

CITY OF YAKIMA

LEGAL

DEPARTMENT

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MEMORANDUM

August 7, 2019

TO: Honorable Mayor and Members of the City Council
Cliff Moore, City Manager

FROM: Brooke Goosman, Senior Assistant City Attorney

SUBJECT: Review of Unauthorized Vehicles, Chapter 9.47 of the Yakima Municipal Code

Yakima Municipal Code 9.47.010(J) defines Unauthorized Vehicles. An Unauthorized Vehicle is a vehicle, motor home, camper, or trailer which is parked or left standing for the indicated period of time in the ordinance. Chapter 9.47.040 of the Yakima Municipal Code allows for Unauthorized Vehicles to be impounded.

There are two types of unauthorized vehicles: public and private. The type of unauthorized vehicle determines when the vehicle can be impounded. For example, if a driver is being arrested and taken into custody, or if there is a vehicle in a public location that is impeding the flow of traffic, the vehicle may be immediately impounded.

A vehicle that has been parked on a highway in a public location for more than 24 hours is also an unauthorized vehicle. (YMC 9.47.010(J)(1)(b)). That vehicle may be impounded when the vehicle has remained substantially in that location for an additional 48 hours after notice has been given. (YMC 9.47.040(B)).

This “24 hour rule” has caused concern for citizens and parking enforcement officers. Some issues with the 24 hour rule are:

- What is “substantial”? That term is not defined. If a vehicle owner receives the required notice and moves their vehicle 10 feet, is that sufficient to overcome “substantial in that location”?
- Is 24 hours too short of a time period? For example, currently a citizen who parks their vehicle on the roadway and leaves for one week could be in violation of the rule (24 hour prohibition plus the 48 hour notice period), and thus have their vehicle impounded.
- Should RVs, campers, and recreational vehicles have separate requirements?

Another issue to consider is whether *unlicensed* vehicles should be allowed to park on the roadway for more than 24 hours. This too is a complaint parking enforcement has received from citizens. Currently there is no ordinance prohibiting this.

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Potential changes to the 24 hour parking limit could be to extend the time limit and to more thoroughly define how far a vehicle must be moved in order comply with the ordinance.

Attached to this memorandum is a chart comparing City of Yakima's "24 hour rule" to other cities' parking ordinances in Washington, and the relevant YMC sections.

Unauthorized Parking on a Roadway for a Period of Time –
Comparing City of Yakima to other Washington State cities

	Length of time allowed	Movement required after time period expires	Includes recreational vehicles, campers, RVs
City of Yakima YMC 9.47.040	24 hours	Can be impounded (after required notice) if remains “substantially” in same location after 48 hours	Yes, but also: No vehicle exceeding 20 feet may be parked for more than 1 hour YMC 9.50.100
City of Olympia OMC 10.16.055(D)	Must be moved every 5 days	Not specified	No. Recreational vehicles cannot park more than 24 hours.
City of Spokane SMC 16A.61.561	72 hours	One block face	No. Recreational vehicles cannot park more than 24 hours.
City of Tacoma TMC 11.05.230	7 days	Not specified	Yes

Relevant Yakima Municipal Code Ordinance sections

9.47.010 Definitions.

J. "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.

9.47.040 Unauthorized vehicle.

A. Immediate Public Impound. Unauthorized vehicles pursuant to YMC 9.47.010(J)(1)(a) may be immediately impounded by a registered tow truck operator at the direction of a law enforcement officer. A public works department employee under written designation by the public works director may authorize impoundment of vehicles pursuant to YMC 9.47.010(J)(1)(a)(i), (v) or (vi) in accord with procedures of this chapter or other applicable code sections.

B. Public Impound After Forty-Eight Hours. Unauthorized vehicles pursuant to YMC 9.47.010(J)(1)(b) may be impounded when the vehicle has remained substantially in that same location for an additional forty-eight hours after notice is given by a law enforcement officer pursuant to subsections (B)(1) and (2) of this section as follows:

(1) The law enforcement officer shall securely attach to and conspicuously display on the vehicle a notification sticker. The chief of police or an authorized designee shall design the sticker in compliance with RCW 46.55.085.

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