

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF VADER, WASHINGTON, AMENDING VADER MUNICIPAL CODE (VMC) CHAPTER 13.01 “VEHICLES AND TRAFFIC” “IN GENERAL”, ADOPTING REVISED CODE OF WASHINGTON (RCW) CHAPTER 46.55 TOWING AND IMPOUNDMENT, ESTABLISHING NEW VMC CHAPTER 13.16 “VEHICLE IMPOUNDMENT AND REDEMPTION” AND ESTABLISHING NEW VMC CHAPTER 13.20 “ABANDONED VEHICLES”, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under Vader Municipal Code (VMC) 13.01.010, Vader adopted the Washington Model Traffic Ordinance (Ch. 46.90 RCW and Chapter 308-330 WAC); and

WHEREAS, it is the desire of the City to adopt RCW Chapter 46.55, this adoption will allow the City to regulate towing and impound services, ensuring that these services operate fairly and consistently within this jurisdiction; and

WHEREAS, the City aims to regulate vehicle impoundment and redemption to ensure public safety, efficient enforcement of parking and traffic laws, and to provide clear procedures for vehicle owners to reclaim their vehicles, all while ensuring that towing contractors operate within legal standards;

WHEREAS, the City establishes Chapter 13.16 to regulate vehicle impoundment and redemption, efficient enforcement, and proper management of impounded vehicles and personal property;

WHEREAS, the City recognizes the necessity to regulate and manage abandoned vehicles and vehicle hulks within its jurisdiction to ensure public safety and maintain the aesthetic quality of the environment;

WHEREAS, the City establishes Chapter 13.20 to effectively manage and mitigate the issues arising from abandoned vehicles and vehicle hulks, promoting a safe and appealing community;

WHEREAS, adopting and establishing these regulations will improve public safety, streamline administrative processes, and reduce disputes related to vehicle impoundment; and

WHEREAS, on June 18, 2024, the City Council adopted this Ordinance during its regular meeting; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF VADER DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Amendment.** Sec. 13.01.010. – “Adoption and reference” of the Vader Municipal Code is hereby amended to read as follows:

Sec. 13.01.010. - Adoption and reference.

The Washington Model Traffic Ordinance, RCW 46.90, and WAC. 308-330, hereinafter referred to as the "MTO," and RCW 46.55 shall be, and the same hereby is, adopted, by reference, as currently enacted and as hereafter amended and for the traffic ordinance of the city, as if set forth herein.

Section 2. **New Chapter Added.** A new chapter 13.16 “Vehicle Impoundment and Redemption” is hereby added to the Vader Municipal Code to read as attached as Exhibit “A.”

Section 3. **New Chapter Added.** A new chapter 13.20 “Abandoned Vehicles” is hereby added to the Vader Municipal Code to read as attached as Exhibit “B.”

Section 4. **Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be 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.

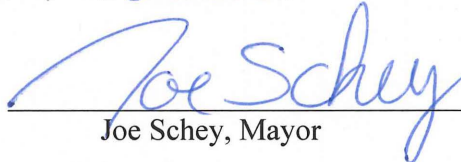
Section 5. **Publication.** This Ordinance shall be published by an approved summary consisting of the title.

Section 6. **Corrections.** Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

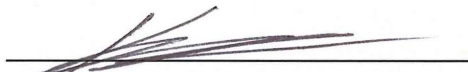
Section 7. **Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Vader and attested by the City Clerk in authentication of such passage on this 18 day of June, 2024.

APPROVED by the Mayor this 18 day of June, 2024.


Joe Schey, Mayor

ATTEST/AUTHENTICATED:


~~Lisa Huckleberry, City Clerk~~
Kristyn Miller, Deputy Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson, City Attorney

DATE PUBLISHED: 6.26.24
EFFECTIVE DATE: 7.1.24

Chapter 13.16

VEHICLE IMPOUNDMENT AND REDEMPTION

Sections:

- 13.16.010 Definitions.
- 13.16.020 Vehicles impounded without prior notice—removal by law enforcement officer.
- 13.16.030 Vehicles impounded after notice.
- 13.16.040 Impound procedure.
- 13.16.050 Notice of impound.
- 13.16.060 Redemption rights and hearing procedures.
- 13.16.070 Public auction of unclaimed vehicles.
- 13.16.080 Tow truck operator regulations.
- 13.16.090 Contracts for towing and storage.

13.16.010 Definitions.

The definitions set forth in this section apply throughout this chapter and all references to RCW statutes shall be adopted by reference, as currently enacted and as hereafter amended.

- (1) "Department" at all times refers to the Department of Licensing of the state of Washington.
- (2) "Sheriff" at all times refers to the Lewis County Sheriff, including the Sheriff's representative, and is used synonymously with "law enforcement" or "law enforcement officer."
- (3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private. This chapter applies only to public impounds
- (4) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.
- (5) "Master log" means the document or an electronic facsimile prescribed by the Sheriff in which an operator records transactions involving impounded vehicles; PROVIDED, however, that the Sheriff will prescribe the master log currently utilized by the Department of Licensing.
- (6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned and unclaimed vehicles.
- (7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.
- (8) "Tow truck number" means the number issued by the Department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck permit" means the permit issued annually by the Department that has the classification of service the tow truck may provide stamped upon it.

(10) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(11) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the locations for the indicated period of time as stated in RCW 46.55.010(14).

13.16.020 Vehicles impounded without prior notice—removal by law enforcement officer.

A law enforcement officer in the City can impound a vehicle under certain conditions, including when the driver is arrested for specific violations, the vehicle obstructs traffic or endangers public safety, or other defined situations authorized by signage and under RCW 46.55.113. The procedures for contacting vehicle owners and the definitions relevant to the impoundment process are outlined in RCW 46.55.113.

13.16.030 Vehicles impounded after notice

(1) If a vehicle is in violation of VMC Chapter 13.12 it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) A law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound.

(3) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to the Sheriff's representative.

(4) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

(5) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(6) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(7) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(8) For the purposes of this section a place of safety includes the impound yard of a registered tow truck operator.

13.16.040 Impound procedure.

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the Sheriff.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a valid driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the Department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction, with the exception of those items of personal property that are registered or titled with the department, shall be turned over to the Sheriff. Such personal belongings shall be disposed of pursuant to RCW Chapters 63.32 or 63.40.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under RCW Chapter 46.25 or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours

13.16.050 Notice of impound.

Notification providing details about the impoundment and the process for contesting it, as well as information on retrieving personal belongings are outlined in RCW 46.55.110.

13.16.060 Redemption rights and hearing procedures.

Redemption rights and hearing procedures are outlined in RCWs 46.55.120, 46.55.125, 46.55.130, 46.55.140, and are supplemented by relevant Lewis County Code and Court Rules.

13.16.070 Public auction of unclaimed vehicles.

(1) If after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle and process the vehicle in accordance with the applicable provisions and requirements of RCW 46.55.130.

(2) All surplus money derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund, pursuant to RCW 46.55.130(2)(h). A report identifying the vehicles resulting from any surplus shall accompany the remitted funds. If the Sheriff subsequently receives a valid claim from the registered vehicle owner of record, as determined by records of the department within one year from the date of the auction, the surplus money shall be remitted to such owner.

(3) RCW 46.55.130 shall apply for additional public auction and accumulation of storage charges regulations.

13.16.080 Tow truck operator regulations.

(1) The registered tow truck operator who has a valid and signed impoundment authorization shall possess an operator's lien upon the impounded vehicle, and such other rights, responsibilities and liabilities as set forth in RCW 46.55.140.

(2) The registered tow truck operator shall keep a permanent transaction file on each vehicle, in accordance with the provisions of RCW 46.55.150, and containing both those items required for disposition of the vehicle under VMC 13.16.070 and the impoundment authorization under VMC 13.16.030.

(3) The registered tow truck operator's records, equipment, and facilities shall be subject to inspection and audit by the Sheriff in accordance with the provisions of RCW 46.55.160.

(4) Complaints involving the operation, conduct, or equipment of a registered tow truck operator shall be forwarded to the Sheriff in accordance with the provisions of RCW 46.55.170.

10.30.090 Contracts for towing and storage.

(1) The City may enter into contracts with towing contractors to provide towing and storage services on request of the City's law enforcement department. Such contracts shall be at no cost to the City and shall provide that the towing contractor may recover the costs of towing and storage only from the person seeking to redeem the impounded vehicle, or from the sale of an unclaimed vehicle, pursuant to VMC 13.16.070 and RCW 46.55.130, and that the City shall not be responsible for payment of such costs, except upon order of the district court for Lewis County.

(2) Towing contractors shall be licensed and registered with the State of Washington, shall comply with the provisions of RCW Chapter 46.55, and shall file their storage and towing rates

with the Sheriff. The Sheriff shall develop relevant forms and notices and shall adopt the standards and policies necessary to carry out the provisions and intent of this chapter.

Chapter 13.20

ABANDONED VEHICLES

Sections:

- 13.20.010 Definitions.
- 13.20.020 Vehicle or vehicle hulk on private real property.
- 13.20.030 Vehicle on public thoroughfare.
- 13.20.040 Vehicle hulk on public thoroughfare.
- 13.20.050 Keeping of vehicle hulk on private real property.
- 13.20.060 Dismantling without removal.
- 13.20.070 Enforcement duties of law enforcement.
- 13.20.080 Declaration of nuisance.
- 13.20.090 Violation - Penalty.

13.20.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- (2) "Vehicle hulk" means a remnant or remains of a vehicle which is inoperative and cannot be made mechanically operative without the addition of essential parts or mechanisms, together with the application of a substantial amount of labor to effect repairs, or any wrecked or dismantled vehicle, or part thereof. Vehicle hulk on private property may be treated as "junk vehicles" pursuant to VMC chapter 9.16.
- (3) "Abandoned vehicle on public real property" means any vehicle which remains in substantially the same location for a period of 7 continuous days or longer on any public thoroughfare, right-of-way.

13.20.020 Vehicle or vehicle hulk on private real property.

It shall be unlawful for any person to place or leave any vehicle or vehicle hulk, or permit any vehicle or vehicle hulk registered in their name to be placed or left on private real property within the City, owned or occupied by a person other than the vehicle owner, without the expressed or implied consent of the owner or occupant of the private real property. Vehicle hulk on private property may be treated as "junk vehicles" pursuant to VMC chapter 9.16. Additionally, at the City's option, violations of this chapter may be enforced pursuant to VMC chapter 19.01.

13.20.030 Vehicle on public thoroughfare.

It shall be unlawful for any person to place or leave a vehicle, or permit a vehicle registered in his name to be placed or left on a public thoroughfare or right-of-way within the City or on real

property the City, in such a manner and at such a time that the vehicle constitutes an “abandoned vehicle on public property” as defined in VMC 13.20.010.

13.20.040 Vehicle hulk on public thoroughfare.

It shall be unlawful for any person to place or leave a vehicle hulk or permit a vehicle hulk registered in their name to be placed or left, on any public thoroughfare or right-of-way within the City or on City owned property.

13.20.050 Keeping of vehicle hulk on private real property.

It shall be unlawful for any person, as owner or occupant of private real property in the City, to place, keep, or allow to remain, any vehicle hulk upon such private real property, unless:

- (1) Such vehicle hulk, or part thereof, is completely enclosed within a building or fence in a lawful manner and not visible from a public thoroughfare or other private real property; or
- (2) Such vehicle hulk, or part thereof, be stored or parked in a lawful manner in connection with the business of a duly licensed vehicle wrecker or duly licensed vehicle dealer, located on private real property fenced in accordance with the provisions of RCW 46.80.130; or
- (3) Such vehicle hulk, or part thereof, be stored or parked on private real property in connection with the business of a duly licensed auto wrecking yard or junkyard fenced in accordance with the provisions of applicable state laws or county ordinances. At the City’s option, violations of this chapter may be enforced pursuant to VMC chapter 19.01.

13.20.060 Dismantling without removal.

- (1) It shall be unlawful for any person, other than the owner or occupant of the private real property upon which a vehicle is located, to dismantle a vehicle and leave the parts or remains thereof on said real property.
- (2) Any person dismantling as agent for the owner of the real property upon which the vehicle is located must, within 10 days of the date of commencing dismantling, remove all vehicle remnants or remains from the real property and dispose of same in a licensed junkyard, county vehicle hulk storage facility, or a duly licensed scrap metal processor.

13.20.070 Enforcement duties of law enforcement.

City law enforcement shall be responsible for the enforcement of this chapter and shall have the duty to cause the abatement and removal of any vehicle or vehicle hulk or part thereof declared by this chapter to constitute a public nuisance.

13.20.080 Declaration of nuisance.

Any vehicle or vehicle hulk placed, left or existing on private or public property in violation of VMC 13.20.020 through 13.20.060 is hereby declared to constitute a public nuisance, and City law enforcement is hereby authorized to commence procedures set forth herein for the abatement of said nuisance. At the City’s option, violations of this chapter may be enforced pursuant to VMC chapter 19.01.

13.20.090 Violation - Penalty.

Any person violating VMC 13.20.020 through 13.20.060, shall be subject to the penalties in VMC 19.01.110 and VMC 1.01.150 (a), (b), (e), (f), (g). Additionally, violations of this chapter

may concurrently be subject to the issuance of a class 1 civil infraction pursuant to RCW 7.80.120, adopted here by reference currently enacted and as hereafter amended in the amount of \$250 plus costs and assessments.

To the Lewis County Board of County Commissioners,

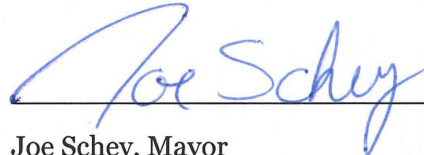
In support of the numerous first responders in Lewis County including law enforcement, fire services, ambulance personnel and our 911 dispatchers, we the undersigned of

Vader City Council

are in support of the proposed 2/10's of 1% sales and use tax and would like to see it placed in front of the voters in the upcoming general election in November of 2024.

Dated: July 18, 2024

Approved by:



Joe Schey, Mayor

Attest:



~~Lisa Huckleberry, Clerk/Treasurer~~

Kristyn Miller, Deputy Clerk