

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 392

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON AMENDING BMC 10.12 TO AUTHORIZE IMPOUNDING A VEHICLE WHEN ITS DRIVER IS ARRESTED FOR DRIVING UNDER THE INFLUENCE OR PHYSICAL CONTROL OF THE VEHICLE WHILE UNDER THE INFLUENCE

WHEREAS, the City Council of the City of Burien adopted BMC 10.12 by means of Ordinance No. 288; and

WHEREAS, BMC 10.12.020 authorizes the impounding of a vehicle when the driver is arrested for driving while license suspended or revoked; and

WHEREAS, RCW 46.55.113 authorizes the City to pass an ordinance allowing for the impounding of a vehicle when the driver of that vehicle is arrested for a violation of either 46.61.502, driving under the influence, or RCW 46.61.504, physical control of vehicle while under the influence; and

WHEREAS, the City Council finds that extending its current impound authority to include violations of RCW 46.61.502 and RCW 46.61.504 would be an important and effective tool in protecting the public health, safety, and welfare,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. BMC 10.12.020 is hereby amended to add a subsection (4) as follows:

(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.

Section 2. Amendment. BMC 10.12.040(2) is hereby amended to read as follows:

(2) Notwithstanding subsection (1) of this section, a rental car business may immediately redeem a rented vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for impound. The officer directing the impound shall notify the rental car business as soon as practicable of the impound.

Section 3. 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 4. 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 _____ DAY OF _____, 2003, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF _____, 2003.

CITY OF BURIEN

Wing Woo, Mayor

ATTEST/AUTHENTICATED:

Janice Roegner, City Clerk

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk: October 16, 2003

Passed by the City Council:

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Date of Publication: