

Bond Case Briefs

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MUNICIPAL ORDINANCE - WASHINGTON

Potter v. City of Lacey

Supreme Court of Washington, En Banc - July 3, 2024 - P.3d - 2024 WL 3282452

Owner of travel trailer, a vehicle-sheltered individual who was allegedly issued citation and threatened with impoundment of trailer, filed § 1983 suit against city and police chief, challenging constitutionality of municipal parking ordinance barring parking such large vehicles and trailers on public lots and streets for more than four hours per day as violating his federal and state constitutional rights of freedom of travel and association, freedom from cruel and unusual punishment, and freedom from unreasonable searches and seizures.

After removal, the United States District Court for the Western District of Washington granted city's motion for summary judgment as to claims against city and police chief. Owner appealed. The United States Court of Appeals for the Ninth Circuit certified questions.

The Supreme Court held that parking ordinance of general applicability did not violate right to interstate travel as applied to owner, who sought to protect preferred method of residing in city.

City's ordinance barring parking of recreational vehicles, trailers, campers, and similar vehicles on public lots and streets for more than four hours per day did not violate state constitutional right to intrastate travel as-applied to owner of travel trailer, who was vehicle-sheltered individual who asserted that he had right not to intrastate travel, that is, right to reside in 23-foot trailer hitched to his truck on public streets and lots for indefinite period of time; city had right to enact health and safety law of general applicability, even if it limited owner's preferred method of residing in city.