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RPB/tw
08/04/89

ORDINANCE NO. 1509

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING NEW SECTIONS 10.64.010 AND 10.64.020 TO THE REDMOND MUNICIPAL CODE TO ESTABLISH A WRITTEN IMPOUND AUTHORIZATION FORM AND PROCEDURES FOR IMPOUNDS ON PRIVATE PROPERTY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Redmond City Council acknowledges that the Redmond Municipal Code provisions governing unauthorized, abandoned or impounded vehicles are outdated and should be revised to comply with state statutes, and

WHEREAS, this ordinance is necessary to comply with the provisions of RCW 46.55, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Sections 10.64.005. 10.64.010, 10.64.020, 10.64.030 and 10.64.040 of the Redmond Municipal code are hereby repealed.

Section 2. There is hereby added to the Redmond Municipal Code a new Section 10.64.010 to read as follows:

10.64.010 Abatement and Removal of Unauthorized Junk Vehicles or Parts Thereof from Private Property

- A. The storage or retention of an unauthorized junk vehicle or parts thereof, as defined in RCW 46.55.010(5), on private property is declared to constitute a public nuisance subject to removal and abatement. Upon discovery of such nuisance, the police department shall give notice in writing to the last registered owner of record and the property owner of record that a hearing may be requested before the Northeast District Court and that if no hearing is requested within ten days, the vehicle will be removed.
- B. If a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that the identification numbers are not available to determine ownership.

- C. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the District Court shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.
- D. Costs of removal and disposal of vehicles or parts thereof under this section shall be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored, unless the property owner establishes the facts set forth above in subsection C.
- E. This section shall not apply to:
- 1) A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
 - 2) A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.
- F. After notice has been given of the City's intent to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a police officer with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

Section 3. There is hereby added to the Redmond Municipal Code a new section 10.64.020 to read as follows:

Whenever an officer impounds a vehicle pursuant to the provisions of this chapter or RCW 46.55, the officer shall complete an authorization form approved by the Chief of Police which specifies the section of this chapter or RCW 46.55 authorizing the impound. The impound authorization form may consist of a law enforcement notice of infraction or citation for an offense for which an impound is authorized.

Section 4. 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 5. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after this ordinance or a summary thereof consisting of the title is published.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Aug C. Martin

FILED WITH THE CITY CLERK: 8/31/89
PASSED BY THE CITY COUNCIL: 9/5/89
PUBLISHED: 9/10/89
EFFECTIVE DATE: 9/15/89
ORDINANCE NO. 1509

Case No. _____

Impound Authorization Form

Date/Time of Impound _____

Location of Impound _____

Description of Vehicle _____

Basis of Impound:

- ☐ The vehicle is in violation of the time restrictions of RCW 46.55.010. Authority: RCW 46.55.080.
- ☐ The vehicle has not been removed within 24 hours from the time a notification sticker is attached. Authority: RCW 46.55.085.
- ☐ The vehicle is standing on a roadway in violation of 46.61.560. Authority: RCW 46.55.113(1).
- ☐ The vehicle is unattended on a highway and is obstructing traffic or jeopardizing public safety. Authority: RCW 46.55.113(2).
- ☐ The vehicle is unattended at an accident scene or the driver is unable to decide on steps to protect a vehicle involved in accident due to physical or mental or intoxicated condition. RCW 46.55.113(3).
- ☐ Driver is arrested and unable to decide on steps to protect property due to intoxication or otherwise. Authority: RCW 46.55.113(4).
- ☐ The vehicle is stolen. Authority: RCW 46.55.113.(5).
- ☐ The vehicle is parked in a properly marked disabled person stall and it does not contain a special plate or decal. Authority: RCW 46.55.113(6).
- ☐ Other _____

Signed by Officer: _____

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