

BINGEN MUNICIPAL CODE

Chapter 10.05

HOLDING VEHICLES IMPOUNDED

Sections:

- 10.05.010 Holding vehicles impounded.
- 10.05.020 Redemption of impounded vehicles.
- 10.05.030 Contesting impoundment or towing and storage charges.

10.05.010 Holding vehicles impounded.

- A. Driving Under the Influence or Physical Control Under the Influence. When a vehicle is impounded because the operator is arrested for a violation of RCW 46.61.502 or RCW 46.61.504, the vehicle shall be held, at the written direction of the Bingen-White Salmon Police Chief or one of his officers, in impound before it may be redeemed for:
The Bingen-White Salmon Police Chief or one of his officers shall issue an immediate written order of release of vehicle upon compliance with BMC 10.05.020 A or BMC 10.05.010 E.
- B. DWLS/DWLR: First Degree or Second Degree. When a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342(1) (a) or (b) (DWLS/DWLR First or Second Degree), the vehicle will be held, at the written direction of the Bingen-White Salmon Police Chief or one of his officers, in impound before it may be redeemed for:
 - 1. Thirty (30) days when the Department of Licensing's records show that the operator has no prior conviction of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five (5) years;
 - 2. Sixty (60) days when the Department of Licensing's records show that the operator has been convicted once of RCW 46.20.342(1) (a) or (b) or similar local ordinance within the past five (5) years;
 - 3. Ninety (90) days when the Department of Licensing's records show that the operator has been convicted two or more times of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five (5) years.
- C. DWLS/DWLR Third Degree. When a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342(1) (c) (DWLS/DWLR Third Degree), the vehicle will be held, at the written direction of the Bingen-White Salmon Police Chief or one of his officers, in impound before it may be redeemed, as follows:

1. The Bingen-White Salmon Police Chief or one of his officers shall issue an immediate written order of release of the vehicle from impound upon compliance with the provisions of BMC 10.05.020 A and B. or BMC 10.05.010 E. when the Department of Licensing's records show that the operator has no prior convictions of RCW 46.20.342(1) (a), (b), or (c) or a similar local ordinance within the past five (5) years;
 2. Thirty (30) days when the Department of Licensing's records show that the operator has one or more convictions of RCW 46.20.342(1) (a), (b) or (c) or a similar local ordinance within the past five (5) years.
- D. RCW 46.20.345 Duration of Impoundment. The underlying level of suspension or revocation in Washington shall govern the duration of impoundment for a violation of RCW 46.20.345. Section 1.A. shall govern those who violate RCW 46.20.345 while suspended or revoked in the first degree or second degree and Section 1.B. shall govern those who violate RCW 46.20.345 while suspended in the third degree.
- E. Hardship Release. The Bingen-White Salmon Police Chief or one of his officers may issue a written order to release the vehicle from impound before the expiration of the impound period on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record. (Ord. 472, § 1, 2000)

10.05.020 Redemption of impounded vehicles.

Vehicles impounded pursuant to this ordinance may be redeemed, after being held for the requisite number of days in impound, upon the following conditions:

- A. The person redeeming the vehicle is an eligible person to redeem the vehicle under RCW 46.55.120(1) (a) and pays all towing, removal, and storage fees in commercially reasonable tender as provided in RCW 46.55.120(1) (b); and
- B. When the vehicle was impounded because the operator was in violation of RCW 46.20.342 and the operator is the registered owner, such registered owner establishes with the Bingen-White Salmon Police Chief or one of his officers that all penalties, fines, or forfeitures owed by him or her for traffic violations have been paid in full; and
- C. Issuance of a written order from the Bingen-White Salmon Police Chief or one of his officers directing release of the impounded vehicle. (Ord. 472, § 1, 2000)

10.05.030 Contesting impoundment or towing and storage charges.

- A. Any person seeking to redeem a vehicle impounded under this chapter has a right pursuant to the provisions of RCW 46.55.120(2) (b) to a hearing in the West District Court of Klickitat County (Bingen Municipal Court) to contest the validity of the impoundment or the amount of towing and storage charges.

- B. The Bingen-White Salmon Police Chief or one of his officers shall appear at the impoundment validity hearing in the District Court. The Prosecuting Attorney is not required to represent the Bingen-White Salmon Police chief at the hearing. (Ord. 472, § 1, 2000)