

ORDINANCE NO. 2000-12-083

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 11.18.030 TO PERMIT TOWING, IMPOUNDMENT AND REDEMPTION OF IMPOUNDED VEHICLES UPON THE DRIVER'S ARREST FOR DRIVING UNDER THE INFLUENCE AND PHYSICAL CONTROL UNDER THE INFLUENCE AND OTHERWISE CONFORM TO STATE LAW.

WHEREAS, the City wishes to protect the health, welfare and safety of persons and property upon city streets, and

WHEREAS, the City finds that towing and impounding vehicles driven by persons impaired by the use of alcohol and other drugs would reduce the danger to people and property upon city streets by deterring such unlawful conduct and reducing the number of vehicles driven by persons impaired by the use of alcohol and other drugs, and

WHEREAS, RCW 46.55.113 provides that whenever a driver is arrested for a violation of RCW 46.61.502 (driving under the influence) or 46.61.504 (physical control of vehicle under the influence), their vehicle is subject to impoundment, and

WHEREAS, RCW 46.55.120(c)-(d) provides mechanisms for the protection of rental car owners, vehicle dealers, and lenders during the towing and impoundment process,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code ("B.M.C.") 1 18.030 shall be amended as follows:

11.18.030 - Impoundment Of A Vehicle Where Driver Is Arrested For A Violation Of Rcw 46.61.502, Rcw 46.61.504, Rcw 46.20.340 46.20.342 Or Rcw 46.20.420 - Period Of Impoundment (Replaced Portions Of Rcw 46.55.120)

A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502, RCW 46.51.504, RCW 46.20.342 or RCW 46.20.420, the vehicle is subject to impoundment at the direction of a police officer.

B. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342 with in the past 5 years, the vehicle shall be impounded for 15 days.

C. If a vehicle is impounded because a driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing 's records show that the driver has been convicted two

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or more times of a violation of RCW 42.20.342 within the past 5 years, the vehicle shall be impounded for 30 days.

D. If the vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 (1)(a) or (b) and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342 (1) (a) or (b) within the past 5 years, the vehicle shall be impounded for 30 days.

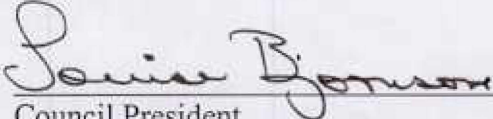
E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 (1) (a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted 1 time of a violation of RCW 46.20.342 (1) (a) or (b) within the past 5 years, the vehicle shall be impounded for 60 days.

F. If a vehicle is impounded because a driver is arrested for a violation of RCW 46.20.342 (1) (a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted 2 or more times of a violation of RCW 46.20.342 (1) (a) or (b) within the past 5 years, the vehicle shall be impounded for 90 days.

G. Notwithstanding the provisions of B.-F. of this section, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

H. Notwithstanding the provisions of B.-F. of this section, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately upon payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

PASSED by Council this 4TH day of DECEMBER, 2000.



Council President

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APPROVED by me this 13th day of December, 2000.




Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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