

ORDINANCE NO. 18-3911

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING KELSO MUNICIPAL CODE CHAPTER 10.04 AND CHAPTER 10.12 TO AMEND PUBLIC PARKING AND VEHICLE IMPOUND REGULATIONS**

WHEREAS, the City of Kelso has adopted the State Model Traffic Ordinance and Chapter 46.55 RCW related to impoundment of vehicles; and

WHEREAS, pursuant to RCW 46.55.240, the City is authorized to further regulate parking within City right of way and public parking facilities, as well as provide for impoundment of vehicles in violation of those regulations; and

WHEREAS, Under the Model Traffic Ordinance, street parking is prohibited only in certain circumstances relating to public safety and there are no general parking restrictions related to the time a vehicle may be parked within the right of way; and

WHEREAS, the City's police department and code enforcement officer have received ongoing complaints related to the long-term storage of vehicles within the right of way that limits parking available for other uses and by other citizens within the City; and

WHEREAS, amendments to KMC Chapter 10.04 to prevent storage of vehicles and limit the time a vehicle may be parked without moving on City right of way will promote and protect the public health, safety, and welfare and provide the reasonable use of parking on City streets;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. **Adding a new section 10.12.020 to Chapter 10.12 KMC.** That a new Kelso Municipal Code Section 10.12.020 is hereby adopted as follows:

**10.12.020. Limits on parking on city streets and city property.**

A. Limits—Nonposted streets and public property. Whether or not posted upon streets, city-owned or controlled parking facilities, or other city property, it is unlawful to park any vehicle in one place upon a city street, a city owned or controlled parking facility, or other city property within the city limits of Kelso for a time period exceeding seven (7) consecutive days.

B. Prohibited purposes. No person shall park any vehicle, including utility trailers, camping trailers, travel trailers, motor-homes, mobile homes, campers, boats or recreational vehicles, or automobiles, trucks or other vehicles upon a

city street, a city owned or controlled parking facility, or upon other city property within the city limits of Kelso for the purpose of storing, repairing, or rehabilitating any inoperative vehicle, except repairs, necessitated by an emergency, which can be accomplished within a single 24-hour period.

Section 2. **Amending KMC 10.04.050**. That Section 10.04.050 of the Kelso Municipal Code is hereby amended as follows:

**10.04.050 Impoundment provisions implemented.**

A. A vehicle may be impounded by registered tow truck operator at the direction of City of Kelso law enforcement officers or limited commission officers authorized under KMC 2.32.050 under the following circumstances:

or

1. When authorized under Chapter 46.55 RCW;
2. Pursuant to RCW 46.55.113, ~~city of Kelso law enforcement officers are authorized to impound vehicles~~ whenever the driver of the vehicle is arrested for a violation of RCW 46.20.342 or 46.20.345;
3. ~~Further pursuant to RCW 46.55.360, the city of Kelso law enforcement officers are authorized to impound vehicles~~ whenever driver of a vehicle has been arrested for a violation of RCW 46.61.502 or 46.61.504.
4. Pursuant to RCW 46.55.240, whenever the law enforcement officer has probable cause to believe that the vehicle or its contents constitutes evidence of a crime, if impoundment is necessary in such instance to obtain or preserve such evidence.
5. Pursuant to RCW 46.55.240, when a vehicle is parked in a public right-of-way or other publicly owned or controlled property in violation of any law, ordinance or regulation, and there are two or more notices of parking infraction issued against the vehicle and for each of which no person has responded, appeared at a requested hearing, or paid an adjudicated parking infraction for at least 45 days from the date of the filing of the notice of parking infraction.
6. Pursuant to RCW 46.55.085, when an unauthorized vehicle is left upon a city street, publicly owned or controlled parking facility, or publicly owned property in violation of this code or in violation of any other ordinance, law or regulation, after the owner or operator of such vehicle has been cited for such violation and after a notice of impoundment, pursuant to RCW 46.55.085, has been securely attached to and conspicuously displayed on such vehicle for a period of 24 hours prior to impoundment; provided, that if the vehicle has current vehicle license and tabs, the law enforcement officer shall also check electronic and/or other appropriate reasonably available records to ascertain the identity of the last owner of record and shall make a reasonable effort to contact the owner in person or by telephone to notify the owner of the proposed impoundment.

- B. The chief of police or a designee is authorized to provide written direction to hold the vehicle for the time periods provided for and specified in local ordinance or state law. The city adopts the impound periods as set forth in Chapter 204-96 WAC and adopts this chapter of the WAC fully by reference.

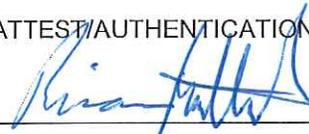
Section 3. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. **Severability.** Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 5. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.

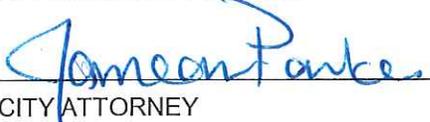
**ADOPTED** by the City Council and **SIGNED** by the Mayor this 3<sup>rd</sup> day of July, 2018.

ATTEST/AUTHENTICATION:

  
\_\_\_\_\_  
CITY CLERK

  
\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

PUBLISHED: Sat., July 7, 2018