

Amends the Traffic Code relative to impound fees for stolen vehicles.

Ordinance No. 109031

80.B.01

AN ORDINANCE relating to responsibility for impound fees and amending Section 11.30.180 of the Traffic Code (Ordinance 108200) by no longer exempting certain owners of stolen vehicles or certain vehicles held for investigatory purposes from paying an impoundment fee.

5-7-80 PSHJ PASS

COMPTROLLER
FILE NUMBER _____

Council Bill No. 100836

INTRODUCED: NOV 13 1979	BY: EXECUTIVE REQUEST
REFERRED:	TO: PUB. SAFETY & JUSTICE
REFERRED:	
REPORTED: MAY 12 1980	SECOND READING: MAY 12 1980
THIRD READING: MAY 12 1980	SIGNED: MAY 12 1980
PRESENTED TO MAYOR: MAY 13 1980	APPROVED: MAY 23 1980
RETD. TO CITY CLERK: MAY 23 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 109031

AN ORDINANCE relating to responsibility for impound fees and amending Section 11.30.180 of the Traffic Code (Ordinance 108200) by no longer exempting certain owners of stolen vehicles or certain vehicles held for investigatory purposes from paying an impoundment fee.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 11.30.180 of Ordinance 108200 is amended to read as follows:

Section 11.30.180 RESPONSIBILITY FOR FEES AS TO STANDBY TIME, STOLEN VEHICLES OR VEHICLES HELD FOR INVESTIGATORY PURPOSES.

(a) No fee shall be assessed against the owner of a vehicle for time elapsed after the towing equipment has arrived at the location of the vehicle to be towed and prior to the operation of the towing equipment or performance of the impound service.

(b) No impoundment fee and/or towing or storage charges shall be assessed against the owner of a ~~((stolen))~~ vehicle when the vehicle is impounded by order of the Police Department, and not by direction of the vehicle owner, and verified as stolen by the Police Department, ~~((which has been recovered by the police and which is redeemed by the owner on or before the fifth (5th) day after impoundment,))~~ when:

- 1) Substantial evidence of theft exists, as determined by the recovering officer, or
- 2) the vehicle was reported stolen before it was impounded, and there is no tangible evidence of negligence by an authorized user which contributed to the theft, including, but not limited to, keys left on or in the vehicle,

Provided, that ~~((such))~~ the owner or the person authorized to ~~((obtain possession of such impounded))~~ redeem the vehicle shall pay storage charges commencing on the sixth (6th) day after impoundment for such purpose.

1 (c) No impoundment fee and/or towing or storage charges shall be
2 assessed against the owner of a vehicle which is being held for investigatory
3 purposes pursuant to Section 11.40.040(e) hereof and which is redeemed within
4 ninety-six (96) hours after the Police Department shall have notified the
5 owner of the release of such vehicle in writing in the manner provided in
6 Section 11.30.100(c); provided that such owner or person authorized to obtain
7 possession of such impounded vehicle shall pay any charges assessed for
8 storage after such ninety-six (96) hour period; provided further, that if
9 the registered owner or the driver authorized by the registered owner is
10 arrested or charged with a crime in connection with the incident leading to
11 impoundment, the owner is not exempted from towing or storage charges.
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(To be used for all Ordinances except Emergency.)

Section...2.. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 12 day of May, 19 80
and signed by me in open session in authentication of its passage this 12 day of May, 19 80

[Handwritten Signature]
President..... of the City Council.

Approved by me this 23 day of May, 19 80

[Handwritten Signature]
Mayor.

Filed by me this 23 day of May, 19 80

[Handwritten Signature]
Attest: Jim Hill
City Comptroller and City Clerk.

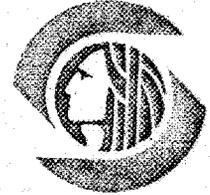
(SEAL)

Published..... By G. C. Geisert
Deputy Clerk.

Your City, Seattle

Executive Department-Office of Management and Budget

Casey Jones, Director
Charles Royer, Mayor



COPY OF WITHIN RECEIVED

NOV 7 1979

NOV 7 1979

Douglas N. Jewett
CITY ATTORNEY

643
ADD 30-day end.
then CK.

Casey Jones

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

DEPARTMENT: Licenses and Consumer Affairs

SUBJECT: Amendments to the Traffic Code for Police Impound/Towing Contract

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

Casey Jones
Casey Jones
Budget Director

Your City, Seattle

Executive Department-Office of Management and Budget

Casey Jones, Director
Charles Royer, Mayor



November 7, 1979

The Honorable John Miller, President
Seattle City Council
11th Floor, Municipal Building
Seattle, Washington 98104

Dear Councilman Miller:

Attached is an ordinance amending Section 11.30.180 of the Traffic Code for your consideration and action. The amendment provides relief for people who are victims of stolen vehicle impounds. Under the amendment, the City would continue to pay impound and towing fees, if the vehicle is verified as stolen and no evidence of owner negligence is present.

We apologize for the long delay in forwarding this proposal to you. Many thanks go to Councilman Revelle for his suggestions on how to amend the ordinance. His ideas are fully incorporated into the proposed amendment.

Attached also you will find letters from the Licenses and Consumer Affairs and Police Departments, stating their position and recommendation. This includes, as well, background information which is pertinent to the subject matter.

Please contact us if you require additional information.

Sincerely,


Casey Jones
Budget Director

CJ/ww/aba

Attachments

Your
Seattle
Department of Licenses and Consumer Affairs



Michael E. Clift, Acting Director
Charles Royer, Mayor

October 10, 1979

RECEIVED

OCT 10 1979

OFFICE OF MANAGEMENT
& BUDGET

The Honorable John Miller
Seattle City Council
11th Floor, Municipal Building
Seattle, WA 98104

Via: OMB/Mayor's Office

Dear Councilman Miller:

Attached is a draft ordinance for your consideration and action which amends Section 11.30.180 of the Traffic Code to prevent the common abuse of reporting an impounded vehicle stolen to avoid paying towing fees. In addition, if a vehicle is stolen because of the owner's negligence, impound fees would not be paid by the City.

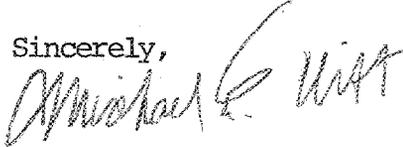
Department of Licenses and Consumer Affairs' records indicate that from 1978 to 1979 at least 47% of stolen vehicle reports were falsely made to avoid paying impound fees. Police Department records show that 30% of vehicles reported stolen are recovered with keys in them, indicating that either the owner was in violation of RCW 46.61.600 for leaving a motor vehicle unattended with the keys in it, or that the vehicle was reported stolen falsely. Although these categories overlap, the attached proposal should save the City an estimated 50% of the \$45,000 projected to be paid for stolen vehicles impounded by the City in 1980.

Most owners of stolen vehicles would not be assessed an impound fee for their vehicles, if they did not contribute to the theft by negligently leaving the vehicle unattended with keys in it. In the rare case when a vehicle is stolen, and it is reported stolen after it is impounded, and there is no evidence of theft such as forceable entry, the owner could redeem the vehicle without paying for the impound by signing a promissory note. Only after a court decision that the vehicle was not stolen would the owner be required to pay. This type of case is very rare, because most stolen vehicles are abandoned for more than 24 hours before they are recovered, giving the owner adequate time to report the vehicle stolen.

Letter to The Honorable John Miller
Re: Impounding of Vehicles
September 20, 1979
Page Two

This proposal includes clear, simple standards which could be fairly administered by field personnel without greatly increasing recordkeeping requirements. We believe that it provides for fiscal responsibility by closing the false reporting loophole, while providing that most owners of impounded stolen vehicles will not be charged for the return of their vehicle.

Sincerely,



MICHAEL E. CLIFT
Acting Director

MEC:JSB:cal

Seattle Police Department

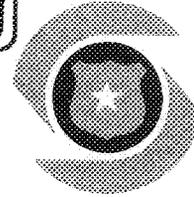
Patrick S. Fitzsimons, Chief of Police
Charles Royer, Mayor

October 9, 1979

RECEIVED

OCT 10 1979

OFFICE OF MANAGEMENT
& BUDGET



The Honorable John Miller
President
Seattle City Council

VIA OMB AND
MAYOR'S OFFICE

Reference: City Traffic Code - Payment of Police Ordered Impounds

Dear Councilman Miller:

Attached is a copy of the draft ordinance which is being submitted by the Department of Licenses and Consumer Affairs for your consideration and action. This draft ordinance would amend Section 11.30.180 of the Traffic Code and is designed to determine, under the appropriate circumstances, instances when the City of Seattle will pay towing charges when a vehicle is impounded by order of the Seattle Police Department.

Briefly, under the proposed amendments, the following elements would be considered:

- 1) Was the impound ordered by a police officer? For your information, we have attached a copy of the Seattle Police Department Rules and Regulations regarding the circumstances which must exist before a vehicle is impounded. In general, vehicles are impounded for reasons of public safety or to further a criminal investigation only.
- 2) The second element created by the amendments requires a determination by the recovering officer of whether or not he believes the vehicle was stolen. Factors which influence the recovering officer include the fact of whether or not the vehicle was reported stolen prior to the impound, and whether or not the owner or other person responsible for the vehicle was negligent in a manner which substantially contributed to the theft, and whether or

The Honorable John Miller
October 9, 1978
Page Two

not the owner or authorized user violated the law by leaving keys in the vehicle which may have been used by the person who stole the car. Leaving keys in a vehicle is a violation of Seattle Traffic Code as well as a violation of state law.

- 3) The third consideration of whether or not the City should pay for the impoundment is determined by the fact of whether an authorized user of the vehicle was arrested or charged with a crime which is directly connected to and led to the impoundment of the vehicle.

The Police Department feels that the above factors need to be considered at a minimum in determining the City's obligation to pay for an impoundment. In any case, the City can only pay for impounds which are directed for the convenience of the City or for legitimate public safety reasons.

We believe the attached proposal will achieve a balance between what the City can legitimately be expected to pay for and other circumstances where cars are impounded as a result of the actions of an authorized user which led or contributed to the need for an impound.

Thank you for your consideration of this matter.

Very truly yours,

PATRICK S. FITZSIMONS
Chief of Police



Leo E. Poort
Police Legal Advisor

LEP:mk

Attachments: Copy of draft ordinance
Seattle Police Department Rules and Regulations

cc: Department of Licenses and Consumer Affairs

Affidavit of Publication

ORDINANCE 109031

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(b) No impoundment fee and/or towing or storage charges shall be assessed against the owner of a (stolen) vehicle WHEN THE VEHICLE IS IMPOUNDED BY ORDER OF THE POLICE DEPARTMENT AND NOT BY DIRECTION OF THE VEHICLE OWNER, and verified as stolen by the Police Department (which has been recovered by the police and which is redeemed by the owner on or before the fifth (5th) day after impoundment) WHEN:

1) SUBSTANTIAL EVIDENCE OF THEFT EXISTS AS DETERMINED BY THE RECOVERING OFFICER, OR

2) THE VEHICLE WAS REPORTED STOLEN BEFORE IT WAS IMPOUNDED, AND THERE IS NO TANGIBLE EVIDENCE OF NEGLIGENCE BY AN AUTHORIZED USER WHICH CONTRIBUTED TO THE THEFT, INCLUDING, BUT NOT LIMITED TO, KEYS LEFT ON OR IN THE VEHICLE.

Provided, that (such) the owner or the person authorized to (obtain possession of such (impounded)) REDEEM THE vehicle shall pay storage charges commencing on the sixth (6th) day after impoundment for each purpose.

(c) No impoundment fee and/or towing or storage charges shall be assessed against the owner of a vehicle which is being held for investigatory purposes pursuant to Section 11.30.40(c) hereof and which is redeemed

STATE OF WASHINGTON KING COUNTY—SS.

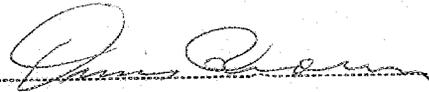
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below

stated period. The annexed notice, a

Ordinance No. 109031

was published on May 28, 1980



Subscribed and sworn to before me on

May 28, 1980

J. M. Haley
Notary Public for the State of Washington,
residing in Seattle.