

**CITY OF MAPLE VALLEY, WASHINGTON
ORDINANCE NO. O-24-818**

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING SECTION 4.30.030 MVMC ENTITLED “WRECKED, DISMANTLED OR INOPERABLE VEHICLES - PROHIBITED ACTIVITY”; AMENDING SECTION 4.20.010 MVMC ENTITLED “DEFINITIONS”; AMENDING SECTION 4.30.080 MVMC ENTITLED “ABATEMENT AND REMOVAL AUTHORIZED”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Maple Valley Municipal Code (hereinafter, “MVMC”) section 4.30.030 provides that no person may park, store or abandon a wrecked, dismantled or inoperative vehicle, or parts thereof, on private property; and

WHEREAS, MVMC 4.20.010 provides the definition of “wrecked, dismantled or inoperative vehicle”; and

WHEREAS, the City Council has determined to clarify that the definition of “inoperative” includes vehicles that are either unlicensed or unregistered, where vehicles that are either unlicensed or unregistered may not be lawfully operated on public streets; and

WHEREAS, MVMC 4.30.060 provides a method by which the City may abate wrecked, dismantled or inoperative vehicles that violate the city code; and

WHEREAS, the City Council has determined to clarify that the City may issue notices of violation for violations of Chapter 4.30;

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

Section 1. Section 4.30.030 of the Maple Valley Municipal Code, entitled “Wrecked, dismantled or inoperative vehicles – Prohibited activity,” is amended as follows (deleted text is shown in ~~strike-through~~; new text is shown in underline):

4.30.030 Wrecked, dismantled or inoperative vehicles – Prohibited activity.

No person may park, store or abandon a wrecked, dismantled or inoperative vehicle, including an unlicensed or unregistered vehicle, or part thereof, on private property, except where the following conditions apply:

A. A vehicle or vehicle part is completely enclosed within a building in a lawful manner where it

is not visible from the street or from other public or private property; or

B. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed auto repair business or licensed vehicle dealer and is fenced as required by RCW 46.80.130.

Section 2. Section 4.20.010 of the Maple Valley Municipal Code, entitled “Definitions,” is amended as follows (deleted text is shown in ~~strike-through~~; new text is shown in underline):

4.20.010 Definitions.

The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. “Abate” means to take whatever steps are deemed necessary by the Director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. “Abandoned vehicle” shall mean any vehicle left upon the property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle 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.

C. “Activity,” as referred to in MVMC 4.60.020(A) and (B), includes construction or engaging in business.

D. “Civil code violation” means and includes one or more of the following:

1. Any act or omission contrary to any ordinance or City code provision that regulates or protects public health, the environment or the use and development of land or water, whether or not the ordinance is codified; and

2. Any act or omission contrary to the conditions of any permit, notice and order or stop work order issued pursuant to any such ordinance or City code provision.

E. “Contested hearing” means a hearing requested in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation.

F. “Director” means, depending on the code violated:

1. For enforcement of MVMC Titles 14, 15, 16 and 18, the Community Development Director or his/her designee;

2. For enforcement of MVMC Titles 3, 5, 6 and 8, the City Manager, or his/her designee;

3. For enforcement of MVMC Titles 12 and 13, the Public Works Director, or his/her designee;

4. For enforcement of MVMC Title 7, the Parks and Recreation Director, or his/her designee;

5. For enforcement of MVMC Titles 9 and 10, the City Attorney or his/her designee; or
6. Such other person as the Council by ordinance authorizes.

G. "Found in violation" means that:

1. A citation, notice and order or stop work order has been issued and not timely appealed;
2. A voluntary compliance agreement has been entered into; or
3. The Hearing Examiner has determined that the violation has occurred and the Hearing Examiner's determination has not been stayed or reversed on appeal.

H. "Illegal dumping" means disposing of solid waste in any manner other than in a receptacle specifically provided for that purpose, in any public place, public road, public park or private property or in the waters of the City, except as authorized by the City or at the official solid waste disposal facility provided by King County.

I. "Hearing Examiner" means the Maple Valley Hearing Examiner, as provided in Chapter 2.65 MVMC.

J. "Mitigate" means to take measures, subject to City approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

K. "Mitigation hearing" means a hearing requested in response to a citation to explain mitigating circumstances surrounding the commission of a violation.

L. "Permit" means any form of approval, issued by the City. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

M. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of the individual, association, partnership, corporation or legal entity.

N. "Person responsible for code compliance" means either the person who caused the violation, if that can be determined, or the owner, lessor, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a civil code violation occurs, or both.

O. "Remediate" means to restore a site to a condition that complies with critical area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose a probable threat to the environment or to the public health, safety or welfare.

P. "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-350-020, including, but not limited to, garbage, rubbish, ashes, industrial wastes, commercial waste, sewage sludge, demolition and construction

wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, discarded commodities and recyclable materials.

Q. “Wrecked, dismantled or inoperative vehicle” shall mean a vehicle that is certified by the Community Development Director or his/her designee or the Police Department as meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: a broken windshield, or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable (including a vehicle that is either unlicensed or unregistered);
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Section 3. Section 4.30.060 of the Maple Valley Municipal Code, entitled “Abatement and removal authorized,” is amended as follows (deleted text is shown in ~~strike-through~~; new text is shown in underline):

4.30.060 Abatement and removal authorized.

The City may remove any abandoned, wrecked, dismantled or inoperative vehicle, automobile hulk or part thereof, after complying with the notice requirements of this chapter and any hearing, if requested. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such a vehicle, including costs of administration and enforcement. Alternatively, the City may issue a Notice of Violation in accordance with MVMC Chapter 4.50 for violations of this chapter.

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. A summary of this ordinance shall be published in the official newspaper of the City, and the ordinance shall take effect and be in full force five (5) days after publication.

Section 6. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules or regulations; or ordinance numbering and section/subsection numbering.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THIS 22nd DAY OF APRIL, 2024.**

CITY OF MAPLE VALLEY

Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

Andrew Dacuag, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

DATE OF PUBLICATION: April 26, 2024

EFFECTIVE DATE: May 1, 2024