

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE O2013-344**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON AMENDING SECTION 22.15.020 OF THE
SAMMAMISH MUNICIPAL CODE RELATED TO THE
IMPOUNDMENT OF VEHICLES**

WHEREAS, RCW 46.55.113 grants police officers discretionary authority to impound vehicles in conjunction with certain vehicle-related arrests; and

WHEREAS, the Washington Supreme Court clarified in *In re Impoundment of Chevrolet Truck*, 148 Wash. 2d 145 (2002) that a municipality must grant its police officers such discretion to impound vehicles in conjunction with certain vehicle-related arrests in accordance with RCW 46.55.113; and

WHEREAS, the City Council desires that the Sammamish Municipal Code comply with Washington State law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Amendment. Section 22.15.020 (“Impoundment Authorized”) is hereby amended to read as follows:

22.15.020 Impoundment authorized.

(1) If a driver is arrested for a violation of driving while license suspended (“DWLS”) in the third degree, as defined in RCW 46.20.342, or if the driver is arrested for driving with a license suspended in another state, the vehicle ~~shall be impounded~~ is subject to impoundment.

(2) If the driver is arrested for a violation of DWLS second degree, as defined in RCW 46.20.342, the vehicle ~~shall be impounded~~ is subject to impoundment for 30 days.

(3) If the driver is arrested for a violation of DWLS first degree, as defined in RCW 46.20.342, the vehicle ~~shall be impounded~~ is subject to impoundment for 30 days.

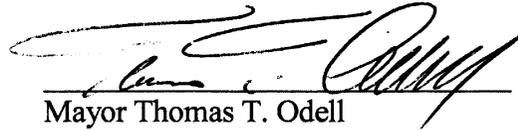
(4) If a driver is arrested for a violation of RCW 46.61.502, Driving under the influence, or RCW 46.61.504, Physical control of vehicle under the influence, the vehicle ~~shall be impounded~~ is subject to impoundment.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 4th DAY OF JUNE 2013**

CITY OF SAMMAMISH



Mayor Thomas T. Odell

ATTEST/ATHENTICATED



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	April 30, 2013
First Reading	May 7, 2013
Second Reading:	May 20, 2013
Passed by the City Council:	June 4, 2013
Date of Publication:	June 7, 2013
Effective Date:	June 12, 2013