

ORDINANCE O-4845

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING
CHAPTER 7.68 OF THE KIRKLAND MUNICIPAL CODE
REGARDING MOTOR VEHICLE TOWING AND STORAGE
SERVICE.

1 WHEREAS, the Kirkland Police Department impounds
2 vehicles from time-to-time and requires towing services from
3 vendors in order to do so; and
4

5 WHEREAS, the City of Kirkland has adopted various rules
6 and regulations pertaining to towing services in the city limits
7 through chapter 7.68 of the Kirkland Municipal Code; and
8

9 WHEREAS, one such requirements is that all towing
10 companies registered with the City maintain an impound and
11 storage yard within the city limits but, as urbanization has
12 transformed the city, this requirement may be onerous for towing
13 operators to meet and does not promote optimal land uses; and
14

15 WHEREAS, in an effort to ensure that the KPD will continue
16 to have access to quality vendors and have the needed resources
17 for towing impounded vehicles, the City Council desires to modify
18 the City's towing regulations.
19

20 NOW, THEREFORE, the City Council of the City of Kirkland
21 do ordain as follows:
22

23 Section 1. Section 7.68.020 of the Kirkland Municipal Code
24 (KMC), and the corresponding portions of Ordinance O-2668 §2
25 (1982), is amended to read as follows, with new text shown in
26 underline and deleted text shown in ~~strikethrough~~:
27

28 **7.68.020 Definitions.**
29

30 For the purposes of this chapter, the following words shall, unless
31 the context clearly indicates otherwise, have the following
32 meanings:
33

- 34 (1) "City" means the city of Kirkland.
35
36 (2) "Towing operator" means a person engaged in the business
37 of or offering the services of a vehicle, wrecker or towing service,
38 whereby motor vehicles are or may be towed or otherwise
39 removed from one place to another by the use of a motor vehicle
40 adapted to and designed for that purpose.
41
42 (3) "Chief of police" means the executive head of the police
43 department for the city or anyone designated by ~~him~~them.

44 (4) "Towing list" means a list maintained by the police
45 department, containing the names of those towing operators who
46 have qualified for and agreed to respond to requests made by the
47 police department for the towing of vehicles.
48

49 (5) "Storage yard" means that specific place where a towing
50 operator holds, stores, or retains, any towed motor vehicle until
51 such time as the motor vehicle is released to its owner.
52

53 Section 2. KMC 7.68.030, and the corresponding portions
54 of Ordinance O-2668 §3 (1982), is amended to read as follows:
55

56 **7.68.030 Application for towing service.**
57

58 Any person desiring to perform towing work at the request of the
59 police department, shall submit an application for towing service
60 to the chief of police. Application forms shall be obtained from the
61 office of chief of police. These forms shall include the name of the
62 owner, home and business address, home phone and name under
63 which the person does or will trade, the location, size and security
64 features of the storage yard on which towed vehicles will be
65 stored, the location to which the public must come to claim stored
66 vehicles, a statement of willingness to provide towing service on
67 a continuous twenty-four-a-day basis each day of the year, a list
68 of the towing equipment, its size and capacity, a complete listing
69 of the insurance policies maintained by the applicant, a statement
70 that the owner will accept responsibility for any and all personal
71 property and for theft in towed and stored vehicles, along with a
72 description of the place ~~he~~the owner would use to adequately
73 protect the property left in towed or stored vehicles.
74

75 Section 3. KMC 7.68.040, and the corresponding portions
76 of Ordinance O-2668 §4 (1982), is amended to read as follows:
77

78 **7.68.040 Standard regulations for towing operators.**
79

80 The following requirements apply to towing operators who qualify
81 to be registered on the city's towing list:
82

83 (a) The owner shall hold current and valid permits from the
84 state of Washington as may be required for the operation both of
85 the towing business and the automobile storage yard.
86

87 (b) The owner shall assure that every truck operator be properly
88 licensed as a motor vehicle operator for the particular type of
89 motor vehicle equipment, that is, tow truck, including any
90 specialized licensing provisions such as commercial truck driver's
91 license.
92

93 (c) The owner shall satisfy the city that their employees are
94 skilled and competent to operate their equipment and maintain
95 their storage yard, and that the motor vehicle and towing
96 equipment is at all times in safe and proper working condition.
97 The owner shall provide a tow vehicle of sufficient size and weight

98 to remove and tow disabled or impounded vehicles. All tow trucks
 99 shall be equipped with warning lights required under state law and
 100 ~~have working two-way communications radio equipment on the~~
 101 ~~same frequency as a base station located at the point where calls~~
 102 ~~are received.~~

103
 104 (d) The owner shall provide continuous twenty-four-hour-per-
 105 day prompt service each day of the year and there shall be an
 106 attendant on duty at all times for the purpose of receiving calls
 107 and receiving and releasing stored vehicles.

108
 109 (e) The owner shall provide a limited coverage secure storage
 110 area, storage yard security (fence), and property protection.

111
 112 (f) The owner shall maintain ~~general public liability~~ insurance
 113 coverage with minimum limits of not less than ~~three hundred~~
 114 ~~thousand dollars and \$1,000,000 per vehicle combined single~~
 115 limits for bodily injury and property damage liability per
 116 occurrence; on hook coverage of not less than \$50,000; and
 117 \$50,000 of garage keeper's coverage for vehicles in the custody
 118 of the operator until they are redeemed or sold. The certificate of
 119 insurance shall indicate the operator's extent of coverage, limits,
 120 and the expiration date of said policy. Such insurance shall name
 121 the city as an additional insured and shall be maintained in full
 122 force and effect at all times, and the operator must keep on file
 123 with the city a certificate of insurance showing that such insurance
 124 is in force.

125
 126 (g) The owner shall not release any vehicle directly impounded
 127 by the city without authorization by the police department.

128
 129 (h) The owner's storage yard shall be located in an appropriately
 130 zoned area within fifteen miles of the city limits ~~the city or the city~~
 131 ~~planning area. If located within the planning area, the storage~~
 132 ~~yard shall be not more than one mile from the city limits.~~

133
 134 (i) The owner shall execute an agreement, approved by the City
 135 Attorney's Office, to defend, indemnify, and save harmless the
 136 city, its officers, and employees from any and all claims (real or
 137 imaginary) which may be filed by any person against the city for
 138 personal injury or property damage or loss growing out of the
 139 impound, towing, and/or storage activities of the owner, or its
 140 officers, agents, or employees, except as to any act or omission
 141 of a city officer or employee

142
 143 Section 4. A new section, to be codified as KMC 7.68.045,
 144 is added to chapter 7.68 KMC to read as follows:

145
 146 **7.68.045 Compliance with laws, rules, and regulations.**

147
 148 All towing operators shall operate their towing business and
 149 conduct their city-initiated impound operations in accordance with
 150 all applicable laws of the state and all applicable rules and
 151 regulations of the Washington State Department of Licensing and

152 the Washington State Patrol. Specifically, all registered towing
 153 operators shall comply with chapter 46.55 RCW, chapter 308-61
 154 WAC, and the State Patrol fee schedule, all as currently adopted
 155 or hereafter amended.

156
 157 This chapter supplements the regulation of towing operators by
 158 the Washington State Department of Licensing and the
 159 Washington State Patrol pursuant to chapter 46.55 RCW and
 160 applicable state regulations. Any inconsistencies between state
 161 regulations and this chapter shall be resolved in favor of the state
 162 regulations.

163
 164 Section 5. KMC 7.68.050, and the corresponding portions
 165 of Ordinance O-2668 §5 (1982), is amended to read as follows:

166
 167 **7.68.050 Tow trucks to be called by the police.**

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 169 (a) The chief of police shall assure that tow trucks are called to the
 170 scene of an accident or to impound vehicles on a rotation basis,
 171 distributing the calls on an equitable basis from the towing list. The chief
 172 of police or designee shall not call or cause to be called any towing
 173 operator not having filed an application with the city unless all such
 174 towing operators are unavailable. In those instances where the chief of
 175 police or designee is satisfied that an emergency exists, it is specifically
 176 permitted for the chief of police or designee to call a towing operator
 177 out of sequence, where the proximity of the accident or other
 178 emergency condition and the estimated response time make it more
 179 practical to do so.

180
 181 (b) The chief of police may suspend or revoke a towing operator's
 182 registration on the city's towing list if the towing operator and/or
 183 employee fails to comply with the requirements of this chapter or the
 184 rules and regulations established by the chief, repeatedly fails to timely
 185 respond to an impound request, or fails to perform professionally and
 186 competently.

187
 188 (c) Any towing operator whose registration is revoked or suspended
 189 shall have the right to appeal to the city manager or designee, by filing
 190 the appeal with both the city manager and the chief of police a written
 191 notice thereof within five days after the notice of entry of the order of
 192 revocation or suspension.

193
 194 Section 6. KMC 7.68.060, and the corresponding portions
 195 of Ordinance O-2668 §6 (1982), is amended to read as follows:

196
 197 **7.68.060 Authority to make regulations.**

198
 199 The chief of police is authorized to establish in writing and cause
 200 the enforcement of additional reasonable rules and regulations
 201 consistent with this chapter for towing operators as from time-to-
 202 time ~~he~~they deems appropriate for the safety, well-being, and
 203 protection of those citizens within the jurisdiction of the city and
 204 their ~~such citizens'~~ property.

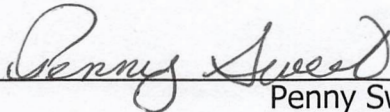
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Section 7. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 8. This ordinance shall be in force and effect five days after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 of the Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

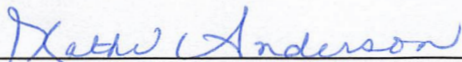
Passed by majority vote of the Kirkland City Council in open meeting this 18th day of April, 2023.

Signed in authentication thereof this 18th day of April, 2023.



Penny Sweet, Mayor


Attest:



Kathi Anderson, City Clerk

Publication Date: April 24, 2023

Approved as to Form:



Kevin Raymond, City Attorney

