

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 238**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON ADDING  
CHAPTER 3 TO TITLE 5 OF THE CITY OF LIBERTY LAKE MUNICIPAL CODE  
ESTABLISHING A VACANT PROPERTY REGISTRATION PROGRAM.**

WHEREAS, the City of Liberty Lake desires to address vacant, abandoned or foreclosed buildings, homes, or properties (collectively “Properties”), both currently and in the future, to proactively deter vandalism and detect decay, which protects the quality and value of the Properties and the integrity of the area in which the Properties are located; and

WHEREAS, the City Council believes Properties which are, or are soon to be vacant, foreclosed, or are subject to foreclosure proceedings, have an adverse and deleterious impact on the vitality and livability of the areas in which they are located and on the general well-being of the City and its residents under RCW 35.80.010; and

WHEREAS, the City Council is aware of multiple Properties within the City of Liberty Lake, which are owned and/or controlled by entities and/or individuals who may or have been reluctant to voluntarily incur the cost and expense of adequately maintaining the Properties to the standard found in the areas surrounding such Properties; and

WHEREAS, the City Council believes it necessary that certain registration and maintenance requirements be imposed on the owners and lenders of these Properties in order to minimize, if not eliminate, some of the adverse effects these Properties have on the City and its residents;

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

**Section 1.** That a new Chapter 3 is added to Title 5 of the City of Liberty Lake Municipal Code, entitled “Vacant Property Registration Program”, is hereby adopted to read as follows:

**Title 5  
Chapter 3  
Vacant Property Registration Program**

A. Purpose.

It is the purpose and intent of this chapter to establish a vacant or abandoned property registration program in order to protect the community from becoming blighted as a result of abandoned Properties that are not properly secured and maintained. This chapter requires the lender or other responsible parties of Properties that have been abandoned to register those Properties with the City as set forth in this chapter.

## B. Definitions.

As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise:

1. "**Abandoned Property**" means a property that is vacant and (a) is under a current notice of default and/or notice of trustee's sale; (b) is the subject of a pending tax assessor's lien sale; (c) has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; (d) has been transferred under a deed in lieu of foreclosure/sale, or (e) is subject to a contract forfeiture. Property acquired by Spokane County at a tax foreclosure sale under RCW 84.64 is not to be included within the definition of "Abandoned Property".
2. "**Evidence of vacancy**" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant and not occupied by authorized persons. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or debris; statements by neighbors, passersby, delivery agents, or government employees that the property is vacant; and for residential properties, the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation.
3. "**Lender**" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees; beneficiaries under deeds of trust; underwriters under deeds of trust; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee and any other lien holder on the property. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.
4. "**Owner**" means any natural person, partnership, association, corporation or other entity having legal title in real property including any borrower.
5. "**Property**" means any unimproved or improved, residential or commercial real property, or portion thereof, situated in the City of Liberty Lake, and includes the buildings or structures located on the property regardless of condition.
6. "**Responsible party**" means any person, partnership, association, corporation, or fiduciary having legal or equitable title to or any interest in any real property, including but not limited to an owner, borrower, and lender as defined in this section.

## C. Registration of Abandoned / Vacant Properties.

The lenders or other responsible parties of real property which has been abandoned shall register that property with the City of Liberty Lake Planning & Building Services within thirty (30) days of the property becoming abandoned or of receiving notice from the City of the requirements of this chapter. The content of the registration shall include:

1. Proof of ownership, or financial interest, such as a lien or loan,
2. The name and contact information of the owner, lender or responsible party or the agent of the respective entity;

3. The name and contact information for the local property manager responsible for maintaining the property; and
4. Documentation which demonstrates the property is vacant, foreclosed, pending foreclosure, or subject to foreclosure, trustee's sale, tax assessor's lien sale or other legal proceedings.

The City shall also be notified of any changes to the registration information, if the property is transferred and/or if the property becomes legally occupied, within fourteen (14) days of such transfer and/or occupancy.

#### D. Minimum Property Maintenance Requirements.

The lender or responsible party shall be required to:

1. Maintain and keep properties free of conditions including, but not limited to:
  - a. weeds, dry brush, dead vegetation, trash, junk, debris, building materials and junk vehicles;
  - b. accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), and discarded personal items including, but not limited to, furniture, clothing, or large and small appliances, and
  - c. graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure;
2. Secure ponds, pools and hot tubs and ensure that they do not become a public nuisance;
3. Secure the property to prevent access by unauthorized persons, including, but not limited to, the following: the closure and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening of such size that it may allow a child or any other person to access the interior of the property and or structure(s). Securing also includes boarding as applicable. Material used for boarding shall be painted with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure;
4. Take any other action necessary to prevent giving the appearance that the property is abandoned,
5. Post the property with the name and twenty-four (24) hour contact phone number of the local property manager as follows:

“THIS PROPERTY IS MANAGED BY [insert name],  
TO REPORT PROBLEMS OR CONCERNS, PLEASE CALL [insert phone number]”

The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of at least forty-five (45) feet. The posting shall be placed on the interior of a window to the front of the property (facing the street) so it is visible from the street, or secured to the exterior of the building / structure to the front of the property (facing the street) so it is visible from the street, or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of, and printed with, weather resistant materials;

6. Monitor property as necessary to prevent the creation of a nuisance; and
7. Comply with other applicable portions of the City Property Maintenance Standards (City Development Code Article 10-3I), the City weed and vegetation control requirements (City Municipal Code Title 5, Chapter 2), and the City Building Regulations (City Municipal Code Title 9), as amended.

#### E. City Monitoring of Property.

Upon registration, the City will provide regular monitoring of the property including, but not limited to, periodic site visitation, which will not exceed the City's rights of access as well as notification to lender or responsible party if the property begins to exhibit characteristics established in RCW 35.80.010 or this chapter. The City's monitoring of the property does not relieve the lender or other responsible party from monitoring the property under subsection D.

#### F. Waiver for City to Abatement – Trespass of Unauthorized Individuals.

As part of the property registration, the lender or responsible party may waive any objection to the City to enter onto the property for purposes of abating a condition that would constitute an unfit or substandard building as established in RCW 35.80.010 or this chapter. The cost of the abatement shall be charged against the property pursuant to City Development Code Article 10-1D (Enforcement), City Municipal Code Title 5, Chapter 2 (Weeds and Vegetation Control), City Municipal Code Title 9 (Building Regulations), and/or City Municipal Code Title 6, Chapter 7 for Chronic Nuisance Properties, as applicable or amended. The City shall notify the owner, lender or responsible party at least seven (7) days prior to the City taking abatement action in order to allow the owner, lender or responsible party to abate the condition first unless such abatement constitutes an emergency and must be abated immediately.

The lender or responsible party shall provide written authorization to the police department to issue a trespass order against any unauthorized individual from the property.

#### G. Local Property Manager/Agent.

The lender or responsible party shall provide the City with the name and contact information of the local property manager or agent who has the authority to act and respond to complaints regarding the property and to remedy any substandard or unfit conditions found on the property.

#### H. Annual Abandoned / Vacant Property Registration Fee.

The lender or responsible party shall pay an annual abandoned property registration fee as may be established, and amended, by the City Council.

#### I. Policies and Procedures.

The City may develop policies to implement the procedures set forth above, which are consistent with and do not conflict with the provisions of this chapter, the City of Liberty Lake Municipal Code, or the Revised Code of Washington.

J. Violation

Any person, firm or entity who fails to register an abandoned property pursuant to this chapter shall be subject to a class 1 civil infraction pursuant to RCW chapter 7.80. Each day shall constitute a separate violation. Any owner, lender or responsible party who fails to maintain the property shall be in violation of this chapter and subject to any and all available remedies, including but not limited to, those set forth in this chapter and at law.

**Section 2. Administrative Code Interpretations Authorized.** In the event of any question or uncertainty regarding the applicability of this Ordinance, the City Administrator or his/her designee is hereby authorized to make such administrative code interpretations as may be necessary to implement this Ordinance.

**Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 4. 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.

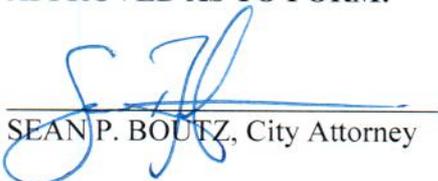
PASSED by the City Council this 21<sup>st</sup> day of March, 2017.

  
MAYOR STEVE PETERSON

ATTEST:

  
ANN SWENSON, City Clerk

APPROVED AS TO FORM:

  
SEAN P. BOUTZ, City Attorney

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**CERTIFICATION**

I, Ann Swenson, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true, and correct copy of Ordinance No. 238 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at a the regular meeting place thereof on March 21, 2017 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: unanimous.

AYES, and in favor thereof: Mayor Pro Tem Brickner, Council Members, McGuire, Severs, Dunne, Moore and Langford.

NAYS: None.

ABSENT: Council Member Kaminkas.

ABSTAINED: None.

CITY OF LIBERTY LAKE

  
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CITY CLERK