

ORDINANCE NO. 2019-_____

AN ORDINANCE relating to Vehicle Impounds; amending Yakima Municipal Code section 9.47.010, entitled “Definitions”, and adding 9.47.010(F) “Inoperable Vehicle” which provides a more specific description of what qualifies as a “Junk Vehicle.”

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 9.47.010 of the Yakima Municipal Code is hereby amended to read as follows:

Chapter 9.47 VEHICLE IMPOUNDS

Sections:

- 9.47.010 Definitions.
- 9.47.020 Tow truck operators.
- 9.47.030 Junk vehicle.
- 9.47.040 Unauthorized vehicle.
- 9.47.050 Storage, return requirements—Authority to view impounded vehicle.
- 9.47.060 Criminal storage and retention of vehicle hulks on private property.
- 9.47.070 Abandoned vehicle.
- 9.47.080 General administrative, interpretive authority.
- 9.47.090 Construal, severability—Nonwaiver—No rights created.

9.47.010 Definitions.

The definitions set forth in this section apply throughout this chapter:

- A. “Abandoned vehicle” means a vehicle that a registered tow truck operator has impounded and held in the operator’s possession for one hundred twenty consecutive hours.
- B. “Abandoned vehicle report” means the document prescribed by the state that the towing operator forwards to the Department after a vehicle has become abandoned.
- C. “Department” means the Washington State Department of Licensing.
- D. “Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- E. “Impound” means to take and hold a vehicle in legal custody. There are two types of impounds, public and private.
 - (1) “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.
 - (2) “Private impound” means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

F. “Inoperable vehicle” means a motor vehicle substantially meeting the following requirements:

- 1) Not having valid vehicle license and tabs; or
- 2) Damaged to such extent as to render it illegal for operation on any public highway, including but not limited to any of the following: broken head or taillights, broken or missing mirrors, cracked or missing window or windshield, deflated tires, missing seats or steering wheel, or other general conditions that would render a vehicle incapable of being driven on a public highway.

F.G. “Junk vehicle” means a motor vehicle certified by the chief of police or his designee as meeting at least three of the following requirements:

- (1) Is three years or older;
- (2) Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
- (3) Is apparently inoperable;
- (4) Has a fair market value equal only to the value of the scrap in it.

G.H. “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 vehicles.

H.I. “Residential property” means property that has no more than four living units located on it.

I.J. “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.

J.K. “Unauthorized vehicle” means a vehicle, motor home as defined in RCW 46.04.305, camper as defined in RCW 46.04.085 or trailer as defined in RCW 46.04.620 which is parked or left standing for the indicated period of time. There are two types of unauthorized vehicles, public and private.

- (1) Public Locations.

a. A vehicle is an unauthorized vehicle immediately when:

- (i) The vehicle is impeding the flow of traffic or entry or exit into any driveway, including access to city of Yakima property; or
- (ii) A vehicle poses an immediate danger to public safety including but not limited to danger arising from a mechanical defect(s); or
- (iii) A law enforcement officer has probable cause to believe that the vehicle is stolen; or
- (iv) A law enforcement officer has contact with a vehicle operator on public property or highway for purposes of arrest, placement into custody, investigatory stop, accident scene investigation, or voluntary contact by the operator, and the officer observes that

the operator is physically or mentally incapable of deciding or refuses to decide upon steps to be taken to protect the vehicle and its contents; or

(v) A vehicle is left unattended on a highway and it is impeding construction, maintenance or repair of the highway, in violation of a temporary sign or barricade prohibiting parking on or entry into the highway, or a portion thereof, when the sign or barricade has been placed under the direction of the city of Yakima director of public works, or his designee, to facilitate construction, repair or maintenance of the public highway and when the sign or barricade notifies that vehicles parked or left unattended in violation thereof are subject to impound by inclusion of the words "subject to impound," "tow away zone," or words of similar import; or

(vi) A vehicle is left unattended in violation of YMC 9.50.060 and the vehicle is impeding street cleaning; or

(vii) A vehicle is left unattended in a marked loading zone posted with a sign notifying that vehicles parked in violation thereof are subject to impound by the inclusion on the sign of the words "subject to impound," "tow away zone," or words of similar import; or

(viii) A vehicle must be removed from a fire zone established in YMC 9.50.240, as determined by a commanding officer; or

(ix) A vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property; or

(x) The driver of a vehicle is arrested for a violation of RCW 46.20.342, 46.20.345, 46.61.502 or 46.61.504; or

(xi) A law enforcement officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of vehicle or may require the driver or other person in charge of the vehicle to move the vehicle to a position of safety off the roadway; or

(xii) A law enforcement officer finds a vehicle unattended upon a highway where the vehicle jeopardizes public safety; or

(xiii) A law enforcement officer finds a vehicle unattended at the scene of an accident; or

(xiv) The driver of a vehicle is arrested and taken into custody by a law enforcement officer; or

(xv) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more; or

(xvi) A law enforcement officer finds an unauthorized vehicle parked in violation of YMC 9.50.060(C) and/or YMC 9.50.050(55), provided the location is posted with a sign notifying that vehicles parked during the dates and times specified therein are subject to immediate impound by the inclusion on the sign of the words "subject to impound," "tow away zone," or words of similar import; or

(xvii) If in a publicly owned or controlled parking facility, properly posted under YMC 9.47.040(D); or

(xviii) Constituting an accident or a traffic hazard.

b. After twenty-four hours if on a highway not subject to subsection (1)(a) of this section.

(2) Private Locations.

a. Immediately if on residential property.

b. After twenty-four hours if on private, nonresidential property.

~~K.L.~~ "Vehicle hulk" means the remnant or surplus of a motor vehicle which is inoperative and cannot be mechanically operated without addition to vital parts of mechanism and the application of a substantial amount of labor to effect repairs, or any wrecked, dismantled, or inoperative vehicle or any part thereof. (Ord. 2006-32 § 2 (part), 2006).

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 18th day of June, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____