

TOWN OF FAIRFIELD
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO 333-A

AN ORDINANCE relating to the abatement of junk vehicles

THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Abatement of Junk Vehicles

- A. Purpose
 - B. Definitions
 - C. Exemptions
 - D. Declaration as Public Nuisance and Violation for Junk Vehicles
 - E. Abatement and Removal of Junk Vehicles
 - F. Severability
- A. Purpose. The purpose of this Ordinance is to preserve the character and safety of the Town's neighborhoods by eliminating as nuisances junk motor vehicles from private property, and to provide procedures for the removal of junk motor vehicles as authorized by RCW 46.55.240.
- B. Definitions. For the purposes of this Ordinance, the following words shall have the following meaning.
- 1. "Motor Vehicle" shall mean every vehicle which is self propelled and includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
 - 2. "Junk Vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirement:
 - a. Is three years old or older; and
 - b. Is extensively damaged, such damage including, but not limited to any of the following: Broken window or windshield or missing wheels, tires, motor or transmission; and
 - c. Is apparently inoperable; and
 - d. Has an approximate fair market value equal only to the approximate value of the scrap in it.
 - 3. "Improvement Board" (*or board*) shall mean that group of three members designated to exercise the powers as granted under this ordinance. Members shall be appointed by the Mayor, subject to approval of the town council. Each member's term shall run concurrently with the term of the mayor. Board members must be a resident, business or property owner in the Town of Fairfield. If a vacancy on the Board arises before the expiration of a member's term, the Mayor shall appoint a new member, with this appointment subject to the Council's approval.

4. "Landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

C. Exemptions. The provisions of this ordinance shall not apply to:

1. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
2. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to the provision of RCW 46.80.130.

D. Declaration As Public Nuisance and Violation of Junk Vehicles.

1. Public nuisance declared. All junk vehicles certified as such by the Improvement Board pursuant to RCW 46.55.230 and found on public or private property are declared to constitute a public nuisance subject to removal, impoundment and disposal. The board shall have authority to determine that a vehicle is a public nuisance and in violation of this ordinance in which event a reasonable attempt shall be made to secure voluntary correction from the landowner and the vehicle's registered owner.
2. Violation – penalty
 - a. It shall be unlawful for any person to create a public nuisance by allowing or placing a junk vehicle on any premises.
 - b. Any violation of any provision of this Ordinance shall be a civil violation constituting a civil infraction commencing upon the date that the board or Town Council had specified for completion of abatement. Each person violating this Ordinance shall be fined not less than \$250 per violation any such fine may be neither suspended nor deferred. The Town shall mail a notice of each such fine to the person violating the Ordinance. If the fine has not been paid within 30 days after the Town has mailed the notice, the Town may seek collection of each such fine by any legal means. The violator shall pay all costs incurred by the Town in seeking to collect the fine, including but not limited to court costs and reasonable attorney's fees. A separate offense shall be deemed to have been committed on each day during which a violation occurs or continues to occur, provided, that the mandatory imposition of the \$250 fine shall apply only one time for each continuing offense. For example, if a violation were to exist for 3 days, the minimum fine shall be \$250, the maximum fine shall be \$750 (maximum fine per day of \$250 times 3), but the Town may reduce the maximum fine for that 3-day period to an amount not less than \$250.
 - c. In addition to, or as an alternative to, the Town of Fairfield shall have the discretion as to whether to file misdemeanor charges against any person violating this Ordinance and any person convicted of such charge shall be guilty of a misdemeanor and punishable pursuant to the Statutes of the State of Washington.

E. Notice of Civil Violation

1. Issuance of Notice Civil Violation. If the Improvement Board does not obtain voluntary correction of the public nuisance, the board may issue a Notice of Civil Violation to the landowner and the vehicle's registered owner by certified mail, return receipt requested, which Notice shall contain the following information as well as that set forth in RCW Chapter 7.80:
 - a. The name and address of the landowner upon whose property the vehicle is located; and
 - b. The name and address of the vehicle's last registered owner of record provided license or vehicle identification numbers are available; and
 - c. The vehicle description including the license plate number and/or the vehicle identification number, the model year, the make, and the factors which render the vehicle a public nuisance; and
 - d. The street address or description sufficient for identification of the property where the vehicle is located; and
 - e. The required corrective action and a date and time by which the correction must be completed; and
 - f. A statement that if the property owner of record or the last registered vehicle owner of record requests a hearing as to the board's findings, the Town will send by certified mail, return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal vehicle owner of record a notice giving the date, time, and location of the hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance. However, if the vehicle is in such condition that identification numbers are not available to determine ownership, then the notice shall be mailed only to the property owner of record. Further, if neither the last registered vehicle owner of record nor the owner of land requests such a hearing, the vehicle will be removed; and
 - g. A statement that if a hearing is requested, the owner of the land on which the vehicle is located 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, then the Town 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 the cost from the landowner; and
 - h. A statement indicating that the Town may remove, impound and dispose of the vehicle, and assess all costs and expenses of administration, removing, impounding and disposing of the vehicle against the landowner or the registered owner as ordered by the Town Council; and
 - i. A statement that in addition to any civil fine imposed under this ordinance, the offender is subject to criminal prosecution for a misdemeanor. If the offender is found guilty of a misdemeanor, the criminal penalty may be imprisonment for up to 90 days, or a fine of up to \$1,000.00, or by both such imprisonment and fine.

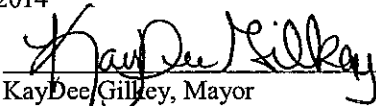
2. Removal of Junk Vehicle. After the Town has given notice of the Town's intent to dispose of the vehicle, and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of the law enforcement officer designated by the Town, with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked. The Town may then dispose of the vehicle as provided by RCW section 46.55.240.

3. Recovery of Costs and Expenses. To the extent allowed by law, the Town may file or record with the appropriate state or county office, a Claim of Lien for the costs and expenses of removal, impoundment and disposal of the junk vehicle, which lien may be foreclosed in the manner provided by law.

F. Severability. If any section, paragraph or sentence of the Ordinance is held to be unconstitutional or invalid, such section, paragraph or sentence shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.

Section 2. This Ordinance shall take effect and be in force five (5) days after final passage by the Town Council,

PASSED by the Town Council this 17th day of June 2014



Kay Dee Gilkey, Mayor

Approved as to form:



Stanley Schwartz, Attorney

Attest:



Cheryl Loeffler, Clerk/Treasurer