

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1771

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 20.10.130 AND 20.10.140 OF THE FIFE MUNICIPAL CODE REGARDING THE TIME PERIOD FOR EXPENDITURE OF IMPACT FEES

WHEREAS, the City of Fife's Growth Management Impact Fee ordinance, codified in Title 20 of the Fife Municipal Code, was adopted under the authority of RCW 82.02.050-.110; and

WHEREAS, FMC 20.10.130 and FMC 20.10.140 require the City to expend or encumber impact fees collected within six years, which when adopted was consistent with time period set forth in RCW 82.02.070-.180 and

WHEREAS, in 2011 the legislature amended RCW 82.02.070-.180 to increase the time period for spending impact fees from six to ten years, effective July 22, 2011; and

WHEREAS, in order to be consistent with RCW 82.02.070-.180, it necessary to amend 20.10.130 and FMC 20.10.140; now, therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON
DO ORDAIN AS FOLLOWS:

Section 1. Fife Municipal Code section 20.10.130 is hereby amended to read as follows:

20.10.130 Expenditures.

Impact fees for system improvements shall be expended only in conformance with the capital improvement. Impact fees shall be expended or encumbered for a permissible use within ~~ten~~^{six} years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than ~~ten~~^{six} years. Such extraordinary and compelling reasons shall be identified in written findings by the city council.

Section 2. Fife Municipal Code section 20.10.140 is hereby amended to read as follows:

20.10.140 Refunds.

A. The current owner of property in which an impact fee has been paid may receive a refund of such fee if the city fails to expend or encumber the impact fees within ~~ten~~ six years or when the fees were paid or such other period of time established pursuant to this section on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The current owner likewise may receive a proportionate refund where the public funding of applicable service area projects by the end of such ~~ten~~ six-year period has been insufficient to satisfy the ratio of public to private funding for such service area as established in the capital improvement plan. The city shall notify potential claimants by first class mail deposited with the United States Postal Service addressed to the last known address of claimants.

B. The request for refund money must be submitted to the city council in writing within one year of the date the right to claim a refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for refund has been made within this one-year period, shall be retained and expended on the indicated capital improvements. Refunds of impact fees under this subsection shall include interest earned on the impact fees.

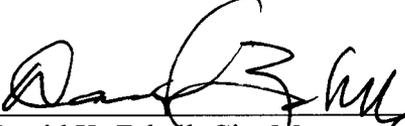
C. A developer may request and shall receive a refund, including interest earned on the impact fees, when the building permit for which the impact fee has been paid has lapsed for noncommencement of construction.

Section 3. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 4. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

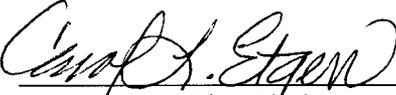
Introduced the 28th day of February 2012.

Passed by the City Council on the 13th day of March 2012.



David K. Zabel, City Manager

ATTEST:



Carol Etgen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney
assistant city attorney

Published: March 20, 2012
Effective Date: March 25, 2012

NOTICE OF ORDINANCES PASSED BY THE CITY OF FIFE ORDINANCE NO. 1771 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON Amending Sections 20.10.130 and 20.10.140 of the Fife Municipal Code Regarding the Time Period for Expenditure of Impact Fees. A complete copy of the ordinance is on the City of Fife website, www.cityoffife.org. Carol Etgen City Clerk **Publish Dates:** 3/20/2012 -3/21/2012