrator is authorized to enter onto property upon which a junk vehicle public nuisance exists, for the purpose of obtaining information about the vehicles necessary to determine the last registered owner, pursuant to RCW 46.55.230 as now enacted or hereafter amended. The Sheriff's Department may also be utilized as a resource for this purpose. If permission to enter the property for such purpose is denied by the property owner, it shall be presumed that the property owner is responsible for abating the public nuisance; notwithstanding the provisions of 19.30.080, purchasers of real property are responsible for abatement of any junk vehicle nuisance in existence at the time of purchase.

- C. Abandoned junk vehicles on the rights of way of Clallam County roads are also declared to be a public nuisance, and may be impounded pursuant to RCW 46.55.230 & 240.

**19.30.050 Exemptions**

The following shall be exempt from the provisions of this Chapter:

- A. A junk vehicle that is completely enclosed within a building in a lawful manner where it is not visible from a public or private street or road or other public or private property;
- B. A junk vehicle that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler/wrecker where the premises are fenced according to RCW 46.80.130, as now enacted or hereafter amended;
- C. A junk vehicle that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer as defined at RCW 46.70.011(3), or an automobile restoration hobbyist, provided the junk vehicle is fenced according to RCW 46.80.130, as now enacted or hereafter amended, and the junk vehicle is not visible from other public or private property.

**19.30.060 Junk Vehicle Abatement**

The following shall constitute abatement of a junk vehicle nuisance under this Chapter:

- A. Removal of junk vehicles from private property in accordance with RCW 46.55.230 and/or this chapter, so that no more than two remain on private property of less than two acres, or so that no more than four remain on private property of two acres or greater;
- B. Complete enclosure of junk vehicles within a lawfully constructed building so that no more than four such junk vehicles are visible from a public or private street or other public or private property;
- C. Screening of all junk vehicles on the property, up to a maximum of six, within a legally constructed wall or fence or year-round effective landscaping so that no junk vehicles are visible from adjacent public or private property or street. The wall or fence must be kept in good repair. A living hedge or natural vegetation of sufficient density to prevent a view of the confined area may be substituted for such wall or fence. Any dead or dying portion of the hedge or natural vegetation shall be replaced.

**19.30.070 Junk Vehicle Abatement Orders**

Upon receipt of two written complaints the administrator shall investigate and determine if a public nuisance as defined in this Chapter is occurring. At least one of the two complaints must be from a person owning property located within eight hundred (800) feet, measured horizontally, from the closest property line of the property containing the alleged junk vehicles. If the administrator determines that a junk vehicle public nuisance exists, he/she shall notify the property owner that a nuisance exists, notify the landowner of his right to a hearing to disclaim responsibility as set forth in CCC 19.30.080, offer assistance in identifying vehicle owners if needed, and assist if possible with voluntary abatement. If the public nuisance remains unabated, after 30 days of such notification or after 30 days of a decision in any hearing pursuant to CCC 19.30.080, the administrator shall issue an abatement order to the last registered vehicle owner(s) of record (if

known) and to the landowner on whose property the vehicles are located. The abatement order shall contain:

- A. A summary of the information upon which the abatement order is based;
- B. The legal description or address of the property to which the order pertains;
- C. A deadline of not less than 20 days or more than 60 days from the date of receipt of the order, by which time abatement must take place. Upon receipt of a written request from the landowner, and if within the sole discretion of the Administrator, special circumstances warrant, the Administrator may grant additional time for completion of abatement;
- D. Notification that civil penalties will be assessed pursuant to 19.30.090 for failure to abate the nuisance by the specified deadline.
- E. Notification of rights of appeal as set forth in 19.30.100; and
- F. Notification that all costs for abatement and disposal of such junk vehicles are the personal obligations of the landowner and/or the last registered vehicle owner if such can be determined.

**19.30.080 Landowner Disclaimer of Responsibility**

- A. If the landowner claims no ownership interest or bailment responsibility for a junk vehicle, and such landowner has not acquiesced to the presence of the junk vehicles, he shall request a hearing and shall appear in person to disclaim ownership, or execute under penalty of perjury a statement to that effect, and submit such statement in time for the hearing. The Administrator whose decision may be appealed to the hearing examiner shall hear such hearings.
- B. Any request for a hearing and any statement disclaiming ownership shall be filed with the Administrator no more than twenty (20) days after receipt of the notice of abatement.
- C. A landowner that disclaims responsibility may request assistance to abate a junk vehicle nuisance any time before the hearing is held. The Administrator shall assist the landowner with the procedures and forms necessary to allow the landowner to notify the last registered junk vehicle owner that he intends to obtain title to the vehicle, and to have such vehicle removed from the property by legal means.
- D. Upon receipt of a request for hearing, the administrator shall issue a notice of hearing to the landowner and to the last registered and legal owner of record of the junk vehicle, if such can be determined, by certified mail, return receipt requested, identifying the date, time and place of the hearing. Such hearing shall be held no later than thirty days from the date the request was received.
- E. If it is determined by the Administrator at the hearing that the vehicles were placed on the land without the consent of the landowner, that he has not acquiesced to their presence, and that he does not claim an ownership interest in such vehicles, then the county shall not assess costs of administration for the removal of the junk vehicles against the property upon which the vehicles are located, or otherwise attempt to collect costs from the landowner. The Administrator may assist the landowner with the procedures and forms necessary for removing junk vehicles from the premises, or the Administrator may proceed to remove and dispose of the junk vehicles as allowed in this ordinance.
- F. To obtain custody of the junk vehicles, the Administrator shall publish a legal notice of intent to assume ownership, take custody and dispose of such junk vehicles. If junk vehicles remain unclaimed within twenty days after publication of the notice to assume ownership, the

administrator may have the junk vehicle removed by a registered tow truck operator or a licensed wrecking yard operator and transported to a licensed wrecker with notice to the Washington State Patrol and Washington State Department of Licensing that the junk vehicle has been wrecked. Once the County obtains custody, the vehicles shall remain on the land until the county has removed the vehicles.

- G. The landowner shall grant the County and its agent's reasonable access to the property for the purpose of removal of junk vehicles under this Chapter.

**19.30.090      Civil Penalties**

- A. If a landowner or a junk vehicle owner fails to abate a junk vehicle public nuisance as ordered pursuant to this Chapter, the Administrator shall issue a notice of violation and impose a civil penalty not to exceed one hundred dollars (\$100) for each day the violation continues unabated, starting from the date the notice of violation is received. In setting the amount of this civil penalty, the administrator shall consider the extent and magnitude of the nuisance, the degree to which adjacent property owners are impacted, and severity of threats to public health or environmental quality such as rodent harborage, leakage of fluids, and dangers to children.
- B. If the junk vehicle nuisance is fully abated within sixty (60) days of receipt of a notice of violation imposing civil penalties, then the penalties shall be fully remitted.
- C. If a landowner or a junk vehicle owner fails to abate a junk vehicle public nuisance as ordered pursuant to this Chapter, the administrator may also take all necessary action to remove the junk vehicles in conformance with this Chapter, and shall dispose of the junk vehicles as provided by law.
- D. Except as may be provided by law in CCC 19.30.080, the last registered vehicle owner and/or the landowner on whose property the vehicles are stored shall be responsible for all costs of removal of junk vehicles including but not limited to all associated administration, storage, inspection, transport, scrap and/or wrecking expenses, legal fees, and all other associated costs. The last registered vehicle owner and/or the landowner shall also be responsible for all administration and court costs when the county prevails in a legal action. The prosecuting attorney shall be authorized to file a lien against the land on which the junk vehicle is located, or on property owned by the last registered owner of the junk vehicle. Or such other action as may be necessary to collect the incurred costs. Record of any lien ordered by the court shall also be recorded in the records of the County Auditor. Liens shall remain in effect until foreclosure, the property is sold and the amount collected, or ten years, whichever comes first. If the junk vehicle nuisance is fully abated within sixty (60) days after the filing of a lien as provided herein, then 50% of the penalties imposed shall be remitted.
- E. All penalties and costs may be appealed as set forth in subsection 19.30.100 of this Chapter.

**19.30.100      Public Notice and Appeal**

- A. The landowner and/or the last registered owner of any junk vehicle subject to an abatement order under this Chapter may appeal a decision of the Administrator to the Clallam County Hearing Examiner, provided such appeal shall be filed no later than twenty (20) days following a decision by the Administrator.
- B. Written notice of any hearing or appeal to be held pursuant to this Chapter shall be sent to any parties who filed written complaints regarding the junk vehicle nuisance, adjacent landowners, as well as the last registered owners of junk vehicles, and landowners subject to

an abatement order issued pursuant to this Chapter. Public notice of any such hearings or appeals shall also be published in a newspaper(s) with countywide circulation. All such notices shall be mailed or published ten days prior to the date of the hearing or publication.

C. Appeal decisions of the Hearing Examiner may be further appealed to Superior Court.

**19.30.110 Junk Vehicle Removal Fund (Reserved)**

**19.30.120 Severability**

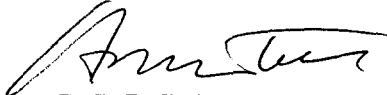
If any section, subsection, or other portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this Chapter and such holding shall not affect the validity of the remaining portions of this Chapter.

**19.30.130 Repeal of Previous Abandoned Vehicle Ordinance and Effective Date**

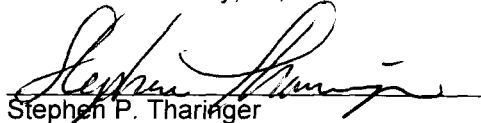
Ordinance No. 33, 1970 adopted July 24, 1970 relating to abandoned vehicles is hereby repealed and replaced by this ordinance. This ordinance shall become effective ten days after adoption, as provided by County Charter.

PASSED AND ADOPTED this 2<sup>nd</sup> day of April, 2002.

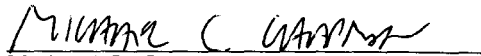
BOARD OF CLALLAM COUNTY COMMISSIONERS



Howard V. Doherty, Jr., Chair



Stephen P. Tharinger



Michael C. Chapman

ATTEST:

  
Trish Perrott, Clerk of the Board