

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-32**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING
CHAPTER 10.22 OF THE MERCER ISLAND CITY CODE RELATED TO IMPOUNDING;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Chapter 46.55 of the Revised Code of Washington ("RCW") authorizes law enforcement, authorized regional transit authority representatives, or public officials with jurisdiction to impound vehicles under circumstances set out in state law; and

WHEREAS, RCW 46.55.240 authorizes cities, by ordinance, to authorize other impound circumstances that may arise locally upon the public right-of-way or other publicly owned or controlled property; and

WHEREAS, Chapter 10.22 of the Mercer Island City Code ("MICC") was last amended in 1978 and requires substantial modernization to be consistent with state law and changes to the MICC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO
ORDAIN AS FOLLOWS:

Section 1. **Amended.** Chapter 10.22 MICC, Impounding, shall be amended as set forth in Exhibit A of this ordinance.

Section 2. **Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 3. **Effective date.** This ordinance shall take effect and be in force on January 1, 2026, provided five days have passed since the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS
MEETING ON THE 2ND DAY OF DECEMBER 2025.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____

EXHIBIT A

Chapter 10.22 IMPOUNDING

10.22.005 Purpose and authority.

All impoundments authorized by the City shall be conducted in accordance with state law, as prescribed by Chapter 46.55 RCW, which is hereby adopted by reference and incorporated into this chapter. Other than impounds authorized under RCW 46.55.113(2)(e) which may include a mandatory period of impoundment, an officer's decision to have a vehicle towed and impounded under Ch. 46.55 RCW is discretionary, considering reasonable alternatives, and remedial in order to preserve the public health, safety, and welfare by removing obstructions and hazards in public ways and spaces; reducing the risk posed to public safety by a vehicle accessible to a driver who is reasonably believed to have violated traffic laws; and securing and protecting property, both public and private. An impound decision alone is not punitive in nature. However, if a police officer elects to have a vehicle towed and/or impounded under Ch. 46.55 RCW, the officer will have discretion to issue an infraction or citation for the corresponding violation that resulted in the tow and/or impoundment.

10.22.010 Definitions. **Vehicle** defined.

"Impoundment" means removal of a vehicle to a storage facility either by a law enforcement officer of the Mercer Island Police Department or by a contractor for towing and storage in response to a request from a law enforcement officer.

"Unauthorized vehicle" means a vehicle (regardless of physical condition) that is subject to impoundment after being left unattended in a public location for the period of time indicated in RCW 46.55.010(14).

"Vehicle," as used in this chapter, shall have the meaning as that term is defined in chapter 10.04 MICC and in addition shall include the remains of any vehicle so long as identification can be made. **Vehicle** includes electric motorcycle, as defined in chapter 10.04 MICC.

10.22.020 Statute adopted by reference—Authority. Repealed.

The following state statute is adopted by reference:

RCW 46.90.330 Authority to remove and impound vehicles on public property—Procedure.

10.22.021 Vehicle Impoundment - Notice.

A. **Impoundment Without Notice.** A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in subsection (B) of this section only under the circumstances listed in RCW 46.55.113, or when impound without notice is otherwise authorized by law, ordinance, or regulation.

1. When an arrest is made for violation of RCW 46.20.342, if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this RCW 46.55.113, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the

owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)(b)(ii).

2. The additional procedures outlined in RCW 46.55.360 apply to any impoundment of a vehicle under RCW 46.55.113(2)(e).

B. When Notice Is Required. A vehicle may be impounded for the reasons in subsections (B)(1) and (B)(2) of this section only after a notification sticker meeting the requirements of RCW 46.55.085 has been attached to and conspicuously displayed on the vehicle for a period of at least 24 hours prior to such impoundment. 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 or his or her department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

1. When such vehicle is parked in violation of any law, ordinance, or regulation.
2. Such vehicle is left unattended without authorization on City owned nonhighway property not posted in accordance with RCW 46.55.070.

10.22.030 Additional authority to impound.

- A. Any vehicle parked, angle parked, or so used as to endanger any user or potential user of any street or way open to the public, or used in violation of the traffic code, is declared to be a nuisance which may be summarily abated by the impounding and removal of the vehicle as provided in this chapter.
- B. Any vehicle which is stolen, or which is required by the police department for evidence of investigation, or which is unoccupied or unattended and in the judgment of any police officer in danger of being stripped or stolen, or any wrecked and unattended vehicle, may be impounded and removed as provided in this chapter.

10.22.031 Impound authorization form.

Whenever an officer impounds a vehicle pursuant to the provisions of this chapter, the officer shall complete an authorization form in accordance with RCW 46.55.075 and WAC 204-96-030, which is hereby adopted by reference and incorporated into this chapter.

10.22.040 Impounding for traffic offense. Repealed.

~~When an authorized police officer of the city impounds a vehicle for violation of the traffic provisions of this Code, he shall attach to such vehicle a traffic violation ticket.~~

10.22.050 Notice to legal and registered owner of impounded vehicle. Notice to impound—Authority.

~~The police officer so ordering impounding shall immediately notify the tow company, for towing and impounding such vehicles, of the location of the same. Such tow company shall thereupon be authorized to seize such vehicle and remove it to a garage or proper storage place.~~

When any vehicle is impounded pursuant to this chapter, the impounding towing operator shall notify the legal and registered owners of the impoundment in accordance with RCW 46.55.110.

10.22.060 Redemption of impounded vehicle.

~~No vehicle impounded for violation of the traffic code shall be released from the impounding garage until the owner or driver thereof has:~~

- ~~A. Furnished satisfactory evidence to the police department and the operator of the garage in which the vehicle was impounded of his identity and ownership, and agency if represented by an agent;~~
- ~~B. Signed written receipt for the vehicle.~~

Vehicles impounded by the city shall be redeemed only in accordance with RCW 46.55.120 and WAC 204-96-010.

10.22.062 Post impoundment hearing rights and procedure.

- A. Any person seeking to redeem an impounded vehicle may request a hearing to contest the validity of the impoundment or the amount of towing and storage charges in accordance with the procedures in RCW 46.55.120.
- B. The hearing must be conducted in accordance with the procedures outlined in RCW 46.55.120.

10.22.063 Administrative Fee.

If a vehicle is impounded pursuant to the provisions of this chapter, an administrative fee as specified in the city's Fee Schedule shall be paid to the city of Mercer Island, prior to redemption of the vehicle as provided by this chapter. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the city of implementing, enforcing and administering this chapter.

10.22.070 Payment of charges—~~City not liable.~~

~~All towing, hauling and storage charges on each vehicle impounded pursuant to this Code shall be paid by the owner thereof or his/her agent if the vehicle is redeemed; provided, however, under appropriate circumstances the police chief may approve payment of a portion or all of such charges.~~

All vehicle towing, storage, or other impoundment charges permitted by this chapter or chapter 46.55 RCW shall be the responsibility of the vehicle owner unless otherwise specified in chapter 46.55 RCW.

10.22.080 ~~Records of impounded vehicles.~~ Repealed.

~~The police department shall keep a record of all vehicles impounded by manufacturer's trade name or make, motor number, state registration or license number, name of owner or other person claiming the same, and such.~~

10.22.090 ~~Statutes adopted by reference—Regulations generally.~~ Repealed.

~~The following state statutes are adopted by reference:~~

~~RCW 46.90.335 Owner of record presumed liable for costs when vehicle abandoned—Exception.~~

~~RCW 46.90.340 Contract with registered disposer to dispose of vehicles and hulks—Compliance required.~~

~~RCW 46.90.345 Stolen and abandoned vehicles—Reports of notice—Disposition.~~

~~RCW 46.90.350 Removal and storage of vehicle or hulk—Lien—Notices—Contents.~~

~~RCW 46.90.355 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency.~~

~~RCW 46.90.360 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal.~~

~~RCW 46.90.365 Disposition of impounded vehicle—When vehicle deemed abandoned—Procedure.~~

~~RCW 16.24.065 Stock at large in areas—Unlawful.~~

~~RCW 16.24.070 Stock at large on highway right-of-way—Unlawful—Impounding.~~

10.22.100 Moving vehicle of another—Authorized under special conditions. Repealed.

~~Any vehicle otherwise legally parked but obstructing access to a public utility manhole or pole, obstructing access to a drain inlet or sewer manhole, or obstructing passage of an oversized vehicular load may be moved under emergency conditions at the direction of a police officer by means of towing or otherwise to a location not to exceed 300 feet away from such interference. The police officer authorizing such parked vehicle to be moved shall affix a notice in writing to the vehicle on which shall be noted the location from which the vehicle has been moved and the location to which the vehicle has been moved and the reason for the move. Such tow shall be at the expense and liability of the person or utility making the request. The police department shall maintain a record of this information.~~