

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2023-10**

**SUBJECT: Adoption of PMC Allowing the Impoundment of Vehicles on City P**

### CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 07/12/2023
- Passed by the City Council: 08/09/2023
- Signature of Mayor
- Signature of City Clerk
- Publication: 08/14/2023
- Effective: 08/19/2023
- Recorded: \_\_\_\_\_

### DISTRIBUTED COPIES AS FOLLOWS:

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*Kati Diehl*  
Deputy City Clerk

08/10/2023  
Date

**ORDINANCE NO. 2023-10**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING A NEW CHAPTER OF THE POULSBO MUNICIPAL CODE ("PMC"), CHAPTER 10.20, IMPOUNDMENTS OF VEHICLES ON PUBLIC PROPERTY AND RIGHTS-OF-WAY; AMENDING PMC CHAPTER 10.18, ABANDONED, UNAUTHORIZED, AND JUNK MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, Chapter 10.18 of the Poulsbo Municipal Code ("PMC") authorizes the City of Poulsbo ("City") law enforcement to impound abandoned, unauthorized and junk vehicles on private property pursuant to applicable provisions of Chapter 46.55 RCW cross-referenced in chapter 10.18 PMC; and

**WHEREAS**, the state legislature repealed RCW 46.55.350 ("Findings-Intent"), and to be consistent with state law, City staff recommend repealing that cross-reference in PMC 10.18.010; and

**WHEREAS**, the City does not currently have a mechanism to impound vehicles on City rights-of-way and City property for violations of City ordinances and regulations; and

**WHEREAS**, the Poulsbo City Council has determined that it is in the public's best interest to adopt a new PMC chapter 10.20 to address impoundment of vehicles on City rights-of-ways and on City property; and

**WHEREAS**, the Poulsbo City Council has determined that the following codes and code amendments should be adopted as established herein.

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

**Section 1. Findings and Conclusions.** In support of the actions taken by this ordinance, the Poulsbo City Council hereby adopts the recitals set forth above as findings and conclusions.

**Section 2. Adoption of new PMC Chapter 10.20 "Impoundments of Vehicles on Public Property and Rights-of-Way."** The Poulsbo City Council hereby adopts a new PMC

chapter 10.20 "Impoundments of Vehicles Public Property and Right-of-Way", as set forth in Exhibit A, attached and incorporated herein.

**Section 3. Amending title of PMC Chapter 10.18.** PMC Chapter is hereby amended to read as follows:

Chapter 10.18 Abandoned, Unauthorized And Junk Motor Vehicles On Private Property.

**Section 4. Amendment of PMC Section 10.18.010.** PMC Section 10.18.010 is hereby amended 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.

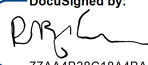
RCW 46.55.370 Law enforcement liability immunity—Reasonable suspicion.

**Section 5. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 6. Corrections.** The City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbers and section/subsection numbering.

**Section 7. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

DocuSigned by:  


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MAYOR REBECCA ERICKSON

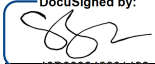
ATTEST/AUTHENTICATED:

DocuSigned by:  


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CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM BY THE  
OFFICE OF THE CITY ATTORNEY:

BY 

OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 07/12/2023  
PASSED BY THE CITY COUNCIL: 08/09/2023  
PUBLISHED: 08/14/2023  
EFFECTIVE DATE: 08/19/2023  
ORDINANCE NO. 2023-10

Exhibit A

**PMC Chapter 10.20 Impoundments of Vehicles Public Property and Right-of-Way**

- 10.20.010 Purpose – Applicable state law
- 10.20.020 Impoundment authorization
- 10.20.030 Impoundment without prior notice
- 10.20.040 Impoundment after notice
- 10.20.050 Impoundment procedures
- 10.20.060 Notice of impoundment – Procedure for redemption
- 10.20.070 Post impoundment hearing rights and procedure
- 10.20.080 Other available remedies
- 10.20.090 Contract for towing and storage

**10.20.010 Purpose – Applicable state law.**

The provisions of this chapter authorize the impoundment of vehicles upon city right-of-way and city owned, leased or operated property, in accordance with Chapter 46.55 RCW. Applicable provisions of Chapter 46.55 RCW, as now or hereafter amended, are incorporated into this chapter by reference.

**10.20.020 Impoundment authorization.**

Any vehicle parked on any city right-of-way or city owned, leased or operated property in violation of any law, ordinance or regulation is subject to citation by a law enforcement officer, and/or impoundment in accordance with this chapter by the law enforcement officer or a public official having jurisdiction over the right-of-way or property upon which the vehicle is located.

**10.20.030 Impoundment without prior notice.**

A vehicle subject to impoundment under this chapter may be impounded without citation and without prior notice to its registered and legal owners under the following circumstances:

- A. When the vehicle is impeding, or is likely to impede, the normal flow of vehicular or pedestrian traffic;
- B. When the vehicle is parked in violation of a parking restriction sign, or when the vehicle is interfering, or is likely to interfere, with the intended use of the restricted parking zone;
- C. When the vehicle poses an immediate danger to public safety;
- D. When a law enforcement officer has probable cause to believe that the vehicle is stolen;

E. When a law enforcement officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary to obtain or preserve such evidence; or

F. When the vehicle is parked in violation of any city ordinance, and has been issued four or more notices of the same parking violation, none of which have been responded to in accordance with city ordinance for at least 45 days from the issuance of the notice of violation.

**10.20.040 Impoundment after notice.**

A vehicle not subject to impoundment under PMC 10.20.030 may be impounded after it has been cited for a violation of any law, ordinance or regulation, or when it is deemed a junk vehicle, as defined in RCW 46.55.010(4). A notice of impoundment, pursuant to RCW 46.55.085, shall be securely attached to, and conspicuously displayed on, the vehicle for a period of 24 hours prior to impoundment.

**10.20.050 Impoundment procedure.**

A vehicle impounded pursuant to this chapter shall be towed and stored by a tow operator selected in accordance with PMC 10.20.090.

**10.20.060 Notice of impoundment – Procedure for redemption.**

A. Not more than 24 hours after impounding a vehicle, the tow operator shall send by first class mail to the last known registered and legal owners of the vehicle (1) a notice containing the full particulars of the impoundment, the redemption procedure, and the opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120, and (2) forms for requesting the hearing. The tow operator also shall give the notice and forms to any person redeeming the vehicle within the 24-hour period.

B. The procedure for redemption of an impounded vehicle shall be in accordance with Chapter 46.55 RCW.

**10.20.070 Post impoundment hearing rights and procedure.**

A. The registered or legal owner of the vehicle may request a hearing in the city municipal court to contest the validity of the impoundment. The request for a hearing shall be made on the form provided by the tow operator and shall be received by the city municipal court within 10 days (including Saturdays, Sundays and holidays) of the date on which the notice and forms were mailed. If the request for such a hearing is not received by the city municipal court within the 10-

day period, then the right to a hearing shall be deemed waived and the registered and legal owners shall be liable for any towing, storage and other charges authorized by Chapter 46.55 RCW.

B. The procedure for the hearing to contest the validity of an impoundment shall be in accordance with Chapter 46.55 RCW.

**10.20.080 Other available remedies.**

A citation issued to and/or impoundment of a vehicle pursuant to this chapter does not preclude the institution and prosecution of charges in the City municipal court or other appropriate court for violation of any other provision of this code.

**10.20.090 Contract for towing and storage.**

A. The finance director is authorized to prepare specifications for, and documents related to, the selection of tow operators for the towing and storage of vehicles under this chapter. The specifications and documents shall be approved by the Mayor.

B. In awarding a contract to a tow operator, the finance director shall consider, among other relevant factors, the following:

1. General experience in providing towing and storage services;
2. Conduct and performance with a city of similar size and job scope or under a previous city towing contract demonstrating honesty, promptness, skill, efficiency and vehicle owner satisfaction;
3. Existing availability of equipment, facilities, services and personnel; and
4. Financial ability, storage capacity, location(s), types of services and willingness to improve or expand available equipment, facilities and/or services.

The contract shall be contingent upon proof that the tow operator is properly licensed to do business in the city and registered and licensed by the state in accordance with Chapter 46.55 RCW.

C. Subsequent to award of the contract, the finance director shall file a written statement with the city clerk providing the name, address, telephone number, facsimile number and email address of the contractor and the address of each storage place. The finance director shall administer and enforce the contract.



D. The tow operator shall comply with all applicable laws, ordinances and regulations, including Chapter 46.55 RCW and any regulations promulgated by the finance director for the handling and disposing of towed vehicles. The finance director may cancel the contract upon evidence that the tow operator has failed to comply with such laws, ordinances, and regulations.

SUMMARY OF ORDINANCE NO. 2023-10  
of the City of Poulsbo, Washington

On August 9, 2023, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2023-10, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING A NEW CHAPTER OF THE POULSBO MUNICIPAL CODE ("PMC"), CHAPTER 10.20, IMPOUNDMENTS OF VEHICLES ON PUBLIC PROPERTY AND RIGHTS-OF-WAY; AMENDING PMC CHAPTER 10.18, ABANDONED, UNAUTHORIZED, AND JUNK MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 9<sup>th</sup> day of August, 2023

DocuSigned by:  
  
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CITY CLERK, RHIANNON FERNANDEZ CMC