

CITY OF FIFE, WASHINGTON

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, ADDING A UTILITY TAX OF 6% 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 6%, AND PROVIDING SUNSET PROVISIONS**

WHEREAS, the City of Fife has historically attempted to keep its utility tax as low as possible while still assuring quality governmental services to its citizens and businesses; and

WHEREAS, although the City is authorized by state law to impose utility taxes on cellular telephone service, cable television, and garbage collection services, it has not done so; and

WHEREAS, due to the current economic climate and decrease in revenues from other sources, imposition of utility taxes on cellular telephone, cable television, and garbage collection services of 6%, and increases in the utility taxes on natural gas, telephone, sewer, water, and storm drainage and surface water management utility services, to 6% is appropriate in order to provide additional City revenue; and

WHEREAS, it is not the Council's intent to make this a permanent utility tax increase, and thus the ordinance provides for expiration of the new utility taxes and tax rates set forth in this ordinance beginning January 1, 2019;

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

Section 1. The title to Chapter 3.60 of the Fife Municipal Code is hereby amended to read as follows:

**Chapter 3.60 Electrical, Telephone, Cellular Telephone, Cable Television, Garbage, and Natural Gas Utility Tax**

Section 2. Section 3.60.030 of the Fife Municipal Code to hereby amended to read as follows:

**3.60.030 Tax levied – Electrical, telephone, cellular telephone, cable television, garbage, and natural gas.**

There is hereby levied upon and there shall be collected from every person, firm or corporation engaged in or carrying on the following business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city the tax for the privilege of so doing business as hereinafter defined:

A. Upon the sale, delivery or distribution of electricity and electrical energy, such tax to be equal to three percent of the total gross revenues derived from the sales of such electricity to ultimate users within the city limits; provided, that from January 1, 2012, through December 31, 2019, such tax shall be equal to six percent of the total gross revenue derived from the sales of such electricity to ultimate users within the city limits. For purposes of determining gross revenues, amounts received from contract industrial service contract power (CP) customers (industrial nonportfolio power contracts) shall be as if the gross revenues so received equaled the amount that would have been received if the power rate charged to contract industrial service contract power customers equaled the amount that would have been received for the same power at contract industrial service schedule CP rates for portfolio power. No tax shall be imposed upon that portion of gross revenues that is attributable to a temporary rate surcharge imposed by the electrical utility upon its ratepayers.

B. Upon the sale, delivery or distribution of natural gas and/or artificial gas for domestic, business or industrial consumption, such tax to be equal to four and one-half percent of the total gross revenues derived from the sales of such gas to ultimate users within the city; provided, that from January 1, 2013, through December 31, 2018, such tax shall be equal to six percent of the total gross revenue derived from the sales of such gas to ultimate users within the city.

C. Upon any telephone business there shall be levied a tax equal to four and one-half percent of the total gross revenues, including revenues from intrastate toll, derived from the operation of such business within the city limits; provided, that from January 1, 2013, through December 31, 2018, such tax shall be equal to six percent of the total gross revenue, including revenues from intrastate toll, derived from the operation of such business within the city limits. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

“Telephone business” means the business of providing access to a local telephone network, local telephone network switching service, toll service or coin telephone services, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or channel or similar communication or transmission system. It includes cooperative or farmer lines telephone companies or associations operating an exchange. “Telephone business” does not include the providing of competitive telephone service, nor the providing of cable television service.

“Competitive telephone service” means the providing by any person of telephone equipment, apparatus or service, other than toll service, which is of a type which

can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

D. From January 1, 2013, through December 31, 2018, upon the business of providing cellular telephone service, a tax equal to six percent of the total gross income from such business in the city; "*Cellular telephone service*" means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications and which is not subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS) and any other evolving wireless radio communications technology which accomplishes the same purpose as cellular mobile service.

E. From January 1, 2013, through December 31, 2018, upon the business of providing garbage collection service, including recyclables and yard waste, such tax to be equal to six percent of the total gross revenues of such business within the city.

F. From January 1, 2013, through December 31, 2018, upon the business of providing cable television services, a tax equal to six percent of the total gross income from gross subscriber revenues in the city. For purposes of this chapter, "*gross subscriber revenues*" means and includes those revenues derived from the supplying of subscription services, that is, installation fees, disconnect and reconnect fees, fees for regular cable benefits including the transmission of broadcast signals and access and origination channels and per-program or per-channel charges; it does not include leased channel revenue, advertising revenue, or any other income derived from the system. For purposes of this chapter, "*cable television services*" means the one-way transmission of video programming and associated nonvideo signals to subscribers together with subscriber interaction, if any, which is provided in connection with video programming.

Section 3. A new Section 3.60.037 is hereby added to the Fife Municipal Code to read as follows:

**3.60.037 Cellular telephone service—Income Allocation**

A. *Service address.* Payments by a customer for cellular telephone service from telephones without a fixed location shall be allocated among taxing jurisdictions to the location of the customer's principal service address during the period for which the tax applies.

B. *Presumption.* There is a presumption that the service address a customer supplies to the taxpayer is current and accurate, unless the taxpayer has actual knowledge to the contrary.

C. *Roaming.* When the cellular telephone service is provided while a subscriber is roaming outside the subscriber's normal cellular network area, the gross income shall be assigned consistent with the taxpayer's accounting system to the location of the originating cell site of the call, or to the location of the main cellular switching office that switched the call.

Section 4. The title to Chapter 3.61 of the Fife Municipal Code is hereby amended to read as follows:

**Chapter 3.61 Water, Sewer, and Storm Drainage and Surface Water Management Utilities Tax**

Section 5. Section 3.61.010 of the Fife Municipal Code is hereby amended to read as follows:

**3.61.010 City utilities.**

There is hereby imposed upon the water, sewer, and storm drainage and surface water management utilities of the city, a tax upon the monthly gross earnings of each utility of four and one-half percent of said gross earnings; provided, that from January 1, 2013, through December 31, 2018, such tax shall be equal to six percent of said gross earnings. The taxes imposed under this sections shall be subordinate to any payments required to be made by said utilities from the gross earnings into any fund or funds heretofore or hereafter issued.

Section 6. Section 3.61.015 of the Fife Municipal Code is hereby amended to read as follows:

**3.61.015 Purveyors other than city of Fife.**

On and after September 1, 1996, there is hereby imposed upon the sale, delivery, provision, or distribution of water, sewer, and storm drainage and surface water management utilities, furnished by purveyors other than the city of Fife and within the city limits of Fife, a tax upon the monthly gross earnings of each utility of four and one-half percent of said gross earnings.

Section 7. Section 3.61.030 of the Fife Municipal Code is hereby amended to read as follows:

**3.61.030 When due.**

The tax imposed by this chapter shall be due and payable in bimonthly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the bimonthly period in which the tax accrued. Such bimonthly periods are as follows:

January, February:	tax due March 30th
March, April:	tax due May 30th
May, June:	tax due July 30th
July, August:	tax due September 30th
September, October:	tax due November 30th
November, December:	tax due January 30th

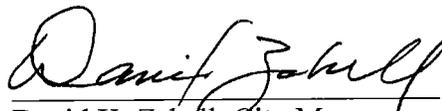
The finance director-treasurer of the city is hereby directed to collect said tax out of revenues received by the water, sewer, and storm drainage and surface water management utilities of the city of Fife and to collect from purveyors on such forms to be provided by the city and deemed reasonable for tax collection purposes.

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.

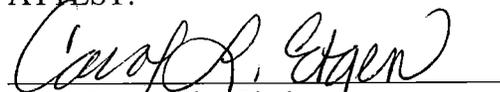
Section 9. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 16<sup>th</sup> day of October, 2012.

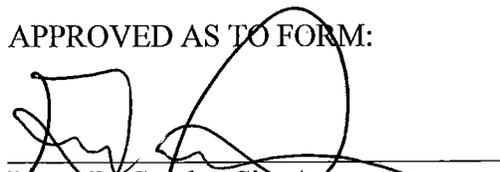
Passed by the City Council on the 23<sup>rd</sup> day of October, 2012.

  
David K. Zabel, City Manager

ATTEST:

  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Loren D. Combs, City Attorney  


Published: 10/25/12  
Effective Date: 10/30/12, 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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NOTICE 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 CORRELATE WITH CITY REQUIREMENTS.

ORDINANCE NO. 1790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 8.04.010 & 8.04.020 OF THE FIFE MUNICIPAL CODE TO MORE PRECISELY AND UNAMBIGUOUSLY DEFINE "UTILITIES"

ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 16.04.020, 16.04.050, 19.02.030 AND 19.52.020 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 OWNERS OF IMPOUNDED VEHICLES AND ALLOW VEHICLE OWNERS 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 APPROVAL" 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 SIGNAGE 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 REPEALING 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 2.08.020, 13.04.200, 13.16.020, 13.16.050, 13.16.080 AND 15.04.108 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 13.05.020 OF THE FIFE MUNICIPAL CODE TO CLARIFY BEHIND 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, 6.04.050, 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 9.18 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 5.32 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 13.05.050 AND 14.10.030 OF THE FIFE MUNICIPAL CODE TO CLARIFY THE DUTIES OF THE FIFE SEARING SERVICES

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, 8.16.050, 8.16.130, 12.08.020, 13.32.030, 15.02.050, 17.04.100, AND 19.52.070 AND REPEALING SECTIONS 6.04.130 AND 6.04.170 OF THE FIFE MUNICIPAL CODE TO UPDATE AND KEEP CURRENT 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 REFERENCES, TO CORRECT CRIMINAL CODE LEVEL, AND TO UPDATE NOW 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 "MOTION PICTURES"

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.01.180, 13.04.220, 13.09.330, AND 13.09.340 OF THE FIFE MUNICIPAL CODE TO CONFORM WITH 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 ANIMAL PLANT 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 define the parameters of the crime of LITERING

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, 3.16.070, 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, 9.59.010, 10.04.015, 10.04.015, 10.04.020, 10.04.300, 10.04.320, 10.52.050, 10.60.080, 15.52.010, 17.04.220 AND 19.03.020 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

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 15.32.035 AND 15.32.036 TO THE FIFE MUNICIPAL CODE TO CLARIFY INFORMATION REGARDING FILE/GRADE PLAN REVIEW AND PERMITS

ORDINANCE NO. 1811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING SECTION 18.06.220 AND AMENDING SECTION 18.06.160 OF THE FIFE MUNICIPAL CODE TO UPDATE THE CONDITIONS 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 10.22.010 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 3.60.020, 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, 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 PROMULGATING SUNSET PROVISIONS

ORDINANCE NO. 1816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 3.35.020 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 AND IMMEDIATELY REPEALING THE ESTABLISHMENT, LOCATION, OR PERMITTING OF GAMBLING PREMISES; SETTING A PUBLIC HEARING; AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THIS REPEALING ORDINANCE