

ORDINANCE NO. 1717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.33.010 OF THE BONNEY LAKE MUNICIPAL CODE TO INCLUDE ILLEGAL RACING CONDUCT AND VEHICLE IMPOUNDMENT AND FORFEITURE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to ensure safe streets free from dangerous street racing for Bonney Lake's citizens, community, and visitors; and

WHEREAS, Senate Bill 5606 created RCW 46.61.748, which permits the impoundment and potential forfeiture of vehicles used in street racing; and

WHEREAS, the City Council desires that law enforcement has all methods available to keep the community of Bonney Lake safe;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 10.33.010 of the Bonney Lake Municipal Code is hereby amended to read as follows:

10.33.010 Removal by police officer.

- A. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.342, 46.20.345, 46.61.502, or 46.61.504, or illegal racing conduct under RCW 46.61.500 or 46.61.530 or a comparable municipal ordinance, which sections have been adopted as a part of the city's Model Traffic Ordinance pursuant to Chapter 308-330 WAC as adopted through Chapter 10.04 BLMC, or subsequent amendments thereto, the vehicle may be subject to summary impoundment at the direction of a police officer. Any officer directing an impoundment pursuant to this chapter shall issue a uniform written notice clearly denoting the agency's authorization to impound, the form of which shall be approved by the chief of police and may include a law enforcement notice of infraction or citation.
- B. If the vehicle was impounded because the driver was arrested for a violation of driving while license suspended (DWLS) in the third degree, as defined in RCW 46.20.342(1)(c), and the records of the Washington State Department of Licensing (DOL) show the driver has no prior convictions of RCW 46.20.342 or other similar local ordinance, the impounded vehicle may be released as soon as all requirements of BLMC 10.33.030 and 10.33.050(A) are met.

- C. If the vehicle was impounded because the driver was arrested for a violation of DWLS in the third degree, and the records of the DOL show that the driver has one or more prior convictions of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle may be impounded for 30 days.
- D. If the vehicle was impounded because the driver was arrested for DWLS in the first or second degree, as defined in RCW 46.20.342(1)(a) or (1)(b), and the records of the DOL show that the driver has no prior convictions for a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle may be impounded for 30 days.
- E. If the vehicle was impounded because the driver was arrested for DWLS in the first or second degree, as defined in RCW 46.20.342(1)(a) or (1)(b), and the records of the DOL show that the driver has one prior conviction for a violation of RCW 46.20.342(1)(a) or (1)(b) or similar local ordinance within the past five years, the vehicle may be impounded for 60 days.
- F. If the vehicle was impounded because the driver was arrested for DWLS in the first or second degree, as defined in RCW 46.20.342(1)(a) or (1)(b), and the records of the DOL show that the driver has two or more prior convictions for a violation of RCW 46.20.342(1)(a) or (1)(b) or similar local ordinance within the past five years, the vehicle may be impounded for 90 days.
- G. When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment is directed, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and 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 under BLMC 10.33.050.
- H. If a vehicle driver is arrested for a violation of RCW 46.61.502 or 46.61.504, driving under the influence or having physical control of a vehicle while under the influence, as adopted by the Model Traffic Ordinance in WAC 308-330-307 through Chapter 10.04 BLMC, the vehicle shall be impounded, unless the vehicle is a commercial vehicle or farm vehicle as identified in subsection J of this section.
- I. A vehicle impounded pursuant to subsection H of this section may not be redeemed within a 12-hour period following the time the impounded vehicle arrives at the operator's storage facility, unless there are two or more registered owners of the vehicle or there is a legal owner of the vehicle that is not the driver of the vehicle. A registered owner or legal owner who was not

the driver of the vehicle at the time of arrest may redeem the impounded vehicle after it arrives at the facility. Any other party redeeming the vehicle may do so after the 12-hour period has elapsed and the party has complied with the requirements of BLMC 10.33.030 and 10.33.050(A). All other procedures for notice, redemption, storage, auction, and sale shall remain the same as for other impounded vehicles under this chapter.

- J. When an arrest is made for a violation of RCW 46.61.502 or 46.61.504, if the vehicle is a commercial vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment is directed, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and 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.
- K. A police officer directing that a vehicle be impounded when the driver is arrested for a violation of RCW 46.61.502 or 46.61.504 may leave a vehicle after placing a completed impound order and inventory inside a vehicle and securing the vehicle by closing the windows and locking the doors if:
 - 1. The officer has waited 30 minutes after contacting a dispatcher to request an operator and the responding tow truck operator has not arrived; or
 - 2. The officer is presented with exigent circumstances, including being called to another incident or being required to return to patrol due to limited available resources.

The city and its officers shall not be liable for any damages to the vehicle or for any theft of the vehicle or its contents that occurs between the time the officer leaves the vehicle and the time that the tow truck operator takes custody of the vehicle.

- L. A rental car business or a motor vehicle dealer or lender with a perfected security interest may immediately redeem a vehicle it owns that has been impounded pursuant to this section by payment of the costs of removal, towing and storage. Upon such payment the vehicle will not be held for the period of impoundment stated in this section.
- M. When the driver is arrested for illegal racing conduct under RCW 46.61.500 or 46.61.530 or a comparable municipal ordinance, the vehicle is subject to impoundment and forfeiture as set forth in RCW 46.55.113, 46.55.360, 46.55.370, and 46.61.748.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.


Section 4. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

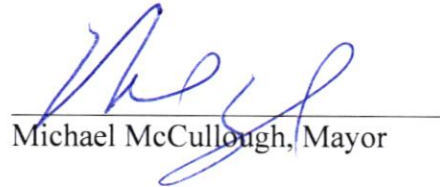
Section 5. Effective Date. This Ordinance shall be effective thirty (30) days after adoption and publication as provided by law.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 27th day of February 2024.

APPROVED by the Mayor this 27th day of February 2024.

AUTHENTICATED:


Sadie A. Schaneman, CMC, City Clerk


Michael McCullough, Mayor

AB24-16 Passed: 2/27/2024 Valid: 4/7/2024 Published: 3/7/2024 Filed With The City Clerk: 2/27/2024 Effective Date: 4/7/2024 This Ordinance totals 4 page(s)

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Prosecutor's Office / Dena Burke - Deputy City Attorney-Prosecutor	Meeting/Workshop Date: February 27, 2024	Agenda Bill Number: AB24-16
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D24-16	Sponsor:

Agenda Subject: Ordinance Amending BLMC 10.33.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 10.33.010 Of The Bonney Lake Municipal Code To Include Illegal Racing Conduct And Vehicle Impoundment And Forfeiture; Providing For Severability And Corrections; And Establishing An Effective Date.

Administrative Recommendation: Approve

Background Summary: Senate Bill 5606 added and amended sections of RCW 46.55 and RCW 46.61 related to street racing and impoundment and forfeiture of vehicles when the driver is arrested for street racing. Police can now impound vehicles when the driver is arrested for racing, even if no racing charge or conviction results from the incident. The vehicle may also be subject to forfeiture. Because of this update to state law regarding the impound and forfeiture of vehicles involved in racing, it is recommended to update the Bonney Lake Municipal Code Section 10.33.010 relating to vehicle impoundment. Additional changes from the law included adding drifting - intentional vehicle oversteering that causes traction law - is now within the definition of racing. Also, the crime of aiding or abetting racing is added and has the same penalties as racing.

Attachments: Ordinance No.D24-16.

BUDGET INFORMATION

Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				<input type="checkbox"/> General
				<input type="checkbox"/> Utilities
				<input type="checkbox"/> Other

Budget Explanation: No Direct Budget Impact.

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:	Public Safety	<i>Approvals:</i>	Yes	No
	Date: 13 February 2024	Chair/Councilmember	Angela Baldwin	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember	Kerri Hubler	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember	Dan Roach	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to: Council Meeting	Consent Agenda:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/27/2024	Tabled to Date:

APPROVALS

Director: JPV	Mayor: Michael McCullough	Date Reviewed by City Attorney: (if applicable)
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