

ORDINANCE NO. 2668

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MOTOR VEHICLE TOWING AND STORAGE ESTABLISHING REGULATIONS APPLICABLE TO PERSONS ENGAGED IN SUCH BUSINESS AND DESIRING TO PERFORM SUCH SERVICES AT THE REQUEST OF THE CITY OF KIRKLAND AND ESTABLISHING A NEW CHAPTER TO TITLE 7 KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Declaration of Policy. In order to protect persons who operate motor vehicles within the City of Kirkland, it is desirable and necessary to adopt standard regulations to assure proper licensing, storage, availability and other controls over persons and firms licensed to provide motor vehicle towing and storage service, in addition to those regulations imposed by state law. The provisions of this ordinance shall apply only to those motor vehicle towing and motor vehicle storage operators, who perform such activities at the request of the City of Kirkland, including the Kirkland Police Department.

Section 2. For the purposes of this ordinance, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

"Towing Operator" means a person engaged in the business of or offering the services of a vehicle, wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

"Chief of Police" means the executive head of the Police Department for the City of Kirkland or anyone designated by him.

"Towing list" means a list maintained by the police department, containing the names of those "towing operators" who have qualified for and agreed to respond to requests made by the Kirkland Police Department for the towing of vehicles.

"Storage yard" means that specific place where a towing operator holds, stores or retains, any towed motor vehicle until such time as the motor vehicle is released to its owner.

"City" means the City of Kirkland.

Section 3. Application for towing service. Any person desiring to perform towing work at the request of the Kirkland Police Department, shall submit an application for towing service to the Chief of Police. Application forms shall be obtained from the office of Chief of Police. These forms shall include the name of the owner, home and business address, home phone and name under which the person does or will trade, the location, size and security features of the storage yard on which towed vehicles will be stored, the location to which the public must come to claim stored vehicles, a statement of willingness to provide towing service on a continuous 24-hour a day basis each day of the year, a list of the towing equipment, its size and capacity, a complete listing of the insurance policies maintained by the applicant, a statement that the owner will accept responsibility for any and all personal property, theft in towed and stored vehicles, along with a description of the place he would use to adequately protect the property left in towed or stored vehicles.

Section 4. Standard regulations for towing operators. The owner shall hold current and valid permits from the State of Washington as may be required for the operation both of the towing business and the automobile storage yard.

The owner shall assure that every truck operator be properly licensed as a motor vehicle operator for the particular type of motor vehicle equipment, that is, tow truck, including any specialized licensing provisions such as commercial truck driver's license.

The owner shall satisfy the City that their employees are skilled and competent to operate their equipment and maintain their storage yard, and that the motor vehicle and towing equipment is at all times in safe and proper working conditions. The owner shall provide a tow vehicle of sufficient size and weight to remove and tow disabled or impounded vehicles. All tow trucks shall be equipped with warning lights required under state law and have working two-way communications radio equipment on the same frequency as a base station located at the point where calls are received.

The owner shall provide continuous 24-hour per day prompt service each day of the year and there shall be an attendant on duty at all times for the purpose of receiving calls and receiving and releasing stored vehicles.

The owner shall provide a limited covered secure storage area, storage yard security (fence), and property protection.

The owner shall maintain general public liability insurance with limits of not less than \$300,000 and shall at all times, keep on file with the City of Kirkland, a certificate of insurance showing that such insurance is in force.

The owner shall not release any vehicle directly impounded by the City of Kirkland without authorization by the police department.

The owner's storage yard shall be located within the City of Kirkland or the City of Kirkland planning area. If located within the Kirkland planning area, the storage yard shall be not more than one mile from the Kirkland city limits.

The owner shall execute an agreement to defend and save harmless the City of Kirkland, its officers and employees from any and all claims (real or imaginary) which may be filed by any person against the City of Kirkland for personal injury or property damage or loss growing out of the impound towing and/or storage activities of the owner, its officers, agents or employees, except as to any act or omission of a City of Kirkland officer or employee.

Section 5. Tow trucks to be called by the police. The Chief of Police shall assure that tow trucks are called to the scene of an accident or to impound vehicles on a rotation basis, distributing the calls on an equitable basis from the towing list. The Chief of Police shall not call or cause to be called, any towing operator not having filed an application with the City unless all such towing operators are unavailable. In those instances where the Chief of Police is satisfied that an emergency exists, it is specifically permitted for the Chief of Police to call a towing operator out of sequence, where the proximity of the accident or other emergency condition and the estimated response time make it more practical to do so.

Section 6. Authority to make regulations. The Chief of Police is hereby authorized to establish in writing and cause the enforcement of additional reasonable rules and regulations consistent with this ordinance for towing operators as from time-to-time he deems appropriate for the safety, well-being and protection of citizens within the jurisdiction of the City of Kirkland and such citizens property.

Section 7. This ordinance shall constitute a new chapter in Title 7 of the Kirkland Municipal Code.

Section 8. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

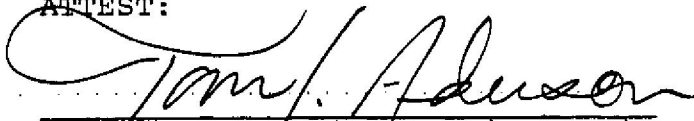
Section 9. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication or posting as required by law.

Adopted in regular, open meeting on the 6 day of July, 1982.

Signed in authentication thereof on the 6 day of July, 1982.


MAYOR PRO-TEM

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 9 day of July, 1982, in accordance with the provisions of RCW 35A.22.260 and City of Kirkland Ordinance No. 2600.


DEPUTY CITY CLERK