

## Chapter 10.20

### ABANDONED VEHICLES

#### Sections:

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#### **10.20.010 Abandoned, junked, hulks or inoperable vehicles as nuisances.**

- A. It is unlawful and shall constitute a nuisance for any individual or entity to keep, store or permit any other person or entity to store any abandoned vehicle, junked motor vehicle, automobile hulk or any abandoned or inoperative equipment of any kind upon any public or private property within the city limits of the City of Benton City, unless one of the following exemptions shall apply:
  - 1. R-DISTRICTS. The abandoned or junked vehicle or hulk or parts thereof or any other abandoned or inoperative equipment is completely enclosed within a building;  
AG, AG-SUBURBAN, COMMERCIAL DISTRICTS. Any vehicles unlicensed or inoperable must be kept out of public view including alley ways and neighboring properties and shall not exceed more than four (4) per any given parcel; or
  - 2. The vehicle, hulk or part thereof is stored and parked 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.
- B. The cost of abatement and removal of the public nuisance shall be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner, in the transfer of ownership of the vehicle has complied with RCW 46.12.010, or the costs of such removal or abatement shall be assessed against the owner of the property on which the vehicle is stored.
- C. Any reference in this Chapter to "abandoned vehicles" shall be equally applicable to abandoned junked motor vehicles, and automobile hulks. (Ord. 762, May 2003; Ord. 642, September 1996; Ord. 617, February 1995.)

- 10.20.020 Abandoned vehicle notice.** Notice shall be given to the last registered owner of the vehicle, if the identity of the owner can be determined, and the property owner of record as shown in the last equalized assessment roll by form as

designated in Section 10.20.040. The notice shall require removal and abatement of the public nuisance within twenty (20) days. The notice shall advise the vehicle or property owner that a hearing may be requested. If the nuisance is not removed or abated, and no hearing is requested, the vehicle shall be removed and the cost of removal shall be assessed against the vehicle or property owner as provided in Section 10.20.010. (Ord. 539, March 1990.)

**10.20.030** **Public Hearing Rights.** If a request for a hearing is received, the 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 and the last registered or legal owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. Such hearing shall be held before the Mayor or his designee as an Administrative Hearing Officer. 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 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 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 costs of such removal from the land owner. The decision made by an Administrative Hearing Officer may be appealed to the Benton County District Court for final judgment. (Ord. 539, March 1990.)

**10.20.040** **Form of Notice.** The form and substance of the Notice to Abate Abandoned Vehicle "Public Nuisances" shall be in substance and format as follows:

**NOTICE TO ABATE ABANDONED VEHICLE NUISANCE**

Posting Date: \_\_\_\_\_

Mailing Date: \_\_\_\_\_

I. (a) \_\_\_\_\_  
Name of Last Registered Owner

(b) \_\_\_\_\_  
Address of Last Registered Owner

II. (a) \_\_\_\_\_  
Name of Real Property Owner

(b) \_\_\_\_\_  
Address of Real Property Owner

III. (a) \_\_\_\_\_  
Location of Offending Vehicle

NOTICE IS HEREBY GIVEN that the keeping or storing of

\_\_\_\_\_  
(Description of Vehicle)

\_\_\_\_\_  
at (Location of Vehicle)

in its wrecked, junked, partially dismantled, damaged or inoperative condition is in violation of the Benton City Municipal Code, Chapter 10.20.

YOU MUST REMOVE THE VEHICLE to an appropriate and lawful location or repair it to a safe operating condition or place it within a completely enclosed building, or, other sight obscuring enclosure. IF YOU TAKE NO ACTION TO ABATE THIS NUISANCE WITHIN TWENTY (20) DAYS FROM THE DATE OF THIS NOTICE, THE CITY OF BENTON CITY WILL REMOVE THE ABOVE VEHICLE AND IT WILL BE DISPOSED OF ACCORDING TO LAW AT YOUR EXPENSE.

YOU ARE ENTITLED TO A HEARING before the Mayor or other Administrative Hearing Officer on this matter if you request it in writing. Such notice must be timely within fourteen (14) calendar days of the date shown above and shall be filed with the City Clerk of the City of Benton City. If no hearing is requested, the vehicle will be removed at your expense.

Signature \_\_\_\_\_  
(Ord. 539, March 1990).

**10.20.050** **Impounding of vehicle.** After notice has been given of the intent of the City of Benton City to remove and 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 law enforcement officer with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked. (Ord. 539, March 1990.)

**10.20.060** **Penalty.** Any person violating the provisions of this chapter by keeping or maintaining any nuisance herein defined shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum up to \$500.00 for each offending vehicle. Any offense of a continuing nature as herein prohibited shall be considered a separate offense for each day that it remains in violation of a lawful order of abatement. (Ord. 539, March 1990.)

**10.20.070** **Definitions.** For the purpose of this Chapter, the following words shall have the following meanings:

- A. "Abandoned vehicle" means any vehicle or automobile hulk left within the right-of-way of any highway or on the property of another without consent of the owner of such property for a period of twenty-four (24) hours or longer; provided, that a vehicle or hulk shall not be considered abandoned if it is lawfully parked for a period not exceeding seventy-two (72) hours; provided further, that a vehicle or hulk shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.
- B. "Abandoned junked motor vehicle" or "Junked motor vehicle" means any vehicle meeting at least three of the following requirements:
  - 1. Is three (3) years old or older.
  - 2. 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.
  - 3. Is apparently inoperable.
  - 4. Has an approximate fair market value only to the approximate value of the scrap in it.
- C. "Automobile hulk" means any portion or portions of a motor vehicle which is inoperative and cannot be made mechanically operative without additional vital parts and a substantial amount of labor.

An abandoned vehicle for the purpose of this chapter shall be broadly construed to include not only automobiles and truck, but also boats, recreational vehicles, trailers, trailers, motorcycles, tractors, farm implements, and other equipment. (Ord. 617, February 1995.)