

**ORDINANCE NO. 2017-6**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,  
AMENDING EATONVILLE MUNICIPAL CODE SECTION 8.09.040  
REGARDING JUNK VEHICLE NUISANCE VIOLATIONS**

**WHEREAS**, the Eatonville Municipal Code contains chapters dealing with General Nuisance, Junk Vehicles, Public Noise Nuisances, and a General Penalty (these Chapters are collectively referred to herein as the “Nuisance Code”), which prohibits certain conduct within the Town and provides penalties for violations; and

**WHEREAS**, law enforcement and Town officers charged with enforcing the Nuisance Code have found the Nuisance Code difficult to interpret and therefore difficult to enforce; and

**WHEREAS**, updating Section 8.09.040 of the Eatonville Municipal Code will streamline the enforcement process; and

**WHEREAS**, the Eatonville Town Council, in an effort to clarify the Nuisance Code in order to better inform the public and ease enforcement efforts, finds that the public health, safety, and welfare will be served by amending the various chapters of the Eatonville Municipal Code which form the Nuisance Code; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE  
AS FOLLOWS:**

**Section 1.** Eatonville Municipal Code Section 8.09.040 is AMENDED to read as follows:

**8.09.040 Nuisance declared; Violations - Penalties.**

A. One or more junk vehicles which have been accumulated, dismantled, parked, placed, or stored on private property is declared a public nuisance, which is subject to the enforcement, penalty, removal, and abatement procedures in this chapter and as provided in state law.

B. It is a violation of this chapter for any person to accumulate, dismantle, park, place or store a junk vehicle on private property, in conflict with or in violation of any of the provisions of this chapter. Both the registered owner of the vehicle and the record owner of the private property upon which the vehicle is found shall be considered in violation of this chapter and subject to the enforcement and penalty provisions, except as otherwise set forth herein.

C. 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.

D. Penalties. ~~Any violation of the provisions of this chapter shall be considered a civil infraction and shall subject the person committing the violation to the procedures, terms, and conditions set forth in Chapter 1.12 EMC, as well as the abatement remedies set forth herein.~~

Violations of this chapter shall subject the person committing the violation to the abatement remedies set forth herein, as well as the following:

- A. The first offense under this chapter shall be considered a class 2 civil infraction, punishable pursuant to Chapter 1.12 EMC;
- B. The second offense under this chapter shall be considered a class 1 civil infraction, punishable pursuant to Chapter 1.12 EMC; and
- C. The third offense, and any subsequent offense thereafter, shall be considered a misdemeanor.

Each five-calendar day period that a violation exists shall constitute a separate offense.

**Section 2.** 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 07/10/2017

2ND READING: \_\_/\_\_/\_\_\_\_

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_ day of July, 2017.

---

Mike Schaub  
Mayor

ATTEST:

---

Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:

---

Gregory A. Jacoby  
Town Attorney