

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2012-01

SUBJECT: Amending PMC 10.18 - Impound Hearings and Junk Vehicles

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 01/25/2012
- (X) Passed by the City Council: 02/01/2012
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 02/10/2012
- (X) Effective: 02/15/2012
- () Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (X) Code Publishing - via email if in electronic format
- () City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website

Jill A. Boltz
City Clerk

February 6, 2012
Date

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON; AMENDING CHAPTER 10.18 OF THE POULSBO MUNICIPAL CODE (1) TO MOVE VEHICLE IMPOUND HEARINGS TO THE MUNICIPAL COURT OF THE CITY OF POULSBO, (2) TO PROVIDE FOR ENFORCEMENT OF JUNK VEHICLE PROVISIONS BY ENFORCEMENT OFFICERS, AND (3) TO ASSESS ADDITIONAL PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the mayor is designated as the administrative hearing officer for vehicle impound hearings in Chapter 10.18 of the Poulsbo Municipal Code, and

WHEREAS, under state law, the municipal court of the city of Poulsbo (Municipal Court) also has jurisdiction over vehicle impound hearings, and

WHEREAS, given the role of the Municipal Court, the City Council finds that it is more fitting and suitable for vehicle impound hearings to be heard by the Municipal Court, and

WHEREAS, law enforcement officers, code enforcement officers, or other person or persons appointed by the city council for purposes of enforcing and or abating public nuisance should have authority to enforce junk vehicle provisions, and

WHEREAS, as a deterrent, additional penalties should be imposed for violations of junk vehicle provisions, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Re-titled and Amended. Poulsbo Municipal Code 10.18.020 is hereby re-titled and amended as follows:

10.18.020 Hearings.

All hearings required by this chapter, including the hearing required by RCW 46.55.120, shall go before and be heard by the municipal court of the city of Poulsbo.

Section 2. Amended. Poulsbo Municipal Code 10.18.030 is hereby amended to

read as follows:

10.18.030 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(5), on private property is prohibited and declared to constitute a public nuisance subject to removal and impoundment.

B. The enforcement officer (as defined in PMC 9.50.010) shall be authorized to inspect and investigate complaints relative to unauthorized junk motor vehicles, or parts thereof on private property. Upon discovery of such nuisance, the enforcement officer shall be authorized to issue a notice of violation (NOV) in writing to the last registered owner of record and the property owner of record. In addition to descriptions of violations and required corrections, and assessed penalties, if any, the NOV shall include notice that a hearing may be requested before the municipal court of the city of Poulsbo and that if no hearing is requested within ten days, the vehicle will be removed and assessed penalties, if any, will be final.

C. If a request for a hearing is received, a notice giving a time, location and date of the hearing on the questions of abatement and removal of the vehicle or part thereof as a public nuisance, and of any assessed penalty, 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 roll contained in the county assessor's office 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.

D. 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 landowner and that he has not subsequently acquiesced in its presence, then the municipal court of the city of Poulsbo shall not assess penalties, costs of administration or removal of the vehicles against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

E. Penalties and 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 penalties and 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 in subsection C of this section.

F. 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.

G. After notice has been given of the city's intent to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of an enforcement 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.

Section 3. Adopted. A new Poulsbo Municipal Code 10.18.040 titled Violation -

Penalty, is hereby adopted as follows:

10.18.040 Violation - Penalty.

A. Any violation of PMC 10.18.030(A) constitutes a civil violation for which a monetary penalty of two hundred fifty dollars may be assessed and abatement may be required as provided therein. Each day that a violation exists constitutes a separate offense.

B. In addition to or as an alternative to a civil penalty, any person who violates PMC 10.18.030(A) shall be guilty of a misdemeanor pursuant to PMC 9.01.050.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



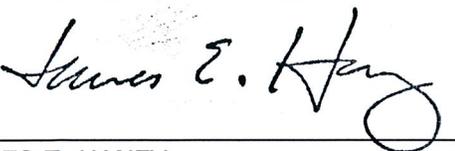
MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK, JILL BOLTZ CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 01/25/2012
PASSED BY THE CITY COUNCIL: 02/01/2012
PUBLISHED: 02/10/2012
EFFECTIVE DATE: 02/15/2012
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SUMMARY OF ORDINANCE NO. 2012-01

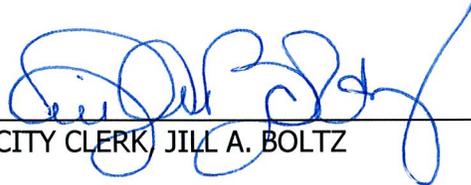
of the City of Poulsbo, Washington

On the 1st day of February, 2012, the City Council of the City of Poulsbo, passed Ordinance No. 2012-01. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON; AMENDING CHAPTER 10.18 OF THE POULSBO MUNICIPAL CODE (1) TO MOVE VEHICLE IMPOUND HEARINGS TO THE MUNICIPAL COURT OF THE CITY OF POULSBO, (2) TO PROVIDE FOR ENFORCEMENT OF JUNK VEHICLE PROVISIONS BY ENFORCEMENT OFFICERS, AND (3) TO ASSESS ADDITIONAL PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 2nd day of February, 2012.


CITY CLERK, JILL A. BOLTZ