

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.04.310 OF THE FIFE MUNICIPAL CODE TO GIVE NOTICE TO LIEN-HOLDERS OF IMPOUNDED VEHICLES AND ALLOW LIEN-HOLDER REDEMPTION

WHEREAS, currently, Fife Municipal Code Section 10.04.310 does not allow for a lien-holder with the right of possession to be able to redeem an impounded vehicle; and

WHEREAS, FMC 10.04.310 also does not provide for notification of impoundment to any lien-holders listed on the registration of an impounded vehicle; and

WHEREAS, a lien-holder may have just as great a financial interest in redeeming an impounded vehicle as the driver whose conduct caused it to be impounded; and

WHEREAS, the City has a vested interest in having impounded vehicles redeemed in a timely manner; now, therefore,

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

Section 1. Section 10.04.310 of the Fife Municipal Code is hereby amended to read as follows:

10.04.310 Redemption of impounded vehicles.

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the registered owner, lien-holder with right of possession, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to FMC 10.04.300 must, prior to redemption, establish that he or she has a valid driver's license and is in compliance with RCW 46.30.020. A vehicle impounded pursuant to FMC 10.04.300(C) through (H) can be released only pursuant to a written order from the court. In addition to the registered owner, notice of impoundment shall be sent to any lien-holder whose name appears on the registration of an impounded vehicle.

B. Any person so redeeming a vehicle impounded by the city shall pay the towing contractor for costs of impoundment removal, towing and storage prior to redeeming

such vehicle, except as provided for by subsection (C) of this section. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b) as now or hereafter amended. If the vehicle was impounded pursuant to FMC 10.04.300 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines or forfeitures owed by the registered owner have been satisfied.

C. The Fife municipal court is authorized to release a vehicle impounded pursuant to FMC 10.04.300(C) through (G) prior to the expiration of any period of impoundment upon petition of the spouse of the driver based on economic or personal hardship to such spouse resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of subsections (A) and (B) of this section.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a municipal court hearing to contest the validity of an impoundment or the amount of removal, towing, and storage charges if such request for hearing is in writing, in a form approved by the Fife municipal court and signed by such person, and is received by the Fife municipal court within 10 days (including Saturdays, Sundays and holidays) of the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under FMC 10.04.300, have been satisfied, then the impounded vehicle shall be released immediately and a hearing as provided in FMC 10.04.320 shall be held within 90 days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under FMC 10.04.300, have been satisfied, then the impounded vehicle shall not be released until after the hearing provided pursuant to FMC 10.04.320, which shall be held within five business days (excluding Saturdays, Sundays and holidays) of the written request to the court for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in subsection (D) of this section may petition the Fife municipal court for an extension of time to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

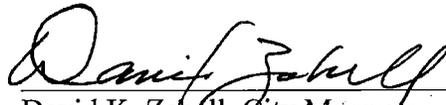
4. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper, and the city shall not be liable for removal, towing, and storage charges arising from the impoundment.

Section 2. 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 3. 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 9th day of Oct, 2012.

Passed by the City Council on the 23rd day of Oct 2012.


David K. Zabell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney
assist at atty

Published: 10/25/12
Effective Date: Oct 30th, 2012.

Ad Order Confirmation

Ad Order Number 0001346167
PO Number ORD 1789-1812,1815/6/9
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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 \$1,317.39
Payment Amt \$0.00
Amount Due \$1,317.39

Ad Number 0001346167-01
Sales Rep. legals
Blind Box
Tear Sheets 3
Proofs 0
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Invoice Text: ORD 1789-1812,1815,1816,1819
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Placement Legal
Position Legals-001

Product	Start Date	Stop Date	# Inserts
The News Tribune	10/25/2012	10/25/2012	1

NOTICE OF ORDINANCES PASSED BY
THE CITY OF FIFE

ORDINANCE NO. 1788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 2.91 AND SECTIONS 2.94.010, 2.94.020, 2.94.030, 2.94.040, 2.94.050, 2.94.060, 2.94.070, 2.94.080, AND 2.94.090 TO THE FIFE MUNICIPAL CODE TO COPY THE CITY'S PUBLIC RECORDS POLICIES AND COMPLY WITH RCW REQUIREMENTS.

ORDINANCE NO. 1789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING 8.04.010 & 8.04.020 OF THE FIFE MUNICIPAL CODE TO MORE CLEARLY AND FORCEFULLY DEFINE "MISALICE".

ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 16.01.020, 16.01.050, 19.02.030 AND 19.52.060 OF THE FIFE MUNICIPAL CODE TO REMOVE DISCRETIONARY AND INCONSISTENT LANGUAGE.

ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.04.310 OF THE FIFE MUNICIPAL CODE TO GIVE NOTICE TO LEASEHOLDERS OF IMPROVED VEHICLES AND ALLOW LEASEHOLDERS REDEMPTION.

ORDINANCE NO. 1793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 2.18 OF THE FIFE MUNICIPAL CODE TO REMOVE "BUILDING OFFICIAL" FROM THE CODE.

ORDINANCE NO. 1794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 8.34.010, 8.34.020, 8.34.045 AND REPEALING 8.34.040 OF THE FIFE MUNICIPAL CODE TO CONFORM TO THE REVISED CODE OF WASHINGTON AND APPLY CONSISTENTLY WITH THE FIFE MUNICIPAL CODE REGARDING STAIRWAYS IN CITY FACILITIES.

ORDINANCE NO. 1795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 252.310 AND REPLACING SECTION 2.32.370 OF THE FIFE MUNICIPAL CODE TO REMOVE UNNECESSARY REQUIREMENTS FROM FIFE POLICE DEPARTMENT PROCESSES.

ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 2.08.020, 2.04.200, 13.16.020, 13.16.050, 13.16.060 AND 15.04.105 OF THE FIFE MUNICIPAL CODE TO UPDATE TILES AND CORRECTLY ADOPT BY REFERENCE CURRENTLY USED SOURCES.

ORDINANCE NO. 1797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING SECTIONS 13.04.250 AND 13.18.120 AND AMENDING SECTION 13.09.030 OF THE FIFE MUNICIPAL CODE TO EXPAND HOUSING REQUIREMENTS.

ORDINANCE NO. 1798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 6.04.010 AND REPEALING SECTIONS 6.04.020, 6.04.030, 6.04.040, 6.04.050, 6.04.070, 6.04.080, AND 6.04.090 OF THE FIFE MUNICIPAL CODE TO REMOVE OUTDATED PROCEDURES AND ADOPT CURRENT WASHINGTON ADMINISTRATIVE CODE REGULATIONS REGARDING DISEASED AND QUARANTINED ANIMALS.

ORDINANCE NO. 1799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 9.10 OF THE FIFE MUNICIPAL CODE DEFERRING TO THE AUTHORITY OF THE STATE AND STATE DESIGNATED AGENCIES.

ORDINANCE NO. 1800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 5.52 OF THE FIFE MUNICIPAL CODE AS BEING UNNECESSARILY RESTRICTIVE AND NO LONGER NECESSARY TO PRESERVE THE PUBLIC PEACE AND WELFARE.

ORDINANCE NO. 1801

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 13.08.050 AND 14.10.030 OF THE FIFE MUNICIPAL CODE TO CLARIFY THE DUTIES OF THE FIFE HEARING EXAMINER.

ORDINANCE NO. 1802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 6.04.100, 6.01.140, 6.16.050, 8.16.130, 12.08.020, 13.32.030, 15.09.250, 17.04.190, AND 19.52.070 AND REPEALING SECTIONS 6.04.130 AND 8.04.170 OF THE FIFE MUNICIPAL CODE TO UPDATE AND KEEP CONFORMITY THROUGHOUT THE FIFE MUNICIPAL CODE.

ORDINANCE NO. 1803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.06.020, 9.09.040, 9.13.010, 9.17.010, 9.22.040, 9.23.010, 9.27.010, 9.29.010, 9.33.010, 9.37.010, 9.39.010, 9.43.010, 9.54.020, 9.59.010, 9.59.010, AND 9.77.010 OF THE FIFE MUNICIPAL CODE TO REMOVE INCORPORATION OF FIDELITY, TO CORRECT CRIMINAL CODE LEVEL, AND TO UPDATE RW CAPTIONS AS INCORPORATED BY REFERENCE INTO THE FAC.

ORDINANCE NO. 1804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING 17.17.020 OF THE FIFE MUNICIPAL CODE TO DEFINE "JUDICIAL SPECIES".

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.01.160, 13.04.220, 13.08.230, AND 13.08.340 OF THE FIFE MUNICIPAL CODE TO CONFORM BASIS OF ENTRY TO CURRENT STATE AND FEDERAL LAW.

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 18.05.160 OF THE FIFE MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR RISK PLAN PREPARATION.

ORDINANCE NO. 1807

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 9.08.040 OF THE FIFE MUNICIPAL CODE TO REMOVE UNACCEPTABLE LANGUAGE AND MORE narrowly tailor the PARALLELISM OF THE CRIME OF LENDING.

ORDINANCE NO. 1808

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 8.21 AND SECTION 8.21.010 AND AMENDING SECTIONS 3.11.020, 3.11.030, 3.70.040, 3.70.050, 3.92.020, 3.16.070, 3.16.090, 8.32.010, 9.22.010, 9.23.010, 9.29.010, 9.41.010, 9.45.010, 9.44.020, 9.51.010, 9.54.010, 9.59.010, 10.04.040, 10.04.050, 10.04.060, 10.04.070, 10.04.080, 10.04.090, 10.04.100, 10.04.110, 10.04.120, 10.04.130, 10.04.140, 10.04.150, 10.04.160, 10.04.170, 10.04.180, 10.04.190, 10.04.200, 10.04.210, 10.04.220 AND 10.05.020 OF THE FIFE MUNICIPAL CODE TO CONFORM WITH CURRENT VERSIONS OF THE REVISED CODE OF WASHINGTON, THE WASHINGTON ADMINISTRATIVE CODE AND THE TACOMA MUNICIPAL CODE AS ADOPTED BY REFERENCE IN THE FIFE MUNICIPAL CODE.

ORDINANCE NO. 1809

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 15.75 AND SECTION 15.75.030 TO THE FIFE MUNICIPAL CODE TO CLARIFY INFORMATION SURROUNDING BENEFIT PERIODS.

ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING SECTIONS 18.32.030 AND 18.32.050 TO THE FIFE MUNICIPAL CODE TO CLARIFY INFORMATION REGARDING FILE/GRADE PLAN REVIEW AND PERMIT FEES.

ORDINANCE NO. 1811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING SECTION 18.05.220 AND AMENDING SECTION 18.05.350 OF THE FIFE MUNICIPAL CODE TO UPDATE THE LIMITATIONS ASSOCIATED WITH PRELIMINARY AND FINAL PLATS.

ORDINANCE NO. 1812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.32.010 OF THE FIFE MUNICIPAL CODE TO MAKE NON-PROFIT OWNERS CONSISTENT.

ORDINANCE NO. 1815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING THE TITLES TO CHAPTERS 3.60 AND 3.61 OF THE FIFE MUNICIPAL CODE, AMENDING SECTIONS 3.60.030, 3.61.010, 3.61.015, AND 3.61.030 OF THE FIFE MUNICIPAL CODE, AND ADDING SECTION 3.60.037 TO THE FIFE MUNICIPAL CODE, IMPOSING A UTILITY TAX OF 0% FOR CELLULAR TELEPHONE, CABLE TELEVISION, AND GAS SERVICE, INCREASING THE UTILITY TAX FOR NATURAL GAS, TELEPHONE, SEWER, WATER, AND STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY SERVICES TO 0%, AND PROMOTING SUNSET PROVISIONS.

ORDINANCE NO. 1816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 3.85.020 OF THE FIFE MUNICIPAL CODE REGARDING THE PUBLIC SAFETY FUND.

ORDINANCE NO. 1819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADOPTING AN IMMEDIATE MORATORIUM ON THE ESTABLISHMENT, LOCATION, OR PERMITTING OF GAMBLING PRIZES; SETTING A PUBLIC HEARING; AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THIS RESOLUTION.