ORDINANCE #905

An Ordinance Repealing Ordinance No. 892 and amending Section 10.08.065 of the Chewelah Municipal Code Regarding Unauthorized Vehicles in Right-of-Way or On City Owned Property

WHEREAS, the City code does not address unauthorized vehicles on City owned property.

NOW, THEREFORE, the City Council of the City of Chewelah ordains as follows:

SECTION 1: Section 10.08.065 of the Chewelah Municipal Code is hereby amended. (Deletions are denoted by strikeout; Additions are denoted by underline; remaining text is unchanged.) Amended Section 10.08.065 reads as follows:

10.08.065 Unauthorized Vehicle in Right-of-Way and on City Owned Property/Law Enforcement Impound

1) Recreational vehicles, motorhomes, campers, camp trailers, and boats shall not be parked in the public right-of-way.
2) No vehicle is to be parked on City owned property unless the property in question is designated as a parking lot or permission is granted by the City to park the vehicle on the property.

3) A law enforcement officer discovering an unauthorized vehicle left within a public right-of-way or on City property shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:
   a) The date and time the sticker was attached;
   b) The identity of the officer;
   c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense;
   d) A statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering -- abandoned vehicle; and
   e) The address and telephone number where additional information may be obtained.

4) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his or her department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

5) If the vehicle is not removed within twenty-four hours from the time the notification sticker was attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

6) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

SECTION 2: REPEAL. Ordinance No. 892 is hereby repealed.

SECTION 3: SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 4: EFFECTIVE DATE. This ordinance shall become effective five days after passage and publication as required by law.

Dorothy L. Knauss
Mayor Dorothy L. Knauss

Pamela McCart
Attest: Clerk/Treasurer Pamela McCart

Approved as to Form: City Attorney Charles Schuerman

Introduced: November 2, 2016 Adopted: November 2, 2016 Published: November 10, 2016