

ORDINANCE NO. 2612

AN ORDINANCE AMENDING CHAPTER 8.52 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "RESIDENTIAL VEHICLE STORAGE"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 8.52 of the Moses Lake Municipal Code entitled "Residential Vehicle Storage" is amended as follows:

8.52.010 Purpose: The purpose of this chapter is to preserve the character and safety of the city's neighborhoods by eliminating improperly stored vehicles which may be characterized as nuisances.

8.52.020 Definitions: For the purposes of this chapter the following words shall have the following meanings:

- A. "Designated Driveway" means the clearly defined roadway leading from the street that is surfaced by asphalt, concrete, gravel, bricks, pavers, or similar material not to exceed thirty feet (30') in width, or otherwise as shown on approved site plans. Where there is curb and gutter at the street, the driveway must have an approved curb cut.
- B. "Front yard" means the area as defined in Moses Lake Municipal Code 18.06.630.
- C. "Improved Parking Surface" means a parking surface such as concrete, asphalt, pavers, brick or other similar surface. Gravel or crushed rock may be used in the side or rear yards and the front yard as it extends from the side yard. The parking surface shall be continuous from a designated driveway. Gravel or crushed rock shall be contained and shall not be allowed to migrate and shall be vegetation free. Material used for the improved parking surface shall be a minimum of two inches (2") in thickness and shall be at least the same area as the drip edge of the vehicle.
- D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended.
- E. "Junk Vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three (3) of the following requirements: Is three (3) years old or older; 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; is apparently inoperable; has an approximate fair market value equal only to the approximate value of the scrap in it.
- F. "Owner" means any person owning property as shown on the real property records of Grant County or on the last assessment roll for taxes, and shall also mean any lessee, tenant, or other person having control or possession of the property.
- G. "Property" means land and all buildings and structures located thereon.
- H. "Recreational Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own power or is mounted on, or towed by, another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.
- I. "Vehicle" means a currently licensed motorized or non-motorized conveyance that includes, but is not limited to an automobile, car, truck, camper, motorcycle, trailered boat, trailered personal water-craft, trailered snowmobile, or recreational vehicle, trailer of any type in operable condition, and may or may not be intended for use on public roadways or waterways.
- J. "Vacant Property" means any lot, tract, or tax identification parcel which lacks any habitable structures.

8.52.030 Vehicles: Operating a vehicle-oriented business is prohibited except for businesses with a current city business license specifically issued for vehicle storage, repair, or sales. The property owner shall ultimately be responsible for maintaining the property in compliance with this chapter.

8.52.040 Storage of Certain Vehicles and Components: Storage of vehicles on residential properties (R-1, R-2, and R-3) shall be allowed as follows:

- A. Vehicles may be kept or located in or under any lawfully permitted building such as a garage, carport, or an enclosed and properly licensed utility or cargo type trailer so long as the utility or cargo type trailer is parked properly under the requirements of this chapter.
- B. Vehicles may be parked or stored outside on an improved parking surface or designated driveway provided they are stored in the following manner:
 1. Vehicles such as cars, pick-up trucks, motorcycles, recreational vehicles, trailered vehicles, trailered boats, or one enclosed utility or cargo type trailer with dimensions of no more than six feet (6') wide by twelve feet (12') long, that are licensed for use on public roads may be parked in a front yard only on an approved designated driveway or on a city approved surface parallel to a designated driveway. A trailer other than an enclosed utility or cargo type trailer attached to a car or pickup truck may be temporarily parked for a period of twenty-four (24) hours in a front yard as set forth in the ordinance so long as it remains attached to the car or pickup truck. All other allowed vehicles must be parked in a side or rear yard.
 2. Vehicles parked in a side yard or in a rear yard shall be parked on an improved parking surface.
 3. Up to three (3) vehicles such as recreational vehicles, enclosed utility or cargo type trailers with dimensions of no more than six feet (6') wide by twelve feet (12') long, trailered boats, any other trailers, whether loaded or unloaded, may be parked or stored regardless of whether they are stored on a designated driveway, on an improved parking surface parallel to a designated driveway, or on the side or rear yards on an improved parking surface provided that only one (1) type of each vehicle is allowed on any one (1) piece of property.
- C. Any and all trailers, loaded or unloaded, except as otherwise allowed in this chapter, or vehicles that are not licensed for use on public roads, may be stored only in a side yard or rear yard of the property on an improved parking surface.
- D. Inoperable vehicles outside a structure that are entirely intact, not considered a junk vehicle nor a public nuisance, shall not be stored on property for a period exceeding thirty (30) days. Working on such vehicles shall comply with Section 8.52.050.
- E. Commercial vehicles over one ton or semi-tractors and/or semi-tractor trailer combinations shall not be parked, deliveries excepted, or stored on any residential property unless otherwise allowed by law.
- F. No vehicles or recreational vehicles shall be parked or stored on vacant property unless allowed by law.
- G. Vehicles used in a demolition derby may be stored or parked only in totally enclosed, permitted structures.

8.52.050 Vehicle and Equipment Repair on Residential Premises: All servicing, repairing, assembling, wrecking, modifying, restoring, or otherwise working on any vehicle on any residential premises shall be subject to the following terms:

- A. Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered as specified in the Washington Vehicle Code to the occupant or a member of the occupant's family. This limitation precludes auto repair on residential premises by any commercial entity.

- B. Work on inoperable vehicles shall be limited to no more than one (1) vehicle at any one time.
- C. Work shall only take place within an enclosed structure or in an area screened from public view, except that minor servicing, repairing, or otherwise working on a vehicle may be performed outside an enclosed structure or in an area screened from public view so long as the vehicle is parked on a designated driveway or improved parking surface.
- D. Work shall take place only after the hour of seven (7) a.m. and before the hour of ten (10) p.m.
- E. Work shall not take place in a public right-of-way.
- F. Parts, equipment, or other supplies shall be kept within an enclosed structure or in an area that is screened from public view and shall be kept in a manner that is not a violation of MLMC Chapter 8.14.
- G. No work or condition shall create a nuisance as defined in MLMC Chapter 8.14.
- H. Upon completion of all work allowed by this section, the owner shall clean the property of all debris, oil, grease, gasoline, cloths, rags, equipment, and material used in the work and shall leave the property in such a condition that no hazard to persons or property remain.
- I. The owner shall dispose of all waste products in accordance with Chapter 19.114 RCW.

8.52.060 Special Permit: Recognizing there may be circumstances that exist for an owner which exceeds the requirements of this ordinance, the City Council may issue a special permit allowing a variance from the requirements set forth by this ordinance. If the City Council grants a request for a special permit, it shall be issued to the owner, as defined in this chapter, and shall not be transferable to other parties or properties and may be revoked at any time the criteria are no longer met. In the granting of the variance for the special permit, the City Council shall find that the following criteria have been met:

- A. The vehicles do not violate any other sections of the Moses Lake Municipal Code.
- B. Vehicles are appropriately licensed, operable and in good repair.
- C. Vehicles are registered to the owner.
- D. The grant of the special permit does not impair the health, welfare, character, or safety of the neighborhood.

8.52.070 Enforcement: Violations of this chapter shall be enforced in the same manner as violations of Chapter 8.14.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on March 22, 2011.



Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney