

CITY OF FIFE, WASHINGTON

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, 13.08.330, AND 13.08.340 OF THE FIFE MUNICIPAL CODE TO CONFORM RIGHT OF ENTRY TO CURRENT STATE AND FEDERAL LAW**

WHEREAS, several current Fife Municipal Code sections grant public employees the absolute right of access to public and private buildings for inspection purposes; and

WHEREAS, the United States Supreme Court has determined that entry onto private property must be effected with the consent of a rightful occupant or pursuant to warrant, unless a public safety emergency justifies a warrantless entry; and

WHEREAS, the Washington State Supreme Court allows municipal courts to issue administrative search warrants supported by probable cause to allow such entry only if the violation is classified as a crime, and not as a civil infraction; and

WHEREAS, all relevant sections currently define violation of any part of the relevant chapters as a misdemeanor; and

WHEREAS, it is necessary to narrow the permissions of the relevant sections to comply with state and federal law; now, therefore,

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

Section 1. Section 5.01.160 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.160 Inspections – Right of entry.**

The license officer is authorized to make or have made such inspections and take such action as may be required to enforce the provisions of this title. Any inspector must present his or her credentials and ask permission to enter the premises. If permission is denied, the inspector shall have recourse to the Fife Municipal Court to seek an administrative search warrant for gaining entry. Neither permission nor warrant are necessary if a public safety emergency justifies entry.

Section 2. Section 13.04.220 of the Fife Municipal Code is hereby amended to read as follows:

### **13.04.220 Inspection of premises authorized when.**

Employees of the public works department who desire entrance to any part of a building in which water may be supplied from the city mains, for the purpose of inspecting the condition of the pipes and fixtures, and the manner in which the water is used, will present his or her credentials and ask permission to enter. If permission is denied, the employee shall have recourse to the Fife Municipal Court to seek an administrative search warrant for gaining entry. Neither permission nor warrant are necessary if a public safety emergency justifies entry.

Section 3. Section 13.08.330 of the Fife Municipal Code is hereby amended to read as follows:

### **13.08.330 Inspection of sewers and attachments – Notices.**

The public works superintendent or employees of the city, bearing proper credentials, shall have the right to request permission for entrance to any premises at all reasonable hours to ascertain whether the provisions of the ordinances of the city of Fife and the city of Tacoma relative to sewage have been complied with. If permission is denied, the employee shall have recourse to the Fife Municipal Court to seek an administrative search warrant for granting entry. Neither permission nor warrant are necessary if a public safety emergency justifies entry. If the sewer or its attachments are in conflict with the provision of any law or ordinance in regard thereto, the owner of the premises, or his agent, shall be notified to cause the sewer or its attachments to be so altered, repaired or reconstructed as to make them conform to the requirements of the laws and ordinances within 15 days from the date of receipt of such notice.

Section 4. Section 13.08.340 of the Fife Municipal Code is hereby amended to read as follows:

### **13.08.340 Sewer waste tests permitted when – Obstruction of officer while testing unlawful.**

The public works superintendent or other employees of the city, or a representative of the city of Tacoma sewer department, bearing proper credentials and identification, shall be permitted to request permission for entrance to any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of sewage waste in accordance with the provisions of this chapter; and it is unlawful for any person to obstruct or interfere with any such officer or employee while so engaged. If permission is denied, the employee shall have recourse to the Fife Municipal Court to seek an administrative search warrant for granting entry. Neither permission nor warrant are necessary if a public safety emergency justifies entry.

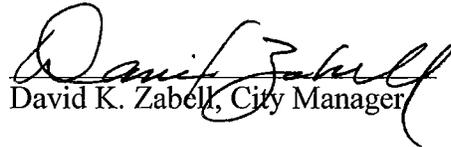
Section 5. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall

not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

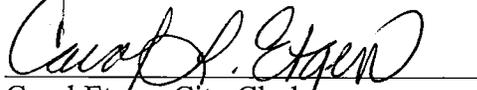
Section 6. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 9<sup>th</sup> day of Oct, 2012.

Passed by the City Council on the 23<sup>rd</sup> day of Oct 2012.

  
David K. Zabel, City Manager

ATTEST:

  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Loren D. Combs, City Attorney  
*ansit A city atty*

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

# Ad Order Confirmation

**Ad Order Number** 0001346167  
**PO Number** ORD 1789-1812,1815/6/9  
**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** \$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  
**Ad Size** 2.0 X 122 Li  
**Invoice Text:** ORD 1789-1812,1815,1816,1819  
**Affidavits** 1  
**Placement** Legal  
**Position** Legals-001

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

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LIST OF ORDINANCES PASSED BY  
THE CITY OF FIFE

ORDINANCE NO. 1789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 2.04 AND SECTIONS 2.04.010, 2.04.020, 2.04.030, 2.04.040, 2.04.050, 2.04.060, 2.04.070, 2.04.080, AND 2.04.090 TO THE FIFE MUNICIPAL CODE TO CARRY THE CITY'S PUBLIC RECORDS POLICIES AND COUNTY WAGS ACT REQUIREMENTS

ORDINANCE NO. 1790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING 8.04.010 & 8.04.070 OF THE FIFE MUNICIPAL CODE TO MORE PROBABLY AND ENFORCEABLY DEFINE "MILITANCE"

ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 16.01.030, 16.01.050, 19.02.030 AND 19.52.030 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 IMPOUNDED VEHICLES AND ALLOW LEASEHOLDERS REDEMPTION

ORDINANCE NO. 1793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 2.19 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 SIGNAGING IN CITY FACILITIES

ORDINANCE NO. 1795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 2.52.310 AND REPLACING SECTION 2.52.370 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 2.68.020, 13.04.200, 13.16.020, 13.16.030, 13.16.040 AND 15.04.100 OF THE FIFE MUNICIPAL CODE TO UPDATE TITLES 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 BONDING REQUIREMENT

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, 6.04.060, 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 9.19 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 13.09.050 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, 6.04.110, 6.18.050, 6.18.120, 12.09.020, 13.32.030, 15.08.250, 17.04.100, 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, 9.21.010, 9.22.040, 9.23.010, 9.27.010, 9.29.010, 9.33.010, 9.37.010, 9.39.010, 9.43.010, 9.54.010, 9.59.010, 9.59.010, AND 9.77.010 OF THE FIFE MUNICIPAL CODE TO REMOVE INCORPORATION OF FIDELITIES, TO CORRECT CRIMINAL CODE LEVEL, AND TO UPDATE NEW CAPTIONS AS INCORPORATED BY REFERENCE INTO THE FAIC

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 "MILITANT SPECIES"

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.01.100, 13.04.220, 13.09.330, AND 13.09.340 OF THE FIFE MUNICIPAL CODE TO CONFORM WITH ELDON 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 18.05.100 OF THE FIFE MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR RAIN PLAT 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 TARGET THE PARALLELS OF THE CRIME OF LUNARING

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, 3.82.020, 3.18.070, 3.18.090, 8.32.010, 9.22.010, 9.23.010, 9.29.010, 9.41.010, 9.49.010, 9.44.020, 9.51.010, 9.54.010, 9.59.010, 10.04.045, 10.04.050, 10.04.090, 10.04.100, 10.04.120, 10.52.060, 10.60.080, 15.52.010, 17.04.220 AND 18.05.020 OF THE FIFE MUNICIPAL CODE TO CONFORM WITH CURRENT THE VERSIONS OF THE REVISED CODE OF WASHINGTON, THE WASHINGTON ADMINISTRATIVE CODE AND THE FIFE 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 15.75.010 TO THE FIFE MUNICIPAL CODE TO CLARIFY INFORMATION SURROUNDING DESIGNATION PERMITS

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 18.05.100 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 3.61.040 OF THE FIFE MUNICIPAL CODE, AND ADDING SECTION 3.60.037 TO THE FIFE MUNICIPAL CODE, ADDING A UTILITY TAX OF 0% FOR CELLULAR TELEPHONE, CABLE TELEVISION, AND GARBAGE, 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 AIR IMMEDIATE NOTIFICATION ON THE ESTABLISHMENT, LOCATION, OR PERMITTING OF GAS-FILING PREMISES; SETTING A PUBLIC HEARING; AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THIS BEING THE EMERGENCY