

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to the use of extensively damaged motor vehicles; prohibiting persons from allowing the occupation of extensively damaged motor vehicles; and adding a new Chapter 11.75 to the Seattle Municipal Code.

...body

WHEREAS, the occupation of extensively damaged motor vehicles has increased in frequency over time in the City of Seattle; and

WHEREAS, many of these vehicles are parked in the public right-of-way; and

WHEREAS, many who use these vehicles belong to vulnerable populations; and

WHEREAS, the safety and cleanliness of these vehicles often poses a health and safety risk to those using the vehicles and the public; and

WHEREAS, it is incumbent upon the City to protect its residents from predatory practices happening within the right-of-way; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 11.75 of the Seattle Municipal Code is added as follows:

CHAPTER 11.75 USE OF EXTENSIVELY DAMAGED MOTOR VEHICLES

11.75.010 Extensively damaged motor vehicles

No person shall allow another natural person to occupy any motor vehicle (or recreational vehicle, as defined in Section 22.904.010 for purposes of this Chapter 11.75) located on a street or alley open to the public, or on municipal or other public property, that is extensively damaged.

A motor or recreational vehicle is extensively damaged if it meets at least two of the following five conditions:

A. Has a broken window or windshield and/or missing wheels or tires;

- 1 B. Is apparently inoperable;
- 2 C. Has inadequate sanitation to the extent that occupants or the general public are directly
- 3 exposed to the risk of illness or injury, including but not limited to:
- 4 1. Infestation by insects, vermin, rodents, or other pests;
- 5 2. Accumulation of garbage and rubbish;
- 6 3. Hazardous and/or inoperable wastewater system leading to improper disposal
- 7 and/or discharge of sewage;
- 8 4. Leaking automotive fluids and other hazardous/dangerous materials; or
- 9 5. Poor indoor air quality due to mold, exposed insulation, or other air pollutants;
- 10 D. Creates a health, fire, or safety hazard, including but not limited to:
- 11 1. Accumulation of junk, debris, or combustible materials; or
- 12 2. Any device, apparatus, equipment, waste, vegetation, or other material in such
- 13 condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or
- 14 intensity of fire or explosion; or
- 15 E. Has inadequate protection to the extent that occupants are exposed to the weather,
- 16 including but not limited to:
- 17 1. Crumbling, broken, loose, or missing walls or ceiling covering;
- 18 2. Broken or missing doors, windows, or door frames;
- 19 3. Ineffective or inadequate waterproofing; or
- 20 4. Deteriorated, buckled, broken, decayed, or missing walls or roof.

21 **11.75.020 Enforcement and penalties**

1 A. The first violation of this Chapter 11.75 shall be a class 1 civil infraction as
2 contemplated by chapter 7.80 RCW for which there shall be a penalty of \$250, which penalty
3 shall not be suspended or deferred.

4 B. A second or subsequent violation of this Chapter 11.75 is a misdemeanor subject to
5 the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for
6 such a violation and none of the mental states described in Section 12A.04.030 need be proved.

7 C. Each day a violation of this Chapter 11.75 continues and each occurrence of a
8 prohibited activity shall be considered a separate offense.

9 D. A person violating the provisions of this Chapter 11.75 shall also pay restitution to the
10 person(s) occupying or renting the motor or recreational vehicle, including but not limited to,
11 reimbursement for any money paid and the costs associated with relocating, up to \$2,000.

12 E. This Chapter 11.75 does not apply to a temporary occupation of a motor or
13 recreational vehicle primarily for purposes of driving, repair, or towing.

1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2019,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2019.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2019.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2019.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)