

CITY OF FIFE, WASHINGTON

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, 3.70.090, 3.82.020, 8.16.070, 8.16.090, 8.32.010, 9.22.010, 9.23.010, 9.29.010, 9.41.010, 9.43.010, 9.44.020, 9.51.010, 9.54.010, 9.55.010, 10.04.045, 10.04.050, 10.04.080, 10.04.300, 10.04.320, 10.52.060, 10.60.060, 15.52.010, 17.04.230 AND 19.06.020 OF THE FIFE MUNICIPAL CODE TO CONFORM WITH CURRENT THE 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

WHEREAS, it is appropriate for the City to review its ordinances from time to time and to amend them to correct outdated references; and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, portions of the Revised Code of Washington (RCW), the Washington Administrative Code (WAC) and the Tacoma Municipal Code (TMC) have been adopted by reference throughout the Fife Municipal Code (FMC); and

WHEREAS, repeals and recodifications in the RCW, the WAC and the TMC have resulted in some sections being made obsolete and others in need of corrective updating; and

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

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

Section 1. Section 3.11.020 of the Fife Municipal Code is hereby amended to read as follows:

3.11.020 Taxable events.

Taxes imposed by this chapter shall be collected from persons who are taxable by the state under Chapter 82.45 RCW and Chapter 458-61A WAC upon the occurrence of any taxable event within the corporate limits of the city.

Section 2. Section 3.11.030 of the Fife Municipal Code is hereby amended to read as follows:

3.11.030 State rules applicable.

The taxes imposed in this chapter shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under Chapter 82.45 RCW and Chapter 458-61A WAC. The provisions of those chapters to the extent they are not inconsistent with this chapter shall apply as though fully set forth in this chapter.

Section 3. Section 3.70.040 of the Fife Municipal Code is hereby amended to read as follows:

3.70.040 Administration and collection.

A. Administration and collection of the various taxes imposed by this chapter shall be the responsibility of the finance director-treasurer. The taxpayer shall be required to swear and affirm by signature that the information given in the return is true, accurate and complete under penalty of perjury.

B. The finance director-treasurer is authorized, but not required, to mail to taxpayer forms for returns. Failure of the taxpayer to receive such a form shall not excuse the taxpayer from making the return and timely paying all taxes due. The finance director-treasurer shall make forms available to the public in reasonable numbers in the finance director-treasurer's office during regular business hours.

Section 4. Section 3.70.090 of the Fife Municipal Code is hereby amended to read as follows:

3.70.090 Records required – Inspection and audit.

A. Each person, association or organization engaging in an activity taxable under this chapter shall maintain records respecting that activity which truly, completely and accurately disclose all information necessary to determine the taxpayer's liability under this chapter during each base tax period. Such records shall be kept and maintained for a period of not less than three years.

B. In addition, all information and items required by the Washington State Gambling Commission and the United States Internal Revenue Service respecting taxation shall be kept and maintained for the period required by those agencies.

C. All books, records and other items required to be kept and maintained under this section shall be subject to and immediately made available for inspection and audit during normal business hours with or without notice at the place where such records are kept on demand by the city council, the city attorney, or the finance director-treasurer, or their designees, for the purpose of enforcing the provisions of this taxing chapter, and for the purpose of determining whether the proper tax is being paid. Failure of a taxpayer to keep books and records as required by this section shall be a bar to contesting the assessment of taxes as estimated by the finance director-treasurer. Where a taxpayer does not keep all of the books, records or items required to be kept or maintained under this section in this jurisdiction so that the above-stated officials or their designees may examine them conveniently, the taxpayer shall either:

1. Produce all of the required books, records or items within the jurisdiction for such inspection within five days following a request of the above officials that he do so; or
2. Bear the actual cost of inspection by the above officials or their designees at the location where such books, records or items are located; provided, that a taxpayer choosing to bear these costs shall pay in advance to the above-stated officials or their designees the estimated costs thereof, including but not limited to round trip fare by the most rapid means, lodging, meals and incidental expenses; the actual amount due or to be refunded for expenses shall be determined following the examination of the records.

Section 5. Section 3.82.020 of the Fife Municipal Code is hereby amended to read as follows:

3.82.020 Emergency response caused by person's intoxication – Recovery of costs from convicted person.

A. A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, RCW 46.61.504; (3) driving or being in actual physical control of a motor vehicle after consuming liquor and being under 21, RCW 46.61.504; (4) negligent driving in the first degree, RCW 46.61.5249; (5) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; (6) use of a vessel while under the influence of alcohol or drugs, RCW 79A.60.040; (7) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520 (1)(a); or (8) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

B. The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

C. In no event shall a person's liability under this section for the expense of an emergency response exceed \$1,000 per incident. If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of Chapter 39.34 RCW.

Section 6. Section 8.16.070 of the Fife Municipal Code is hereby amended to read as follows:

8.16.070 Removal by police officer, when.

A police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

- A. When a vehicle is obstructing traffic on any public street or alley and the person in charge of the vehicle is unable or refuses to remove it or provide for its immediate removal;
- B. Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;
- C. Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property;
- D. Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property;
- E. Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;
- F. Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

Section 7. Section 8.16.090 of the Fife Municipal Code is hereby amended to read as follows:

8.16.090 Prima facie presumption of responsibility.

The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for abandonment and thus liable for any costs incurred in the removing, storing and disposing of such vehicle or automobile hulk. A registered owner who has complied with the requirements of RCW 46.12.650 and 46.12.655 shall be relieved of liability, both civil and criminal, under this section.

Section 8. A new chapter Chapter 8.21 is hereby added to the Fife Municipal Code to be titled as follows:

Chapter 8.21 Smoke Detectors

Section 9. A new section 8.21.010 is hereby added to the Fife Municipal Code to read as follows:

8.21.010 Adoption of statute

RCW 43.44.110 is adopted by reference.

Section 10. Section 8.32.010 of the Fife Municipal Code is hereby amended to read as follows:

8.32.010 Adoption of state statutes.

Pursuant to the authority contained in RCW 35.21.180, the following sections of Chapters 70.84 and 49.60 RCW relating to blind, handicapped and disabled persons are hereby adopted by this reference: RCW 70.84.020 through 70.84.070, inclusive, and 49.60.360.

Section 11. Section 9.22.010 of the Fife Municipal Code is hereby amended to read as follows:

9.22.010 Definitions.

A. "Controlled substances" means a drug, substance, or its immediate precursor, listed in Schedule I, II, III, or IV of the Uniform Controlled Substances Act, Chapter 69.50 RCW.

B. "Drug" means:

1. Substances recognized as drugs in the official U.S. pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or
2. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals; or
3. Substances affecting or intended to affect the structure or any function of the body of humans or animals, except for food, and except for vitamins and minerals approved by the U.S. Food and Drug Administration for use as minerals and vitamins.

C. "Drug-related activity" means any of the following:

1. Administering drugs, controlled substances or imitation controlled substances, whether by injection, inhalation, ingestion, or any other means, to oneself or to another person; or
2. Delivering drugs, controlled substances or imitation controlled substances by the actual, constructive or attempted transfer of drugs, controlled substances or imitation controlled substances from one person to another; or
3. Distributing drugs, controlled substances or imitation controlled substances by transferring or arranging for their transfer other than by administering or delivering them.

D. "High drug activity geographic area" means all or a part of a district of the city described by the Fife Police Department for crime reporting purposes which, during the immediate past calendar quarter, has reported a higher incidence of complaints or arrests involving drugs than is average for all of the operating precincts within the city.

E. "Imitation controlled substance" means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, and size markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

1. Statements made by the person who owns or controls the substance regarding its nature, use or effect;
2. Statements made to the recipient that the substance can be resold for inordinate profit, or

3. Packing of the substance in a manner normally used for illicit controlled substances, such as but not limited to folded paper bundles, cellophane packages, aluminum foil balls, 35 mm film canisters, ziplock plastic baggies, two-inch glass vials, rubber balloons, or condoms.

F. "Known unlawful drug user, possessor or seller" means a person who has, to the knowledge of the arresting officer, within one year prior to the date of his or her arrest for violation of this chapter, been convicted of any infraction or crime, involving the use, possession or sale, of any drug, legend drug, controlled substance, or imitation controlled substance, either in any court in Washington State, or in the courts of any other state; or

Who is displaying the physical characteristics of use of any drug, legend drug, or controlled substance, such as poor coordination, slurred speech, needle marks on the body, constricted pupils or dilated pupils; or

Who is in possession of drug paraphernalia as defined in RCW 69.50.102; or

Who is the subject of an order prohibiting his or her presence in a high drug activity geographic area.

G. "Legend drug" means drugs which are required by Washington State statutes or administrative regulations, or regulations of the state board of pharmacy, to be dispensed on prescription only, or are restricted to use only by health care practitioners licensed by the state of Washington (including physicians under Chapter 18.71 RCW, osteopaths under Chapter 18.57 RCW, dentists under Chapter 18.32 RCW, podiatrists under Chapter 18.22 RCW, veterinarians under Chapter 18.92 RCW, registered nurses under Chapter 18.79 RCW, osteopaths' assistants under Chapter 18.57A RCW, physicians' assistants under Chapter 18.71A RCW, or pharmacists under Chapter 18.64 RCW, or pharmacies, hospitals or institutions licensed to distribute, dispense, conduct research with, or administer legend drugs to persons in the course of professional practice or research in the state).

H. "Loiter" means to stand about or to proceed with many stops.

Section 12. Section 9.23.010 of the Fife Municipal Code is hereby amended to read as follows:

9.23.010 Statutes incorporated by reference.

The following statutes relating to public indecency, prostitution, sexual exploitation of children, and other sex crimes, are incorporated by reference:

RCW 9A.44.010 Definitions for sexual offenses.

RCW 9A.44.096 Sexual misconduct with a minor in the second degree.

RCW 9A.44.120 Admissibility of child's statement.

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- RCW 9A.88.010 Indecent exposure.
- RCW 9A.88.030 Prostitution.
- RCW 9A.88.050 Prostitution – Sex of parties immaterial – No defense.
- RCW 9A.88.090 Permitting prostitution.
- RCW 9A.88.110 Patronizing a prostitute.
- RCW 9.68A.011 Definitions.
- RCW 9.68A.080 Processing depictions of minors engaged in sexually explicit conduct.
- RCW 9.68A.090 Communication with a minor for immoral purposes.
- RCW 9.68A.110 Certain defenses barred, permitted.
- RCW 9.68A.120 Seizure and forfeiture of property.
- RCW 9.68A.150 Allowing minor on premises of live erotic performance.

Section 13. Section 9.29.010 of the Fife Municipal Code is hereby amended to read as follows:

9.29.010 Statutes incorporated by reference.

The following statutes relating to fraud are incorporated by reference:

- RCW 9A.60.010 Definitions.
- RCW 9A.60.040 Criminal impersonation.
- RCW 9A.60.050 False certification.
- RCW 9.04.010 False advertising.
- RCW 9.04.050 False, misleading, deceptive advertising.
- RCW 9.04.090 Advertising fuel prices by service stations.
- RCW 9.45.060 Encumbered, leased, or rented personal property – Construction.
- RCW 9A.56.096 Theft of rental, leased, lease-purchased, or loaned property.RCW 9.45.070 Mock auctions.
- RCW 9.45.080 Fraudulent removal of property.
- RCW 9.45.090 Knowingly receiving fraudulent conveyance.
- RCW 9.45.100 Fraud in assignment for benefit of creditors.
- RCW 9.12.010 Barratry.
- RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy.
- RCW 48.30.270 Public building or construction contracts – Surety bonds or insurance – Violations concerning – Exemption.

Section 14. Section 9.41.010 of the Fife Municipal Code is hereby amended to read as follows:

9.41.010 Statutes incorporated by reference.

The following statutes regarding weapons control are incorporated by reference:

- RCW 9.41.010 Terms defined.
- RCW 9.41.050 Carrying firearms.
- RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- RCW 9.41.098 Forfeiture of firearms – Disposition – Confiscation.
- RCW 9.41.120 Firearms as loan security.
- RCW 9.41.140 Alteration of identifying marks – Exceptions.
- RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.
- RCW 9.41.240 Possession of pistol by person from 18 to 21.
- RCW 9.41.250 Dangerous weapons – Penalty.
- RCW 9.41.260 Dangerous exhibitions.
- RCW 9.41.270 Weapons apparently capable of producing bodily harm – Unlawful carrying or handling – Penalty – Exceptions.
- RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exemptions.
- RCW 9.41.300 Weapons prohibited in certain places – Local laws and ordinances – Exemptions – Penalty.
- RCW 9.41.810 Penalty.

Section 15. Section 9.43.010 of the Fife Municipal Code is hereby amended to read as follows:

9.43.010 Statutes incorporated by reference.

The following statutes regarding alcohol and tobacco control are incorporated by reference:

- RCW 26.28.080 Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.
- RCW 66.04.010 Definitions.
- RCW 66.04.011 “Public place” not to include certain parks and picnic areas.
- RCW 66.12.010 Wine or beer manufactured for home use.
- RCW 66.20.180 Card of identification to be presented on request of licensee.
- RCW 66.20.190 Identification card holder may be required to sign certification card – Contents – Procedure – Statement.
- RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
- RCW 66.24.481 Public place or club – License or permit required – Penalty.
- RCW 66.28.210 Keg registration – Requirements of purchaser.
- RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.
- RCW 66.28.230 Keg registration – Penalties.

- RCW 66.32.010 Possession of contraband liquor.
- RCW 66.32.020 Search warrant – Search and seizure.
- RCW 66.32.030 Service of warrant – Receipt for seized property.
- RCW 66.32.040 Forfeiture of liquor directed if kept unlawfully.
- RCW 66.32.050 Hearing.
- RCW 66.32.060 Claimants may appear.
- RCW 66.32.070 Judgment of forfeiture – Disposition of proceeds of property sold.
- RCW 66.32.080 Forfeiture action no bar to criminal prosecution.
- RCW 66.32.090 Seized liquor to be reported to board.
- RCW 66.44.010 Local officers to enforce law – Authority of board – Liquor enforcement officers.
- RCW 66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.
- RCW 66.44.050 Description of offense in words of statutes – Proof required.
- RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.
- RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- RCW 66.44.080 Service of process on corporation.
- RCW 66.44.090 Acting without license.
- RCW 66.44.100 Opening or consuming liquor in public place – Penalty.
- RCW 66.44.120 Unlawful use of seal.
- RCW 66.44.130 Sales of liquor by drink or bottle.
- RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash.
- RCW 66.44.150 Buying liquor illegally.
- RCW 66.44.160 Illegal possession, transportation of alcoholic beverages.
- RCW 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is.
- RCW 66.44.175 Violations of law.
- RCW 66.44.180 General penalties – Jurisdiction for violations.
- RCW 66.44.200 Sales to persons apparently under the influence of liquor.
- RCW 66.44.210 Obtaining liquor for ineligible person.
- RCW 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.
- RCW 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.
- RCW 66.44.265 Candidates giving or purchasing liquor on election day prohibited.
- RCW 66.44.270 Furnishing liquor to minors – Possession, use – Exhibition of effects – Exceptions.
- RCW 66.44.280 Minor applying for permit.
- RCW 66.44.290 Minor purchasing or attempting to purchase liquor.
- RCW 66.44.292 Sales to minors by licensee or employee – Board notification to prosecuting attorney to formulate charges against minors.

- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
- RCW 66.44.310 Minors frequenting area – Misrepresentation of age – Penalty – Classification of licensees.
- RCW 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
- RCW 66.44.325 Unlawful transfer to a minor of an identification of age.
- RCW 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.
- RCW 66.44.330 Prosecutions to be reported by prosecuting attorney and police court.
- RCW 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for class E and/or F licensed employers.
- RCW 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for class A, C, D and/or H licensed employers.
- RCW 66.44.365 Juvenile driving privileges – Alcohol or drug violations.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.
- RCW 66.44.800 Compliance by Washington wine commission.

Section 16. Section 9.44.020 of the Fife Municipal Code is hereby amended to read as follows:

9.44.020 Adoption of state statutes.

The following sections of the Washington Administrative Code and the Revised Code of Washington regarding game and wildlife are adopted as though fully set forth herein:

RCW

77.04.010 77.08.010 77.12.020
 77.12.150 77.12.724
 77.15.092 77.15.094 77.15.480
 77.15.675
 77.12.722
 77.32.010 77.32.350
 77.32.540 77.32.545
 77.55.320

WAC

220-20-010
 232-12-017 232-12-021 232-12-024
 232-12-027 232-12-031 232-12-037

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232-12-041 232-12-044 232-12-047
232-12-051 232-12-054 232-12-057
232-12-061 232-12-064 232-12-071
232-12-074 232-12-077 232-12-081
232-12-087 232-12-091 232-12-094
232-12-097

232-12-134 232-12-141

232-12-154
232-12-164
232-12-177 232-12-181
232-12-227
232-12-247
232-12-251 232-12-254 232-12-257
232-12-264 232-12-267 232-12-271
232-12-284 232-12-287
232-12-291

Section 17. Section 9.51.010 of the Fife Municipal Code is hereby amended to read as follows:

9.51.010 Statute incorporated by reference.

The following statute regarding animals is incorporated by reference:

RCW 9.08.030 False certificate of registration of animals – False representation as to breed.

Section 18. Section 9.54.010 of the Fife Municipal Code is hereby amended to read as follows:

9.54.010 Statutes incorporated by reference.

The following statutes regarding brands and marks are incorporated by reference:

RCW 9.16.010 Removing lawful brands.
RCW 9.16.020 Imitating lawful brand.
RCW 9.16.030 Counterfeiting trademark, brand, etc.
RCW 9.16.050 When deemed affixed.
RCW 9.16.060 Fraudulent registration of trademark.

- RCW 9.16.070 Form and similitude defined.
- RCW 9.16.080 Sales of petroleum products improperly labeled or by wrong grade.
- RCW 9.16.100 Use of the words “sterling silver,” etc.
- RCW 9.16.110 Use of words “coin silver,” etc.
- RCW 9.16.120 Use of the word “sterling,” on mounting.
- RCW 9.16.130 Use of the words “coin silver,” on mounting.
- RCW 9.16.140 Unlawfully marking article made of gold.
- RCW 9.16.150 “Marked, stamped or branded,” defined.

Section 19. Section 9.55.010 of the Fife Municipal Code is hereby amended to read as follows:

9.55.010 Statutes incorporated by reference.

The following statutes regarding bidding offenses are incorporated by reference:

- RCW 9.18.080 Offender a competent witness.
- RCW 9.18.120 Suppression of competitive bidding.
- RCW 9.18.130 Collusion to prevent competitive bidding.
- RCW 9.18.150 Agreements outside state.

Section 20. Section 10.04.045 of the Fife Municipal Code is hereby amended to read as follows:

10.04.045 MTO sections not adopted.

The following sections of the Model Traffic Ordinance as set forth in Chapter 308-330 WAC are not adopted by reference and are expressly deleted:

- WAC
- 308-330-230 308-330-235
 - 308-330-240 308-330-245 308-330-250
 - 308-330-260 308-330-265 308-330-270
 - 308-330-275 308-330-327
 - 308-330-469 308-330-505 308-330-510
 - 308-330-515 308-330-520 308-330-525
 - 308-330-530 308-330-535 308-330-540
 - 308-330-600 308-330-620 308-330-630
 - 308-330-640 308-330-660

Section 21. Section 10.04.050 of the Fife Municipal Code is hereby amended to read as follows:

10.04.050 Statutes regarding traffic-control devices.

The following sections of the Revised Code of Washington regarding traffic-control devices are hereby adopted by reference:

RCW

47.36.110 47.36.130 47.36.180
47.36.200 47.36.250 47.52.200

Provided, that any action commenced under a previous codification of the statute adopted herein shall not be affected by this recodification, but shall remain in full force and effect.

Section 22. Section 10.04.080 of the Fife Municipal Code is hereby amended to read as follows:

10.04.080 Statute regarding commercial vehicles.

Statutes Regarding Commercial Vehicles Adopted by Reference. Pursuant to the authority contained in RCW 35A.12.140, the following sections of the Washington Administrative Code are hereby adopted by reference:

WAC

173-303-950 173-304-190 204-24-050
204-44-010 204-44-020
204-91A-180 308-96A-295 446-65-005
446-65-010 446-65-020 468-38-100
468-38-155
468-38-175 468-38-095
480-14-100 480-14-110 480-14-300

480-31-999

Section 23. Section 10.04.300 of the Fife Municipal Code is hereby amended to read as follows:

10.04.300 Impoundment of vehicle where driver is arrested for a violation of RCW 9.68A.100, 9A.88.110, 46.20.005, 46.20.015, 46.20.342, 46.20.345, 46.61.502, 46.61.504 – Period of impoundment.

A. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.345, 46.61.502, 46.61.504, the vehicle is subject to impoundment at the direction of a police officer. Upon an arrest for a suspected violation of either RCW 9.68A.100 or 9A.88.110 where a motor vehicle was used in the commission of that crime, if the person arrested is the owner of the vehicle and the person has previously been convicted under either statute, the police officer will impound

the vehicle.

B. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.005, 46.20.015, 46.20.345, 46.61.502, 46.61.504, or 46.20.342(1)(c) and the driver has not been convicted one or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five years, then the vehicle may be released as soon as all the requirements of FMC 10.04.310(A) are satisfied.

C. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for 15 days.

D. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted two or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for 30 days.

E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five years, the vehicle shall be impounded for 30 days.

F. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five years, the vehicle shall be impounded for 60 days.

G. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two or more times within the past five years, the vehicle shall be impounded for 90 days.

H. If a vehicle is impounded because the driver is arrested for a suspected repeat violation of either RCW 9.68A.100 or 9A.88.110, the vehicle may be impounded for up to 30 days.

Section 24. Section 10.04.320 of the Fife Municipal Code is hereby amended to read as follows:

10.04.320 Post-impoundment hearing procedure.

Hearings requested pursuant to FMC 10.04.310 shall be held in the Fife municipal court, which court shall determine whether the impoundment was proper and whether the associated removal, towing, and/or storage fees were proper.

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. If the impoundment is found to be proper, the court shall enter an order so stating. In the event that the costs of impoundment, removal, towing, and storage have not been paid or any other applicable requirements of FMC 10.04.310(A) and (B) have not been satisfied or any period of impoundment under FMC 10.04.300 has not expired, the court's order shall also provide that the impounded vehicle shall be released only after payment to the city of any fines imposed on any underlying traffic or parking infraction and satisfaction of any other applicable requirements of FMC 10.04.310(A) and (B).

C. If the impoundment is found to be improper, the court shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment have already been paid, the court shall enter judgment against the city and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment.

D. In the event that the court finds that the impound was proper, but that the removal, towing, storage, fees charged for the impoundment were improper, the court shall determine the correct fees to be charged. If the costs of impoundment have been paid, the court shall enter a judgment against the city and in favor of the person who has paid the costs of impoundment for the amount of the overpayment.

E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. As to any impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345, 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.

Section 25. Section 10.06.060 of the Fife Municipal Code is hereby amended to read as follows:

10.60.060 Infractions processed.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120, as now enacted or hereafter amended. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner

as parking infractions prosecuted under this code, including for the purposes of RCW 3.50.100, 3.62.040, 35.20.220, 46.16A.120, and 46.20.270, and any other applicable statutes.

Section 26. Section 10.52.060 of the Fife Municipal Code is hereby amended to read as follows:

10.52.060 Temporary additional tonnage permits.

Pursuant to RCW 46.44.095, when a combination of vehicles has been lawfully licensed to a gross weight of 80,000 pounds, and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of 40,000 pounds, a transportation permit for temporary additional tonnage (10 days or less) may be issued by the city police department; provided, that the gross weight limits shall not exceed the limits stated in this section and those established in RCW 46.44.041 and 46.44.042 and upon the payment of fees as set forth in the current Fee Schedule.

- A. Temporary additional gross weight must be purchased for a minimum of five days.
- B. Temporary additional gross weight must be purchased in increments of 2,000 pounds.
- C. The fees levied in this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

The current Fee Schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at City of Fife’s website: www.cityoffife.org.

Section 27. Section 15.52.010 of the Fife Municipal Code is hereby amended to read as follows:

15.52.010 Adoption.

Pursuant to RCW 35.21.180, the following sections of Chapter 2.04 of the Tacoma Municipal Code are hereby adopted by reference as the electrical code of the city of Fife:

TMC

2.04.010 2.04.020 2.04.030 2.04.040

2.04.050 2.04.060 2.04.070 2.04.080

2.04.090 2.04.100 2.04.110 2.04.120

2.04.130 2.04.140 2.04.150 2.04.160

2.04.170 2.04.180 2.04.190 2.04.200

2.04.210 2.04.220 2.04.240 2.04.250

2.04.350 2.04.360 2.04.370 2.04.380

2.04.400

Section 28. Section 17.04.230 of the Fife Municipal Code is hereby amended to read as follows:

17.04.230 Purpose of this part and adoption by reference.

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agencies activities. The city adopts the following sections by reference:

WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Application to ongoing actions.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

Section 29. Section 19.06.020 of the Fife Municipal Code is hereby amended to read as follows:

19.06.020 Adult family home.

As defined in Chapter 70.128 RCW, Adult Family Homes, as amended, "adult family home" means a regular family abode in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home is considered a family group home as defined in FMC 19.06.260.

Section 30. 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 31. 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. Zabel, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney
amended city attorney

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

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

INDEX OF ORDINANCES PASSED BY
THE CITY OF FIFE

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