

**EMERGENCY ORDINANCE**

**ORDINANCE NO. 1819**

**CITY OF FIFE, WASHINGTON**

**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 PREMISES; SETTING A PUBLIC HEARING; AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY**

WHEREAS, the City of Fife Zoning Code currently provides that “gambling premises” as defined in FMC 19.06.290 and located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district are permitted subject to the granting of a conditional use permit in the “Regional Commercial” and ”Business Park” zoning districts; and

WHEREAS, there are currently no non-tribal gambling premises operating within the City or any pending applications for new gambling premises; and

WHEREAS, RCW 9.46.295 provides that local governments may absolutely prohibit gambling activities for which state licenses are required; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt moratoria; and

WHEREAS, the operation of gambling premises within the City can have social and public service impacts; and

WHEREAS, the City’s zoning code provisions regarding gambling premises were adopted in 1998; and

WHEREAS, the “Regional Commercial” and ”Business Park” zoning districts are identified on the City of Fife Comprehensive Plan land use map as part of the "Downtown District Center"; and

WHEREAS, the Downtown District Center designation is being reviewed as part of the “City Center” concept the City is developing in order to create a vibrant, compact downtown area that is an inviting place to work, shop, live and socialize, and to encourage mixed-use development that balances residential, public, entertainment and business uses; and

## EMERGENCY ORDINANCE

WHEREAS, existing Tribal gambling facilities located within the Downtown District Center provide significant local opportunities for gambling for Fife and other area residents; and

WHEREAS, the City is currently working on a City Center vision and a City Center plan that will more clearly geographically define a City Center within the City of Fife and include the identification of appropriate diversity of uses to support and be compatible with the City Center vision in light of the limited land area available and higher density mixed use expectations in both the "City Center" and "Downtown District Center"; and

WHEREAS, the City Center Visioning and Planning process, formally initiated in 2012, will extend into 2013; and

WHEREAS, a moratorium is necessary to provide the City with sufficient time to evaluate the appropriate mix of gambling premises with other uses in the Downtown District Center and the City Center vision and planning process; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the immediate enactment of a moratorium on gambling premises is necessary to protect the public health, safety or welfare and is a legitimate exercise of the City's police power; now therefore,

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

Section 1. The recitals set forth above are hereby adopted as the City Council's findings in support of the moratorium imposed by this Ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 4 below.

Section 2. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a moratorium is hereby imposed prohibiting the creation, establishment, location, operation, or licensing of any "gambling premises" as defined in FMC 19.06.290, within any zoning district in the City of Fife. During the term of this moratorium, the City will not accept business, building, land use, or development permit applications for the creation, establishment, location, operation, or licensing of any "gambling premises" as defined in FMC 19.06.290, in the City.

Section 3. This moratorium shall remain in effect until April 23, 2013, unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless earlier terminated by the City Council.

Section 4. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing shall be held on the moratorium at 7:00 P.M. on November 27, 2012 at Fife City Hall, 5411 23<sup>rd</sup> Street East, Fife, Washington.

**EMERGENCY ORDINANCE**

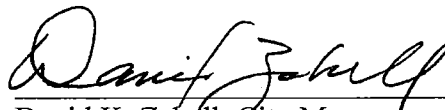
Section 5. The City Council directs the City Manager to incorporate review of future gambling premises in the City Center vision and planning process and evaluate and determine the appropriate mix of gambling premises with other uses in the Downtown District Center and City Center.

Section 6. This Ordinance, passed by a majority plus one of the whole membership of the City Council, is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

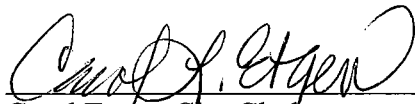
Section 7. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Introduced the 23th day of October, 2012.

Passed by the City Council on the 23th day of October 2012.

  
\_\_\_\_\_  
David K. Zabel, City Manager

ATTEST:

  
\_\_\_\_\_  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Loren D. Combs, City Attorney  
*assnt of city attorney*

Published: Oct 25, 2012  
Effective Date: October 23, 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

---

NOTICE OF ORDINANCES PASSED BY  
THE CITY OF FFE  
ORDINANCE NO. 1788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 2.91 AND SECTIONS 2.91.010, 2.91.020, 2.91.030, 2.91.040, 2.91.050, 2.91.060, 2.91.070, 2.91.080, AND 2.91.090 TO THE FFE MUNICIPAL CODE TO CARRY THE CITY'S PUBLIC RECORDS POLICIES AND COMPLY WITH RCW REQUIREMENTS.

ORDINANCE NO. 1789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 3.04.010 & 3.04.020 OF THE FFE MUNICIPAL CODE TO MAKE UNLAWFULLY AND UNRECEIVABLE DENIAL "UNLAWFUL"

ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 16.01.030, 16.04.050, 19.02.030 AND 19.52.030 OF THE FFE MUNICIPAL CODE TO REMOVE DISCREPANCY AND INCONSISTENT LANGUAGE

ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.04.310 OF THE FFE MUNICIPAL CODE TO GIVE NOTICE TO LEASEHOLDERS OF IMPOUNDED VEHICLES AND ALLOW LEASEHOLDER REDEMPTION

ORDINANCE NO. 1793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 2.19 OF THE FFE MUNICIPAL CODE TO REMOVE "BUILDING APPEALS" FROM THE CODE

ORDINANCE NO. 1794

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

ORDINANCE NO. 1795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 2.52.310 AND REPEALING SECTION 2.52.370 OF THE FFE MUNICIPAL CODE TO REMOVE UNNECESSARY REQUIREMENTS FROM FIRE DEPARTMENT PROCESSES

ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 2.68.020, 13.04.300, 13.16.020, 13.16.050, 13.16.060 AND 15.04.108 OF THE FFE 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 FFE, PIERCE COUNTY, WASHINGTON, ADDING SECTIONS 13.04.320 AND 13.16.120 AND AMENDING SECTION 13.04.030 OF THE FFE MUNICIPAL CODE TO EXTEND RECORDING REQUIREMENT

ORDINANCE NO. 1798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, 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 FFE 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 FFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 9.19 OF THE FFE 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 FFE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 5.52 OF THE FFE 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 FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 13.04.060 AND 14.10.030 OF THE FFE MUNICIPAL CODE TO CLARIFY THE DUTIES OF THE FFE HEARING EXAMINERS

ORDINANCE NO. 1802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 6.04.100, 6.04.110, 6.18.050, 6.18.060, 12.04.030, 13.32.030, 15.04.250, 17.04.180, AND 19.52.070 AND REPEALING SECTIONS 6.04.110 AND 6.04.170 OF THE FFE MUNICIPAL CODE TO UPDATE AND KEEP CONFORMANT THROUGHOUT THE FFE MUNICIPAL CODE

ORDINANCE NO. 1803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.08.030, 9.09.040, 9.13.010, 9.31.010, 9.32.040, 9.33.010, 9.37.010, 9.38.010, 9.38.010, 9.43.010, 9.54.010, 9.59.010, 9.59.010, AND 9.77.010 OF THE FFE MUNICIPAL CODE TO REMOVE INCORPORATION OF FIDELITIES, TO CORRECT CRIMINAL CODE LEVEL, AND TO UPDATE RCW CAPTIONS AS INCORPORATED BY REFERENCE INTO THE FFE

ORDINANCE NO. 1804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING 17.17.020 OF THE FFE MUNICIPAL CODE TO DEFINE "MOTION PICTURES"

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.01.160, 13.04.220, 13.09.330, AND 13.08.340 OF THE FFE MUNICIPAL CODE TO CONFORM WITH CURRENT STATE AND FEDERAL LAW

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 18.05.160 OF THE FFE MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR SIGN PLANT PREPARATION

ORDINANCE NO. 1807

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 9.09.040 OF THE FFE MUNICIPAL CODE TO REMOVE UNACCEPTABLE LANGUAGE AND MAKE UNLAWFUL THE PARAMETERS OF THE CRIME OF LEAVING

ORDINANCE NO. 1808

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 8.21 AND SECTION 8.21.010 AND AMENDING SECTIONS 3.11.030, 3.13.030, 3.70.040, 3.70.050, 3.82.020, 5.18.070, 5.18.080, 8.32.010, 9.22.010, 9.23.010, 9.29.010, 9.41.010, 9.45.010, 9.44.020, 9.41.010, 9.54.010, 9.59.010, 10.04.040, 10.04.050, 10.04.060, 10.04.300, 10.04.320, 10.52.060, 10.60.060, 15.52.010, 17.04.230 AND 19.06.020 OF THE FFE MUNICIPAL CODE TO CONFORM WITH CURRENT THE VERSIONS OF THE REVISED CODE OF WASHINGTON, THE WASHINGTON ADMINISTRATIVE CODE AND THE LOCAL MUNICIPAL CODE AS ADOPTED BY REFERENCE IN THE FFE MUNICIPAL CODE

ORDINANCE NO. 1809

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, ADDING CHAPTER 15.75 AND SECTION 15.75.010 TO THE FFE MUNICIPAL CODE TO CLARIFY INFORMATION SURROUNDING DESIGNATION PERMITS

ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, ADDING SECTIONS 15.32.030 AND 15.32.030 TO THE FFE 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 FFE, PIERCE COUNTY, WASHINGTON, ADDING SECTION 13.06.220 AND AMENDING SECTION 13.06.160 OF THE FFE MUNICIPAL CODE TO UPDATE THE CRIMINALS ASSOCIATED WITH EPHEMERAL AND PERMITS PLATS

ORDINANCE NO. 1812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.22.010 OF THE FFE MUNICIPAL CODE TO MAKE NON-PROFIT WASTERS CONSISTENT

ORDINANCE NO. 1815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, AMENDING THE TITLES TO CHAPTERS 3.60 AND 3.61 OF THE FFE MUNICIPAL CODE, AMENDING SECTIONS 3.60.010, 3.61.010, 3.61.016, AND 3.61.030 OF THE FFE MUNICIPAL CODE, AND ADDING SECTION 3.60.037 TO THE FFE MUNICIPAL CODE, ADDING A UTILITY TAX OF 0% FOR CABLE TELEVISION, 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 FFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 3.85.020 OF THE FFE MUNICIPAL CODE REGARDING THE PUBLIC SAFETY FUND

ORDINANCE NO. 1818

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FFE, PIERCE COUNTY, WASHINGTON, ADOPTING AN IMMEDIATE INTERIM ORDER ON THE ESTABLISHMENT, LOCATION, OR PERMITTING OF GAMBLING PREMISES; SETTING A PUBLIC HEARING; AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND TAKING THE PUBLIC HEARING