

**TOWN OF EATONVILLE
PLANNING COMMISSION AGENDA
Monday, January 5th, 2015 – 7:00 P.M.
COMMUNITY CENTER
305 CENTER STREET WEST**

Call to Order

Roll Call: Beach ___ Bertoia ___ Craig ___ Justice ___ Lambert ___ Miller _____

Town Staff Present: Mayor Schaub, Kerri Murphy and Doug Beagle

Pledge of Allegiance

Approval of the Agenda:

Approval of Minutes: November 3, 2014; November 17, 2014 and December 1st, 2014

Election of Officers:

Communications and Announcements:

From Public:

From Commissioners:

New Business: Review of Junk Vehicles

Public Comments:

Staff Comments:

Commissioner Comments:

Next Meeting: TBD.

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, December 1st, 2014
COMMUNITY CENTER
305 CENTER STREET WEST**

DRAFT

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners** Beach, Bertoia, Craig and Justice. Commissioner Miller is excused.
STAFF PRESENT: Mayor Schaub and Doug Beagle.

OPENING CEREMONIES

Commissioner Beach led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. **Commissioner Justice** seconded. All in favor. (AIF)

APPROVAL OF MINUTES

Minutes of the November 3, 2014. **Commissioner Beach** move to table the approval of the minutes because Planning Commissioners received the packets too late to review. **Commissioner Bertoia** seconded. AIF

COMMUNICATIONS OR ANNOUCEMENTS

There were no comments from the citizens or commissioners.

OLD BUSINESS

Recommendation to Council regarding Ordinance 2013-15 Interim Recreational Marijuana Regulations

Chairman Lambert asked Mr. Beagle if he would like to speak to this.

Mr. Beagle said that after the last meeting he went to the attorney because they needed something to be prepared for council. The attorney informed him that the motion that was moved forward and carried was not accurate. We made motion to extend the interim regulations up to two (2) years. Per the RCW interim regulations can only be extended six (6) months. At each extension that the council does there needs to be a public hearing with that extension. The other thing that the attorney mentioned was that the town was only able to amend the existing language in the interim regulation as a recommendation nothing can be added. This is the reason that Ordinance 2013-15 was brought back before the planning commission again so that we can get this correct. Mr. Beagle wanted the planning commission to remember that the town had gone through their efforts to putting the interim regulations in place based on the thousand (1,000) foot radius, based on the information that was provided to you. We felt at the time and still feel that the interim regulation, for the risk management side of things is a better position for the town to be in. With that being said, your task from council was to approve, amend or reject the recommendation of the interim regulations.

Commissioner Beach said that the unlabeled piece of paper that you have in front of you that starts out on November 17th 2014 was written under a different understanding. Mr. Beagle did tell me very shortly after we passed the motion a day or so later that the attorney had indicated that we couldn't do what we had done because an interim regulation could not be extended. That did not seem plausible to him so he wrote Mr. Beagle asking him to ask the attorney about

this, as to what in the RCW's says it can't be extended. What rule is there? He happened to be in town and Mr. Beagle invited him into his office. Mr. Beagle explained that he had forwarded the email to the attorney. They called the attorney and he said that if the commission could provide reasons for what was done, that he would be satisfied with that. This evening he is informed that the attorney has come up with an RCW about what Mr. Beagle has indicated which he could have come up with last week. The understanding of what the attorney had told Mr. Beagle to begin with that we could not extend it, is not true under the RCW that he has come up with which says we can only extend an interim one for six (6) months. He is not sure that the attorney really earned his keep on this. He was warned that there was concern about this issue about the extending of it; he did not say a word about that in our telephone conversation but he was concerned that we would have reasons. I drafted reasons thinking that was what would satisfy him. Commissioner Beach did read the RCW's on Mr. Beagle's smart phone and it doesn't seem to indicate that we can do what we did. It seems that the planning commission is kind of in a situation that could have been avoided if the attorney had come up with this RCW last week in a timely manner. Commissioner Beach reiterated that the RCW is not consistent with what he understood he was objecting too initially. He told the other commissioners that they could disregard what he had put on the draft of reasons because it does not seem to be any longer relevant to what we are faced with. Council needs to do something by the 8th of December, which is next Monday. If they are going to have any kind of a recommendation from the planning commission we are going to have to make a recommendation tonight. It seems that the planning commission has two possibilities given what we have done. 1) is simply to extend it for another six (6) months; 2) or convert it into a regular ordinance, as a recommendation to the council.

Chairman Lambert confirmed with Mr. Beagle that the ordinance could also be outright rejecting it or approving it. Mr. Beagle said correct.

Mr. Beagle said he wanted to fill in some gaps that the attorney was focused on the motion of extending it "up to two (2) years".

Commissioner Beach said yes but it was that it could not be done.

Mr. Beagle explained that the planning commission can make recommendation to council to extend it six (6) months which will require a public hearing process. That is one recommendation, the other is to approve, recommend or reject. So there are four options that planning commission has. As far as timing wise, we have been at this issue for three (3) months. Granted the last motion was his mistake because he did not realize that you could not amend it the way that we chose to. Those are the options before the planning commission and if there is not recommendation from the planning commission, this is still going to go forward to council to either extend it, let it lapse or amend it within the body of the interim regulations.

Commissioner Beach said that he did not include "lapse" in the draft because he thought it would be a bad idea.

Chairman Lambert asked for a motion.

Commissioner Beach motion to recommend to council that they extend the Ordinance 2013-15 Interim Recreational Marijuana Regulations.

Commissioner Bertoia seconded the motion.

Chairman Lambert confirmed with Mr. Beagle that in order to extend it an additional six (6) months that we would have to have a public hearing.

Mr. Beagle said yes and read the regulations for extending an interim regulation.

Commissioner Beach said that what was read was suggesting that council would have the public hearing.

Mr. Beagle said correct, council would hold the public hearing.

Commissioner Beach said they could use some of these reasons to do the six (6) months one but at this point(not audible)

Chairman Lambert confirmed with Mr. Beagle that the public hearing is not until after the extension has been put in place. This seems kind of backwards. Personally he would rather see the existing ordinance turned into law and as conditions change, and the law suit if Fife goes through with it then come back and revisit it at that point. He would rather not have it bounced around for the next several years at six (6) month intervals.

Commissioner Beach suggested getting the motion down to a minimum number of votes. He motion to recommend that the ordinance be made permanent, as an amendment.

Chairman Lambert referred to **Commissioner Craig** because he seconded the original motion, if he accepted the amendment.

Commissioner Craig explained that as he said before to Commissioner Beach earlier, that he may not agree with this, but he disagrees with waiting to adopt this and then handle the lawsuits if they come. He feels that all of that can be avoided. He does not see why all the panic over that, he would just as soon let it expire. Nothing is going to happen. The county is not going to allow it out here; it can't be within one thousand (1,000) feet of a school. He thinks it's a whole lot of wasted time and eventually it would be a lot of money if we have to defend ourselves. He feels like..."ok,

I'll go along with what the majority is saying, I see your point and agree with that but he still feels that the planning commission is just trying to push this through, and then we are going to have public comment later...it just does not feel right to him.

Chairman Lambert said that the planning commission did have public comment.

Commissioner Craig said yes, but we will have to do this again in six (6) months.

Chairman Lambert said only if it's ended in six months, if you make it permanent ... (not audible)

Mr. Beagle said it is a recommendation to council to make it permanent.

Chairman Lambert asked Commissioner Craig is he accepted the amendment to the motion.

Commissioner Craig said yes.

Commissioner Beach said that this is an amendment which really is a substitute to the original motion so it's going to need two (2) votes. One on the amendment and if it passes then we may not need a second vote.

Chairman Lambert confirmed that the motion is to change it from the six (6) months extension to adopting the ordinance as it is. Asking for a vote of the original motion four (4) voted for and one (1) against. Motion carried.

Chairman Lambert then asked for a vote of the amendment to the ordinance. Four (4) voted for the amendment and one (1) against. Motion carried. The motion that was passed was to recommend that the ordinance be passed as is.

NEW BUSINESS

Pierce County Regional Council (PCRC) Proposal to amend the Countywide Planning Policies

Chairman Lambert asked Mr. Beagle for a summary.

Mr. Beagle explained that the town has been working with the planning consultant to provide the town with guidelines on the draft for the Countywide Planning Policies. Basically asking the consultant what his take was on this. His response was "Not for Eatonville's individual interests. Based on the current amendment scope (*which they are not allowing any proposed amendments to at this time*) and the existing conditions of Eatonville's Urban Growth Area, I'd say it's probably not the best thing for the Town at this point. While the aim of the amendment may be a good direction from a regional and county planning perspective for the intensely urbanizing areas, I don't see many advantages to Eatonville, only additional costs, additional hurdles and a reduction of annexation authority". Mr. Beagle said that he agreed with that assessment based on the potential that the town has the opportunity to annex other properties within its Urban Growth Area (UGA) for development. We know that time is going to go by and this is going to happen in our community so we want that process to work for our benefit. Mr. Beagle explained that he received an email from Commissioner Beach today asking some questions and was able to get a response tonight before this meeting.

Commissioner Beach's questions:

- The town for some time has sought to annex the quarry area for industrial purposes. As understands it if the town approved the amendments it would cement the area with a Potential Annexation Areas (PAA) agreement. Yes, but actually this area appears to be within the Eatonville UGA so nothing would need to be submitted for its inclusion. Mr. Clark submitted a map with his response identifying that.

Commissioner Beach said that the way he read it was that property within the UGA isn't necessarily PAA. He added that this is why he brought this up because it seemed to him that there was a distinction being made between the UGA and these PAA's. That in order to be a PAA it had to be within the UGA.

- Would the town also have to enter into a joint planning agreement with the County for a proposed PAA to be accepted by the county? No, just the inter local agreement.

Chairman Lambert asked if the town knew at this point how many jurisdictions had accepted the proposed amendments.

Mr. Beagle said no.

- If the town does not approve the amendments what happens to the quarry area, is it a possible PAA if the amendments are never the less adopted? The policy changes are approved despite the town's recommendation of denial. The quarry area will already be in the UGA which is already agreed to be included in the PAA.
- In either case would the town have to go through the same process with the county to get a PAA approved by the county? No. If the proposal is approved by the required number of agencies the town's existing UGA will be the new PAA. However for annexation a joint planning agreement will then be required.

Mr. Beagle said to refer back to Commissioner Justices comments earlier in the meeting about some of this going right over, he had to admit that it's still going right over even though we are getting a response from our planning consultant. We don't know how many jurisdictions are on board or not. It's just not public knowledge yet.

Commissioner Beach addressed Mr. Beagle and said he thought it would be a good idea before this goes to the council because they have not had time to get this information to make sure that the planning consultant is correct. That if it's in the UGA it's automatically within this PAA. Before it goes to the council so that they know at least that it may not be as cut and dry as that. He added that he tends to agree with him in general. He thinks that planning consultant is probably but he would like for the town to reaffirm, but on the other hand if he is correct then what's in the UGA is automatically this PAA, particularly since we have petitioned in the past to annex that area. It seems to him that the town does not have any particular advantages to approving it. He thinks that this is an important distinction.

Mr. Beagle confirmed that he would double check with the planning consultant.

Chairman Lambert that it does say that annexed areas should be a mixture of industrial and residential so that it does not shift burden to the county in tax revenue being removed. He asked if this becomes an issue of annexing the quarry area. The town would like to at some point annex the quarry which is by in large the industrial area there is not a mix of residential in it. This document refers to a mix of residential and industrial and he was asking if it might create a problem.

Mr. Beagle check with the planning consultant.

Chairman Lambert asked if once this is in place, will they want to start annexing the areas within the PAA and is this indeed the interpretation? If they are pushing for that how much are they going to have available to help mitigate the cost associated with that.

Mr. Beagle will check with the planning consultant.

Chairman Lambert asked for any further discussion or if any of the commissioner had a recommendation.

Commissioner Beach said that assuming that the council will get some clarification of the issue he would move that they recommend to council that they not approve this.

Commissioner Justice seconded the motion.

There was not further discussion.

Chairman Lambert asked for a vote. AIF. Motion carries.

There were no comments from citizens.

Commissioner Beach reminded the commissioners that at the next meeting they would need to elect their new or continuing officers.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 7:50 p.m.

Chairman Chris Lambert

Secretary David Craig

ATTEST:

Doug Beagle - Town Administrator

Town of Eatonville
PLANNING COMMISSION MEETING
Monday, November 17th, 2014
COMMUNITY CENTER
305 CENTER STREET WEST

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DRAFT

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners** Beach, Bertoia, Craig and Justice. Commissioner Miller is excused.
STAFF PRESENT: Mayor Schaub and Doug Beagle.

OPENING CEREMONIES

Commissioner Justice led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. **Commissioner Justice** seconded. All in favor. (AIF)

APPROVAL OF MINUTES

Minutes of the November 3, 2014. **Commissioner Justice** move to table the approval of the minutes because Planning Commissioners received the packets too late to review. **Commissioner Craig** seconded. AIF

COMMUNICATIONS OR ANNOUCEMENTS

There were no comments from the citizens or commissioners.

OLD BUSINESS

Recommendation to Council regarding Ordinance 2013-15 Interim Recreational Marijuana Regulations

Chairman Lambert asked commissioners if they wished to recommend that the council make this a long term issue, modify it or no recommendation.

Commissioner Beach explained that the last time he offered a motion to extend the interim policy for up to two years. He would like to make this motion again. At the last meeting when the motion was made it died for lack of a second. He would like to know what the other commissioners are thinking.

Doug Beagle- Town Administrator explained that the attorney provided a memorandum with three options. 1) Adopt as permanent regulations in their current form; 2) adopt with amendments; or 3) allow the ordinance to expire. The recommendation that Commissioner Beach is suggesting is to extend the ordinance for two years.

Commissioner Craig suggested to throw the ordinance out, let it lapse.

Commissioner Beach did not feel that this was a good idea. He agreed that Commissioner Craig was correct the last time when he said that nothing is likely to happen very soon. Someone may come to the town unexpectedly and choose to do this; the town would be caught flatfooted. Anything we would do would be in response to someone wanting to do this. If that were on the floor he thinks that the interim policy should say something to the effect that one or more conditions not be attached to the approval of such a request. Somebody needs to make a motion.

Mr. Beagle said that the town was challenged with this after the voters approved Initiative 502. The town looked at a way to protect this, because there were so many cities that were deciding not to allow it at all, knowing that that went against state law that was passed. The town looked at a way to abide by that and go to incurring legal fees to put

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something together that protected the town from a potential law suit. That is what the *** regulations did, but because they needed this process, we're here. Some jurisdictions have allowed for a moratorium, but we'd have to bring that back every six (6) months. The council may choose to do that, we have no idea at this point. This is just some of the background to let you know why we went the way we did.

Chairman Lambert asked if the town went with a moratorium there is a legal limit as to how long you can stay with that, it can't just be continued to be renewed indefinitely.

Mr. Beagle said six (6) months.

Chairman Lambert confirmed that at some point it would have to go through.

Mr. Beagle- Yes.

Commissioner Bertoia made motion to let the ordinance lapse.

Commissioner Justice seconded the motion.

There was no further discussion.

Chairman Lambert explained that he did not feel that it was the best solution to let it lapse. He felt that accept or reject it but not just let it lapse. He asked if there were any amendments that commissioners would like to see as part of the ordinance. The motion was to let the recreational marijuana ordinance lapse. 2 Commissioners voted for it, 2 Commissioners voted against it. **Chairman Lambert** voted in against. Motion fails.

Commissioner Beach move to extend the ordinance for up to two (2) years.

Commissioner Bertoia (not audible) seconded the motion.

Commissioner Beach made an amendment to the ordinance that is one or more conditions is attached to the approval of the application.

There was no discussion of the motion.

Chairman Lambert called for a vote. 2 voted for the motion. 2 voted against the motion. Chairman Lambert voted to break a tie, voting in favor of the motion.

NEW BUSINESS

Pierce County Regional Council (PCRC) Proposal to amend the Countywide Planning Policies

Chairman Lambert explained that since no one had time to review their packets, he asked for a motion to table the proposal until the December 1st meeting.

Commissioner Justice move to table the proposal of the Countywide Planning Policies.

Commissioner Craig seconded the motion. AIF

There were no comments from citizens or commissioners.

Mr. Beagle explained that the town has been working with the planning consultant to provide the town with guidelines on the draft for the Countywide Planning Policies. Basically asking the consultant what his take was on this. His response was "Not for Eatonville's individual interests. Based on the current amendment scope (*which they are not allowing any proposed amendments to at this time*) and the existing conditions of Eatonville's Urban Growth Area, I'd say it's probably not the best thing for the Town at this point. While the aim of the amendment may be a good direction from a regional and County planning perspective for the intensely urbanizing areas, I don't see many advantages to Eatonville, only additional costs, additional hurdles and a reduction of annexation authority". Mr. Beagle will provide this response to the commissioners in an email.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 7:15 p.m.

Chairman Chris Lambert

Secretary David Craig

ATTEST:

Doug Beagle - Town Administrator

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, November 3rd, 2014
COMMUNITY CENTER
305 CENTER STREET WEST**

DRAFT

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners** Beach, Bertoia, Craig, Justice and Miller were present.

STAFF PRESENT: Mayor Schaub, Kerri Murphy and Doug Beagle.

OPENING CEREMONIES

Commissioner Justice led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. **Commissioner Justice** seconded. All in favor. (AIF)

APPROVAL OF MINUTES

Minutes of the October 6th, 2014. **Commissioner Beach** move to approve minutes as written. **Commissioner Justice** seconded. AIF

COMMUNICATIONS OR ANNOUNCEMENTS

There were no comments from the citizens or commissioners.

NEW BUSINESS

Public Hearing - Ordinance 2014-3 Marijuana Regulations / 2013-15 Sale of Retail Marijuana

Chairman Lambert opened the public hearing portion of the meeting.

Dixie Walter, 140 Antonie Ave N., - She explained that she is neither proponent nor opponent to the recreational marijuana. She is middle of the road but stated that she is a very strong proponent of democracy. The people voted this in. If the town can figure out a way not to close every avenue that could be open in the future for bringing money into the town, she thinks it would be very smart. She has done a lot of research, and the Association of Washington Cities sent out a newsletter last month with very interesting facts that they have studied for municipalities. She added that she does not know all the issues but she is a proponent of Eatonville. She would like to see Eatonville to someday get some of that money. This is new; nobody has ever done this before. Things are going to change in a few years. She knows that the county has all kinds of qualms and won't do anything now but it doesn't mean that they won't in a couple of years. Nothing is carved in stone, it's an experiment. Her thought is "let's don't slam any doors, because the people of Washington State did vote 45 to 55 for recreational marijuana. Some of the biggest outspoken opponents were people in the medical marijuana, patients and people who grew and stuff. It wasn't like you might think, heavy duty religious groups or whatever, it was actual marijuana proponents, but for medical. So, it passed, we have to live with that and so she just worries that Eatonville can be a little closed off and she thinks that there is money down the line. She thinks it will be real

smart not to shut every door. Things change, it's politics but people are not going to change their mind about marijuana. The latest polls nationally have like 52% of American people think it should be legalized and that will just climb. It was not made illegal until 1937, it was legal until then.

Chairman Lambert asked for any additional comments. There were none.

Commissioner Beach wrote a letter to the Commissioners which was not distributed because he was going to be available for this meeting. The last meeting of October 20th was postponed until today. He said he did not know if he was for it or against it. Commissioner Miller suggested that we might consider a marijuana growing facility on SR 161 coming into town which is the only area under the existing ruling of the council that was adopted, that any kind of marijuana facility could be located. These kinds of growing facilities take a lot of electricity and the towns' electrical system is deficient in a number of regards. One of the ways in which it is deficient is that it has only has one feed into the transformer and it should have at least two feeds into the transformer. If possible (not audible) ... devise a way and put the ordinance into the right form and so on to get some help in getting the second feed given the fact that these growing operations take a lot of electricity. That is one possible benefit to the town for this. That land along SR 161 is also vulnerable to incremental strip development and we have a lot of examples of that kind of development and from his point of view is not a very desirable way of developing land. A growing operation down there might very well take up enough land that would at least mitigate some of it, the danger of that strip mall. Also, of course as would a distribution of marijuana, a selling operation. It would have to be two separate operations as he understands it, not owned by the same people. Either one would bring increased revenue to town, more than what we presently have. Now whether these (not audible) possibilities would compensate for the law enforcement liabilities associated with this, he doesn't know. It may not and that would be something that would certainly have to be looked into. There are a lot of pros and cons to this whole marijuana thing. One thing that he wanted to mention is that this may turn out to be like a situation regarding adult stores. That is that the courts have ruled that a town cannot zone itself in such a way that there is not the possibility of an adult store. That doesn't mean that it has to be on the front of the road that everyone drives up and down but there has to be a place where one can be located. He said that he would not be surprised that in the long run that is what exactly is going to happen regarding the sale of marijuana is that the town cannot in fact preclude some place within the town that such a business could be located. Again we don't necessarily have to (not audible) but there has to be some kind of a place. Otherwise we get involved in a lot of litigation. Of course there is litigation going on now with Fife, and there probably will be with the county and so on as to whether they can in fact just simply preclude a marijuana operation within their jurisdiction. We don't know how that is going to turn out. He would think that there is a good possibility that Fife County will lose in the long run, it may not, who knows. But in any case, we wouldn't want to put the town in a position to have to be involved in some kind of litigation that would be quite expensive. He does not know if he favors this or not. He does not know if he favors the growing or the sales in the town, he is not making a case for it one way or another. He is just saying that these are some of the issues and possibly some others that we will have to consider in making a recommendation to the town.

Commissioner Miller said he is neither for nor against it. If it was to happen the area picked out north of town, as far as zoning goes seems like the perfect area. It is away from the store and the schools, all the stuff where kids would see it. If you are going to have a grower, it's close to the substation. He believes that the town probably has the capacity. With a little bit of rate restructuring like maybe the demand charge on the power use, because they are big power hogs. You could probably generate enough revenue to eventually have a second feeder in town and maybe tie into that Mashell Prairie sub of Ohop Mutual somehow if you need primary and get it from them. Just because you zone it in, doesn't mean that they will come. Eatonville does have very competitive electricity rates; the real estate is pretty reasonably priced. There are a lot of these growers in the Tacoma and Spanaway areas and they are nice quiet neighbors as far as he can see. The revenue from electricity has been tremendous. They have to pay in cash and sometimes bring in \$36,000.00 every two months for their electric bills and these are not huge operations. As far as he is concerned with the way they do the ordinance he would be in favor of it, he would approve that.

Commissioner Craig said that he did some research and was surprised at what he found out. First, when it passed in the State of Washington, they had thousands of applications for retail shops. The State of Washington issued 344 permits state wide. As of two weeks ago, there was between 45 and 50 stores open. This is going very slowly. Probably for several reasons, one being lack of product, the grower is taxed 25%; the packager, 25% and the

retailer is taxed 25%. So, 75 cents of every dollar goes to the state. What they have now are 344 permits that are issued. Those folks can open a shop but because it is going so slow, it will probably be 3 or 4 years before all 344 are open. There are no applications that they are accepting at this time. Each application is assigned a agent that looks over the application and they dissect you. They look at everything about your life and especially location. He asked if there was an application in Eatonville, there are none. There are no applications in South Pierce County so maybe we are putting the cart before the horse. If in a few years if and when these shops are all open and they start accepting a few more applications, those come on after the 344 are opened. Currently no one has applied in Eatonville. If someone did, in 3 or 4 years and the state gave them the green light to go, then they have to go to Pierce County. The reason that Fife is having an issue is because Pierce County zoned all of that to be an urban industrial area. That is all in the north end of the county. The farthest south it is about 176th and the Frederickson area, which is the cutoff for production, packaging or retail shops nothing south of here. It costs thousands of dollars to get through the permitting process to be ok'd by the state. They are taking a big chance because the county can tell them "no", it is not zoned. You can open a shop but it has to be north of here. That could change down the road. As Mrs. Walter said this is kind of an experiment and it's not working so well because essentially it is too expensive. The black market is much cheaper. People can get it out here a lot cheaper than in a retail shop. It is going very slow and it will be a long time before this area will even be allowed to have it. He said he was surprised, thinking that this was an urgent issue but nothing is going to happen for years. He stated that he is for democracy and added that on a personal note he has seen the effects of alcoholism run rampant through communities and destroy. Personally it wouldn't break his heart if the liquor store left and the bars closed. But this is a democracy and the State of Washington citizens want that so he will have to accept and learn to live with that and it does not affect his life at all. The same with the retail marijuana shops, if it does not affect you, don't shop there, don't get it. But the revenue, he was a little disappointed, thinking this could be a good thing for the town but it's not going to happen anytime soon. So whether this is really a moot point and so Fife is having that problem because it is zoned for that area, it's not out here. It's a great idea if we can put in a grow operation out here and make a lot of money but it's not where the county wants it. I will say that I would ere on the caution of just saying "No". That kind of sends a message that we are not listening to the people of Washington, the citizens in this area that voted for it, and the majority that voted for it. We need to be a little more careful. He does not believe that decisions need to be made right now; nothing is going to happen anytime soon. Absolutely nothing is going to happen.

Doug Beagle said that the town put in interim regulations for six months. During that first six months which expired on June 9th, 2014, the town had not gone through the public hearing process and bringing it to the Planning Commission to make recommendation to the council. So the sense of the urgency we have till December 8th, 2014 to get something from the Planning Commission to Council on your recommendations. That is that side of the sense of urgency. Or Council would have to extend it another six months, but we are now having that hearing.

Commissioner Beach made motion to recommend to the town council that they extend the interim ordinance two years.

Motion dies for lack of a second.

Chairman Lambert closed the public hearing portion of the meeting.

There were no comments from citizens or commissioners.

Mr. Beagle explained that the town had allowed an off premise sign to be placed at NW Dock Systems AKA Erv's Boats for people that own Ohop Ridge U-Cut Christmas Trees. Staff wanted to keep the Planning Commission advised when discretion was used.

Commissioner Beach shared a little light heartedness....saying that he lived in Chicago in the late 1950's. It was alleged that the Daley Machine told their followers to vote early and often. Not sure if this is true or not. The machine did run the city council in a way that he is sure Mayor Schaub would envy. Chicago is a big city. There were a lot of items on the agenda and the Mayor would say...All those in favor of items 1-10 say "aye" and they would go onitems 11-20 say "aye" and so on... this was very efficient time wise but not terribly democratic.

Commissioner Miller said he wanted to clarify that the ordinance in front of us has to do with the area and zoning for any potential marijuana business. This is basically what we are talking about.

Chairman Lambert confirmed that is the way he read it.

Mayor Schaub said that the prior administration felt that it was important to define in the town where the businesses would go. They had different schools, churches, daycares and identified different types of businesses where there would be children. The planning consultant put a 1,000 radius around those different businesses and it was determined that there were two different areas where these businesses could be placed that were outside residential areas that would allow for businesses outside of the 1,000 foot boundaries. In case there were any applicants and to avoid the possibility of any litigation or lawsuit against the town, the town went forward with a temporary ordinance. This ordinance established where these types of business could be located. The town wanted to be prepared. We wanted to make sure we were in compliance with the Liquor Control Boards ever changing, ever dynamic rules that they continue to put forward on this new adventure. If you look around the United States, there were three states that had the legalization of marijuana on their ballot this year. It was mentioned earlier that the same people cannot have the growing, manufacturing and retail businesses. They are taxing it rather heavily. AWC is going forth trying to take a piece of that revenue to help assist municipalities in funding law enforcement.

Commissioner Miller reiterated that he is ok with this ordinance as he understands it. The area seems to be the ideal location. The only down side that he can see is the people that live in that area now that might have some objections to it should come to the meeting and speak while they have a chance. Does not see why the town cannot make that December 8th deadline. The only thing that he can see that might go sideways, is somebody that lives there adamantly against it. That would be a legitimate concern and as a commissioner he would certainly be willing to listen to them and take that into consideration. At this point he has not heard anything negative or derogatory from anybody in that area or really anyone else in town.

Mayor Schaub said it was up to the town to put something in place so that if someone did come forward it could be addressed.

Commissioner Miller said that he was not sure about the boundaries but that he knew that there are several on 224th St. and some are pretty big. He felt that within the town limits the town would have the authority to do what we want not Pierce County.

Chairman Lambert said he would assume that the town does need some input ...(not audible)

Mr. Beagle said that instead of waiting till the absolute last day, we would prefer that you come to last meeting in November with a recommendation from the planning commission so that if council chooses to table it for further discussion there is still time. This is the recommendation from staff.

Chairman Lambert stated that at this point Commissioner Beach's motion died due to a lack of a second. He asked for any further discussion from the planning commissioners.

Commissioner Miller motion to accept Ordinance 2013-15 as written and let the council accept the testimony from residents. He called for a roll call vote.

Chairman Lambert asked for clarification of whether the ordinance was to remain temporary or long term.

Commissioner Miller said he would be willing to get his recommendation at this time and vote on it, and let the council do what they will.

Chairman Lambert asked for a second.

Commissioner Beach said he did not understand the motion.

Commissioner Miller said the motion is to accept or reject the ordinance as written.

Commissioner Beach asked Commissioner Miller why you don't say one or the other and vote on it. He said he did not understand where it would get them by the nature of the motion itself. He said he just didn't understand it.

Chairman Lambert asked Commissioner Miller to confirm that his motion is to approve Ordinance 2013-15 as a recommendation to the town council.

Commissioner Miller said he would vote for that...yes.

Commissioner Beach asked how that was different from the motion that he made.

Commissioner Miller said that he thought Commissioner Beach's motion was to extend the current temporary for two years.

Commissioner Beach said it was to do that. But if one thought it should be permanent then one could make an amendment to that motion to make it permanent. He added that he did not understand what it was that he wanted to do. He does not know that he is opposed to it, he just does understand. We had a motion, and it was not seconded, so I assumed that people were not ready to vote on something of that kind. If they were ready to vote, there would at least have been a second for it and we would have voted it up or down. Now you are essentially making what seems to him to be the same motion.

Commissioner Miller said he did not think so. His original intent was to have a roll call vote, that's a good way to poll the commission.

Commissioner Beach asked what they were being polled about.

Commissioner Miller explained it was about accepting the ordinance as written. His understanding is that it has to do with the area which he is trying to vote for as he previously stated and he sees nothing in the ordinance to delay the commission's recommendation to the council.

Commissioner Beach said that the existing ordinance has a time limit on it and he was just attempting to extend the time limit leaving the ordinance in place. Approving the ordinance as it's written, it's got that time limit in it and it just seems to him that the town council can do that all by themselves.

Commissioner Miller said he just does not see the difference with what Commissioner Beach is saying.

Commissioner Miller said he would like to make a motion to approve it.

Chairman Lambert asked if it would be clearer if the current ordinance is adopted without the time restrictions on it.

Commissioner Beach said it is not going to be an interim ordinance. It has not time restrictions.

Chairman Lambert said correct. He asked for a second on Commissioner Miller's motion. The motion died for lack of a second. He asked if any of the commissioners had any further thoughts on this ordinance. There were no comments.

Commissioner Beach move to put it on the agenda for the next meeting. (November 17th, 2014)

Commissioner Miller seconded the motion. AIF

Kerri Murphy announced that there will be a dedication for the Bud Blancher Trail on November 7th, 2014 at 1:00 p.m. at the Weyerhaeuser Rd. S. pedestrian bridge.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 7:45 p.m.

Chairman Chris Lambert

Secretary David Craig

ATTEST:

Kerri Murphy, Recording Secretary

or maintains any nuisance defined, shall be subject to fine or imprisonment as provided in the general penalty ordinance; and for each act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 84-12 § 7, 1984).

Chapter 8.09

JUNK VEHICLES*

Sections:

- 8.09.010 Purpose.
- 8.09.020 Definitions.
- 8.09.030 Exemptions.
- 8.09.040 Nuisance declared, violations.
- 8.09.050 Enforcement.
- 8.09.060 Investigation and notice of violation.
- 8.09.070 Time to comply.
- 8.09.080 Hearing.
- 8.09.090 Municipal court order.
- 8.09.100 Removal and disposal – Costs.
- 8.09.110 Civil penalties.
- 8.09.120 Additional relief.

*Prior legislation: Ord. 90-19, formerly codified in Ch. 10.20 EMC.

8.09.010 Purpose.

The purpose of the ordinance codified in this chapter is to provide for the abatement and removal of junk vehicles on private property as provided for in RCW 46.55.240. Abatement is necessary to preserve and enhance the aesthetic character of the town's neighborhoods, protect property values and rights and to reduce environmental health and safety problems associated with junk vehicles. (Ord. 2010-11 § 2, 2010).

8.09.020 Definitions.

For the purposes of this chapter, the following definitions apply:

A. "Junk vehicle" is any vehicle which meets at least three of the following criteria:

1. Is extensively damaged, such damage including, but not limited to, the following examples:

- a. Broken window or windshield;
- b. Flat tires;
- c. Missing tires, motor or transmission;
- d. Rusted exterior;
- e. Leaking oil or gasoline;

2. Is apparently inoperable, meaning that a vehicle does not appear to comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass or other safety equipment;

3. Has expired license tabs;

4. Has an approximate fair market value equal only to the approximate value of the scrap in it;

5. A vehicle illegally parked in the required front or side yard.

B. "Enforcement officer" means the mayor, his or her designee, representative or a town of Eatonville law enforcement official.

C. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles, but shall not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks. (Ord. 2010-11 § 2, 2010).

8.09.030 Exemptions.

The provisions of this chapter shall not apply to:

A. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or otherwise parked legally on the property so as not to be visible from adjacent or nearby public property. Temporary tarp garages and carports do not satisfy this exemption;

B. 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 vehicle dismantler or licensed vehicle dealer and is fenced in accordance with the provisions of RCW 46.80.130;

C. A vehicle enclosed in an opaque auto cover specifically designed to completely shield the vehicle from view as long as the vehicle is parked in a lawful manner on private property. The cover must be in good condition and must be replaced if it is torn, weather-beaten, or acquires any other defects. Tarps and makeshift covers do not meet the requirement. This exemption will apply to only two vehicles per legal lot. Vehicles stored on vacant or undeveloped land are not exempted by this subsection;

D. An individual's personal vehicle restoration of up to two vehicles on property is appropriate because such use is reasonably associated with the primary use of property. (Ord. 2010-11 § 2, 2010).

8.09.040 Nuisance declared, violations.

A. The storage or retention of junk vehicles on private property is declared a public nuisance which is subject to the enforcement, removal and abatement procedures in this chapter and as provided in state law.

B. It shall be unlawful for any person, firm or corporation to retain, place or store junk vehicles

on private property, in conflict with or in violation of any of the provisions of this code.

C. Additional Violations. In addition to the above, it is a violation of this chapter to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;

2. Fail to comply with any of the requirements of this chapter, including any requirement of the town's codes and state codes adopted by reference herein. (Ord. 2010-11 § 2, 2010).

8.09.050 Enforcement.

A. The enforcement officer shall have the authority to enforce this chapter. The enforcement officer may call upon the building, fire, planning and community development or other appropriate town departments to assist in enforcement.

B. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

C. It is the intent of this chapter to place the obligation of complying with its requirements upon the property owner, occupier of the property, owner of the junk vehicle or other person responsible for the storage or retention of junk vehicles within the scope of this title.

D. No provision of or any term used in this chapter is intended to impose any duty upon the town or any of its officers or employees which would subject them to damages in a civil action. (Ord. 2010-11 § 2, 2010).

8.09.060 Investigation and notice of violation.

A. Investigation. The enforcement officer shall investigate the premises which he/she has probable cause to believe does not comply with the standards and requirements of this title.

B. Notice of Violation. If, after investigation, the enforcement officer determines that the standards or requirements of this title have been violated, the enforcement officer shall serve a notice of violation upon the property owner, tenant, vehicle owner, or other person responsible for the condition. The notice of violation shall contain the following information:

1. Name and address of the person(s) to whom the notice of violation is issued;

2. The location of the subject property by address or other description sufficient for identification of the subject property;

3. A description of the vehicle and its location;

4. A separate statement of each standard, code provision or requirement violated, and the reasons for which the town deems the junk vehicle(s) to be a public nuisance in violation of this chapter;

5. What corrective action, if any, is necessary to comply with the standards, code provisions or requirements;

6. A reasonable time for compliance which shall not be less than 60 days;

7. A statement that if the person(s) to whom the notice of violation is issued fails to complete the corrective action by the date required, the town or its designee shall remove, impound and dispose of the vehicle, and will assess all costs of administration and removal against the owner of the property upon which the vehicle is located or otherwise attempt to collect such costs against the owner of the vehicle;

8. A statement that the owner of the land on which the vehicle is located may appear in person at the hearing and present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the junk vehicle on the land, with his/her reasons for denial.

C. Service. The notice shall be served on the owner, tenant, vehicle owner or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the enforcement officer makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the town's official newspaper; and

2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address as shown on the official Pierce County assessor's parcel data, or if unknown, to the address of the property involved in the proceedings.

D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

F. Withdrawal. The town may choose to withdraw a notice of violation at any time, without prejudice to the town's ability to reissue it, if a certificate of compliance has not been obtained for the specific violations. (Ord. 2010-11 § 2, 2010).

8.09.070 Time to comply.

A. Determination of Time. When calculating a reasonable time for compliance, the enforcement officer shall consider the following criteria:

1. The type and degree of violation cited in the notice;

2. The stated intent, if any, of a responsible party to take steps to comply;

3. The procedural requirements for obtaining a permit to carry out corrective action;

4. The complexity of the corrective action, including seasonal considerations; and

5. Any other circumstances beyond the control of the responsible party.

B. A copy of the notice may be recorded against the property with the Pierce County auditor. The enforcement officer may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property. (Ord. 2010-11 § 2, 2010).

8.09.080 Hearing.

A. The property owner, tenant, vehicle owner or other person responsible for the violation may appeal the notice of violation by requesting such appeal of the notice within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, or federal or town holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request by the enforcement officer, he/she shall forward the request to the municipal court judge.

B. If a request for a hearing is received, a notice giving the time, location and date of the hearing shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the county assessor records and the legal owner of the vehicle, unless the vehicle condition is such that identification numbers are not available.

C. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement for consideration, and deny responsibility for the presence of the vehicle, with the reasons for denial. If it is determined that the vehicle was placed on the property without the consent of the landowner and that the landowner

has not acquiesced in its presence, then the cost of removal shall not be assessed against the landowner.

D. At or after the appeal hearing, the municipal court judge may:

1. Sustain the notice of violation and require that the vehicle be removed at the request of the enforcement officer after a date certain, and that the junk vehicle be disposed of by a licensed vehicle wrecker or tow truck operator, with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked;

2. Withdraw the notice of violation;

3. Continue the review to a date certain for receipt of additional information;

4. Modify the notice of violation, which may include an extension of the compliance date, and/or determine that the owner of the property is not responsible for the costs of removal, pursuant to subsection C of this section. (Ord. 2010-11 § 2, 2010).

8.09.090 Municipal court order.

A. Unless mutually agreed to by the appellant and the court, the order of the court shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by the enforcement officer within 15 calendar days following the conclusion of testimony and hearings and the closing of the record.

B. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made.

C. The municipal court, in affirming the enforcement officer's notice of violation and abatement, may assess administrative costs or costs related to the abatement of the violator's vehicle. The court may also order the refund of hearings fees to parties deemed not responsible for the violation.

D. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the municipal court's order 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 cost from the landowner. (Ord. 2010-11 § 2, 2010).

8.09.100 Removal and disposal – Costs.

A. Commencing 45 calendar days after service of the notice of violation and abatement, if no appeal has been filed, or 15 calendar days after the issuance of an order from the municipal court resulting in authority to remove, the enforcement officer shall supervise the removal and disposal of the vehicle or part thereof. The enforcement officer will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been processed in accordance with the laws of the state of Washington.

B. The town's costs related to the removal of the junk vehicle may be collected from the registered owner of the vehicle(s) if the identity of the owner can be determined, unless the owner, in the transfer of ownership, has complied with RCW 46.12.101. Alternatively, the cost may be collected from the owner of the property on which the vehicle has been stored. (Ord. 2010-11 § 2, 2010).

8.09.110 Civil penalties.

A. In addition to any other sanction or remedial procedure which may be available, any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be subject to a cumulative civil penalty in the amount of \$100.00 per day for each violation from the date set for compliance until compliance with the order is achieved.

B. The penalty imposed by this section may be collected by civil action brought in the name of the town. The enforcement officer may notify the town attorney in writing of the name of any person subject to the penalty, and the town attorney may, with the assistance of the enforcement officer, take appropriate action to collect the penalty. (Ord. 2010-11 § 2, 2010).

8.09.120 Additional relief.

The enforcement officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this title when civil penalties are inadequate to effect compliance. (Ord. 2010-11 § 2, 2010).

Featured Inquiry (08/03/09)

Reviewed: 07/10

To search or browse past MRSC inquiries, please visit the [MRSC Inquiries](#) page, which contains a listing of the most recent Featured Inquiries and older inquiries categorized by subject.

Question:

How do Washington cities and counties regulate junk vehicles on public and private property?

Answer:

Junk vehicles on public or private property are generally regulated as a public nuisance. There are two basic enforcement situations which may confront local officials: (1) where the city or county, as property owner, wishes to remove a junk vehicle from public property; and (2) where the city or county provides for the removal of junk vehicles that are located on private property. See MRSC Web page on [Junk Vehicles](#)

Junk Vehicles

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Introduction

The presence of an excessive number of junk vehicles can threaten the character and safety of neighborhoods. They may cause deterioration of neighborhoods partly due to visual blight, which affects property values. Junked vehicles can create attractive nuisances for children, and provide harborages for rodents, insects and other pests. Most municipalities have approached this problem through the adoption of junk vehicle nuisance ordinances, which prohibit the storage of junk vehicles in open areas of private property.

Statutes and Regulations

- [Ch. 46.55 RCW](#) - Towing and Impoundment
- [Ch. 308-61 WAC](#) - Unauthorized and Abandoned Vehicles

Discussion of Authority to Abate and Remove Vehicles

[RCW 46.55.240](#) grants specific authority for cities, towns, and counties to adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of junk vehicles or vehicle parts from private property. Such ordinances must, however, contain the applicable provisions of [Chapter 46.55 RCW](#), including certain notice and hearing requirements.

"Junk vehicle" is defined in [RCW 46.55.010\(5\)](#) as meeting at least three of the following four requirements:

- (a) Is three years old or older;
- (b) 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;
- (c) Is apparently inoperable;
- (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

After notice has been given and a hearing, if requested, has been held, the municipality may remove and dispose of a junk vehicle. Costs of the removal may be assessed against the last registered owner of the vehicle, or the costs may be assessed against the owner of the property on which the vehicle is being stored.

The state law, [RCW 46.55.240\(3\)\(c\)](#), does contain an exemption for vehicles that are "completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property" or vehicles that are "stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer."

Ordinance Provisions

The definition of "junk vehicle" and the process for abating junk vehicles is provided in the state statutes. The city and county ordinances linked below contain different purpose statements in their

preambles, and contain different administrative procedures and vehicle storage requirements. The comments and excerpts following the various documents focus on some of the distinctive provisions.

City

- Algona Municipal Code Ch. 10.48 - Junk Vehicles (Pop. 3,075) - Purpose is to establish procedures under state law for the abatement and removal of junk vehicles and parts; decrease the likelihood of criminal conduct associated with junk vehicles; enhance the aesthetic qualities of Algona; conserve and stabilize property values; reduce the inherent public health and safety problems associated with junk vehicles; prevent overcrowding of land; secure safety from fire and provide adequate open spaces for light and air. (Ord. 792 § 1 (part), 1995)
- Everett Municipal Code Ch. 8.22 - Junk and Inoperable Motor Vehicle Abatement (Pop. 104,200) - Provides a detailed section (Sec. 8.22.040) governing violation citation, issuance, and service. Everett uses a violations hearing examiner.
- Mount Vernon Kulshan Creek Parking Ordinance (Pop. 32,710) - Brief description of a program to remove a decade old problem of unsightly abandoned and junk vehicles in the Kulshan Creek neighborhood. Its success has been used in other Mount Vernon neighborhoods. See Mount Vernon Municipal Code Ch. 10.10 - Abatement of Junk Vehicles and Ch. 10.20 - Parking Zones
- Mukilteo Municipal Code Ch. 9.47 - Outdoor Storage of Junk and Nuisance Vehicles (Pop. 20,440) - Defines junk and nuisance vehicles and provides regulations for their parking and storage.
- Tacoma Municipal Code Ch. 8.23 - Junk Vehicles (Pop. 200,400) - Provides detailed procedures for enforcement
- Union Gap Municipal Code Ch. 9.28 - Abandoned and Junk Vehicles (Pop. 6,110) - Provides detailed provisions; adopts state statutes by reference, provides sample form for preimpoundment hearing.
- Wilbur Municipal Code Ch. 8.16 - Junk Vehicle Abatement - Prohibiting the Storage of Junk Vehicles on Public or Private Property (Pop. 880) - Provides for a hearing examiner to conduct hearings. Decision is final unless appealed to district court.

County

- Clark County Code Sec. 9.24.010(2)(d) - Nuisances Enumerated - The presence of any unattached vehicle or boat parts or three (3) or more abandoned or inoperable vehicles and/or boats that have remained in the same location or on the same contiguously owned property for more than thirty (30) consecutive days, within the front, side or rear yard; that are visible from an adjacent property or roadway.
- Cowlitz County Code Ch. 10.27 - Junk Vehicles - Summary of purpose: The keeping of public nuisance junk vehicles, parts thereof, and automobile hulks creates conditions that reduce the value of adjacent private property, become hiding places for rodents, breeding places for mosquitoes and other insects, safety hazards for children, environmental hazards to the soils, surface and groundwaters, and blights on the landscape, all detrimental to the health, safety, welfare, peace and well-being of the general public. Provisions include landowner responsibility, hearing, failure to abate nuisance - disposal of junk vehicle authorized - infraction - penalties, civil penalties - cost of enforcement - personal obligation - liens, appeals, and junk vehicle removal fund.
 - Junk or Hulk Vehicle Permit - The Sheriff's Office issues hulk permits to property owners who have junk vehicles on their property that they would like removed.
- Pierce County Code Ch. 8.10 - Public Nuisance Vehicles - Prohibited Activities - Penalties - Removal
 - Public Nuisance: Junk Vehicles, Pierce County Responds - A webpage that accepts complaints and requests for assistance. The county receives and investigate complaints, provides technical assistance to property owners and organize community-based solutions for code enforcement.
- San Juan County Code Ch. 10.20 - Provides real estate parcels owned by the county designated for use as disposal sites for motor vehicles and junk vehicles
- Whatcom County Code Ch. 8.32 - Abandoned Vehicles - Declares abandoned, wrecked, dismantled or inoperative vehicles or automobile hulks or parts thereof on private property to be a public

nuisance; provides provisions for historic automobiles, special interest vehicles, and for-parts cars stored by a collector. Sets determinations and burdens of proof; abatement, provides for hearing before the Whatcom County hearings examine.

Informational Webpages and Brochures

- King County, Solid Waste Division [Junk Vehicles on Your Property](#) - Provides information on what to do with junk vehicles and contact information
- Seattle [Junk \(Inoperable\) Car & Vehicle Rules](#), Department of Planning and Community Development (Pop. 626,600) - A public information page on dealing with junk vehicles in the city; provides links to the following pages, which include links to municipal code provisions, forms and directors rules.
 - [Junk Storage & Illegal Dumping Rules](#)
 - [Parking & Car Storage Rules](#)
- Thurston County [Junk Vehicles](#) - A public information page defining junk vehicles and how to deal with them. Page includes links to complaint form and information on how to get rid of a junk vehicle either one owned or one abandoned on owner's property.
- Woodinville [Junk Vehicle FAQ](#) - Brochure (Pop. 10,990) - Public information brochure covering what is a junk vehicle, storage of vehicles, and violations

Chapter 9.47
OUTDOOR STORAGE OF JUNK AND NUISANCE VEHICLES

Sections:

- 9.47.010 Purpose.
- 9.47.020 Definitions.
- 9.47.030 Parking and storage.
- 9.47.040 Procedure for impound.
- 9.47.050 Procedure for abatement.
- 9.47.060 Penalty for violation—Nuisance.

9.47.010 Purpose.

The city of Mukilteo hereby finds and declares that the accumulation and storage of junk, junk vehicles and nuisance vehicles can create conditions which tend to:

- A. Promote neighborhood and community blight and deterioration;
- B. Reduce the value of land property;
- C. Constitute an attractive nuisance creating a hazard to the health and safety of minors; and
- D. Create a harborage for rodents and insects and that such accumulation and storage is generally injurious to the health, safety and welfare of the community.

The purpose of this chapter is to provide a method for the prevention and elimination of these conditions, thereby helping to preserve the beauty and quality of life for the citizenry of the city of Mukilteo. (Ord. 1056 § 1 (part), 2002)

9.47.020 Definitions.

As used in this chapter, the following definitions have the meanings set forth below:

“Abandoned vehicle” means a vehicle that a registered tow truck operator has impounded and held in the operator’s possession for one hundred twenty consecutive hours.

“Commercial/industrial area” means and includes all areas of the city zoned for commercial or industrial uses.

“Commercial vehicle” means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

1. Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or
2. Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or
3. Is a motor vehicle, trailer, pole trailer, or semitrailer used in combination when the gross weight or declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, buses, trailers, pole trailers, and semitrailers.

"Enforcement authority" means any general law enforcement officer, code enforcement officer, or any person with a limited law enforcement commission to enforce the provisions of this chapter.

"Junk" means and includes any and all used appliances, furniture, parts, metal, glass, paper, wood, plastic or other waste of nominal or no monetary value, or of a value equal only to the value of the scrap in it.

"Junk vehicle" shall mean a vehicle that substantially meets three of the following requirements:

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

"Nuisance vehicle" means and includes any car, truck, motorcycle, boat, trailer, recreational vehicle (RV), self-propelled construction equipment or heavy machinery, or any other motorized or nonmotorized means of conveyance, or any part thereof, and which either:

1. Meets any three of the following criteria:
 - a. Is three years old or older;
 - b. 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;
 - c. Is apparently inoperable;
 - d. Has an approximate fair market value equal only to the approximate value of the scrap in it; or
2. Meets any one of the criteria set forth in subsection (1) of this definition and is not validly licensed and/or registered under the laws of the state of Washington.

"Recreational vehicle" means travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, and utility trailers.

"Residential area" means and includes all areas of the city zoned for single-family or multifamily residential uses.

"Unauthorized vehicle" shall have the meaning set forth in RCW 46.55.010, and includes any part of such vehicle. (Ord. 1056 § 1 (part), 2002)

9.47.030 Parking and storage.

The city of Mukilteo shall regulate parking and storage of vehicles and junk as follows:

- A. Junk and Junk Vehicles. It is unlawful for any person to keep, store, or park or permit any

other person to keep, store or park any abandoned vehicle, junk vehicle, or junk upon any privately owned property in the city of Mukilteo unless it is at all times stored or parked within a fully enclosed building.

B. Nuisance Vehicles. Nuisance vehicles may be stored or parked in the city provided the following conditions are met:

1. Nuisance vehicles shall not intrude into the public right-of-way, alley, or obstruct the sight distance visibility from adjacent driveways, private roads, or public rights-of-way.
2. Nuisance vehicles shall not be parked in the front yard area (the space between the front lot line and the front facade of the building). They may be parked in the side or backyard area if located behind a sight obscuring fence or hedge. Fences and hedges are regulated by the zoning code contained in Mukilteo Municipal Code Title 17.

C. Commercial Vehicles. Parking of commercial vehicles as defined in this chapter is prohibited in all single-family and multifamily residential zoning districts, except for those commercial vehicles which are parked while temporarily providing a service or making a delivery to a property.

D. Public Rights-of-Way. It is unlawful for any person to keep, store, or park or permit any other person to keep, store, or park any abandoned vehicle, junk vehicle, nuisance vehicle or junk upon any public street within the city for more than twenty-four hours. (Ord. 1056 § 1 (part), 2002)

9.47.040 Procedure for impound.

Whenever the enforcement authority discovers an apparently unauthorized vehicle left within a public street, the enforcement authority shall follow the procedures and requirements of RCW 46.55.085. (Ord. 1056 § 1 (part), 2002)

9.47.050 Procedure for abatement.

In order for the city to pursue abatement of any junk vehicle as a public nuisance, the city must complete the following:

- A. The enforcement authority must send notice to the registered owner of record and to the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be subject to removal.
- B. If a request for a hearing is received by the city, a 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 as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.
- C. This section shall not apply to any 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 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.
- 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 along 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 landowner and that he has not subsequently acquiesced in 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 from the owner of the property. The costs of administration and removal shall be assessed against the last registered owner of the vehicle and may be assessed against the landowner if the vehicle was placed on the land with the landowner's consent or if the landowner has subsequently acquiesced to the presence of the vehicle.

E. After notice has been given of the intent of the city to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed by a registered disposer at the request of the enforcement authority with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

F. The hearing required by this section may, at the enforcement authority's option, be conducted by the city hearing examiner. (Ord. 1056 § 1 (part), 2002)

9.47.060 Penalty for violation—Nuisance.

Violations of this chapter shall be subject to the civil infraction penalties outlined in Mukilteo Municipal Code Chapter 1.32, General Penalties. The first violation shall constitute a Class III civil infraction, the second offense shall constitute a Class II civil infraction, and the third and each violation thereafter within a one-year period shall be classified as a Class I civil infraction. In addition to the penalties provided in this section, the enforcement authority may, after proper written notification, impound any abandoned vehicle, unauthorized vehicle or junk vehicle by following the procedures for impounding of such vehicles set forth in Chapter 46.55 RCW and Section 9.47.040. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto. (Ord. 1083 § 14, 2003; Ord. 1056 § 1 (part), 2002)

The Mukilteo Municipal Code is current through Ordinance 1354, passed July 21, 2014.

Disclaimer: The City Clerk's Office has the official version of the Mukilteo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.mukilteo.wa.us>
(<http://www.ci.mukilteo.wa.us>)
City Telephone: (425) 263-8005
Code Publishing Company
(<http://www.codepublishing.com/>)

Featured Inquiry (08/18/09)

Reviewed: 07/10

To search or browse past MRSC inquiries, please visit the [MRSC Inquiries](#) page, which contains a listing of the most recent Featured Inquiries and older inquiries categorized by subject.

Question:

What does the term "junk vehicle" mean under state law?

Answer:

The term "junk vehicle" is defined in [RCW 46.55.010\(4\)](#) to mean a vehicle meeting at least three of the following requirements:

- (a) Is three years old or older;
- (b) 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;
- (c) Is apparently inoperable;
- (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.