

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2012-08

SUBJECT: Amending PMC Chapter 10.18 Relating to Impoundment of Vehicles

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 05/03/2012
- (X) Passed by the City Council: 05/09/2012
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 05/18/2012
- (X) Effective: 05/23/2012
- () Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (X) Code Publishing - via email if in electronic format
- () City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website

Jill A. Boltz
City Clerk

May 17, 2012
Date

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING CHAPTER 10.18 OF THE POULSBO MUNICIPAL CODE TO ADOPT PROCEDURES RELATING TO IMPOUNDMENT OF VEHICLES DRIVEN BY PERSONS WITH SUSPENDED LICENSES OR PERSONS ARRESTED FOR DRIVING UNDER THE INFLUENCE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 10.18 PMC establishes the procedures for the impoundment of vehicles; and

WHEREAS, in 1998, the Washington State Legislature passed ESHB 1221, adopted as Chapter 203, Laws of 1998, which provides municipalities the option of adopting local ordinances to allow for the impoundment of vehicles after the arrest of a driver for driving while his or her license was suspended (DWLS); and

WHEREAS, contained within ESHB 1221 were findings that documented the dangers DWLS drivers cause upon the public roadways in the state of Washington, the lack of financial responsibility such drivers exhibit, and the fact that DWLS drivers are not likely to stop driving while criminal charges are pending or to voluntarily appear in court to answer such criminal charges; and

WHEREAS, in 2011 the Washington State Legislature passed SB 5000, adopted as Chapter 167, Laws of 2011, which mandates a twelve hour impound hold for drivers arrested for driving under the influence (DUI); and

WHEREAS, contained within SB 5000 were findings that documented the dangers DUI drivers create upon the public roadways in the state of Washington and the fact that persons arrested for driving or controlling a vehicle while under the influence of alcohol or drugs may still be impaired after they are cited and released and could return to drive or control a vehicle. If the vehicle is impounded, there is otherwise nothing to stop the impaired person from going to the tow truck operator's storage facility and redeeming the vehicle while still impaired; and

WHEREAS, the City Council desires to amend Chapter 10.18 PMC to ensure that the procedures for impoundment of vehicles of DWLS drivers and those arrested for DUI are consistent with state law and to protect the public health, safety and welfare through discouraging DWLS drivers and DUI drivers from operating within the City of Poulsbo; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amended. Section 10.18.010 of the Poulsbo Municipal Code is hereby amended to read as follows:

10.18.010 Statutes adopted by reference.

The following statutes of the state of Washington, including all future amendments thereto, are adopted by reference:

- RCW 46.55.010 Definitions.
- RCW 46.55.070 Posting requirements—Exception.
- RCW 46.55.080 Law enforcement impound, private impound.
- RCW 46.55.085 Law enforcement impound—Abandoned vehicle.
- RCW 46.55.090 Storage, return requirements—Personal belongings—Combination endorsement for tow truck drivers—Authority to view impounded vehicle.
- RCW 46.55.100 Impound notice—Abandoned vehicle.
- RCW 46.55.110 Notice to legal and registered owners.
- RCW 46.55.113 Removal by police officer, when.
- RCW 46.55.120 Redemption of vehicles—Sale of unredeemed vehicles.
- RCW 46.55.130 Notice requirements—Public auction—Accumulation of storage charges.
- RCW 46.55.140 Operator’s lien, deficiency claim, liability.
- RCW 46.55.230 Junk vehicles—Certification, notification, removal, sale.
- RCW 46.55.350 Findings -- Intent.
- RCW 46.55.360 Impoundment, when required -- Law enforcement powers, duties, and liability immunity -- Redemption, when, by whom - - Operator liability immunity -- Definition.
- RCW 46.55.370 Law enforcement liability immunity -- Reasonable suspicion.

Section 2. Adopted. A new Section 10.18.025 of the Poulsbo Municipal Code is hereby enacted to read as follows:

10.18.025 Impoundment of Vehicles Where Driver is Arrested in Violation of RCW 46.20.342.

A. Period of Impoundment. Whenever the driver of a vehicle is arrested for a violation of 46.20.342 as enacted or hereinafter amended, the vehicle is subject to impoundment at the direction of a police officer. Notwithstanding the provisions of RCW 46.55.120, the following shall be the applicable periods of impoundment:

1. Whenever the driver is arrested or cited for a violation of 46.20.342(1)(c) and the driver has not been convicted of a violation of RCW 46.20.342 or similar local ordinance within the past five years, then the vehicle may be released as soon as all the requirements of this Section are satisfied.

2. If the vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing’s records show

that the driver has been convicted one time of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for 15 days.

3. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted two or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for 30 days.

4. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five years, the vehicle shall be impounded for 30 days.

5. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five years, the vehicle shall be impounded for 60 days.

6. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two or more times within the past five years, the vehicle shall be impounded for 90 days.

B. Release. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the Poulsbo Municipal Court. All persons or entities attempting to redeem an impounded vehicle because the operator is arrested for a violation of RCW 46.20.342 shall be required to pay a \$100 administrative fee to the Poulsbo Municipal Court. All other provisions regarding redemption of vehicles in RCW 46.55.120, as enacted or hereinafter amended, shall apply.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

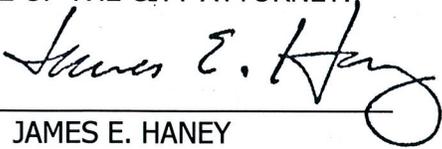


MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:


CITY CLERK JILL A. BOLTZ, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 05/03/2012
PASSED BY THE CITY COUNCIL: 05/09/2012
PUBLISHED: 05/18/2012
EFFECTIVE DATE: 05/23/2012
ORDINANCE NO. 2012-08

SUMMARY OF ORDINANCE NO. 2012-08

of the City of Poulsbo, Washington

On the 9th day of May, 2012, the City Council of the City of Poulsbo, passed Ordinance No. 2012-08. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING CHAPTER 10.18 OF THE POULSBO MUNICIPAL CODE TO ADOPT PROCEDURES RELATING TO IMPOUNDMENT OF VEHICLES DRIVEN BY PERSONS WITH SUSPENDED LICENSES OR PERSONS ARRESTED FOR DRIVING UNDER THE INFLUENCE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 10th day of May, 2012.


CITY CLERK JILL A. BOLTZ, CMC