# CITY OF REDMOND ORDINANCE NO. 2591

ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING RMC CHAPTER ABANDONED VEHICLES. TO AMEND THE TITLE OF THE CHAPTER TO BE 'ABANDONED OR DISABLED VEHICLES AND VESSELS'; PROHIBITING STORAGE OF DISABLED PROVIDING FOR ALL SUCH STORAGE TO BE BROUGHT INTO COMPLIANCE WITH THIS ORDINANCE WITHIN ITS EFFECTIVE DAYS FROM PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the outdoor storage of disabled boats and other vessels is unsightly and detracts from the character of the City's neighborhoods; and

WHEREAS, as part of the City's rewrite of its development regulations, the Redmond City Council has determined that disabled vessels should be treated the same as disabled vehicles and that RMC Chapter 9.44, Abandoned or Disabled Vehicles and Vessels, should be amended to require that such vessels be stored within a wholly enclosed building; and

WHEREAS, the Redmond City Council has also determined that the owners of disabled vessels should be given a reasonable time to comply with this regulation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. Section 2 of this ordinance is of a general and permanent nature and shall become a part of the City Code. Sections 3 through 5 are non-code.

Section 2. Amendment of Chapter. RMC Chapter 9.44 is hereby amended to read as follows:

# Chapter 9.44 ABANDONED OR DISABLED VEHICLES AND VESSELS

#### Sections:

- 9.44.010 Definitions.
- 9.44.020 Unlawful to keep or store junk.
- 9.44.030 Notice of violation.
- 9.44.040 Nuisance Declared abatement of nuisance.
- 9.44.050 Not applicable where properly zoned.
- [9.44.060 PENALTY FOR VIOLATION ABATEMENT OF NUISANCE.]
- 9.44.070 Deadline for compliance Existing vessels.
- 9.44.080 Penalties for violation.

#### 9.44,010 Definitions.

- (A) For the purposes of this chapter, the following words shall have the meaning defined unless the context clearly indicates a different meaning is intended:
- (1) "Abandoned motor vehicle" means any motor vehicle which has been abandoned and is unclaimed by its owner or any other person having lawful possession.
- (2) "Disabled motor vehicle /vessel" means any motor vehicle or vessel which is disabled and

incapable of being operated, or which has been permitted to remain without being operated and in a state of disrepair for over thirty days. The term shall include any and all [AUTOMOTIVE] vehicle or vessel parts, whether assembled or not.

(3) "Junk" means all abandoned or disabled motor vehicles <u>and vessels</u>, all old discarded appliances or parts thereof, all old iron or other metal, glass, paper, cardboard, old lumber, old wood, old mattresses, and all other waste or discarded material.

#### 9.44.020 Unlawful to keep or store junk.

It is unlawful for any person to accumulate, keep or store or to permit any other person to accumulate, keep or store any junk on any privately—owned property within the city, or to accumulate, keep or store any junk in a building that is not wholly enclosed, except for doors for ingress and egress.

#### 9.44.030 Notice of violation.

Before any person is charged with a violation of this chapter, the [BUILDING DEPARTMENT] Code

Enforcement Officer shall cause notice to be given by certified or registered letter or by regular mail, advising of the violation, that a complaint is

contemplated and giving such person not less than thirty days to cause the removal of such junk. Copies of such notice shall be kept and filed in court along with any complaint filed hereunder. The notice shall be deemed received upon signature for the certified or registered mail, provided, that If an individual fails or refuses to sign for delivery after attempts to deliver by the U.S. postal service, notice shall be deemed received three days after the notice was deposited in the U.S. mail by the City, postage prepaid.

## 9.44.040 Nuisance declared - Abatement of nuisance.

In addition to being a violation of the ordinance codified in this chapter, the accumulation, keeping or storage of junk on any privately—owned property within the city is declared to be a public nuisance. A court may order such nuisance abated by causing removal of such junk, either by the defendant or other person or by the use of city employees at the defendant's expense, or such nuisance may be abated as provided by law.

- 9.44.050 Not applicable where properly zoned.
  - (A) This chapter shall not apply to:

- (1) any automobile wrecking business located in a proper zone under the Redmond zoning plan where all junk and wrecked cars are screened behind proper fences as therein required, [NOR SHALL IT APPLY TO]
- (2) any appliance dealer who in a proper zone has screened his old appliances from general view and from access by children or trespassers, [NOR TO] or
- (3) material stored on premises of any manufacturing enterprise for use in connection with such enterprise so long as such enterprise is conducted in accordance with zoning and other ordinances.

[9.44.060 PENALTY FOR VIOLATION — ABATEMENT OF NUISANCE.

ANY PERSON VIOLATING OR FAILING TO COMPLY WITH ANY OF THE PROVISIONS OF THE ORDINANCE CODIFIED IN THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 9.01.050 OF THIS CODE. IN ADDITION, THE COURT MAY ORDER SUCH NUISANGE ABATED BY CAUSING REMOVAL OF SUCH JUNK, EITHER BY THE DEFENDANT OR OTHER PERSON OR BY THE USE OF CITY EMPLOYEES AT THE

DEFENDANT'S EXPENSE, OR SUCH NUISANCE MAY BE ABATED AS
PROVIDED BY LAW:

### 9.44.070 Deadline for compliance - Existing vessels.

All disabled vessels placed on property within the City on or after April 16, 2011 shall be stored in compliance with this chapter. All disabled vessels stored on property within the City prior to April 16, 2011 shall be brought into compliance with the requirements of this chapter no later than August 1, 2011.

#### 9.44.080 Penalties for violation.

Any person violating or failing to comply with any of the provisions of the ordinance codified in this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 9.01.050 of this code. In addition to any criminal penalties provided for in this section, the Code Compliance Officer may also impose a civil penalty in an amount not to exceed \$1000 per violation of this chapter. Any party assessed a civil penalty may appeal such penalty as provided for in RMC 1.14.120.

Section 3. Deadline for Bringing Disabled Vessels into Compliance. All disabled vessels currently stored on any property within the City of Redmond shall be brought into compliance with the requirements for storage of such vessels in RMC 9.44 as adopted in Section 2 of this ordinance no later than August 1, 2011. The codifier of the Redmond Municipal Code is hereby authorized and directed to insert the effective date of this ordinance in the blanks in RMC 9.44.060 adopted in Section 2.

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 an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 5th day of April, 2011.

CITY OF REDMOND

ATTEST:

MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: March 30, 2011 PASSED BY THE CITY COUNCIL: April 5, 2011

SIGNED BY THE MAYOR:

PUBLISHED: EFFECTIVE DATE:

ORDINANCE NO. 2591

April 5, 2011

April 11, 2011

April 16, 2011

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache