

ORDINANCE NO. 703

AN ORDINANCE OF THE CITY OF SPRAGUE PROHIBITING THE STORAGE OF JUNK VEHICLES ON PUBLIC OR PRIVATE PROPERTY WITHIN THE LIMITS OF THE CITY OF SPRAGUE AND ESTABLISHING THE PROCEDURES FOR THEIR REMOVAL AND THE RECOVERY OF THE COSTS THEREFORE.

WHEREAS, the council of the City of Sprague has determined that the improper storage of junk vehicles on public or private property within the limits of the City of Sprague is a public nuisance inasmuch as such vehicles become repositories for filth, waste and decay, and are unsightly and contribute to the deterioration of neighborhoods; and

WHEREAS, the legislature under RCW chapter 46.55 as amended, authorizes Municipalities to enact junk vehicle ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRAGUE AS FOLLOWS:

Section 1. Definitions:

A. "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

B. "Impound" means to take and hold a vehicle in legal custody. There are two types of impound--public and private.

i. "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

ii. "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

C. "Junk Vehicles" shall mean a motor vehicle certified by the proper public official as having met at least three of the following requirements:

- i. Is three years old or older;
- ii. 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;
- iii. Is apparently inoperable;
- iv. Is without a valid, current registration plate;
- v. Has an approximate fair market value equal only to the approximate value of the scrap in it.

D. "Residential property" means property that has no more than five living units located on it.

E. "Unauthorized Vehicle" shall mean a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

i. Public Locations:

(a) Constituting an accident or a traffic hazard as defined in RCW 46.555.113. . . . . immediately

(b) On a highway or city street and tagged as described in RCW 46.55.085. . . . . 24 hours

(c) In a publicly owned or controlled parking area properly posted under RCW 46.55.070. . . . . immediately

ii. Private Locations:

(a) On residential property. . . . . immediately

(b) On private, nonresidential property, properly posted under RCW 46.55.070. . . . . immediately

(c) On private, nonresidential property, not properly posted under RCW 46.55.070. . . . . 24 hours

C. "Public Property" shall mean any publicly owned property, including the dedication portions of highways, streets and alleys, whether developed or not; public parts and public parking lots and any other property owned by the City of Sprague.

D. "County Sheriff" as used herein shall mean any commissioned law enforcement officer who is employed by under contract with the City of Sprague to provide law enforcement services, and shall mean a commissioned member of the Lincoln County Sheriff's Office if a contract for law enforcement purposes is in effect between the City of Sprague and the Lincoln County Sheriff or if no contract exists covering this law enforcement activity such other commissioned officer employed by the law enforcement agency then under contract with the City of Sprague.

E. All other words shall have their normal ordinary meaning unless the context or subject matter clearly require otherwise.

Section 2. Junk Vehicles on Public Property: Junk vehicles as defined in this ordinance found parked or stored on public property are hereby declared a public nuisance and may be abated as follows:

A. The County Sheriff shall be notified and shall determine whether a vehicle parked on public property is a junk vehicle or an unauthorized vehicle as herein defined. Upon such determination the Sheriff shall post a Notice of Intention to Impound in a prominent place on said vehicle, such notice citing this Ordinance as authority to impound, shall give the time and date of posting, and shall



provide that if such vehicle is not removed from the public property within four (4) days of the posting in the case of a junk vehicle or in the case of an unauthorized vehicle the notice as set out in Section 1(e) hereof; that the vehicle shall be impounded. If the vehicle is parked along a right of way, the Sheriff shall also notify the owner of the property in front of which the vehicle is parked.

B. If, after the expiration of the notice period described in section 2(A) hereof the vehicle remains on public property, the County sheriff shall arrange for the removal of the vehicle to a safe place, and shall see that the notice provision of RCW 46.55.110 are complied with which notice provisions shall contain written notice of right of redemption and the opportunity to request a hearing as to the validity of the impoundment. Costs of the impoundment shall be considered part of the redemption price unless it is determined at such hearing that the impoundment was invalid.

Section 3. Junk Vehicles on Private Property: Junk vehicles as defined in this ordinance, or parts of such vehicle, found parked or stored on private property are hereby declared a public nuisance and may be abated as follows.

A. Upon notice that a vehicle parked or stored on private property may be a junk vehicle as herein defined, the County Sheriff shall be notified and shall investigate and inspect the vehicle and shall make an initial determination as to whether or not the vehicle is a junk vehicle as herein defined. If the vehicle is determined to be a junk vehicle the County Sheriff shall record the make and vehicle identification number or license number if available and shall also verify that the vehicle meets the qualifications of a junk vehicle as described herein and shall so note in writing which portions of the definition exist.

B. If the vehicle is determined to be a junk vehicle the County Sheriff shall notify the last registered owner of record and the property owner of record of the determination and advising them that a hearing may be request in writing to the City Clerk within 15 days of the date of the notice and if no hearing is requested, after such 15 days the vehicle may be removed by the City and the costs of removal may be assessed against the last registered owner of the vehicle or the owner of the property on which the vehicle is stored.

Section 4. This ordinance shall not apply to (i) a vehicle or part thereof completely enclosed within a building, garage, or carport or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with a business of a licensed dismantler or licensed vehicle dealer.

Section 5. The owner of the land which the vehicle is located on 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 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, 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 from the owner.

Section 6. 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, and the period of appeal therefor elapsed, the vehicle shall be removed at the request of the County Sheriff with notice to the Washington State Patrol and Department of Licensing that the vehicle has been wrecked, and may dispose of such vehicle as scrap.

Section 7. Costs of the removal of junk vehicles or parts thereof may be assessed against the registered owner of the vehicle if the ownership of the vehicle can be ascertained, or the costs of removal may be assessed against the owner of the property on which the vehicle is stored. Such costs shall be considered to be an indebtedness to the City, and may be collected in the same manner as any other debt.

Section 8. Hearing: If a request for hearing is received by the City Clerk, the same shall be forwarded to the administrative hearing officer appointed pursuant to this ordinance, who shall set a time for hearing.

Not less than 5 days notice, sent by return receipt requested mail (certified) shall give the time location, and date thereof, shall be sent to the last registered and legal owner of the vehicle in the case of impounded vehicles, and to the owner of the land as shown on the last equalized assessment roll and to the last registered owner of the vehicle (unless the vehicle is in such condition that identification numbers are not available to determine ownership) in the case of junk vehicles on private property.

Section 9. Hearing Examiner: The Mayor of the City of Sprague shall appoint an administrative hearings officer to conduct hearings that may be requested under this ordinance. Such officer shall be empowered to administer oaths, to take evidence as herein provided, and to make determinations required hereunder. Decisions may be announced orally at the hearing, but a written copy thereof shall be given to the County Sheriff, the person requesting the hearing, the owner of the property, and the registered and legal owner of the vehicle involved. The decision of the administrative hearings officer shall be final unless the same is appealed within ten days to the District Court for final judgement.



Section 10. Effective Date: This ordinance shall be effective five days after its passage and publication as required by law.

PASSED BY THE COUNCIL OF THE CITY OF SPRAGUE this 19 day of  
September, 1995.

Lump O' Ericksen  
Mayor

Attest:

Kanu Nwagwu  
Clerk/Treasurer

APPROVED AS TO FORM:

City Attorney