

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1777

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AMENDING SECTIONS 1.01.100, 1.16.010, 2.20.040, 2.28.010(C), 2.36.010, 2.52.040(C), 2.52.360, 2.68.030, 2.68.040, 3.11.090, 3.12.060, 3.16.090, 3.21.020, 3.23.030, 3.52.010, 3.52.020, 3.60.110, 3.70.160, 3.80.010(G), 5.01.130(D)(4), 5.06.080, 5.32.160, 5.34.010(B), 8.04.020, 8.04.030, 8.16.020, 8.16.110, 8.16.150, 8.24.050, 8.24.150(A), 9.05.050, 9.11.020(C), 9.12.040, 9.12.110, 9.22.040 9.23.030(B), 9.26.020, 9.26.040, 9.37.020(B), 9.77.010, 9.77.020(C), 9.79.010, 10.04.320(F), 10.26.010(A), 10.26.030, 10.32.010(F), 10.32.050(C), 10.48.060, 10.52.100(B), 10.52.160(E), 10.60.020(B), 11.01.110(A), 11.01.210(A), 11.01.270, 12.12.010(B), 13.04.090, 13.04.240(D)(2)(a),(b)&(d), 13.04.340, 13.08.510(H)(2)(a),(b)&(d), 13.08.060, 13.08.570, 13.16.020(U)&(V), 13.16.100, 13.16.120(D), 14.01.060, 14.02.020(B), 15.04.113, 15.08.030(A), 15.20.020, 15.32.020(E), 15.52.020, 16.02.490, 16.05.020, 16.05.030, 16.05.040, 16.09.020(D), 16.11.030, 17.04.040(B), 17.04.160, 17.09.020(C), 17.19.115, 18.01.070, 18.05.080(D)(1), 18.48.070(D), 19.06.310, 19.06.550, 19.06.865, 19.36.020(H), 19.42.010, 19.44.010, 19.60.050(A)(5), 19.64.020(B)&(C)(1), 19.68.050(B)(6), 21.10.070 AND CHAPTERS 1.16, 9.44 AND 9.26 OF THE FIFE MUNICIPAL CODE AND REPEALING SECTIONS 3.12.080, AND 9.12.090 AND CHAPTERS 1.20, 2.64, 8.20 AND 9.67 OF THE FIFE MUNICIPAL CODE**

WHEREAS, it is appropriate for the City to review its ordinances from time to time and to amend them to correct outdated references; and

WHEREAS, unnecessary verbiage and Scribner/typographical errors have been found in the Fife Municipal Code; and

WHEREAS, changes in the Revised Code of Washington (RCW) and Washington court decisions have made some sections obsolete and others in need of corrective updating; and

WHEREAS, due to changes in statues and job descriptions, as well as edition updates, there are several outdated and/or inaccurate titles in the Fife Municipal Code; and

WHEREAS, the City desires its code to be as accurate and clear as possible; and

WHEREAS, this ordinance is a housekeeping ordinance that corrects these incidents;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The Fife Municipal Code is hereby amended as set forth in Exhibit A attached hereto.

Section 2. Section 3.12.080 of the Fife Municipal Code is hereby repealed

Section 3. Section 9.12.090 of the Fife Municipal Code is hereby repealed.

Section 4. Chapter 1.20 of the Fife Municipal Code is hereby repealed.

Section 5. Chapter 2.64 of the Fife Municipal Code is hereby repealed.

Section 6. Chapter 8.20 of the Fife Municipal Code is hereby repealed.

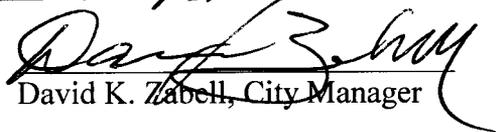
Section 7. Chapter 9.67 of the Fife Municipal Code is hereby repealed.

Section 8. 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.

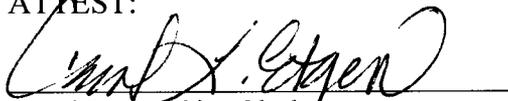
Section 9. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 26<sup>th</sup> day of June, 2012.

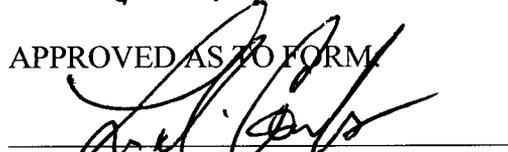
Passed by the City Council on the 10<sup>th</sup> day of July, 2012.

  
David K. Zabell, City Manager

ATTEST:

  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Loren D. Combs, City Attorney

Published: 7/13/12  
Effective Date: 7/18/12, 2012

## EXHIBIT A

The following sections of the Fife Municipal Code are hereby amended as follows:

### **1.01.100 Severability.**

## **Chapter 1.16 OFFICIAL NEWSPAPER**

### **1.16.010 Documents publication.**

All ordinances approved, passed and enacted by the city council, all public notices and all legal notices shall be published in The News Tribune, which newspaper is hereby designated as the official newspaper of the city.

### **2.20.040 City officials authorized to receive tort claims and other lawsuits.**

1. In addition to the duties described in other provisions of this code, the city clerk is appointed to be the city's recipient of tort claims pursuant to RCW Chapter 4.96 as follows:

A. All tort claims brought against the city and/or its past and present officers and employees shall be filed or served upon the appointed city clerk during normal business hours at his or her office.

B. The city clerk's office is located at Fife City Hall, 5411 23rd St. E., Fife, WA 98424.

C. No other person or staff is authorized to receive such tort claims on behalf of the city.

2. Pursuant to RCW 4.28.080(2), the city manager, the city clerk or the city manager's designated agent shall be the city's recipients for all other lawsuits as follows:

A. All other lawsuits brought against the city and/or its past and present officers and employees shall be filed or served upon the city manager, the city clerk or the city manager's designated agent during normal business hours at his or her office.

B. The city manager's and city clerk's offices are located at Fife City Hall, 5411 23rd St. E., Fife, WA 98424.

C. No other person or staff is authorized to receive such lawsuits on behalf of the city.

### **2.28.010(C) Position created – Appointment – Term.**

C. The term of office shall be for four years. The appointment shall be made for each term. The person so appointed as municipal judge shall be a citizen of the United States of America and of the state and needs to be an attorney. The person so appointed as municipal judge need not be a resident of the city. In the event an attorney is appointed, then the attorney shall be duly admitted to practice before the courts of record of the state.

### **2.36.010 Established.**

There is established pursuant to RCW Chapter 3.50 a municipal court in and for the city, which shall be known and designated as the municipal court of the city.

### **2.52.040(C) Positions in the police department – Classified civil service.**

C. The unclassified position appointments authorized by subsection (B) of this section may only include selections from the following positions up to the limit of the number of positions authorized: assistant chief, deputy chief, commander, and administrative assistant or police confidential secretary. The initial selection of specific positions to be in the unclassified service and exempt from civil service shall be made by the police chief, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are in the unclassified service may be made only with the concurrence of the police chief, the city manager, and the civil service commission, and then only after the civil service commission has heard the issue in an open meeting. If a position initially selected by the police chief to be in the unclassified service is in the classified civil service at the time of the selection, and if the position is occupied, the employee occupying the position has the right to remain in the classified civil service as long as the employee holds the position.

### **2.52.360 Examinations – Rating and preparation of eligibility list.**

The names of persons successful in all parts of an examination shall be arranged in order of their earned test rating, except that a preference status shall be accorded to all honorably discharged veterans of any military service of the United States of America and to veterans of the American Red Cross and to all current reserve officers of the Fife police department. Preference status shall be accorded to veterans as defined in RCW 41.04.007 in the manner prescribed in RCW 41.04.010. Proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application. Preference status of applicants for the position of police officer shall be accorded to city of Fife reserve police officers by adding to the mark, grade or rating, based upon a possible rating of 100 percent as perfect, a maximum amount of 10

percent to his final earned test grade according to the following formula: Reserve police officers who have completed one full year of police reserve service shall have an additional three and one-half percent added to their final earned test rating. Reserve police officers who have completed two full years of police reserve service shall have an additional three and one-half percent added to their final earned test rating. Reserve police officers who have completed three full years of police reserve service shall have an additional three percent added to their final earned test rating. Preference status shall be accorded only to officers who have received a minimum passing grade in the examination.

Preference status of applicants for the position of communications officer shall be accorded to city of Fife reserve communication officers by adding to the mark, grade or rating, based upon a possible rating of 100 percent as perfect, a maximum amount of 10 percent to his final earned test grade according to the following formula: Reserve communication officers who have completed one full year of communication reserve service shall have an additional three and one-half percent added to their final earned test rating. Reserve communication officers who have completed two full years of communication reserve service shall have an additional three and one-half percent added to their final earned test rating. Reserve communication officers who have completed three full years of communication reserve service shall have an additional three and one-half percent added to their final earned test rating. Preference status shall be accorded only to officers who have received a minimum passing grade in the examination.

Time served in the Fife reserve police service shall not count toward preference status of applicants for a police communication position. Time served in the Fife reserve communication position shall not count toward preference status of applicants for a police officer position. In no event shall any combination of preference status percentages exceed 10 percent.

### **2.68.030 Powers and duties in the event of an emergency or disaster.**

The city manager, or in the absence of the city manager, the next senior city official is hereby empowered:

A. To proclaim the existence of a disaster and termination thereof, in the event of any actual or threatened natural, or human-caused public calamity, including, but not limited to, enemy attack, sabotage, hazardous material incident or extraordinary fire, flood, storm, epidemic or earthquake; and

B. To request the governor to proclaim a state of extreme emergency when, in the opinion of the city manager, or in the absence of the city manager, the city manager's designee, the resources of the city of Fife are inadequate to cope with the disaster.

### **2.68.040 Disaster and emergency powers of the city manager.**

In the event of the proclamation of a disaster by the city manager, or of a state of extreme emergency by the Governor, pursuant to FMC 2.68.030, the city manager is empowered:

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A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster or emergency;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of city of Fife property and the life of its residents, and bind the required supplies, equipment and property immediately, to commandeer the same for public use; and

C. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which the city is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by Chapter 38.52 RCW for registered emergency services worker volunteers.

### **3.11.090 Refunds.**

If, upon written application by a taxpayer to the Pierce County treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the Pierce County treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the city.

### **3.12.060 Violation – Penalty.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor.

### **3.16.090 Penalty.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter, upon conviction thereof, shall be guilty of a misdemeanor. Each day of violation shall be considered as a separate offense.

### **3.21.020 Purpose.**

The purpose of the growth management fund is to segregate, budget, expend and account for moneys dedicated to the purpose of preparing and implementing growth management programs as required and intended by RCW Chapter 36.70A.

### **3.23.030 Source of revenue.**

There shall be placed into the park acquisition and development fund all moneys received from grants for park development and acquisition, such moneys as the city council may designate in the annual budget from time to time, , and all moneys received by the city from the lease agreement entered into by and between the city of Fife and GTE Mobilnet Incorporated dated the thirtieth day of June, 1997.

### **3.52.010 Imposition and levy.**

There is levied and shall be collected a leasehold excise tax, on and after January 1, 1976, upon the act or privilege of occupying or using publicly owned real or personal property within the city through a leasehold interest as defined by RCW Chapter 82.29A. The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and in the manner prescribed by RCW Chapter 82.29A.

### **3.52.020 Rate.**

The rate of the tax imposed by FMC 3.52.010 shall be four percent of the taxable rent (as defined by RCW Chapter 82.29A. provided, that the following credit shall be allowed in determining the tax payable:

A. With respect to a product lease (as defined by RCW Chapter 82.29A), a credit of 33 percent of the tax produced by the above rate.

### **3.60.110 Penalties.**

Any person, firm or corporation subject to this chapter who fails or refuses to apply for any occupational license or to make said tax returns or to pay said tax when due, or who makes any false statements or representations in or in connection with any such application for an occupational license or on such tax return, or otherwise violates or refuses or fails to comply with this chapter, shall be guilty of a misdemeanor.

### **3.70.160 Violation – Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the finance director-treasurer pursuant thereto shall be a misdemeanor. Any taxpayer who engages in or carries on any gambling activities subject to a tax under this chapter without having complied with the provisions of this chapter shall be guilty of a violation of this chapter for each day in which the gambling activity is carried on.

### **3.80.010(G) General.**

G. Project permit applications that require publication of a legal notice include the cost of one such publication in the stated fee, if a fee is stated. In the event that the city must republish the legal notice, the applicant is responsible for the additional fee. All applications requiring publication will be published in The News Tribune newspaper.

### **5.01.130(D)(4) License renewal.**

D. A renewal license application shall be considered delinquent if not received by February 1st. A renewal license application received after February 1st shall be subject to the following penalties:

4. Any person engaged in a valid business in Fife whose business license has not been renewed after 90 days shall be guilty of a misdemeanor.

### **5.06.080 Penalty.**

Violation of FMC 5.06.050 or any failure to display the cabaret license pursuant to FMC 5.01.020 or operating a cabaret without a valid cabaret license, or during a period of license suspension, is a misdemeanor. Upon the conviction of a first offense there shall be a minimum fine imposed of \$500.00 plus costs of enforcement and prosecution. Upon a second conviction for violating any provision of this chapter within 12 months of a first conviction, there shall be a minimum fine imposed of \$1,000, plus the costs of enforcement and prosecution.

### **5.32.160 Penalties.**

Unless otherwise provided for in this chapter, any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor.

### **5.34.010(B) Records of guests.**

B. The facility operator and the clerk, at the time of registration, are responsible for obtaining the name, current address, number of people, and the make, model and license number of the vehicle being used by the registering guest, unless payment is to be made by pre-approved company direct billing or by credit card. Verification of the customer's name and address should be provided by obtaining a copy of a valid driver's license, passport, or other form of government approved picture identification. The records required by this section shall be kept available for inspection by any police or code enforcement officer at any reasonable time with probable cause, or in a police or fire emergency at any time of day or night.

### **8.04.020 Specific nuisances designated.**

The following specific acts, omissions, places, conditions and things are hereby declared to be nuisances: the erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, park, parkway or other public or private place in the city, of any one or more of the following places, conditions, things, or acts to the prejudice, danger, or annoyance of others:

A. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous;

B. Filthy, littered or trash-covered premises, including all buildings and structures thereon and areas adjacent thereto;

C. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all other trash or abandoned material, unless the same is kept in covered bins or metal receptacles approved by the building inspector;

D. Trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin, and other metal not neatly piled, or anything whatsoever in which flies may breed or multiply or which provides harborage for rats or which may be a fire danger;

E. All places not properly fenced which are used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others;

F. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta or other offensive substance; provided, nothing contained in this subsection shall prevent the temporary retention of waste in receptacles in the manner approved by the building inspector of the city;

G. The erection, continuance or use of any building, room or other place in the city for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public;

H. The playing or causing to be played in front of any building where any show, moving picture exhibition or theatrical performance is given, or in the open vestibule or area of any building, of any automatic or mechanical musical instrument for the attraction of customers;

I. Making, causing or permitting to be made by means of any whistle, rattle, bell, gong, clapper, hammer, drum, sound truck, loudspeaker or other sound-amplifying device, or horn or other mechanical device, or by outcry, loud speaking, singing or by any other means any discordant and unnecessary noise of any kind which annoys any considerable number of persons lawfully in the immediate area;

J. Burning or disposal of refuse, sawdust or other material in such a manner to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the city, or to cause or permit the smoke, ashes, soot or gases arising from such burning to become annoying to any considerable number of persons or to injure or endanger the health, comfort, or repose of such persons; provided, this section shall not apply where the party responsible for the action has properly obtained a fire permit from the fire department;

K. Any unguarded or abandoned excavation, pit, well, or hole dangerous to life;

L. Poison oak, poison ivy, deadly nightshade, or any noxious or toxic weed, or uncultivated plant including blackberries; or weeds, grass, uncultivated shrubs, grass clippings, cut brush or cut weeds, which constitute:

1. A fire hazard; or
2. A threat or hazard to the general public health and safety.

Any removal of the above shall be in accordance with FMC Title 17, Environmental Protection.

#### **8.04.030 Abatement.**

When judgment is rendered against any person, firm or corporation finding them guilty of creating, keeping or maintaining a nuisance, as provided in this chapter, it shall be the duty of the court before whom the conviction is had, in addition to imposing a penalty or penalties, to order

the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within a reasonable time as determined by the court, the same shall be abated and removed under the direction of the chief of police of the city, or any other officer authorized by the order of the court, and made a part of the judgment in such action.

### **8.16.020 Registration required.**

A person shall not engage in or offer to engage in the activities of a registered tow truck operator without a current registration certificate from the Washington Department of Licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator, without the required registration certificate, is guilty of a gross misdemeanor.

### **8.16.110 Business and storage facilities.**

All tow truck operators used by the city of Fife police department shall be located within, and have storage areas within, the corporate city limits of Fife. Such storage areas shall have the facilities to accommodate all vehicles impounded hereunder and to protect such vehicles. An attendant shall be on duty or readily available for duty in such storage areas 24 hours a day. All streets and public places adjacent to the storage areas shall be kept clear of any vehicles impounded or stored by the tow truck operator at all times.

A. All storage facilities shall be kept surfaced, graded, drained, lighted, and free of obstacles and hazards in a manner satisfactory to the city of Fife at all times, so that persons redeeming impounded vehicles have safe and convenient access to the vehicles. The tow truck operator shall provide adequate security at its storage facility to prevent loss or damage to impounded vehicles or their contents. All such storage facilities shall be screened and fenced in accordance with the city of Fife zoning code at all times, gates will be securely locked at all times when an attendant is not on duty on the premises, and all vehicles will be locked, if possible. The tow truck operator shall keep all such storage facilities in compliance with all city of Fife building and zoning codes at all times.

B. All tow truck operators shall provide at their storage facilities adequate shelter for motorcycles, open convertibles, or other vehicles open and exposed to inclement weather, and will store such vehicles under the shelter when reasonably necessary to protect such vehicles.

C. All tow truck operators shall provide at their storage facilities sufficient floor space for inside storage for all vehicles which the city of Fife police department has ordered to be held for investigative, evidentiary, or other purposes.

D. Vehicles upon which police holds have been placed may be released to the registered owner only, after the tow truck operator has received written authority for such release from the city of Fife police department.

## **8.16.150 Authority For Public Impound.**

### **8.24.050 Placement of litter receptacles.**

A. Litter receptacles shall be placed in all places in respect to the service of transient habitation, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots and such other public places in numbers appropriate to need as specified by RCW 70.93.090 or regulation by the director of the Department of Ecology adopted pursuant to RCW Chapter 34.05..

B. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with RCW 70.93.090 and with rules and regulations adopted by the Department of Ecology..

### **8.24.150(A) Violation – Penalty.**

A. Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor.

### **9.05.050 Costs of prosecution and defense.**

Whenever anyone is convicted of an offense under this title, in addition to the fine imposed, he must pay the costs of prosecution. Costs of prosecution shall include any or all of the following: cost of docketing, cost of issuing a warrant, cost for mileage and processing the warrant, and costs for witness fees. Furthermore, in the court's discretion, a defendant may be required to reimburse the city for the cost of retaining assigned defense counsel. If in default on any of the above costs, a defendant shall be imprisoned until such fine and costs of prosecution and defense are paid, credited for time served, or worked out at a community service project designated by the city. A defendant may be given credit in an amount to be determined by the court for each day of imprisonment and in an amount to be determined by the court on an hourly basis for work on a designated community service project.

### **9.11.020(C) Criminal contempt.**

C. Refusal to be sworn or affirmed as a witness before the Fife municipal court or before the city council; or, after being sworn or affirmed, unlawful refusal to answer any question legally posed unless one is invoking the U.S. Constitutional Fifth Amendment right against self-incrimination.

### **9.12.040 False alarm – Response – Charges.**

For an emergency agency response (police or fire) to any false alarm, the chief of police shall collect and remit that information to the finance director-treasurer. The finance director-treasurer shall charge and collect from the person having or maintaining such burglary, robbery or fire alarm on premises owned or occupied by him, fees as set forth in FMC 9.12.060 and 9.12.070.

### **9.12.100 Alarms covered by this chapter.**

All alarms and alarm systems installed on a premises for the purpose of summoning an emergency response agency in the event of a burglary or attempted burglary, robbery or attempted robbery or fire, are covered by this chapter. This chapter shall apply to all alarms that terminate in the Fife police department communications and alarms that are self-contained on the premises where the alarm system is installed.

### **9.12.110 Violation – Penalty.**

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor.

### **9.22.040 Violation – Penalty.**

Any person who violates the provisions of this chapter is guilty of a misdemeanor.

### **9.23.030(B) Prostitution and patronizing a prostitute by computer or other electronic means.**

B. Any single violation of this section shall be a misdemeanor. In addition, the court may issue such orders as are required to restrain the convicted person from being present in specific areas of the city of Fife. Upon sentencing to jail, the court may require such testing and counseling as provided in RCW 70.24.360. In the event of suspension or deferral of any sentence, the court

may require AIDS testing and counseling as a condition of suspension or deferral, pursuant to RCW 70.24.350, at the defendant's expense.

## **Chapter 9.26 REGULATED PUBLIC EXPOSURE.**

### **9.26.020 Prohibited acts designated.**

The following acts or conduct on premises licensed under the authority of the Washington State Liquor Control Board, on premises not licensed by the Washington State Liquor Control Board and in any other public place, are prohibited:

- A. To employ or use any person in the sale or service of alcoholic beverages, nonalcoholic beverages, or to allow any person in or upon the premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
- B. To employ or use the services of or to allow any hostess or any person, including any entertainer, to mingle with the patrons while such hostess or other person or entertainer is unclothed or in such attire, costume or clothing as described in subsection (A) above;
- C. To employ, contract with or allow any person to solicit a patron for any beverage and/or accept any beverage from a patron in or upon the premises and to receive therefor, either directly or indirectly, any commission, remuneration or compensation;
- D. To employ or contract with any person or to allow any person for the purpose of having such person dance with a patron or for the purpose of having such person spend time with a patron in or upon the premises and for which said person is to receive, either directly or indirectly, any commission, remuneration or compensation;
- E. To permit any dancer-entertainer or permit any person to perform on the premises, except when removed at least six feet from the nearest patron and except when on a permanent stage at least 18 inches high;
- F. To encourage or permit any person on the premises to touch, caress or fondle the breast, buttocks, anus or genitals of any other person;
- G. To permit any employee or any person to wear or use any device or covering, exposed to view, which stimulates the breast, genitals, anus, pubic hair or any portion thereof;
- H. To permit any person to perform acts of or acts which stimulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law,
  2. The touching, caressing or fondling of the breast, buttocks, anus or genitals,
  3. The displaying of the pubic hair, anus, vulva or genitals;
- I. To permit entertainers or any other person whose breasts and/or buttocks are exposed to perform anywhere on the premises;
- J. To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above;
- K. To permit any person to remain in or upon the premises who exposes to the public view any portion of his or her genitals or anus;

#### **9.26.040 Violation – Penalty.**

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor.

#### **9.37.020(B) Disorderly conduct.**

B. The use of “fighting words” as defined by the U.S. Supreme Court tending toward or causing a breach of the peace.

### **Chapter 9.44 GAME AND WILDLIFE.**

#### **9.77.010 Statutes incorporated by reference.**

The following statutes regarding miscellaneous crimes are incorporated by reference:

RCW 9.91.010 Denial of civil rights – Terms defined.

RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.

RCW 9.91.060 Leaving children unattended in parked automobile.

RCW 9.91.130 Disposal of trash in charity donation receptacle.

RCW 9.91.150 Tree spiking.

RCW 9.91.155 Tree spiking – Action for damages.

RCW 9.91.160 Personal protection spray devices.

### **9.77.020(C) Unlawful transit conduct.**

C. Penalty. Any person violating this section is guilty of a misdemeanor.

### **9.79.010 Statutes incorporated by reference.**

The following statutes regarding public health are incorporated by reference:

RCW 70.54.010 Polluting water supply – Penalty.

RCW 70.54.020 Furnishing impure water – Penalty.

RCW 70.54.050 Exposing contagious disease – Penalty.

RCW 70.54.060 Ambulances and drivers.

RCW 70.54.065 Ambulances and drivers – Penalty.

RCW 70.54.070 Door of public buildings to swing outward – Penalty.

RCW 70.54.090 Attachment of objects to utility poles.

RCW 70.54.160 Public restrooms – Pay facilities.

RCW 70.74.160 Unlawful access to explosives.

RCW 70.74.295 Abandonment of explosives.

RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.

RCW 70.77.255 Acts prohibited without a license or permit – Minimum age for license or permit – Activities permitted without license or permit.

RCW 70.77.395 Dates and times common fireworks may be sold or discharged.

RCW 70.77.420 Storage permit required – Application – Investigation – Grant or denial – Conditions.

RCW 70.77.480 Prohibited transfers of fireworks.

RCW 70.77.485 Unlawful possession of fireworks – Penalties.

RCW 70.77.488 Unlawful discharge or use of fireworks – Penalty.

RCW 70.77.515 Unlawful sales or transfers of common fireworks – Penalty.

RCW 70.77.517 Unlawful transportation of fireworks – Penalty.

RCW 70.77.520 Unlawful to permit fire nuisance where fireworks kept – Penalty.

RCW 70.93.060 Littering prohibited – Penalties.

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#### **10.04.320(F) Post-impoundment hearing procedure.**

F. As to any impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420, if it is determined to be improper, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the Washington Department of Licensing in ascertaining that the operator of the vehicle had a suspended or revoked driver's license.

#### **10.26.010(A) Establishment, marking and maintaining.**

A. Fire lanes shall be established pursuant to the adopted International Fire Code by the city fire marshal.

#### **10.26.030 Criminal offense to deface, damage, remove or possess fire lane sign.**

It shall be a misdemeanor for any person without lawful authority to intentionally or with reckless disregard deface, damage, remove or possess any fire lane sign or signpost installed pursuant to FMC 10.26.010.

### **10.32.010(F) Definitions.**

F. Street Dance. Any organized dance of fourteen or more individuals on any public or private street or roadway, or public or private parking lot.

### **10.32.050(C) Plan review by city departments.**

C. Building Official/Fire Marshal. The building official/fire marshal may require, as a condition of any special event permit, such safety regulations as authorized by the International Building Code, International Residential Code and International Fire Code, FMC Chapters 15.04 and 15.08.

### **10.48.060 Penalty.**

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor.

### **10.52.100(B) Transportation permits – Oversized load – Liability insurance and/or bond required.**

B. In addition to the foregoing insurance coverage, the applicant shall submit with this application a bond with a lawful corporate surety, the form to be approved by the city attorney, in the amount of \$10,000, conditioned upon his compliance with all the provisions of this chapter and agreeing to hold harmless and indemnify the city of Fife, its officers, agents, and employees against any accident, liability, loss, injury, action and the costs thereof arising from the conduct or operations of the permittee in connection with this permit.

### **10.52.160(E) Warning signs and devices – Required.**

E. Every towing vehicle and escort vehicle shall display either two four inch minimum flashing amber lights or a single rotating flashing beacon mounted above the roof line and plainly visible. The amber lights shall meet Society of Automotive Engineers (SAE) Standard Specifications (SAE J595b), "Flashing Warning Lamps for Authorized Emergency, Maintenance, and Service Vehicles." These amber lights shall operate at all times during the movement of any overlegal-size load.

## **10.60.020(B) Authorized use of automated traffic safety cameras.**

B. The use of automated traffic cameras is subject to the following restrictions:

1. Use of traffic safety cameras is restricted to stoplight violations occurring at two-arterial intersections (the intersections of two arterial streets).

2. Automated traffic cameras may only take pictures of the vehicle and the vehicle license plate and only while an infraction is occurring. Pictures taken by automated traffic safety cameras may not reveal the face of the driver or of the passengers in the vehicle.

3. Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter pursuant to RCW 46.63.170.

## **11.01.110(A) Payments required.**

A. Pay an application fee for the consideration of an application for issuance, renewal, transfer, or modification of a franchise or license in an amount that allows the city to recover its actual administrative expenses incurred in receiving, reviewing, processing, considering, denying, or approving the issuance, renewal, transfer, or modification of a franchise or license. The initial deposit of the application fee for the consideration of an application for issuance, renewal, transfer, or modification of a franchise shall be in the amount of \$5,000, or for a license in the amount of \$1,000, which deposit shall be submitted with the application. The city may, as costs are incurred, draw upon the deposit to recover its administrative costs, including, but not limited to, the reasonable cost of outside consultants and legal counsel retained by the city related to the city's consideration and processing of a franchise, permit or license. The city manager, at any time, may require the applicant to deposit additional sums if it appears that the initial deposit or subsequent deposits will be exhausted prior to the final action by the city relating to the consideration by the city of an application for issuance, renewal, transfer, or modification of a franchise or license. In the event of denial of a franchise, permit or license by the city or the refusal of the applicant to accept the franchise, permit or license as approved by the city, the cost to the city for any appeal by the applicant, including, but not limited to, reasonable costs for outside consultants, attorney fees and trial expenses shall be paid by the applicant, if the appeal is unsuccessful. This requirement to pay the administrative costs is pursuant to the police powers of the city and as authorized by law and any obligation to pay such costs, including attorney fees, shall not be construed to arise by contract or to be incurred to enforce the provisions of a contract. The applicant will not be entitled to further consideration by the city of its requested action until such time as the additional deposit required by the city manager has been deposited with the city. In the event the amount of the deposit of an applicant is in excess of the amount of the administrative expenses of the city related to the action requested, then the applicant shall be entitled to a return of any such excess amount.

**11.01.210(A) Indemnification.**

A. Release the city from and against any and all liability and responsibility in or arising out of the construction, operation or maintenance of the communications facility in the public right-of-way by the communications facility operator except for damages caused by the City's sole negligence. Each communications facility operator must further agree not to sue or seek any money or damages from city in connection with the above mentioned matters;

**11.01.270 Penalties.**

Any person found to have occupied or carried out activities in the public rights-of-way without first having obtained or having in effect a valid franchise, license, or permit as required by this title shall be guilty of a misdemeanor. Each day that any such occupancy or activity shall continue in violation of this title shall constitute a separate offense.

**12.12.010(B) Prohibited storage.**

B. Greasing or repairing a motor vehicle, camper, trailer, boat or other object, except that emergency parking for repairs upon a motor vehicle not requiring over twelve hours total time shall be permitted;

**13.04.090 Installation and connection charges.**

A. A permit will be issued for the use of water after the following connection charge is paid:

5/8" x 3/4"	\$ 1,200.00
3/4"	1,500.00
1"	1,700.00
1-1/2"	2,000.00

B. Any service in which the meter is over one and one-half inches in size shall be charged the actual cost of the time and materials required for installation of the service, plus 15 percent to cover the city's overhead.

C. All new construction, residential and commercial, on property which is located within 200 feet of a water main of the city shall be required to extend the water main to and across the entire frontage of their property and connect to the city water system prior to the occupancy of the building. No new wells except municipal wells shall be constructed and no alterations to existing wells except municipal wells shall be permitted on properties that can be served, within 200 feet of a water main of the city, or are now served by the city water system.

D. Sprinkler connections shall be constructed at the property owner's expense, subject to approval and inspection by the community development department.

E. Water connection charges may be reduced, with proper approval of the community development director or designee, if the connection is constructed and paid for by the property owner. The community development department must review plans of proposed connection, and inspect and approve the connection prior to the service being activated. A \$200.00 connection/engineering review fee shall be paid at the time of application. All inspection fees shall be \$50.00 an hour per call-out; a minimum of one hour shall be charged.

F. Any person, firm or corporation desiring to construct any new or the replacement of water service systems, water mains or side water lines which are to be constructed by anyone other than the city shall first submit a plan for said construction to the community development department. To assure that an as-built plan is submitted for the city records and approved by the community development department, the water meter shall be secured in the off position and remain that way until the as-built plan is received and approved.

### **13.04.240(D)(2)(a),(b)&(d) Meter rates for water service within city limits.**

D. Reduced Water Rates.

2. Applicability. To water customers who reside in single-family dwelling units or individually metered multiple dwelling units who:

a. Are 62 years of age or older and have a maximum income, if single, of not more than 70 percent of the Washington State median income for a one-person household, as computed annually by the state or the city, or whose annual income, if married or in a registered domestic partnership as established under RCW Chapter 26.60, together with that of the spouse or registered domestic partner does not exceed 70 percent of the Washington State median income for a two-person household as computed annually by the state or the city; or receive supplemental security income pursuant to 42 USC Sections 1381 through 1383; or are disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the equivalent of 42 USC Section 401 et seq. and whose annual household income, together with all household members, does not exceed 70 percent of the Washington State median income for the number of individuals in the household as computed annually by the state or the city; and

- b. Are a single occupant or head of household or the spouse or registered domestic partner of the head of the household; and
- d. Are billed or are the spouse or registered domestic partner of a person billed by the city.

**13.04.340 Violation – Penalty – Additional liability.**

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter or any of the provisions of any other ordinances of the city relating to water regulations, shall be a misdemeanor, and the water shall be turned off and remain so until the penalty and all other charges due are paid; provided, that the penalties shall not apply to violations of sections of the water ordinances of the city for which specific penalties have been provided. In addition thereto, any person violating any of the provisions of this chapter shall be liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

**13.08.060 Private disposal system – Permitted when.**

A. Where a public sanitary sewer is not available under the provisions of FMC 13.08.050, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this chapter.

B. Except as authorized by subsection (D) of this section, no commercial or industrial use shall be permitted to connect to a private system, the provisions of any other section or subsection of this chapter notwithstanding, unless all of the following conditions apply:

1. A local improvement district has been formed for the purpose of providing public sanitary sewer service to the property upon which the commercial or industrial use is to be located;
2. The private system is designed by a licensed professional engineer so the system does not allow the discharge of any effluent other than into a holding facility located on the property to be served by the private system;
3. The system meets all Department of Health requirements;
4. The property owner agrees, upon demand by the city, to disconnect from and remove the private system and connect to the public system at the property owner's expense;
5. The property owner signs an agreement with the city prior to commencing construction on the private system agreeing to indemnify and hold the city harmless from any liability that results from the approval or operation of the private system; said agreement to be in a form approved by the city attorney;
6. Prior to commencement of construction of the private system the property owner posts a performance bond in an amount to be determined by the city engineer that equals 150 percent

of the estimated cost of removing the private system and connecting to the public system; the performance bond to be in a form approved by the city attorney;

7. The property owner will pay all city fees associated with processing, reviewing and approving the application for an on-site system; and

8. Prior to approval of the on-site system, the property owner shall pay the sanitary sewer general facility charges in effect at the time the application is filed.

C. No application for exemption from connecting to the public sanitary sewer system shall be processed unless accompanied by a complete building permit application. The exemption shall expire at the same time that the building permit expires.

D. If the owner of an industrially zoned parcel intends to convert an existing structure to living quarters to be used to provide on-site security, and public sanitary sewer is not available to the property, then the public works director is authorized to allow the use of an alternative sanitary sewage disposal system upon such conditions as he determines are necessary to protect the public health, safety and welfare, so long as his conditions of approval include compliance with the provisions of subsections (B)(2) through (B)(8) of this section.

### **13.08.510(H)(2)(a),(b)&(d) Sewer service – Schedule of rates.**

#### H. Reduced Sewer Rates.

2. Applicability. To sanitary sewer customers who reside in single-family dwelling units or individually metered multiple dwelling units who:

a. Are 62 years of age or older and have a maximum income, if single, of not more than 70 percent of the Washington State median income for a one-person household, as computed annually by the state or the city, or whose annual income, if married or in a registered domestic partnership as established under RCW Chapter 26.60, together with that of the spouse or registered domestic partner does not exceed 70 percent of the Washington State median income for a two-person household as computed annually by the state or the city; or receive supplemental security income pursuant to 42 USC Sections 1381 through 1383; or are disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the equivalent of 42 USC Section 401 et seq., and whose annual household income, together with all household members, does not exceed 70 percent of the Washington State median income for the number of individuals in the household as computed annually by the state or the city; and

b. Are a single occupant or head of household or the spouse or registered domestic partner of the head of the household; and

d. Are billed or are the spouse or registered domestic partner of a person billed by the city.

### **13.08.570 Violation – Penalty – Additional remedies.**

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter or any of the provisions of any other ordinances of the city relating to sewer regulations shall be a misdemeanor and the water shall be turned off and remain so until the penalty and all other charges due are paid; provided, that the penalties shall not apply to violations of sections of the sewer ordinances of the city for which specific penalties have been provided. In addition thereto, any person, firm or corporation violating any of the provisions of this chapter shall be liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

### **13.16.020(U)&(V) Definitions.**

U. “IBC” and “IRC” means the International Building Code and International Residential Code as adopted by the city.

V. “IFC” means the International Fire Code as adopted by the city.

### **13.16.100 Waivers.**

Some of the requirements of this chapter may be waived and/or alternate procedures approved by the fire marshal, if the alternative procedure will not result in an unreasonable risk to persons or property. All waivers and alternate procedures shall be in writing; the reasons given for each; a copy shall be placed in a waiver notebook; a copy shall be mailed to the appropriate fire chief; and a copy shall be given to the board of appeals. Neither the fire marshal nor any other authority is authorized to waive the requirements of the International Fire Code, the International Building Code or the International Residential Code.

### **13.16.120(D) Enforcement, violation, appeal and penalty.**

D. Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor. Each and every offense committed shall be deemed to be a separate offense and each day that a violation continues shall be deemed to be a separate offense.

### **14.01.060 Open record appeal hearing.**

“Open record appeal hearing” means a hearing of an administrative appeal of a decision made by the director, conducted by the hearing examiner or the International Building Code or the International Residential Code board of appeals, when an open record hearing on the project permit application was not held.

### **14.02.020(B) Determination of proper procedure type.**

B. Decision-Maker. Applications processed in accordance with FMC 14.02.060 which have the same numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker. The city council is the highest decision-maker, followed by the hearing examiner and the International Building Code or the International Residential Codeboard of appeals, then the planning commission, and last, the director.

### **15.04.113 Section 113 amended – Violations.**

Section 113 of the International Building Code is amended as follows:

113.4 Violation penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted.

### **15.08.030(A) Penalties.**

A. Any person, firm or corporation who shall violate any of the provisions of this fire code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor.

### **15.20.020 Section 203 amended – Violations.**

Section 203, Chapter 2, of the International Conference of Building Officials Uniform Code for the Abatement of Dangerous Buildings, as adopted by reference in FMC 15.20.010 hereof, is amended to read as follows:

#### **VIOLATIONS**

Section 203. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor.

### **15.32.020(E) Definitions.**

E. “Experimental BMP” means a best management practice (“BMP”) that has not been tested and evaluated by the Department of Ecology in collaboration with local governments and technical experts.

### **15.52.020 Violations – Penalty.**

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor and any person, firm or corporation that violates, disobeys, neglects or refuses to comply with or resists or opposes the enforcement of any of the provisions of this chapter, or who persists in occupying any building or structure, and/or maintain operation of any equipment or appliances, in which the electrical wiring has been declared to be in violation of this chapter, after having been duly notified of such violation of this chapter, shall be a misdemeanor. Each day such violation, disobedience, neglect or refusal shall continue after notification of violation shall be deemed a separate offense and shall be subject to the penalty of this section.

Such person, firm or corporation shall be deemed to have been duly notified by posting of notification on the premises, equipment or appliances by the inspector; by sealing out of service, of circuits, equipment and/or appliances by inspector’s italics seal; or by notification in writing by the inspector, mailed to the owner and/or occupant at the premises involved.

## **16.02.490 International code.**

“International code” means the international codes adopted by the city of Fife and as amended by the state of Washington including the International Building, Fire, Plumbing, Mechanical, Administrative, Residential, Housing, and Abatement of Dangerous Building Codes.

## **16.05.020 Single-family zones.**

This section governs specific sign allowances in single-family zones.

A. **Outright Permitted Signs.** Each lot in single-family residential and agricultural zones shall be permitted one nonilluminated freestanding or wall sign not exceeding 10 square feet in area. If the city of Fife has issued a business license for a lawfully permitted home business occupation, the business may use this allowance for advertising. Sign display for a home business occupation requires a permit.

B. **Real Estate “Open House” Signs – Off-Premises.** There shall be a minimum separation of 200 lineal feet between such signs. The area of such signs shall be no greater than six square feet per sign face. All off-premises real estate signs must be removed each day at the conclusion of the open house or other sales event and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the subject property. No off-premises sign shall be placed any further than one-half mile (2,640 lineal feet) from subject property or to the closest principal arterial or whichever distance is lesser. Permits are not required.

C. **Real Estate “Open House” Signs – On-Premises.** One temporary nonilluminated real estate sign shall be permitted for each street frontage. These signs shall be limited to eight square feet and shall not exceed six feet in height. This section is not intended to allow for permanent display of sale, rental, or lease signs on a building. For other uses and developments, the size shall not exceed 32 square feet per sign face. All on-premises real estate signs must be removed when the sale closes, or in the case of a rental or lease, when the tenant takes possession. Permits are not required.

D. **Name and Address Identification.** One name plate sign on the premises bearing only the name of the principal occupant and/or the street number of a private dwelling is permitted. Name plate signs shall not exceed four square feet in area and address lettering should be a minimum of three inches tall. Permits are not required.

## **16.05.030 Multifamily residential district.**

This section governs specific sign allowances in multifamily residential districts.

A. Permitted Signs. Each multifamily development may have one illuminated or nonilluminated freestanding or wall sign for each street frontage. The area of each sign face shall not exceed 32 square feet and the maximum height shall not exceed 10 feet. Such signs shall be required to comply with the landscaping requirements of Chapter 16.06 FMC. Permits are required.

B. Real Estate Signs, Off-Premises. There shall be a minimum separation of 100 lineal feet between off-premises signs. The area of such signs shall be no greater than six square feet. All off-premises real estate signs must be removed each day at the conclusion of the open house or other sales event and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the subject property. No off-site sign shall be placed any further than a one-quarter mile (1,320 lineal feet) from subject property or to the closest minor arterial or whichever distance is lesser. Permits are not required.

C. Real Estate Signs. One temporary nonilluminated real estate sign shall be allowed for each street and freeway frontage. Such signs shall be limited to 20 square feet maximum and shall not exceed 12 feet in height. Such signs must be removed upon sale, rent or lease of the premises. This section is not intended to allow for permanent display of a sale, rental, or lease sign on a building. Signs intended for permanent display for the lease or rental of multifamily units shall not exceed eight square feet and are limited to one sign for each street frontage. Permits are not required.

D. Address Identification. A minimum of one street address display for each building is required. The numbers must be clearly visible from adjacent streets and entrances whenever possible. Lettering shall be between six and 12 inches tall. The fire marshal reserves the right to periodically inspect multifamily residences to verify compliance with this requirement. Permits are not required.

E. Temporary Construction Signs. One temporary construction related sign not exceeding 32 square feet in area may be displayed during construction phases of a development. Temporary construction signs shall be removed within two weeks of temporary occupancy of the building. Permits are not required.

F. Directional Signs. Directional signs shall be limited to not more than six square feet each with a maximum of four signs for each lot. Permits are required.

#### **16.05.040 Commercial and industrial districts.**

This section governs specific sign allowances in commercial and industrial districts.

A. Wall Signs. Wall signs shall be calculated by allowing one and one half square feet of wall sign for each linear foot of lot frontage or business frontage, whichever is greater, up to a maximum of 200 square feet. The maximum square footage may be split into two or more signs with a maximum of three signs per facade. One wall sign is allowed per street frontage except as noted below:

1. In a multitenant building, any business that has an outside wall and an outside entrance opening directly to the business shall be allowed a wall sign with an area equal to one and one half square feet per lineal foot of the length of the business facade and a maximum area of 200 square feet. All wall signs must be located on walls in conjunction with tenant lease space.

2. In a multibuilding complex, each building other than the primary building on the site shall be allowed one wall sign. The permitted area is calculated by one and half square feet of sign for each linear foot of building frontage. Building frontage shall be determined by orientation to the primary street. The primary building on the site is allowed one and one half square feet of wall sign for each lineal foot of lot or building frontage. The maximum area of a wall sign is 200 square feet. Permits are required.

B. Projecting Signs. Projecting signs are permitted in lieu of freestanding signs. Projecting signs are limited to half the allowed area of a freestanding sign on the same property. In multitenant or multibuilding complexes, a projecting sign is permitted in lieu of a wall sign. Signs that project over a parking, maneuvering, or loading area must be at least 14 feet six inches above grade at their lowest point. Signs that project over a walkway or pedestrian area must be at least seven feet above grade at their lowest point. Projecting signs are not permitted to project over a public right-of-way. Structural calculations may be required for projecting signs.

C. Freestanding Signs. Each single tenant building, multitenant building, or multibuilding complex shall be permitted one freestanding sign with one square foot of sign area for each lineal foot of primary street frontage up to a maximum sign area of 150 square feet. Freestanding signs shall not exceed 30 feet in height. Permits are required. Each multitenant building is permitted a freestanding directory sign not to exceed 75 square feet in area and 12 feet in height. Freestanding signs on the same lot must be at least 100 feet apart.

D. Freeway Frontage Allowances. Properties with frontage adjacent to a freeway are permitted one freeway sign not exceeding 250 square feet. The sign can be a wall sign or a freestanding sign. Freestanding signs on a freeway shall not exceed 40 feet in height.

E. Primary Street Frontage Exceeding 300 Feet. When a business, multitenant building, or multibuilding complex has total frontage on the primary street of more than 300 feet, the business shall be allowed one additional freestanding sign oriented towards that street. The second freestanding sign on a primary street frontage is limited to a maximum of 75 square feet in area and shall not exceed 30 feet in height. Freestanding signs on the same street and the same lot shall be at least 150 feet apart. No more than two freestanding signs are allowed on any one street frontage of any one lot.

F. Additional Street Frontage. Corner properties or properties with frontage on more than one street are permitted one additional freestanding sign and one additional wall sign for each street frontage. The additional signs shall be located and facing upon the street frontage from which they are allowed and no freestanding sign shall be located closer than 100 feet to a freestanding sign on another street frontage of the same lot. Secondary signs shall be limited to an area not more than 50 percent of the area allowed for the same type of sign on the primary street frontage.

G. Real Estate Signs. One nonilluminated real estate sign shall be allowed for each street and freeway frontage. These signs shall be limited to 20 square feet and shall not exceed 12 feet in height. Real estate signs must be removed upon sale, rent, or lease of the premises. Signs intended for permanent display for the lease or rental of multifamily units shall not exceed eight square feet and are limited to one for each street frontage. Permits are not required.

H. Directional Signs. Directional signs shall be limited to not more than six square feet each with a maximum of four signs per lot. Permits are required.

I. Temporary Construction Signs. One temporary construction related sign not exceeding 32 square feet in area may be displayed during construction phases of a development. Temporary construction signs shall be removed within two weeks of occupancy of the facility. Permits are not required.

J. Incidental Signs. Incidental signs shall be restricted to four per lot. Incidental signs shall not exceed six square feet. Permits are required.

K. Address Identification. Each business shall display a street address number that is visible from the street. The lettering shall be a minimum of six and a maximum of 12 inches in height. Permits are not required.

L. Gasoline Stations. Due to the significance of displayed gasoline prices and special needs of gas stations for identification, gasoline stations are allowed specific signs in addition to the signs permitted by zoning district. Permits are required for the following signs:

1. Permanently mounted signs at each pump island displaying prices for gasoline. Such signs shall be limited to six square feet each and to no more than one per fuel pump; and
2. One permanently mounted station identification sign on the fuel island canopy. One sign per canopy is allowed. These signs are limited to eight square feet in size.

M. Temporary Sign Permits. All lawfully licensed businesses shall be allowed temporary sign permits as set forth in FMC Chapter 16.04.

N. Off-Premises Permanent Directional Signs.

1. One off-premises permanent directional sign shall be permitted subject to the following criteria:

- a. The subject property must have its primary street frontage on an “access street” or lesser (per city of Fife comprehensive plan); and
- b. The location of the subject property must be a minimum of 200 feet from a principal arterial; and
- c. The subject business must show a need for off-premises signage and how the sign will benefit the community; and

d. The location of the off-premises sign can only be located at the nearest intersection of the closest principal or minor arterial, excluding 12th Street East and “access street” or lesser of which the subject property is located; and

e. The off-premises site must be located in a commercial or industrial district; and

f. The square footage of the off-premises sign shall be included in the subject property’s total square footage sign allowance. In no case shall the off-premises sign exceed the total allowable signage for the subject property.

2. In all cases, an easement and maintenance agreement must be reviewed and approved by the city of Fife and recorded against all subject properties with Pierce County assessor’s office. At no time shall there be any more than two permitted freestanding signs (subject properties and off-site signs) on any one frontage. The sign shall be nonilluminated and no more than 16 square feet in area.

The process for the allowance of an off-site sign shall reviewed and approved through FMC Chapter 16.11, Comprehensive Sign Design Plans.

O. Off-Premises Temporary Real Estate Directional Signs. A large residential development is allowed a maximum of three off-premises temporary directional signs to guide potential customers to the location of the development. A large residential development shall be defined as a residential subdivision with at least 50 lots. All such signs shall require a sign permit and shall meet the following criteria for approval:

1. All such signs must be permanent monument signs constructed of concrete, rock, brick or similar material, or high quality nonprojecting pole signs constructed of durable materials. They may have an interchangeable message area, but must always show the name of the development and its location or direction.

2. All such signs may only be located in the following zoning districts: neighborhood commercial (NC), community commercial (CC), regional commercial (RC), and industrial (I).

3. No such sign shall exceed eight feet in height.

4. Each development is allowed a maximum of three sign; provided, that no single sign shall exceed 32 square feet in area.

5. No such sign shall be allowed on the public right-of-way.

6. The location of each sign must be at least 200 feet from any other sign of the same type that is located on the same side of the same street.

7. All such signs must be located within 500 feet of an intersection.

8. All such signs shall be nonilluminated, and no part of any sign shall move or be animated.

9. Once the overall development has a 90 percent occupancy of vested lots, or has been under construction for five years, whichever comes first, all related signs permitted by this section shall be removed.

10. A site plan, maintenance agreement, and written permission from the property owner must be approved and accepted by the city community development director for each such sign.

11. No such signs shall be approved until the final plat for the development is approved by the city and recorded with the Pierce County auditor.

**16.09.020(D) Prohibited signs.**

D. Signs displaying obscene matter, as defined by the U.S. Supreme Court;

**16.11.030 Allowable actions.**

The planning commission shall review submittals for comprehensive sign design plans. The planning commission may allow one or more of the following actions under a comprehensive sign design plan:

- A. Allow one wall sign to be up to 20 percent larger than allowed under the sign code;
- B. Allow one freestanding sign to be up to 10 percent larger than allowed under the sign code;
- C. Allow freestanding signs to be up to 10 percent closer together than allowed under the sign code;
- D. Allow one additional freestanding sign on a parcel;
- E. Allow directional signs to be larger than permitted when necessary for view purposes; and
- F. Allow a mural to be painted or affixed to an exterior wall of a building.

The planning commission may require that the applicant provide additional landscaping as a condition of allowing a comprehensive sign design plan. The planning commission may also require that the applicant return to the planning commission for review of any changes to the signs issued under the comprehensive sign design plan. Other conditions may be required by the planning commission as necessary to preserve the purpose and intent of the sign code and the zone code.

**17.04.040(B) Designation of responsible official.**

B. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with RCW Chapters 42.17A and 42.56.

#### **17.04.160 Designation of official to perform consulted agency responsibilities.**

A. The city manager or his designee shall be responsible for the preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping and reviewing a DEIS.

B. The city manager or his designee shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

#### **17.09.020(C) Definitions.**

C. "Base flood elevation" means water surface elevation, in feet, above mean sea level for the base flood and referenced to the National Geodetic Vertical Datum of 1988 (or Pierce County datum or United States Coast and Geodetic Datum of 1988 which are the same).

#### **17.19.115 Credit for schedule changes.**

A. Employers who have permanently modified their employees' work schedules so that some or all affected employees are not scheduled to begin work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating SOV trips and VMT per employee (RCW 70.94.537(2)(I)). This credit is to be awarded if implementation of the schedule change was an identified element in a worksite's approved CTR program, or if the schedule change occurred due to impacts associated with RCW Chapter 36.70A, the Growth Management Act.

B. Credit. For every five employees whose schedules are changed in order to avoid a peak-hour commute, a worksite will be credited with one full trip reduced.

1. New Credit. At any time an employer may apply for a new credit for schedule changes.

2. Application Process. The application must be submitted in writing. The credit application must include an explanation of how the schedule change is related to provisions of the Growth Management Act of 1990 or a demonstration that the schedule change was an identified element of a previously approved annual report.

3. Shift Below 100 Affected Employees. Employers who shift below 100 affected employees are not affected as outlined in Pierce County Code 10.50.050(B).

### **18.01.070 Consent to access.**

Persons applying for land division or lot line adjustment approval under this title shall permit free access to the land subject to the application, to all agencies and consultants of the relevant agencies considering the proposal, for the period of time extending from the time of application to the time of final action.

### **18.05.080(D)(1) Public hearing – City council action.**

D. Except as provided in RCW 36.70B.110 at a minimum, the director shall cause notice of the hearing to be given in the following manner:

1. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation within the county and The News Tribune newspaper;

### **18.48.070(D) Survey requirement.**

D. All surveys shall be accomplished as required by RCW Title 58, and shall be monumented as stated herein.

### **19.06.310 General group home.**

“General group home” means a dwelling structure which cannot be classified as either a single-family dwelling unit, family group home or correctional group home, which contains seven or more unrelated individuals. “General group home” includes assisted living facilities, convalescent homes and nursing homes that do not provide special care for individuals with handicaps.

### **19.06.550 On-site hazardous waste treatment and storage facility.**

“On-site hazardous waste treatment and storage facility” means a hazardous waste treatment or storage facility which is located on the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right-of-way and owned, operated, or controlled by the same person, shall be considered on-site travel if the travel crosses the right-of-way at a perpendicular intersection, or the right-of-way is controlled by the property owner and is inaccessible to the public. The use of the word “on-site” in this definition shall not be applied to nonhazardous waste-related regulations elsewhere in this title.

### **19.06.865 Wireless communication facility.**

“Wireless communication facility” (“WCF”) means an unstaffed facility used for the transmission and/or reception of wireless communication services. This usually consists of an antenna array, an equipment shelter or cabinet and a support structure used to achieve the necessary elevation. This definition shall not include facilities that are part of the city’s emergency early warning system (including lahar sirens) or antennas that are part of the city’s supervisory control and data acquisition (SCADA) system connected to city utility facilities as an accessory use.

### **19.36.020(H) Permitted uses.**

H. Automobile part store, with no storage and/or repair of customer vehicles;

### **19.42.010 Purpose.**

This district is intended to accommodate a range of retail, service, civic, entertainment, recreation, and higher-density residential uses to create a new focal point of community activity and to integrate living, working, shopping and recreation activities. The uses are intended to exist in a compatible and complementary manner with surrounding uses and districts. Street-based store frontages and plazas are encouraged to provide for a pedestrian-friendly atmosphere.

### **19.44.010 Purpose.**

This district is intended to provide for retail, service and office uses which primarily serve the businesses, tourists and general population of the Puget Sound region. The district is further intended to provide for a variety of housing densities and types. The uses are intended to exist in a compatible and complementary manner with surrounding uses and districts. Street-based store frontages and plazas are encouraged in order to provide for a pedestrian-friendly atmosphere.

### **19.60.050(A)(5) Minimum design performance standards.**

A. Building Design.

5. Signs. Each multitenant building shall have an identified wall sign centerline. All wall signs shall be centered along said line. All signs must comply with the provisions of FMC Title 16.

**19.64.020(B)&(C)(1) Chapter application.**

B. Fife Green Area Factor Requirement. The following conditions shall require installation of landscaping that achieves Fife green area factor scores as required in FMC Chapters 19.14 through 19.48:

C. Retention/Maintenance/Removal of Significant Trees and Groves of Trees.

1. Significant trees are healthy evergreen trees with a height of 10 feet or more and healthy deciduous trees with a minimum caliper of six inches or more measured at DBH. Tree health shall be determined by an International Society of Arborists (“ISA”) certified and Washington State licensed arborist. For new development or redevelopment, site improvements shall be designed and constructed to retain as many existing significant trees as possible. Priority shall be given to healthy mature trees. Significant trees located within existing or proposed perimeter landscaping area and which do not interfere with the proposed development shall be retained. The removal of hazardous or dead trees is exempt from the requirements of this chapter, per arborist’s recommendations.

**19.68.050(B)(6) Home occupation.**

B. Home Occupation Standards. A home occupation may be considered an accessory residential use based on the following:

6. One sign advertising the home occupation is permitted. The sign is limited to a nonilluminated wall sign of six square feet or less. Signs must comply with all requirements in FMC Title 16.

**21.10.070 Site plan and supporting maps and graphics.**

A site plan and supporting maps and graphics includes an initial site plan and any supporting graphics, narrative descriptions and maps to show existing conditions and major details of the proposed low impact development. The initial site plan and supporting graphics and maps in combination shall provide a level of detail appropriate to the scale of the project and sufficient to demonstrate how the project complies with the provisions of this chapter.

A. Proposed name of the development, north point, scale, date and address, and telephone number of the preparer of the site plan/supporting maps.

B. All information included in the site assessment of FMC 21.10.010 shall be provided at a legible scale appropriate to the area covered by the proposal, at the discretion of the city.

C. Designated development areas.

D. Areas of disturbed soils to be amended.

E. The existing and proposed circulation system of arterial, collector and/or local streets, including right-of-way street widths, off-street parking areas, and major points of access to public rights-of-way (including major point of ingress and egress to the development). Notations of proposed ownership, public or private, shall be included where appropriate.

F. Location and width of existing and proposed sidewalks and trails.

G. Proposed lots and dimensions.

H. For residential structures, provide the types and number of residential units in each structure or the range of residential structures proposed together with the range of the type and number of units per structure.

I. For nonresidential buildings, the gross floor area of each building.

J. The location and square footage or approximate location and square footage or acreage of all areas to be conveyed to the city, dedicated or reserved as common open space, public parks, recreational areas, school sites, and similar public and semi-public uses, with notations of proposed ownership included where appropriate.

K. Landscaping and open space improvements plan or concept.

L. The location of existing and proposed utilities, including sanitary sewers, electrical lines, franchise utilities and water lines.

M. The location of existing and proposed stormwater facilities, including how low impact development facilities relate to other stormwater infrastructure intended to serve the development.

N. Existing zoning and comprehensive plan boundaries for the site and adjacent property.

O. Information of contiguous properties within 300 feet of the proposed low impact development, including:

1. Existing and, if known, proposed land uses and streets; and
2. Existing structures excluding accessory buildings, ownership tracts and unique natural features of the landscape, if readily accessible; and
3. Existing sensitive areas.

P. A vicinity map showing the location of the site and its relationship to the surrounding areas, including existing streets, major physiographic and cultural features such as railroads, lakes, streams, shorelines, schools, parks, and other prominent features.

Q. Landscape plan consistent with the requirements of FMC Chapter 19.64.

Ad Order Confirmation

Ad Order Number 0001324414  
PO Number ORDS  
Customer Account 220218AIM  
Customer CITY OF FIFE  
ACCOUNTS PAYABLE,5411 23RD ST E,  
FIFE WA 98424-2061 USA

Phone Number 253-922-2489  
Phone Number 2  
Customer Fax

Payment Method  
Total Amount \$380.56  
Payment Amt \$0.00  
Amount Due \$380.56

Ad Number 0001324414-01  
Sales Rep. legals  
Blind Box  
Tear Sheets 3  
Proofs 0  
Ad Size 1.0 X 71 Li  
Invoice Text: ORD 1777, 1779, 1780, 1781  
Affidavits 0  
Placement Legal  
Position Bids and Requests

Product	Start Date	Stop Date	# Inserts
The News Tribune	7/13/2012	7/13/2012	1

NOTICE OF ORDINANCES PASSED BY  
THE CITY OF FIFE  
ORDINANCE NO. 1777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AMENDING SECTIONS 1.01.000, 1.16.090, 2.20.040, 2.26.090(C), 2.36.090, 2.52.040(C), 2.52.380, 2.66.090, 2.66.040, 2.11.090, 3.12.060, 3.16.060, 2.21.020, 2.23.030, 3.52.090, 3.52.020, 3.80.190, 3.70.180, 3.80.090(G), 5.01.130(B)(4), 5.06.060, 5.32.180, 5.34.090(B), 8.04.020, 8.04.030, 8.16.020, 8.16.190, 8.16.190, 8.24.050, 8.24.130(A), 9.06.050, 9.11.020(C), 9.12.040, 9.12.190, 9.22.040, 9.23.030(B), 9.26.020, 9.26.040, 9.37.020(B), 9.77.090, 9.77.020(C), 9.79.090, 10.04.120(F), 10.26.090(A), 10.26.090, 10.32.090(F), 10.32.080(C), 10.48.080, 10.52.300(B), 10.52.180(E), 10.60.020(B), 11.01.190(A), 11.01.210(A), 11.01.270, 12.12.010(B), 12.04.090, 13.04.240(D)(2)(A)(B)(C)(4), 13.04.340, 13.08.510(F)(2)(A)(B)(C)(4), 13.08.080, 13.08.570, 13.16.020(B)(A), 13.16.300, 13.16.120(B), 14.01.060, 14.02.020(B), 15.04.113, 15.06.090(A), 15.20.020, 15.32.020(E), 15.32.020, 16.02.490, 16.05.020, 16.05.090, 16.05.040, 16.05.030(D), 16.11.030, 17.04.040(B), 17.04.180, 17.09.020(C), 17.39.115, 18.01.070, 18.06.080(B)(1), 18.46.070(B), 19.06.390, 19.06.390, 19.06.065, 19.36.020(H), 19.42.090, 19.44.030, 19.60.090(A)(3), 19.64.020(B)(C)(1), 19.68.090(B), 21.10.070 AND CHAPTERS 1.16, 9.44 AND 9.26 OF THE FIFE MUNICIPAL CODE AND REPEALING SECTIONS 3.12.050, AND 9.12.090 AND CHAPTERS 1.20, 2.64, 8.20 AND 9.67 OF THE FIFE MUNICIPAL CODE  
A COMPLETE COPY OF THE ORDINANCE IS ON THE City of Fife website, [www.cityoffife.org](http://www.cityoffife.org)  
Carol Egan, City Clerk

ORDINANCE NO. 1779  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 4 OF ORDINANCE NO. 1717 EXTENDING THE PROHIBITION OF TRUCKS GREATER THAN 26,000 GVW ON NORTH LEVEE ROAD WEST OF 80TH AVENUE EAST (RAILROAD BRIDGE)  
A COMPLETE COPY OF THE ORDINANCES ARE ON THE City of Fife website, [www.cityoffife.org](http://www.cityoffife.org)  
Carol Egan, City Clerk

ORDINANCE NO. 1780  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 19.06, AND SECTIONS 19.14.030, 19.20.030, 19.24.030, 19.28.030, 19.32.030, 19.32.040, 19.36.030, 19.36.040, 19.40.020, 19.42.020, 19.44.020, 19.46.020, 19.48.020, AND 19.50.030 OF THE FIFE MUNICIPAL CODE TO PROVIDE ELECTRICAL VEHICLE INFRASTRUCTURE USES.  
A COMPLETE COPY OF THE ORDINANCES ARE ON THE City of Fife website, [www.cityoffife.org](http://www.cityoffife.org)  
Carol Egan, City Clerk

ORDINANCE NO. 1781  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON EXTENDING THE EXISTING MONITORING ON MUNICIPAL MAINTENANCE COLLECTIVE GARDENS FOR AN ADDITIONAL SIX MONTH PERIOD  
A COMPLETE COPY OF THE ORDINANCES ARE ON THE City of Fife website, [www.cityoffife.org](http://www.cityoffife.org)  
Carol Egan, City Clerk