

**CITY OF WHITE SALMON WASHINGTON  
ORDINANCE NO. 2015-07-972**

**AN ORDINANCE AMENDING VEHICLE CODE SECTION WSMC CHAPTERS 10.24  
and 10.40 REGARDING IMPOUNDMENT OF VEHICLES FOR STOPPING,  
STANDING AND PARKING AND PROVIDING FOR SEVERABILITY AND AN  
EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of White Salmon wishes to maintain the safety and welfare of city residents by allowing impoundment of certain vehicles in the City; and

**WHEREAS**, the City finds that amendments are necessary to ensure the health and safety of City residents and to comply with statutory requirements for vehicle impoundments; and

**NOW, THEREFORE**, the City of White Salmon do ordain as follows:

**SECTION 1.** WSMC Ch. 10.24.100 is hereby amended as follows:

Key: Deleted = ~~strikethrough~~

Added = underlined

10.24.100 - Parking from two a.m. to six a.m. / Parking over 72 hours —Penalty—  
Impoundment.

- A. Within the streets described in Section 10.24.090, which prohibits parking from two a.m. to six a.m. and parking over seventy-two hours as hereinabove set forth, for the period October 1st through March 31st, in addition to the fines imposed by this section, in the event any vehicle is parked within the prohibited streets between the hours of two a.m. and six a.m., the city shall maintain signage as required by RCW 46.55.113(2)(h) setting forth that the City shall have the right to tow such offending vehicle away from said streets during such hours, and shall impound the vehicle according to the procedures and appeal rights set forth in RCW Ch. 46.55 and WSMC Ch. 10.40. ~~in a garage, in its discretion, and the owner or registered owner of the vehicle shall be required to pay the imposed towing charge imposed by the garage, together with the fine thereon imposed for a violation of this section and Section 10.24.090, prior to release of the vehicle by the garage owner; and the owner or registered owner of the vehicle shall procure from the municipal court a receipt showing such fine has been paid and present the same to the garage custodian of the vehicle prior to the release of the vehicle unto the owner or registered owner thereof.~~
- B. In addition to being subject to impound as set forth above, Any person violating the provisions of this section shall be deemed to have committed a traffic infraction and shall be penalized in an amount of not less than fifteen dollars and not more than fifty dollars.

SECTION 2. WSMC Ch. 10.40 is hereby amended as follows:

Key: Deleted = ~~strikethrough~~

Added = underlined

- **Chapter 10.40 - IMPOUNDMENT**

Sections:

Chapter 10.40 is hereby amended to read:

**10.40.001 Definitions:**

The definitions set forth in RCW 46.55.010 are hereby adopted and incorporated herein as though fully set forth.

**10.40.005 Authorization to Impound; Form to be Completed**

Any lawfully commissioned officer of the Bingen-White Salmon Police Department is hereby authorized to impound an Unauthorized Vehicle as defined in RCW 46.55.010(14) within the city limits after the expiration of the time period(s) set forth therein, or immediately under the conditions set forth in RCW 46.55.113. Any office authorizing a vehicle impoundment shall complete and sign a Washington State Department of Transportation Uniform Authorization to Impound/Tow and Vehicle Inventory form.

**10.40.010 - Holding vehicles impounded.**

A. Driving Under the Influence or Physical Control Under the Influence. When a vehicle is impounded because the operator is arrested for violation of RCW 46.61.502 or RCW 46.61.504, the vehicle shall be held at the written direction of the Bingen-White Salmon police chief or designee who shall issue an immediate written order of release of the vehicle upon compliance with WSMC 10.40.020 ~~of this ordinance~~ or subsection EC. ~~of this section~~ of this ordinance.

~~B. DWLS/DWLR First Degree or Second Degree. When a vehicle is impounded because the operator is in violation of RCW 46.20.342(1)(a) or (b) (DWLS/DWLR First or Second Degree), the vehicle shall be held, at the written direction of the Bingen-White Salmon police chief or designee, in impound before it may be redeemed for:~~

~~1. Thirty (30) days when the Department of Licensing's records show that the operator has no prior conviction of RCW 46.20.342(1)(a) or (b) or a similar local ordinance within the past five years;~~

~~2. Sixty (60) days when the Department of Licensing's records show that the operator has been convicted once of RCW 46.20.342(1)(a) or (b) or a similar local ordinance within the past five years; and~~

~~3. — Ninety (90) days when the Department of Licensing's records show that the operator has been convicted two or more times of RCW 46.20.342(1)(a) or (b) or a similar local ordinance within the past five years.~~

~~C. — DWLS/DWLR Third Degree. When a vehicle is impounded because the operator is in violation of RCW 46.20.342(1)(e) (DWLS/DWLR Third Degree), the vehicle shall be held, at the written direction of the Bingen-White Salmon police chief or designee, in impound before it may be redeemed, as follows:~~

~~1. — The Bingen-White Salmon police chief or designee shall issue an immediate written order of release of the vehicle from impound upon compliance with the provisions of [Section 2 A.](#) and [B.](#) or [Section 1 E.](#) when the Department of Licensing's records show that the operator has no prior convictions of RCW 46.20.342(1)(a), (b), or (e) or a similar local ordinance within the past five years; and~~

~~2. — Thirty (30) days when the Department of Licensing's records show that the operator has one or more convictions of RCW 46.20.342(1)(a), (b) or (e) or a similar local ordinance within the past five years.~~

~~DB. Duration of Impoundment. Vehicles impounded for a violation of RCW 46.61.502 or RCW 46.61.504 shall be held for not fewer than twelve (12) hours after arrest. The underlying level of suspension or revocation in Washington shall govern the duration of impoundment for a violation of RCW 46.20.345. [Section 1.A.](#) shall govern for those who violate RCW 46.20.345 while suspended or revoked in the first degree or second degree and [Section 1.B.](#) shall govern those who violate RCW 46.20.345 while suspended in the third degree.~~

~~E.C. Hardship Release. The Bingen-White Salmon police chief or designee may issue a written order to release the vehicle from impound before the expiration of the impound period on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.~~

#### **10.40.020 - Redemption of impounded vehicles.**

Vehicles impounded pursuant to this ordinance may be redeemed, after being held for the requisite number of days in impound, upon the following conditions:

A. The person redeeming the vehicle is an eligible person to redeem the vehicle under RCW 46.55.120(1)(a) and pays all towing, removal, and storage fees in commercially reasonable tender as provided in RCW 46.55.120(1)(b); and

B. When the vehicle was impounded because the operator was in violation of RCW 46.20.342 and the operator is the registered owner, such registered owner establishes with the Bingen-White Salmon police chief or designee that all penalties, fines, or forfeitures owed by him or her for traffic violations have been paid in full; and

C. Issuance of a written order from the Bingen-White Salmon police chief or designee directing release of the impounded vehicle.

D. In the Chief of Police's sole discretion, the City may accept a signed Promissory Note in lieu of full payment where the vehicle owner can establish financial ability to pay the obligation to the Chief of Police's satisfaction.

**10.40.030 - Contesting impoundment or towing and storage charge.**

A. Any person seeking to redeem a vehicle impounded under this chapter has a right pursuant to the provisions of RCW 46.55.120(2)(b) to a hearing in the West District Court of Klickitat County to contest the validity of the impoundment or the amount of the towing and storage charges.

B. The Bingen-White Salmon police chief or designee shall appear at the impoundment ~~valid~~ hearing in West District Court. The prosecuting ~~attorney~~ journey is not required to represent the Bingen-White Salmon police chief at the hearing.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall become effective five days after publication as provided by law.

**SECTION 4: SEVERABILITY**


If any part of this ordinance is declared unconstitutional or otherwise invalid for any reason, the remaining provisions shall be construed to be effective after removing the objectionable provision(s).

**PASSED** by the Council and approved by the Mayor on July 1, 2015.

  
Mayor David Foucher

  
Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

  
Kenneth B. Woodrich, City Attorney