

**ORDINANCE NO. 09-2017**

**AN ORDINANCE OF THE CITY OF COVINGTON,  
WASHINGTON RELATING TO VEHICLE  
IMPOUND, AMENDING SECTION 10.45.020 OF THE  
COVINGTON MUNICIPAL CODE, PROVIDING  
FOR SEVERABILITY, AND ESTABLISHING AN  
EFFECTIVE DATE.**

WHEREAS, the City Council desires to authorize law enforcement personnel to impound vehicles to ensure public safety; and

WHEREAS, the City Council desires to allow its police officers to impound vehicles to ensure public safety by utilizing all means authorized under Ch. 46.55 RCW; and

WHEREAS, the City Council desires to recoup some of the costs associated with impoundment of motor vehicles subsequent to driver arrest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
COVINGTON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Section 10.45.020 of the Covington Municipal Code Amended:**  
Section 10.45.020 of the CMC is hereby amended to add a new subsection (5) as follows:

10.45.020 Impoundment authorized.

(1) When the driver of a motor vehicle is arrested for a violation of Driving While License Suspended (“DWLS”) in the third degree, as defined in RCW 46.20.342(1)(c), as written or hereafter amended, or if the driver is arrested for driving when his or her privilege to drive is suspended or revoked in any other state, the vehicle is subject to summary impoundment, at the discretion of a law enforcement officer.

(2) When the driver of a motor vehicle is arrested for a violation of DWLS in the second degree, as defined in RCW 46.20.342(1)(b), as written or hereafter amended, the vehicle is subject to summary impoundment, at the discretion of a law enforcement officer. The period of impoundment shall be for thirty (30) days.

(3) When the driver of a motor vehicle is arrested for a violation of DWLS in the first degree, as defined in RCW 46.20.342(1)(a), as written or hereafter amended, the vehicle is subject to summary impoundment, at the discretion of a law enforcement officer. The period of impoundment shall be for thirty (30) days.

(4) When the driver of a commercial motor vehicle is arrested for violation of RCW 46.20.342, and the driver of the vehicle is not the owner, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle before the summary impoundment authorized by this section. The police officer may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in

the vehicle at the time of the stop and arrest, and the owner has not received a prior release under this subsection or RCW 46.55.120(1)(a)(ii).

(5) When the driver of a motor vehicle is arrested for violation of Driving while Under the Influence pursuant to RCW 46.61.502; RCW 46.61.503; RCW 46.61.504, the arresting officer will impound the vehicle in accordance with RCW 46.55.360 as adopted by CMC 10.05.010.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this ordinance.

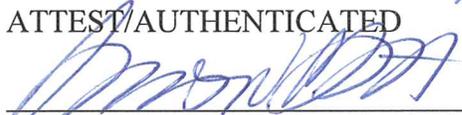
**Section 3. Effective Date.** This ordinance shall take effect five days after its adoption and publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22nd DAY OF AUGUST 2017.

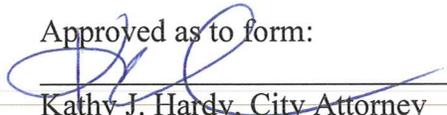
CITY OF COVINGTON

  
\_\_\_\_\_  
Mayor Jeff Wagner

ATTEST/AUTHENTICATED

  
\_\_\_\_\_  
Sharon Scott, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Kathy J. Hardy, City Attorney

Date Published: Aug. 25, 2017  
Effective Date: Aug. 30, 2017