

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 109**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON RELATING TO  
JUNK VEHICLES INCLUDING PROCEDURES FOR THE ABATEMENT AND  
REMOVAL AS PUBLIC NUISANCES.**

WHEREAS, the storage of unlicensed and inoperable motor vehicles on private property creates a public nuisance and interferes with the reasonable use and enjoyment of property; and

WHEREAS, the City finds and declares that it is in the best interest of the residents and inhabitants of the City to remove junk vehicles as public nuisances and provide for their abatement through due process,

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

**Section 1.** **Purpose and Intent.** The City recognizes the benefit and enjoyment individuals receive from the repair and rehabilitation of old vehicles. It is, however, the purpose and intent of this ordinance to provide for the removal of junk vehicles that create an attractive nuisance and negative aesthetic impact upon property and the community.

**Section 2.** **Outside Storage of Vehicles.** Except as otherwise permitted by City Ordinance, no junk vehicles, as such term is defined in RCW 46.55.010, shall be stored on any property within the City for a period exceeding 30 days, unless the same is stored on private property within an enclosed structure or is covered by a vehicle cover intended for such purpose. A junk vehicle does not include a motor vehicle which is in the process of being repaired as evidenced by the good faith efforts of the vehicle owner. Evidence relating to the good faith repair of a vehicle can be established by producing invoices showing work or parts purchased for repair or renovation of the vehicle, a declaration under penalty of perjury that the vehicle is in the process of being repaired and has been worked on during the past 30 days or by providing such other reasonable information and evidence to comply with the intent of this ordinance. It shall be a defense to abatement to move the junk vehicle into an enclosed structure (a building which has three sides, a door and a roof lawfully constructed on the property or to maintain a vehicle cover as set forth above). The owner of the real property where the vehicle is stored shall be responsible for a violation of this section.

A violation of this section shall be considered a public nuisance by storage of a junk vehicle. The nuisance may be abated with the cost of abatement assessed against the property owner and the registered owner of the vehicle, if the identity of the owner can be determined, unless the owner when transferring ownership of the vehicle has complied with RCW 46.12.101.

**Section 3.** **Junk Vehicle Abatement.** Upon a determination by the City that a vehicle constitutes a public nuisance or junk vehicle pursuant to Section 2, the City shall issue a notice to

the last registered vehicle owner of record and the property owner of record that a violation of City ordinance has occurred and an abatement will be commenced. The notice shall provide that a hearing may be requested but if no such hearing is requested, the vehicle will be promptly removed.

The property and vehicle owner shall be given fourteen (14) days from the date the notice is mailed to request a hearing. Upon receipt of such a request, the City shall provide a notice stating 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. The City shall mail this notice, by certified mail, with five (5) day return receipt requested, to the owner of land as shown on the last equalized assessment role and to the last registered and legal vehicle owner of record unless the vehicle is in such a condition that identification numbers are not visible.

The notice shall contain statement that the owner of land on which the vehicle is located may appear in person at a hearing conducted by the Chief of Police or present a written statement for consideration. The owner may deny responsibility for the presence of the vehicle and state the reasons for such denial. If it is determined at the hearing that the vehicle was placed on the property without consent of the property owner, and that there has been no acquiescence by the property owner, then the City shall not assess costs of administration or nuisance abatement against the property where the vehicle was located.

Following notice by the City and a hearing the vehicle shall be removed under the order of the City Chief of Police with notice provided to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked. Upon removal, the City may dispose of the vehicle or parts as scrap upon terms which are reasonable and just.

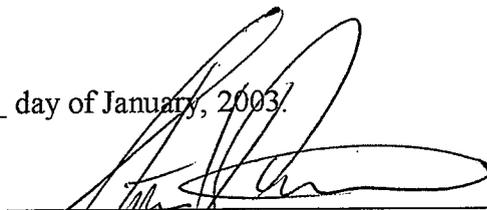
**Section 4.** **Cost of Abatement.** The City's reasonable cost for abatement, except as described above, shall become a charge against the vehicle owner and property owner and shall be recovered by the City.

**Section 5.** **Costs and Penalty.** Upon a finding that a violation of this Ordinance has occurred, the City may recover the costs to remove the vehicle and a fine of up to \$250.00 per day following notice of the violation.

**Section 6.** **Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 7.** **Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 4<sup>th</sup> day of January, 2003.

  
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Mayor, Steve Peterson

ATTEST:

  
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City Clerk-Treasurer, Arlene Fisher

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney, Stanley M. Schwartz  
Date of Publication: 2/13/03  
Effective Date: 2/18/03