

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1256-16**

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON, RELATED TO JUNK VEHICLE
NUISANCES; AMENDING SECTIONS 8.14.020 AND 8.14.030
OF TH SULTAN MUNICIPAL CODE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the City of Sultan seeks to promote the public health, safety, and general welfare of the municipality and the safe, orderly, and healthful development of the City; and

WHEREAS, On December 15, 2016, the City Council adopted Ordinance No. 1221-15, adopting Chapter 8.14 of the Sultan Municipal Code (SMC) to regulate the abatement of junk and inoperable vehicle nuisances within the City; and

WHEREAS, City staff have prepared certain amendments to Chapter 8.14 SMC which increase the efficiencies that limited staffing can use to meet the increasing demands on code enforcement; and

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

Section 1. SMC 8.14.020, “Definitions,” Amended. Sultan Municipal Code Section 8.14.020, “Definitions,” is hereby amended to read as follows:

8.14.020 Definitions.

The definitions contained in RCW 46.55.010 shall apply to the interpretation and enforcement of this chapter. For the purposes of this chapter, the following words shall have the following meanings:

- A. “City” means the city of Sultan, Washington.
- B. “Fence” means a structure constructed of solid material through which no visual images or light may be seen.
- C. “Impound” means to take and hold a vehicle in legal custody.
- D. “Inoperable vehicle” means any car, truck, van, recreational vehicle, motorcycle, snowmobile or other vehicle typically powered by an engine, excepting watercraft, that has been in a stationary position for more than 14 calendar days, is apparently inoperable or requires repairs in order to be operable, or is unable to

move a distance of 20 feet under its own power on a flat surface; "inoperable vehicle" may include vehicles that do not meet the definition of junk vehicle.

E. "Junk vehicle" has the meaning ascribed in RCW 46.55.010(5), as now in effect or hereinafter amended.

F. "Landowner" means an owner of private property, or a person in possession or control of private property.

G. "Mayor" means the mayor of the city of Sultan, Washington.

H. "Opaque landscaping" means a screen that is opaque from the ground to a height of at least six feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque portion of the screen must be opaque in all seasons of the year.

G. "Vehicle" has the same meaning as the definition of "motor vehicle" in RCW 46.04.320 as now or hereinafter enacted.

Section 2. SMC 8.14.030, "Nuisance declared," Amended. Sultan Municipal Code Section 8.14.030, "Nuisance declared," is hereby amended to read as follows:

8.14.030 Nuisance declared.

A. All junk or inoperable vehicles placed or situated upon private property within the city limits, except as provided in subsection (B) of this section, constitutes a public nuisance subject to the enforcement and abatement procedures of this chapter.

B. This chapter shall not apply to a vehicle or part thereof that:

1. 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. Is enclosed in an opaque auto cover specifically designed for the vehicle that completely shields the vehicle from view. The cover must be in good condition and must be replaced if it becomes torn, weather-beaten, or acquires any other defects. Tarps and makeshift covers do not satisfy the requirement of this subsection; or
3. Is completely screened (opaque fence or landscaping) in a lawful manner where is it not visible from the street or other public or private property; or
4. 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 in accordance with RCW 46.80.130.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15th DAY OF DECEMBER, 2016.


CITY OF SULTAN


Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:


Laura Koenig, City Clerk

APPROVED AS TO FORM:


Hillary Evans Graber, City Attorney

Date of Publication: 12-19-16

Effective Date: 12-25-16