

**CIVIL TRAFFIC ORDINANCE
TOWING AND IMPOUNDMENT**

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8.55.280 Definitions

The definitions set forth in this section apply throughout this chapter:

- (a) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.
- (b) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds - public and private.
 - (1) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.
 - (2) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.
- (c) "Junk vehicle" means a vehicle certified under 8.55.230 as meeting at least three of the following requirements:

- (1) Is three years old or older;
 - (2) Is extensively damaged, including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;
 - (3) Is apparently inoperable;
 - (4) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- (d) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.
 - (e) "Residential property" means property that has no more than four living units located on it.
 - (f) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles.
 - (g) "Tow truck service" means the transporting upon the public streets and highways of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.
 - (h) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(1) Public locations:

- (A) Constituting an accident or a traffic hazard. . . .Immediately
- (B) On a highway and tagged. 24 hours
- (C) In a publicly owned or controlled posted parking facility.
.Immediately

(2) Private locations:

- (A) On residential property Immediately
- (B) On private, nonresidential property, properly posted
Immediately
- (C) On private, nonresidential property, not posted 24 hours

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

TOW TRUCK OPERATORS--REGISTRATION REQUIREMENTS

8.55.020 Registration Required - Penalty

A person shall not engage in or offer to engage in the activities of a registered tow truck operator without a current registration authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a traffic infraction.

A registered operator who engages in a business practice that is prohibited under this chapter may be issued a notice of traffic infraction and is also subject to the civil penalties that may be imposed by the Tribal Court. A person found to have committed an offense that is a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars. All traffic infractions issued under this chapter is under the jurisdiction of the Tribal court.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

8.55.035 Prohibited Acts - Penalty

- (a) No registered tow truck operator may:
 - (1) Except as authorized under 8.55.037, ask for or receive any compensation, gratuity, reward, or promise thereof from a person having control or possession of private property or from an agent of the person authorized to sign an impound authorization, for or on account of the impounding of a vehicle;
 - (2) Be beneficially interested in a contract, agreement, or understanding that may be made by or between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization;
 - (3) Have a financial, equitable, or ownership interest in a firm, partnership, association, or corporation whose functions include acting as an agent or a representative of a property owner for the purpose of signing impound authorizations.
- (b) This section does not prohibit the registered tow truck operator from collecting the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing of an impounded vehicle.
- (c) A violation of this section is a traffic infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

IMPOUNDING UNAUTHORIZED VEHICLES

8.55.070 Posting Requirements - Exception

- (a) No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on the property that clearly indicates:
 - (1) The times a vehicle may be impounded as an unauthorized vehicle; and
 - (2) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.
- (b) The requirements of subsection (a) of this section do not apply to residential property. Any person having charge of the property may have an unauthorized vehicle impounded immediately upon giving written authorization.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

8.55.080 Law Enforcement Impound, Private Impound - Master Log - Certain Associations Restricted

- (a) If a vehicle is in violation of the time restrictions of 8.55.010(h), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.
- (b) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

8.55.085 Law Enforcement Impound - Unauthorized Vehicle in Right of Way.

- (a) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification. The notification shall contain the following information:

- (1) The date and time attached;

- (2) The identity of the officer;
 - (3) A statement that if the vehicle is not removed within twenty-four hours from the time the notification is attached, the vehicle may be taken into custody and stored at the owner's expense; and
 - (4) The address and telephone number where additional information may be obtained.
- (b) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer shall ensure that a reasonable effort is made to contact the owner by telephone in order to give the owner the information on the notification.
 - (c) If the vehicle is not removed within twenty-four hours from the time the notification is attached, a law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies Skokomish law enforcement officials and requests assistance.
 - (d) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

8.55.100 Impound Notice - Abandoned Vehicle Report - Owner Information - Disposition Report.

At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to the Skokomish Department of Public Safety, who shall maintain a log of the reports. The Skokomish Department of Public Safety, or a private communication center acting on their behalf, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the Skokomish Department of Public Safety receives the information.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

8.55.105 Responsibility of Registered Owner.

- (a) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

- (b) Filing a report of sale or transfer regarding the vehicle involved or a vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (a) of this section.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

8.55.113 Removal by Police Officer.

Whenever the driver of a vehicle is arrested for a violation of driving while under the influence or driving while operator's license suspended, the arresting officer may take custody of the vehicle and provide for its prompt removal to a place of safety. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

- (a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any provisions of this Ordinance, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;
- (b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;
- (c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;
- (d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;
- (e) Whenever a police officer discovers a vehicle that the officer determines or has reasonable grounds to believe to be a stolen vehicle;
- (f) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person is parked in a stall or space clearly and conspicuously marked for disabled parking, which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

JUNK VEHICLE DISPOSITION

8.55.230 Junk Vehicles - Removal, Disposal, Sale.

- (a) Any law enforcement officer having jurisdiction shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the

inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

- (b) The law enforcement officer shall provide information on the vehicle's registered and legal owner to the landowner.
- (c) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.
- (d) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.
- (e) If no information on the vehicle's registered and legal owner is found, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.
- (f) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.
- (g) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a Tribal official having jurisdiction over trust land.
- (h) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

Legislative History prior to July 5, 2017

+Adopted by Resolution No. 95-80 (August 16, 1995)
Amended by Resolution No. 99-98 (November 4, 1999)
+Amended by Resolution No. 04-111 (September 8, 2004)
Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives