

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1859

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING TITLES 2, 3, 10, 12, 13, 15, 16, 17, 18, 19, 20, AND 21 OF THE FIFE MUNICIPAL CODE REGARDING THE DIVISION OF AUTHORITY AND DUTIES AMONG THE COMMUNITY DEVELOPMENT DIRECTOR, PUBLIC WORKS DIRECTOR, AND CITY ENGINEER

WHEREAS, it is appropriate for the City to review its municipal code from time to time to make sure its provisions are consistent with current practices and procedures; and

WHEREAS, there are several chapters in the code that place the authority and duties on a subject with the community development director, where they are more practically handled by the public works director and visa-versa; and

WHEREAS, the municipal code currently provides for the titles of public works director and city engineer to be held by one person, and it is advantageous and consistent with common practice in other cities to have the positions held by different persons, with the city engineer reporting to the public works director; and

WHEREAS, there are outdated references to the job titles of what are now referred to as the public works director and community development director, that should be corrected for the sake of consistency and clarity;

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

Section 1. Section 2.42.010 of the Fife Municipal Code is hereby amended to read as follows:

2.42.010 Positions created.

There is hereby created the positions of public works director and city engineer. The positions of public works director and city engineer shall be appointed by the city manager. The city manager may assign the titles of public works director and city engineer to the same or separate individuals. If the titles are held by different individuals, the city engineer shall report to the public works director and the public works director may delegate responsibilities to and assume responsibilities of the city engineer. The public works director and city engineer shall be at-will employees, serving at the pleasure of the city manager.

Section 2. Section 2.49.020 of the Fife Municipal Code is hereby amended to read as follows:

2.49.020 Membership.

The city tree commission shall be composed of five voting members, at least three of which shall be residents of the city of Fife. The public works director, community development director and the parks, recreation and community services director, or their designees, shall be available on an as-needed basis to provide technical knowledge and/or support. In no way shall their time be allowed to become a financial burden on the city. Members shall serve without pay. Vacancies shall be filled by the city council from a list of nominees nominated by council members. Members shall show an interest in accomplishing the purposes of the commission. Membership should include people with expertise in arboriculture, local business persons, utility representatives and residents.

Section 3. Section 2.58.010 of the Fife Municipal Code is hereby amended to read as follows:

2.58.010 Community development department established.

The community development department is hereby established. It shall be responsible for the administration of all building codes, fire codes and other codes and regulations relating to land use, land development and building construction; planning for city growth, including preparation and administration of all comprehensive plans, zoning ordinances, sign codes and other related land use regulations; and such other functions as may be assigned by the city manager in order to effectively and efficiently assure sound community development.

Section 4. Section 3.08.030 of the Fife Municipal Code is hereby amended to read as follows:

3.08.030 Initiation – Petition – Filing – Examination.

A. In case the improvement is initiated by petition, such petition shall be presented to and filed with the city clerk, or such other officer as may be designated by the city council.

B. The public works director shall thereupon examine such petition, determine the sufficiency thereof and ascertain if the facts therein stated are true, and shall cause an estimate of the cost and expense of such improvement to be made and shall transmit the same to the city council, together with all papers and information in his possession regarding the same; together with his recommendations thereon and a description of the boundaries of the district and a statement of the proportionate amount of the cost and expense of such improvement which shall be borne by property within the proposed assessment district, and a statement of the

actual valuation of the real estate, including 25 percent of the actual valuation last placed on it for purpose of general taxation; together with all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest. In case the petition is sufficient, he shall also submit a diagram showing thereon the lots, tracts or parcels of land and other property which will be specially benefitted thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of property; provided, that no such diagram shall be required where such estimates are on file in the office of the city engineer, or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

Section 5. Section 10.08.010 of the Fife Municipal Code is hereby amended to read as follows:

10.08.010 Authority to install.

The public works director shall place and maintain traffic-control signs, signals and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

Section 6. Section 10.12.060 of the Fife Municipal Code is hereby amended to read as follows:

10.12.060 Temporary reduction of speed limits.

The public works director is authorized to temporarily reduce the speed limits on any city street when, based upon his engineering analysis, a temporary reduction in speed limits is necessary to protect the public health, safety and welfare; provided, however, the speed limit may only be reduced for the duration of the temporary event that creates the hazard to the travelling public. The speed limit may be reduced by the public works director for special events that require the use of any portion of the city street, adverse weather conditions that make the street unsafe for travel at the posted speed limit, construction in the street right-of-way, and other similar temporary road hazards. The public works director will cause to be posted the affected portion of the city street with temporary speed limit signs. The reduction in speed limit shall remain in full force and effect until the signs are removed.

Section 7. Section 10.16.010 of the Fife Municipal Code is hereby amended to read as follows:

10.16.010 Authority to place signs – Obedience required.

A. The public works director or his/her designee, is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections in accordance with the provisions of this title.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no operator of a vehicle shall disobey the directions of such indications.

Section 8. Section 10.16.020 of the Fife Municipal Code is hereby amended to read as follows:

10.16.020 Restricted turn signals – Authority to place.

The public works director, or his/her designee, is authorized to determine those intersections at which operators of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

Section 9. Section 10.20.010 of the Fife Municipal Code is hereby amended to read as follows:

10.20.010 Authority to erect stop signs.

Except on such streets that form a part of the route of a primary or secondary state highway upon which the state law required the State Highway Commission to install, operate, maintain and control traffic-control devices, whenever any ordinance of this city designates and describes an arterial highway, it shall be the duty of the public works director, or his/her designee, to place and maintain a stop sign on each and every street intersecting such arterial highway or intersecting that portion thereof described and designated as such by any ordinance of this city.

Section 10. Section 10.20.020 of the Fife Municipal Code is hereby amended to read as follows:

10.20.020 Intersections where stop or yield required.

The public works director, or his/her designee, is authorized to determine and designate intersections where a particular hazard exists upon other than arterial streets and to determine:

A. Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop sign is required; or

B. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 11. Section 10.32.010 of the Fife Municipal Code is hereby amended by the addition of a new Subsection H to read as follows:

H. Community Development Director. Community development director means the community development director or his/her designee.

Section 12. Section 10.32.020 of the Fife Municipal Code is hereby amended to read as follows:

10.32.020 Permit – Required.

Conditions to be observed:

A. It is unlawful for any person, firm, organization, corporation, association, society, landowner or lessor to knowingly allow, conduct, promote, maintain, or cause to be advertised a special event unless a valid permit has been obtained from the city director of community development, unless the city community development director has determined that the event would not affect the public peace, health, safety and welfare.

B. It is unlawful for any person who holds a special event permit to conduct a special event in violation of the terms of the permit.

Section 13. Section 10.32.050 of the Fife Municipal Code is hereby amended to read as follows:

10.32.050 Plan review by city departments.

A. Traffic/Crowd Control. The chief of police or his designee may require special event permits to include any reasonable traffic/crowd control measures to insure the peace, health and safety of the public who use city streets and private property.

If, in the opinion of the chief of police or his designee, extra police officers and/or qualified crowd control personnel will be needed at the special event to provide for public safety, the permittee shall be responsible for the full cost of the extra police officers and/or qualified crowd control personnel.

Prior to issuance of the permit, the chief of police or his designee shall determine the cost of the extra police officers for the special event and the permittee shall be required to pay the cost of the extra police officers or the permittee shall submit to the chief of police or his designee a list of qualified crowd control personnel for approval. Any list of qualified crowd control personnel shall be sufficiently complete to allow identification of any person named in the list and shall state each person's qualifications to control traffic.

If extra police officers are used and the actual cost of the extra police officers is more than the amount paid at the time the permit was issued, the city shall bill the

permittee for the extra cost and the permittee shall pay the city for such services within 30 days from the date of the expense statement.

B. Public Works. The city engineer or his/her designee may impose upon any special event permit any requirements necessary to secure the peace, health and safety of the public and the integrity of the city's water, sewer and street systems.

If, for any reason, employees of the public works department are required to respond to any need created by the special event, the permittee shall be responsible for the expense of such employees, at normal working day rates and at overtime rates for time incurred outside normal working hours, and the permittee shall pay the city for such expenses incurred within 30 days from the date of the expense statement.

C. Community Development Department.

1. Building Official/Fire Marshal. The building official/fire marshal may require, as a condition of any special event permit, such safety regulations as authorized by the International Building Code, International Residential Code and International Fire Code, Chapters 15.04 and 15.08 FMC.

2. Community Development Director. It shall be the responsibility of the community development director and/or his designee to: coordinate the response of the various departments' reviews of the proposal; make conclusions on recommendations; issue or deny a permit; assure the permittee is aware of the department's recommendations with regard to specific conditions of the permit; establish time limitations on the event, if appropriate; revoke the permit, if necessary, for the peace, health and safety and well being of the public; insure compliance of the conditions and requirements as set forth in this chapter.

Section 14. Section 10.32.060 of the Fife Municipal Code is hereby amended to read as follows:

10.32.060 Issuance or denial of permit.

In reviewing the application, plot plan, department comments and recommendations, for the purpose of determining whether the permit should be issued or denied, the community development director shall make such review in conformance with the following review criteria:

A. Standards of Issuance:

1. No permit for a special event shall be issued if the event presents to the participants, spectators, or noninvolved public a threat of serious injury or harm greater than what is naturally associated with or is to be expected from an event of a similar kind.
2. The time, hours, location and size of the special event may not unnecessarily adversely impact the city or disrupt movement of traffic within the city.
3. Adequate parking must be made available within or adjacent to the location for which the permit is requested. The parking facilities shall be of sufficient size to meet the needs of the estimated attendance. Adequate lawful access for ingress and egress shall be provided to and from such parking areas.

4. The proposed event or use of the street will not intrude onto or over any portion of a public or private right-of-way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering vehicles or pedestrians. In addition, if the requested permit involves encroachment or partial obstruction of a sidewalk or other walkway open to the public, a minimum of three feet of unobstructed sidewalk or other walkway shall be maintained at all times.

5. The community development director shall limit to a reasonable period the specific duration of the permit where an obstruction denies access for ingress and egress to adjacent businesses or residences.

6. The proposed modes of on-site signs and advertising for the special event shall be submitted with the application. All designs, locations, and structural plans for signs and advertising shall be reviewed and approved by the community development director, fire marshal and the building official prior to use.

7. The community development director may require any other reasonable conditions that he deems necessary to reasonably insure that the proposed special event does not in any way create a likelihood of endangering participants, spectators or the noninvolved public.

8. All conditions relative to the issuance of the permit shall be subscribed on and/or attached to the permit.

B. Standards of Denial. The community development director shall deny a special event permit where:

1. All of the criteria for issuance of a permit have not been met as set forth in subsection (A) of this section;

2. Application for the permit was not submitted within the specified time period in order to allow an adequate review process for such proposal; or, additional requested or required details of the event were not submitted within the time specified by the community development director or his designee;

3. The sponsor knowingly made any false statement in the application.

C. Within 10 days after the filing of an application, the community development director shall either approve or deny the permit. Any denial shall set forth in detail the specific grounds therefor, the applicant shall have five days after receipt of such denial, or such additional time as the community development director shall grant, to correct the deficiencies set forth, and the planning director shall approve or deny the permit within five days after receipt of such corrections. Any denial of the permit, with corrections, shall set forth in detail the specific grounds therefor.

D. Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of the special event, and such permit shall not be transferable or assignable without the consent of the issuing authority.

Section 15. Section 10.32.110 of the Fife Municipal Code is hereby amended to read as follows:

10.32.110 Revocation of permit.

A. All permits issued pursuant to this chapter may be revoked without notice by the community development director where the permitted special event becomes,

for any reason, dangerous to the peace, health or safety of persons or a risk to property or if any structure or obstruction permitted becomes insecure or unsafe or the integrity of the city services are in danger.

B. The permit may be revoked for cause upon 30 days' notice if the permit was not for a specified period of time.

C. If any event for which a permit has been revoked is not immediately discontinued, the community development director may remove, or may order to be removed, any structure or obstruction or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn the special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees and fees associated with the enforcement of the collection thereof.

Section 16. Section 10.32.130 of the Fife Municipal Code is hereby amended to read as follows:

10.32.130 Authorization to enforce rules and regulations.

The community development director is authorized to interpret and enforce all requirements, rules, regulations and conditions and to implement the purpose and intent of this chapter.

Section 17. Section 10.44.030 of the Fife Municipal Code is hereby amended to read as follows:

10.44.030 Posting of signs.

The public works director shall post such signs as are appropriate, giving notice that through truck traffic is prohibited on all streets in the city except as indicated in this chapter.

Section 18. Section 10.44.040 of the Fife Municipal Code is hereby amended to read as follows:

10.44.040 Authority to fix load limits – Considerations.

The public works director is authorized and directed to fix load limits on the various streets of the city. In fixing such load limits, he shall take into consideration weather conditions, traffic, the type and quality of street surfacing, ballast, and dimensions. Such load limits shall become effective upon the posting of signs.

Section 19. Subsection 11.01.070(K) of the Fife Municipal Code is hereby amended to read as follows:

11.01.170 Construction procedures and placement of facilities – Obligation to minimize interference with use of public rights-of-way.

K. Wireless Communication Services Facilities.

1. Defined. “Wireless communication facilities” are those facilities which the city has authorized to be placed in the public rights-of-way and which are necessary for the provision of personal wireless services. “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law and regulations.

2. Location in Streets. After obtaining a franchise and meeting any other requirements under the Fife Municipal Code as presently existing or as hereafter amended and subject to any other applicable ordinances or regulations, wireless communication facilities may be located in the public rights-of-way subject to the following requirements:

a. Wireless communication facilities are prohibited in all public rights-of-way within the city except (i) those public rights-of-way classified as major arterials and located entirely within the boundaries of an area designated as a WCF permitted use overlay area under FMC 19.72.050, and (ii) a wireless communication facility which, together with all above ground antenna facilities, does not exceed 15 inches cubed in volume and does not extend above the structure to which it is attached, is not prohibited in the public right-of-way if it would not be prohibited by the Fife zoning code applicable to the area in which the wireless communication facility is proposed to be located;

b. Such wireless communication facilities may only be located in such public right-of-way consistent with the provisions of the franchise approved by the city council and subject to any other requirements of the FMC including but not limited to the requirements to submit an application for the siting of the wireless communication facilities and the obtaining of any permit required under Chapter 19.72 FMC or other applicable city codes or regulations;

c. Co-location on existing structures approved by the city is the only allowable installation when locating wireless communication facilities in the public rights-of-way; and

d. Only those portions of wireless communication facilities which must be above ground in order to function for their intended purpose may be located above ground.

3. No Vesting. A franchise, license or permit of any nature granted by the city permitting the location of a wireless communication facility within the public right-of-way shall not convey any title, equitable or legal, in the public right-of-way nor grant a vested or exclusive right for any facility to be located or to remain at any specific location in the public right-of-way and any right, permission or consent to occupy any specific location in the public right-of-way shall be revocable and terminable at the discretion of the city and the facility therein removed at the cost of the operator (a) in order to allow free and unencumbered use of the public right-of-way for public work, to allow removal or relocation of

the structure to which the wireless communication facility is attached, or for any other public purpose as may be in the best public or municipal interest as determined by the city, or (b) where such removal is required by the city to comply with new or amended policies adopted by the city in governing the location and nature of wireless communication facilities in the public rights-of-way.

4. Construction Standards and Permits. All antennas and related equipment, facilities, or installations shall, at the time of construction or installation, meet or exceed all applicable American Public Works Association construction standards. Repair shall not be made to an existing antenna or its related equipment, facilities, and installations which will cause the existing antenna and related equipment, facilities, or installations to be in violation of the current American Public Works Association construction standards, nor shall any repair be made when such existing antenna or its related equipment, facilities, or installations are not in compliance with the current American Public Works Association construction standards. No person, firm, or corporation shall construct, repair, or install any wireless communication facility including but not limited to an antenna or its related equipment, facilities, or installations in the public rights-of-way, pursuant to subsection K of this section, without first having obtained a special installation permit to do so from the public works director.

Section 20. Section 12.04.010 of the Fife Municipal Code is hereby amended to read as follows:

12.04.010 Removal of trees from public property.

It is unlawful for any person other than an authorized city employee or contractor to destroy or remove any tree from any property owned by the city, or under its control or management, without a permit from the community development director. City council approval is required prior to the issuance of a permit by the community development director when the tree is located on city property not within the public right-of-way, is not a safety hazard, is not dead or diseased, or is not part of a development plan approved by city council for the use of city property.

Section 21. Section 12.06.020 of the Fife Municipal Code is hereby amended to read as follows:

12.06.020 Improvements required.

A street access permit shall require that the impact of the development on all city streets and intersections that are affected to any degree by traffic from the development shall be mitigated. If the impact does not require the immediate construction of an improvement as determined by the city engineer, then the development will be responsible for the cost of its fair share of any improvement contemplated to be made to the affected street/intersection within six years from

the date of the development and that amount shall be paid to the city at the date of development in lieu of making the improvement. If the improvement is not constructed within the six-year period then the moneys shall be returned to the entity that made the payment. The city engineer may also determine the number and location of street access points in order to reduce the impact of the project upon the public health and safety and/or to mitigate the impact upon the traffic circulation system.

Section 22. Section 12.06.025 of the Fife Municipal Code is hereby amended to read as follows:

12.06.025 Street use fees.

Prior to the issuance of a street use permit for the construction of any improvements in a city right-of-way, design drawings of the improvements shall be submitted to the city for review and approval. The cost of reviewing and processing the design drawings, as required by FMC 3.80.010(B), and/or actual cost of consulting engineer fees, if required by the city engineer, shall be paid prior to issuing the associated street use permit. All inspection costs incurred with the street use activity including hourly wage of the inspector plus benefits and administrative overhead shall be paid prior to acceptance of the improvements by the city and release of any associated performance bonds. Plan review and inspection fees shall not be applicable to repair work but shall apply only to new construction.

Section 23. Section 12.06.040 of the Fife Municipal Code is hereby amended to read as follows:

12.06.040 Approving authority.

The city engineer shall be the approving authority. A decision of the approving authority may be appealed to the hearing examiner in the same manner as an appeal from the decision of the licensing officer under FMC Title 5; provided, in order for the appeal to be timely it must be filed with the city clerk within 10 days from the date of written decision by the public works director.

Section 24. Section 12.08.010 of the Fife Municipal Code is hereby amended to read as follows:

12.08.010 Permit – Required when.

A. No person, firm or corporation shall grade, pave, level, alter, construct, repair, remove or excavate any pavement, sidewalk, crosswalk, curb, driveway, gutter, sewer, water main or any other structure or improvement located over, under or upon any street, alley or other public place in the city, or fill in, place, construct, leave or deposit over, under or upon any street, alley or other public place any structure, building material, earth, gravel, rock, garbage, debris or any other material or thing tending to obstruct, disturb or interfere with the free use thereof

or cause a dangerous condition thereon, without first obtaining a permit in writing from the public works superintendent to do so, except that such permit shall not be required in the case of emergency work which will be performed by the city.

B. That no underground utilities shall be constructed across streets by open cutting of the street, unless first approved by the city engineer.

Section 25. Section 12.08.020 of the Fife Municipal Code is hereby amended to read as follows:

12.08.020 Permit – Notice to public works superintendent – Requirements.

The permit shall require the person to whom the same is issued to give the city engineer 24 hours' notice of the commencement of such work; to carry on such work to the satisfaction of and subject to the approval of the city engineer; to diligently prosecute the same to completion; to leave the street in a good, clean and safe condition; to at all times keep signal lights or other proper warnings displayed sufficient to give anyone going upon the street, alley or public place such warning as may be necessary to prevent injury; and to comply with such additional provisions and conditions as may be prescribed by the city engineer. If the acts desired to be done require the disturbing of any improvement on the street, alley or other public place, the permit shall require the permittee to restore such improvement to its original and proper condition, and if the permittee fails to do so, the public works superintendent may cause the necessary restoration to be made at the expense of the permittee.

Section 26. Section 12.08.030 of the Fife Municipal Code is hereby amended to read as follows:

12.08.030 Notice to fire department.

The city engineer shall give written notice to the chief of the fire department immediately upon the issuance of a permit wherein the improved portion of any street commonly used as a thoroughfare is to be obstructed to vehicular traffic, and shall further notify the chief of the fire department upon completion of the work.

Section 27. Section 12.08.060 of the Fife Municipal Code is hereby amended to read as follows:

12.08.060 Inspection.

The city engineer, if in his judgment the nature of the work is such as to require inspection on behalf of the city, either during the progress of the same or after the completion thereof or both, may inspect the same and charge a reasonable sum therefor.

Section 28. Section 12.08.070 of the Fife Municipal Code is hereby amended to read as follows:

12.08.070 Deposit by permit holder.

No permit shall be issued under the provisions of this chapter in any instance in which the applicant will store, use, mix or process building materials on the paved portion of any street, alley or other public place until the applicant shall deposit with the finance director-treasurer the fee as set forth in the fee schedule. No mortar, cement, plastic, asphalt or similar material shall be mixed, used or processed on any paved portion of any street, alley or public place unless such is done in a suitable machine, box or container, and in such a manner that none of the material spills or in any manner comes in contact with the street, alley or other public place or any part thereof is washed into the gutters or sewers. Should the permittee fail to properly clean the street, alley or public place of any and all debris and other materials occasioned by the work done by the permittee, the city engineer shall cause such debris or other materials to be removed, and the cost of such removal shall be deducted from the deposit. Should the amount of the deposit be insufficient to meet the cost of restoring the street to a good and clean condition, the applicant's bond shall be liable therefor.

The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

Section 29. Section 12.16.070 of the Fife Municipal Code is hereby amended to read as follows:

12.16.070 Public works director to approve all plans.

The public works director of the city shall approve all plans and specifications for the installation of underground wires and lines prior to the installation thereof.

Section 30. Section 12.18.020 of the Fife Municipal Code is hereby amended to read as follows:

12.18.020 Notification of intent to pave.

Whenever the city council enacts any ordinance or resolution providing for the construction, paving, or resurfacing of any street, the public works director shall promptly mail a written notice thereof to each person or firm owning conduit or other utility in or under said street, as well as to the owners of real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons or firms that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years after the date the pavement has been constructed or resurfaced. Such notice shall also notify such persons or firms that applications for excavation permits, for work to be done prior to such construction, paving, or resurfacing, must be submitted promptly in order that the work covered by the excavation permit may be completed not later than 90 days from the date of enactment of such ordinance or resolution. The director shall also

promptly mail copies of such notice to state agencies and city departments or other persons that may desire to perform excavation work in said city street.

Section 31. Section 12.20.010 of the Fife Municipal Code is hereby amended to read as follows:

12.20.010 Right-of-way designation map adopted.

The public works director is directed to produce and keep current a right-of-way designation map, designating each improved right-of-way, including alleys, according to the following criteria. When an unimproved right-of-way is to be improved, the public works director is directed to designate that right-of-way according to the following criteria based on projections for that right-of-way:

A. Alley. Public right-of-way providing service access to adjacent uses. Less than 200 average daily trips.

B. Cul-de-Sac. Permanently dead-ended streets. Less than 500 average daily trips.

C. Single-Family Access. Streets providing access to adjacent residents and to cul-de-sacs and linking these areas with collector streets. Less than 1,000 daily trips.

D. Commercial and Multifamily Access. Streets providing access to adjacent residents and/or commercial uses and linking these areas with collector streets. Less than 2,000 daily trips.

E. Collector Streets. Streets providing access to adjacent uses, linking neighborhoods and commercial areas together and linking these areas to the arterial system. Up to 10,000 daily trips.

F. Minor Arterial. Intra-community streets connecting community centers. Five thousand to 25,000 daily trips.

G. Principal Arterials. Intra- and inter-community streets connecting major community centers. Fifteen thousand to 40,000 daily trips.

Note: "Average daily trips" is defined as the number of vehicles passing a given point, in either direction during a 24-hour period, based on an average over seven consecutive days.

Section 32. Section 12.20.020 of the Fife Municipal Code is hereby amended to read as follows:

12.20.020 Required public improvements – Rights-of-way.

A. General. FMC 12.20.030 through 12.20.140 establish different improvements for the different classifications of rights-of-way listed in FMC 12.20.010. Except as specified in subsection (B) of this section, the applicant shall install the specified improvements from the center line of the right-of-way to the applicant's property line. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the public works director.

B. Half-Street Improvements. If the one-half of the right-of-way opposite the subject property has not been improved based on the provisions of this chapter, the applicant shall install improvements in the right-of-way as follows:

1. Alleys. The applicant shall install the required improvements for the entire width of the alley.

2. All Other Rights-of-Way.

a. The applicant shall install the required improvements from his/her property line to and including the curb.

b. The applicant shall grade to finish all the required driving and parking lanes in the entire right-of-way and a five-foot-wide shoulder on the side of the right-of-way opposite the subject property.

c. The applicant shall pave outward 20 feet from the curb adjacent to his/her property or as required by the public works director.

C. Required Connection. If the access point for the subject site is not connected to an existing improved street by an improved hard surface, the applicant shall provide a hard surface improvement, of at least 24 feet in width, to the existing improved street.

D. Double Fronting/Corner Sites. Sites with double frontage or corner sites shall improve all frontages along his/her site.

Section 33. Section 12.20.030 of the Fife Municipal Code is hereby amended to read as follows:

12.20.030 Required public improvements – Alleys.

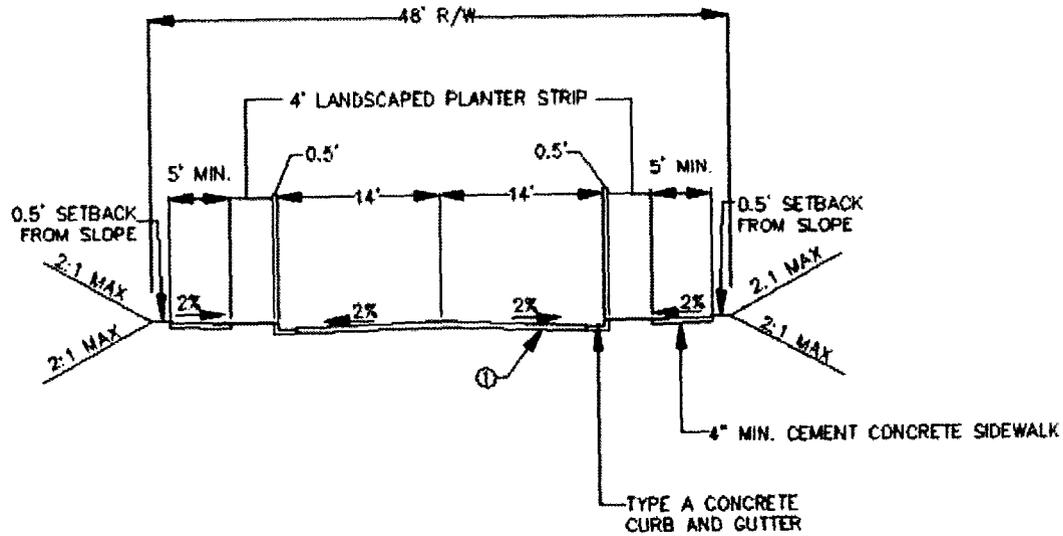
The pavement width of an alley must be at least 10 feet but may be required to be increased by the public works director. For all commercial, industrial, office or multifamily projects, the applicant shall improve the alley opposite the subject property and extend it to the existing improved street, and may be required to improve an additional 30 feet past the property frontage to provide emergency turn-around. Additional paving may be required as determined by the fire marshal. Alleys shall be paved with a permeable pavement surfacing. For single-family projects, the applicant shall improve the alley abutting the subject property and extend it to the existing improved street. The public works director-city engineer shall determine the extent and nature of other improvements required in alleys on a case-by-case basis and shall determine when exemptions are appropriate.

Section 34. Section 12.20.040 of the Fife Municipal Code is hereby amended to read as follows:

12.20.040 Single-family access street.

The standards for a single-family access street are as set forth in Exhibit “A” which follows

**Exhibit A: Single-Family Access
Street**



Notes:

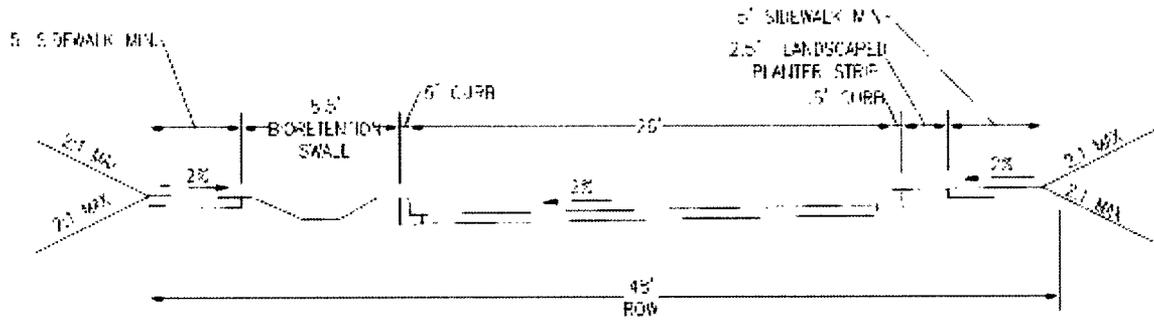
1. The minimum allowable depth is two inches asphalt pavement HMA Class 1/2-inch PG64-22 overlying two inches crushed surfacing top course and 10 inches of the Aggregate for Gravel Base Specification 9-03.10 of the 2008 WSDOT Standard Specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.5 percent.
3. Standards are minimum standards. Public works director-city engineer may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.
4. Cul-de-sac bulb shall have radius as determined by the fire marshal.
5. The public works director permit rolled Portland cement concrete curbs for special conditions, such as narrow single-family or duplex lots.

Section 35. Section 12.20.045 of the Fife Municipal Code is hereby amended to read as follows:

12.20.045 Single-family access green street.

The standards for a single-family access green street are as set forth in Exhibit "A-1" which follows.

Exhibit A-1: Single-Family Access Green Street



Notes:

1. The minimum allowable depth is two inches asphalt pavement HMA Class 1/2-inch PG64-22 overlying two inches crushed surfacing top course and 10 inches of the Aggregate for Gravel Base Specification 9-03.10 of the 2008 WSDOT Standard Specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.5 percent.
3. Standards are minimum standards. Director of public works may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.
4. Cul-de-sac bulb shall have radius as determined by the fire marshal.
5. The public works director may permit rolled Portland cement concrete curbs for special conditions, such as narrow single-family or duplex lots.
6. Sidewalks shall be constructed of a permeable pavement surfacing unless adjacent to a bioretention facility, or other drainage facility.
7. See bioretention swale definition in FMC Title 21. Bioretention swales shall be engineered in accordance with the stormwater manual (see Chapter 15.32 FMC).
8. Where feasible, curb extensions shall be installed per FMC 21.30.030.

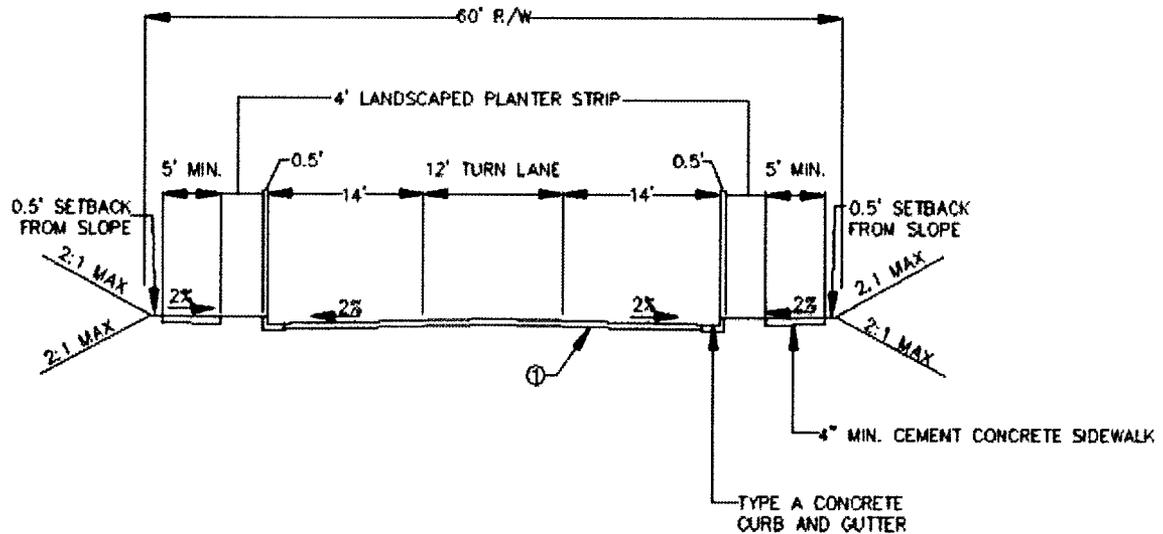
Section 36. Section 12.20.050 of the Fife Municipal Code is hereby amended to read as follows:

12.20.050 Commercial and multifamily access street.

The standards for a neighborhood access street are as set forth in Exhibit “B” which follows.

Exhibit B: Commercial and Multifamily Access

Street



Notes:

1. The minimum allowable depth is four inches asphalt pavement HMA Class 1/2-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches of the Aggregate for Gravel Base Specification 9-03.10 of the 2008 WSDOT Standard Specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.5 percent.
3. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.

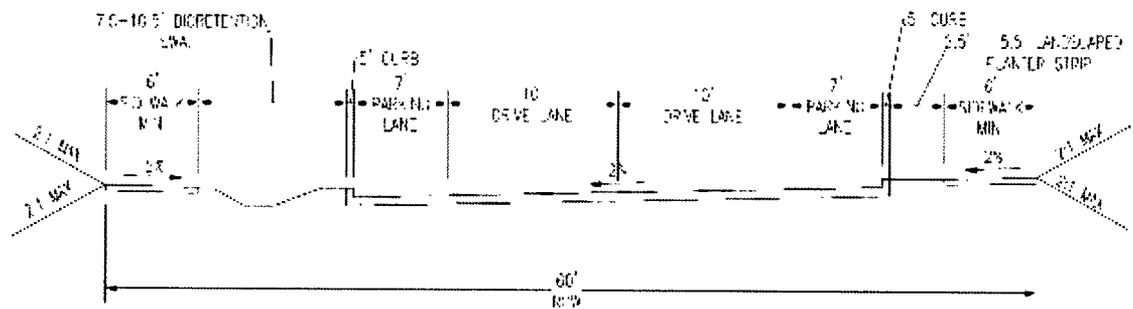
Section 37. Section 12.20.055 of the Fife Municipal Code is hereby amended to read as follows:

12.20.055 Commercial and multifamily access green street.

The standards for a commercial and multifamily access green street are as set forth in Exhibit "B-1" which follows.

Exhibit B-1: Commercial and Multifamily Access Green

Street



Notes:

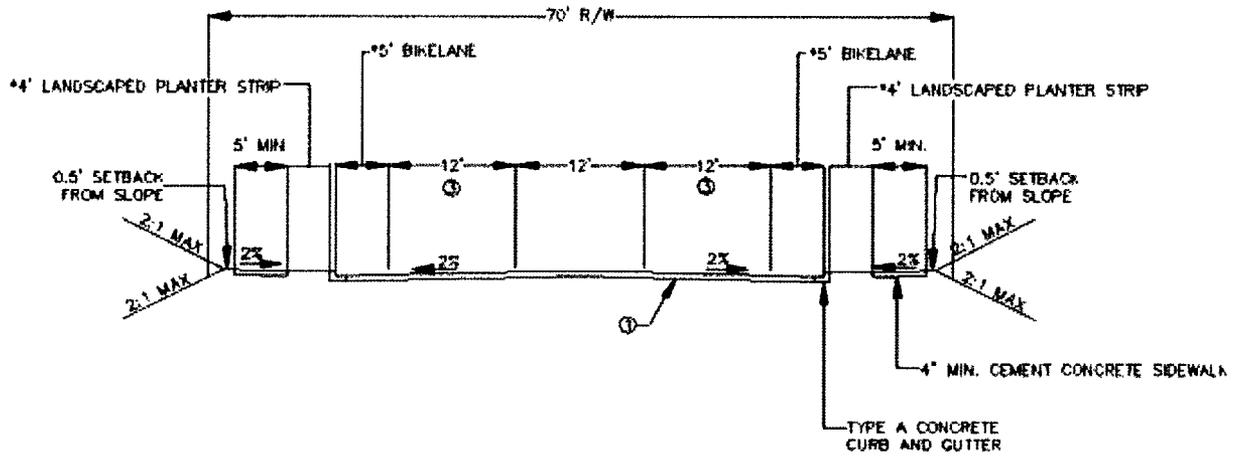
1. The minimum allowable depth is four inches asphalt pavement HMA Class one-half-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches of aggregate for gravel base specification 9-03.10 of the WSDOT standard specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.5 percent.
3. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.
4. Sidewalks shall be constructed of a permeable pavement surfacing unless adjacent to a bioretention facility, or other drainage facility.
5. See bioretention swale definition in FMC Title 21. Bioretention swales shall be engineered in accordance with the stormwater manual (see Chapter 15.32 FMC).
6. Where feasible, curb extensions shall be installed per FMC 21.30.030.

Section 38. Section 12.20.060 of the Fife Municipal Code is hereby amended to read as follows:

12.20.060 Collector street.

The standards for a neighborhood collector/collector arterial are as set forth in Exhibit "C" which follows.

**Exhibit C: Collector
Street**



Notes:

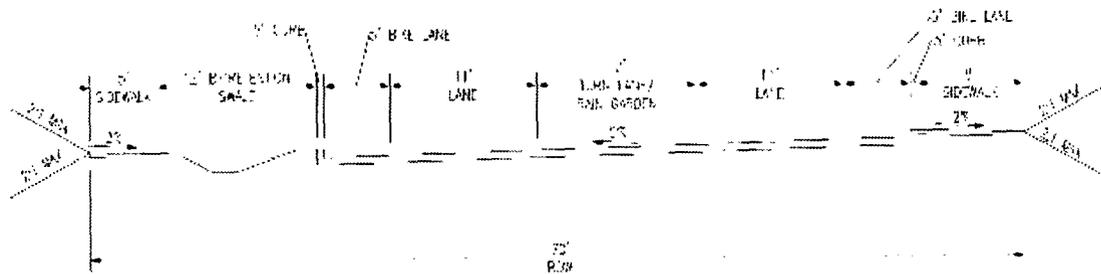
1. The minimum allowable depth is four inches asphalt pavement HMA Class 1/2-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches of the Aggregate for Gravel Base Specification 9-03.10 of the 2008 WSDOT Standard Specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.25 percent.
3. * Curb lane 14 feet wide where bike lane not required.
4. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.

Section 39. Section 12.20.065 of the Fife Municipal Code is hereby amended to read as follows:

12.20.065 Collector green street.

The standards for a collector green street are as set forth in Exhibit "C-1" which follows.

**Exhibit C-1: Collector Green
Street**



Notes:

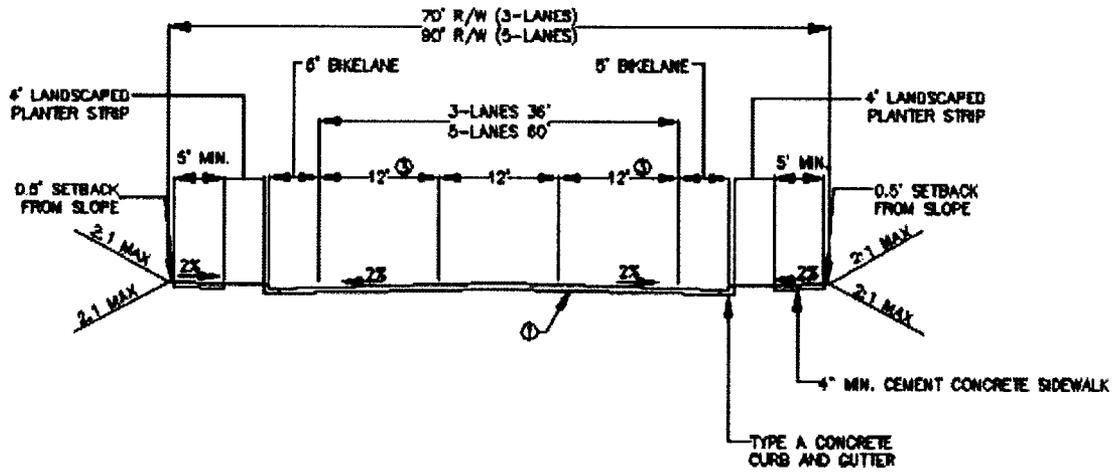
1. The minimum allowable depth is four inches asphalt pavement HMA Class one-half-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches of aggregate for gravel base specification 9-03.10 of the WSDOT standard specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.25 percent.
3. Curb lane 14 feet wide where bike lane not required.
4. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.
5. Sidewalks shall be constructed of a permeable pavement surfacing unless adjacent to a bioretention facility, or other drainage facility.
6. See bioretention swale definition in FMC Title 21. Bioretention swales shall be engineered in accordance with the stormwater manual (see Chapter 15.32 FMC).
7. Where feasible, curb extensions shall be installed per FMC 21.30.030.

Section 40. Section 12.20.070 of the Fife Municipal Code is hereby amended to read as follows:

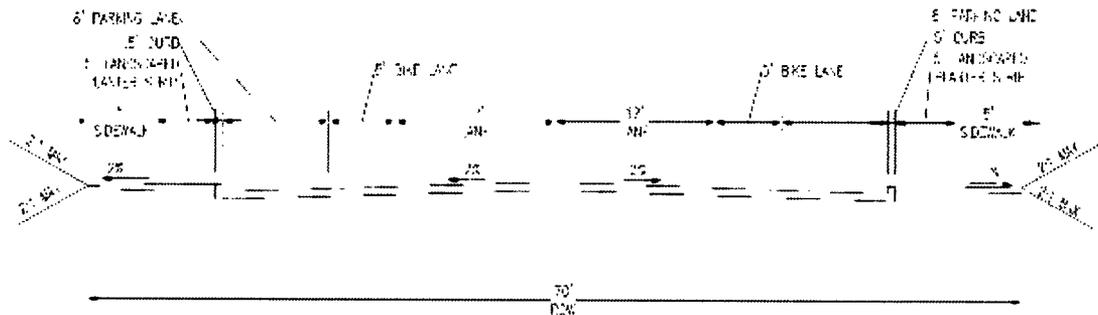
12.20.070 Minor arterial.

A. The standards for a minor arterial are as set forth in Exhibits “D” and “D-1” which follow.

**Exhibit D: Minor
Arterial**



**Exhibit D-1: Minor Arterial with
Parking**



Notes:

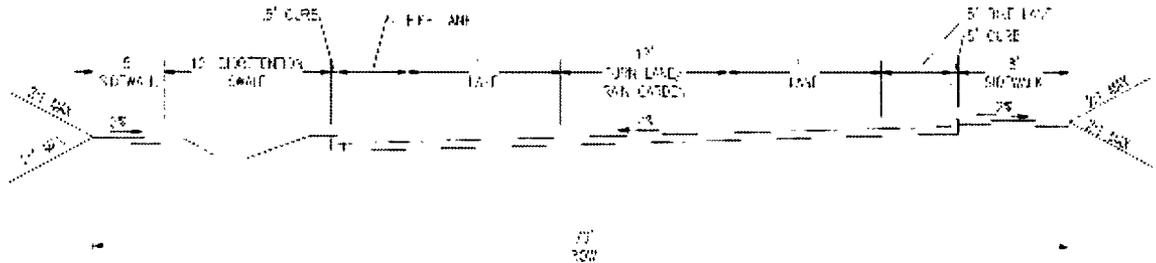
1. The minimum allowable depth is four inches asphalt pavement HMA Class 1/2-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches gravel base Aggregate for Gravel Base Specification 9-03.10 of the 2008 WSDOT Standard Specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.25 percent.
3. * Curb lane 14 feet wide where bike lane not required.
4. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.

Section 42. Section 12.20.075 of the Fife Municipal Code is hereby amended to read as follows:

12.20.075 Green minor arterial.

The standards for a green minor arterial are as set forth in Exhibit “D-2” which follows.

**Exhibit D-2: Green Minor
Arterial**



Notes:

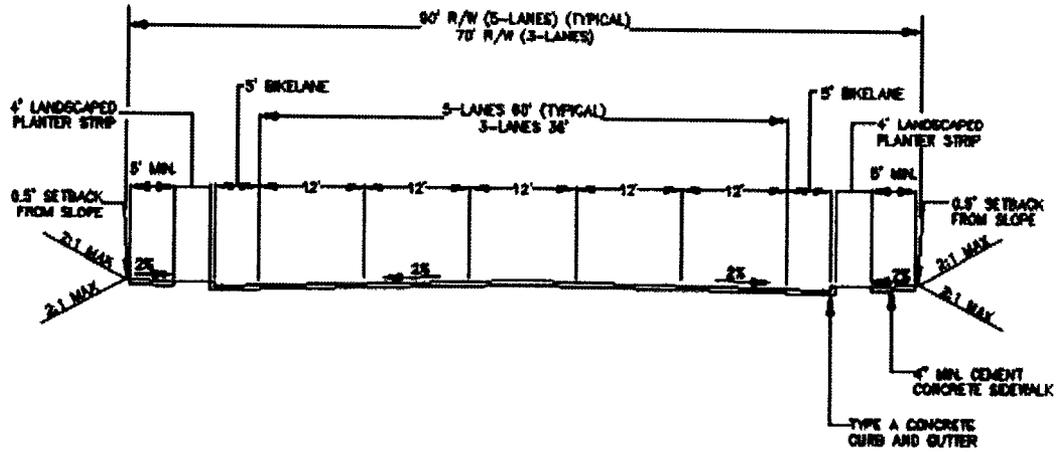
1. The minimum allowable depth is four inches asphalt pavement HMA Class one-half-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches of aggregate for gravel base specification 9-03.10 of the WSDOT standard specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.25 percent.
3. Curb lane 14 feet wide where bike lane not required.
4. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.
5. Sidewalks shall be constructed of a permeable pavement surfacing unless adjacent to a bioretention facility, or other drainage facility.
6. See bioretention swale definition in FMC Title 21. Bioretention swales shall be engineered in accordance with the stormwater manual (see Chapter 15.32 FMC).
7. Where feasible, curb extensions shall be installed per FMC 21.30.030.

Section 43. Section 12.20.080 of the Fife Municipal Code is hereby amended to read as follows:

12.20.080 Principal arterial.

The standards for a principal arterial are as set forth in Exhibit “E” which follows.

**Exhibit E: Principal
Arterial**



Notes:

1. The minimum allowable depth is four inches asphalt pavement HMA Class one-half-inch PG64-22 overlying two inches crushed surfacing top course and 16 inches of aggregate for gravel base specification 9-03.10 of the WSDOT standard specifications. All thicknesses are compacted depths.
2. Minimum vertical slope: 0.25 percent.
3. Curb lane 14 feet wide where bike lane not required.
4. Center turn lane or one travel lane in each direction may be omitted in special circumstances.
5. Standards are minimum standards. The public works director may require more than the minimum due to other adopted plans and regulations by the city or as field conditions warrant.
6. Sidewalks shall be constructed of a permeable pavement surfacing unless adjacent to a bioretention facility, or other drainage facility.
7. Where feasible, curb extensions shall be installed per FMC 21.30.030.

Section 44. Subsection 12.20.090(D) of the Fife Municipal Code is hereby amended to read as follows:

12.20.090 Additional requirements.

D. Incompatible Improvements. If improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to this chapter, the following regulations apply:

1. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the public works director determines, in writing, that the dimensions of the existing improvements will be decreased in the future.

2. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply:

a. If the public works director determines that the dimensions of the existing improvement will not be increased in the future, the new improvement must be permanently flared or tapered to match existing improvements.

b. If the public works director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.

Section 45. Section 12.20.100 of the Fife Municipal Code is hereby amended to read as follows:

12.20.100 Engineering standards.

The public works director is directed to develop and keep current full engineering standards and specifications for all improvements in the right-of-way. The applicant shall comply with these standards and specifications for all improvements in the right-of-way. The minimum engineering standards are shown on Exhibits "A" through "F," which are included herein. The public works director may require additional engineering specifications for all improvements as field conditions warrant, on a case-by-case basis.

Section 46. Section 12.20.110 of the Fife Municipal Code is hereby amended to read as follows:

12.20.110 Modifications, deferments and waivers.

Provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred or waived.

A. Authority to Grant and Duration. If the proposed development of the subject property requires approval through short plat or subdivision approval described in the subdivision ordinance, a request for modification, deferment or waiver will be considered as a part of that process under the provision of this section. The public works director shall not grant any modification, deferment or waiver for any standard required as a result of a short plat or subdivision within five years from the date of approval of the short plat or subdivision, nor shall the public works director grant any modification, deferment or waiver of any standard to any note on the face of the plat regarding improvements. If the above process does not apply, the public works director may grant a modification, deferment and waiver from the requirements in this chapter.

B. Process. The applicant shall submit the request for a modification, deferment or waiver in writing, together with two sets of street plans showing both the required improvements and the proposed improvements for which the modification, deferment or waiver is being requested. The public works director shall consider the request, a written recommendation from the public works

director and issue a decision, with findings, in writing. The decision shall be final unless appealed under the provisions of FMC 19.80.030 (within 20 days from the date of the action being appealed).

C. Modifications. The public works director may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:

1. If the improvement as required would not match the existing improvements.

2. If unusual topographic or physical conditions preclude the construction of the improvements as required.

3. If other unusual circumstances preclude the construction of the improvements as required.

The public works director shall take into consideration the designation and location of the street, the zoning and land use in the immediate area, the projected land use, provision of utilities to serve the area and on-site provisions for parking and maneuvering. A written recommendation from the community development director may be requested by the public works director.

D. Deferment. The public works director may require or permit that the required improvements be installed at a later time:

1. If the required improvement is part of a larger project that has been scheduled for implementation in the city's capital facility plan – streets; or

2. If the subject proposal is for a single detached dwelling unit and the installation of the improvement would not complete the lesser of a full block face or 300 feet of frontage (alleys are not included for purposes of calculating frontage); or

3. If installation of the required improvement would require substantial off-site roadway modifications; or

4. If the public works department determines that installation of the required improvement would result in a safety hazard.

The public works director shall take into consideration the designation and location of the street, the zoning and land use in the immediate area, the projected land use, the provision of utilities to serve the area and on-site provisions for parking and maneuvering. A written recommendation from the community development director may be requested by the public works director.

E. Deferment Requirements. If the public works director approves a deferment:

1. The applicant and the city must sign a concomitant agreement to run with the property, in a form acceptable to the city attorney, specifying that the applicant will install or reimburse the city for construction of the deferred improvements as directed by the city. The applicant must file this agreement with the Pierce County auditor's office.

2. The applicant must grade the subject portion of the right-of-way as though the improvement were to be immediately installed and stabilize the graded area in a manner approved by the public works director. The applicant may be

exempted from this requirement if the public works director determines that unusual circumstances preclude the grading.

F. Waivers. The public works director may waive and not require or allow installations of a required improvement if the public works director determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future.

The public works director shall take into consideration the designation and location of the street, the zoning and land use in the immediate area, the projected land use, the provision of public utilities to serve the area and on-site provisions for parking and maneuvering. A written recommendation from the community development director may be requested by the public works director.

Section 47. Section 12.20.120 of the Fife Municipal Code is hereby amended to read as follows:

12.20.120 Appeals.

The decision of the public works director may be appealed to the hearing examiner using the appeal provisions of Chapter 2.92 FMC.

Section 48. Section 12.20.130 of the Fife Municipal Code is hereby amended to read as follows:

12.20.130 Bonds.

The public works director may require or permit a bond in the amount of 150 percent of the cost of the improvement to ensure compliance with any of the requirements of this chapter. The bond shall be in a form acceptable to the city attorney.

Section 49. Section 12.20.140 of the Fife Municipal Code is hereby amended to read as follows:

12.20.140 Private streets.

Private streets shall meet street standards as determined by the public works director. The public works director shall classify each private street pursuant to FMC 12.20.020, and the applicable standard shall apply. The applicant shall comply with the applicable standard. Modification, deferment and waiver of the standard may be granted pursuant to FMC 12.20.110.

Section 50. Section 13.04.020 of the Fife Municipal Code is hereby amended to read as follows:

13.04.020 Permit application – Minimum deposit.

All applications for permits for the use of water shall be made to the public works director. Such application shall be made by the owner of the property to which the water is to be furnished. The applicant shall state fully and truly the purposes for which the water may be required, and must agree to conform to the rules and regulations thereof that may be established from time to time as conditions for the use of water. The applicant shall be required to pay a nonrefundable permit fee to the finance director-treasurer.

The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

Section 51. Section 13.04.060 of the Fife Municipal Code is hereby amended to read as follows:

13.04.060 Connection with other water supply.

No service connection shall be allowed from the city mains to any premises supplied by water from any other source, unless special permission is given by the public works director, which special permission may be terminated at any time if, in the judgment of the public works superintendent, the public interests will be best served.

Section 52. Section 13.04.090 of the Fife Municipal Code is hereby amended to read as follows:

13.04.090 Installation and connection charges.

- A. A permit will be issued for the use of water after the connection charge as set forth in the current fee schedule is paid.
- B. Any service in which the meter is over one and one-half inches in size shall be charged the actual cost of the time and materials required for installation of the service, plus 15 percent to cover the city's overhead.
- C. All new construction, residential and commercial, on property which is located within 200 feet of a water main of the city shall be required to extend the water main to and across the entire frontage of their property and connect to the city water system prior to the occupancy of the building. No new wells except municipal wells shall be constructed and no alterations to existing wells except municipal wells shall be permitted on properties that can be served within 200 feet of a water main of the city or are now served by the city water system.
- D. Sprinkler connections shall be constructed at the property owner's expense, subject to approval and inspection by the public works department.
- E. Water connection charges may be reduced, with proper approval of the community development director or designee, if the connection is constructed and paid for by the property owner. The public works department must review plans of proposed connection, and inspect and approve the connection prior to the service being activated. A connection/engineering review fee shall be paid at the

time of application. All inspection fees shall be as set forth in the current fee schedule; a minimum of one hour shall be charged.

The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

F. Any person, firm or corporation desiring to construct any new or replacement water service systems, water mains or side water lines which are to be constructed by anyone other than the city shall first submit a plan for said construction to the public works department. To assure that an as-built plan is submitted for the city records and approved by the public works department, the water meter shall be secured in the off position and remain that way until the as-built plan is received and approved.

Section 53. Section 13.04.165 of the Fife Municipal Code is hereby amended to read as follows:

13.04.165 Fire hydrant – Quick disconnect steampoint fittings.

Every fire hydrant required to be installed within the city, whether on public or private property, shall be equipped with quick disconnect steampoint fittings as approved by the public works director or his designee (Storz fittings or their equivalent).

Section 54. Section 13.04.280 of the Fife Municipal Code is hereby amended to read as follows:

13.04.280 Fire protection service – Equipment installation and maintenance.

A. Pipes for fire protection purposes must be fitted with such fixtures only as are needed for fire protection and such fixtures shall be sealed by the fire marshal, and in no case shall such seal be broken, except in case of fire or by the fire chief for the purpose of testing the pipes, fixtures or hose.

B. When seals are broken in case of fire, it shall be the duty of the owner or tenant of the premises to notify the fire marshal within 24 hours after its occurrence, and the seal shall be replaced by the fire marshal.

C. Violation of this section shall be deemed a misdemeanor. All fines collected shall be placed to the credit of the water/sewer operating fund.

D. No domestic water services shall be allowed to be connected to a dead-end water main that is designed to be installed on private property for fire protection. All domestic water services shall be connected to the water system within the rights-of-way unless approved by the public works director.

Section 55. Section 13.04.290 of the Fife Municipal Code is hereby amended to read as follows:

13.04.290 Backflow prevention devices defined – Required.

A. "Backflow" means a flow, other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

B. "Backflow prevention device" means a device approved by the state department of social and health services or such other as shall have jurisdiction over the subject matter, and by the American Water Works Association, used to counteract back pressure or prevent back-siphonage into the distribution system of a public water supply.

C. "Cross-connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other wastes or liquids of unknown or unsafe quality, which may be capable of imparting contamination to a public water supply as a result of backflow.

D. Backflow prevention devices shall be required subject to the decision of the public worksdirector.

Section 56. Section 13.04.300 of the Fife Municipal Code is hereby amended to read as follows:

13.04.300 Cross-connections – Prohibited when.

A. It is unlawful for any person to install or maintain any cross-connection which would endanger the purity of the city of Fife water supply. Any such cross-connection now existing or hereafter installed is hereby declared unlawful and shall be abated immediately by the owner or person having the right to occupy the premises upon which any such cross-connection exists.

B. Wherever cross-connections with the Fife water system cannot be eliminated, then backflow prevention devices shall be installed and tested as required by WAC 246-290-490. The installer shall arrange for inspection by the city at the time of installation. Thereafter, the owner or person entitled to occupy the premises served by the backflow device shall have the device inspected annually by an inspector approved by the city and shall cause the inspection report to be sent to the city.

C. The public works director or his designated representative shall have access to inspect cross-connections and backflow prevention devices during reasonable business hours. If the owner or occupant of premises upon which a cross-connection or backflow prevention device exists does not consent to an inspection, then an inspection shall be conducted pursuant to an administrative search warrant or pursuant to a warrant issued upon probable cause to believe that a violation exists.

D. WAC 246-290-490 is hereby adopted by reference as though fully set forth herein.

E. The Accepted Procedure and Practice in Cross-Connection Control Manual – Pacific Northwest Section, 7th Edition, published by American Water Works Association (A.W.W.A.) and all subsequent amendments thereto is hereby

adopted by reference as though fully set forth herein as the minimum cross-connection control operating policy of the city of Fife. The public works director may adopt procedural rules relating to the enforcement of said requirements.

F. Any person who violates this section is guilty of a misdemeanor.

Section 57. Section 13.04.310 of the Fife Municipal Code is hereby amended to read as follows:

13.04.310 Meter installation – City rights – Costs.

The right is reserved to the city, through its public works director, to place a water meter on any service for the purpose of measuring the water used on the premises by such service, and payment for installation and water used shall be made by the property owner in the manner as prescribed in this chapter.

Section 58. Section 13.04.330 of the Fife Municipal Code is hereby amended to read as follows:

13.04.330 Advisory board created.

An advisory board shall be created for the purpose of recommending water connections and/or rate considerations for special or unusual conditions either within or outside the city and the establishment of LIDs or ULIDs. It shall consist of the public works director, the city clerk or finance director-treasurer or designee and at least one member of the city council. All recommendations of the advisory board shall be submitted to the city council.

Section 59. Section 13.04.350 of the Fife Municipal Code is hereby amended to read as follows:

13.04.350 Utility contract – Bond requirements.

No contract work on a city utility shall be approved until the applicant has first filed with the city a bond, the form to be approved by the city attorney and with surety approved by the finance director-treasurer. Such bond shall be conditioned on the faithful conformance with the provisions of this chapter and shall be further conditioned to indemnify and save harmless the city from any and all judgments, costs or expenses arising from injuries or damage to any persons or property on account of such work, and shall be further conditioned that the permit applicant shall carry out and complete such work within the specified time and according to the terms of such permit furnished by the public works director. Such bond shall be continuously in effect from the date of issue, and may be further conditioned to cover all permits issued to the applicant; provided, that such bond by its terms provides that the same shall not be canceled unless and until the utility superintendent is given written notice of such intent to cancel a minimum of 10 days before the effective date of the cancellation. Such bond shall further provide that it shall remain in full force and effect until the acceptance by the city or expiration of any warranty period, whichever is longer, of any and all work

which has been commenced or is to be commenced pursuant to any permit issued prior to the effective date of cancellation.

Section 60. Section 13.08.140 of the Fife Municipal Code is hereby amended to read as follows:

13.08.140 Separate sewer required for each building – Exceptions.

A separate and independent building sewer shall be provided for every building, except where approved by the public works director. However, in special situations, such as a school or a business complex, the number of connections may vary with approval of the public works director. The charges shall be the same as for separate hookups.

Section 61. Section 13.08.150 of the Fife Municipal Code is hereby amended to read as follows:

13.08.150 Old sewers – Conditions for use.

Old building sewers may be used in connection with new buildings only when they are approved by the public works director and meet all requirements of this chapter.

Section 62. Section 13.08.160 of the Fife Municipal Code is hereby amended to read as follows:

13.08.160 Materials – Approval required when.

The types of sewer materials permitted shall be approved by the public works director.

Section 63. Section 13.08.210 of the Fife Municipal Code is hereby amended to read as follows:

13.08.210 Water supply lines separate from sewer lines.

All sanitary sewer lines shall be separated at least 10 feet horizontally from any water line unless approved by the public works director.

Section 64. Section 13.08.220 of the Fife Municipal Code is hereby amended to read as follows:

13.08.220 Building sewer – Size and slope.

The size and slope of the building sewer shall be subject to the approval of the public works director but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than three percent grade, unless approved by the public works director.

Section 65. Section 13.08.250 of the Fife Municipal Code is hereby amended to read as follows:

13.08.250 Building sewer – Excavations – Pipe and backfill requirements.

All excavations required for the installation of a building sewer shall be open-trench work, unless otherwise approved by the public works director. Pipe laying and backfill shall be performed in accordance with the requirements of the city. No backfill shall be placed until the work has been inspected.

Section 66. Section 13.08.270 of the Fife Municipal Code is hereby amended to read as follows:

13.08.270 Building sewer – Inspection and connection.

The applicant for the building sewer permit shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his representative.

Section 67. Section 13.08.300 of the Fife Municipal Code is hereby amended to read as follows:

13.08.300 Stormwater and unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the public works director, to a storm sewer or natural outlet.

Section 68. Section 13.08.310 of the Fife Municipal Code is hereby amended to read as follows:

13.08.310 Matter excluded from all sewers designated.

Sewage, waste or any matter having the following characteristics, shall, under no conditions, be discharged into, be placed where they might find their way into, or be allowed to run, leak or escape into any part of the sewer system:

A. Ashes, cinders, sand, earth, gravel, coal, rubbish or any matter which is chemically or physically stable for at least five days at 20 degrees centigrade, or which would form a deposit or obstruction, or damage or reduce the capacity of the sewer into which it was placed;

B. Flammable, explosive or poisonous liquids, gases or solids or any matter which after entrance into a sewer might reasonably be expected to form in any way such flammable, explosive or poisonous liquids, gases or solids;

C. Matter of any nature at a temperature above 100 degrees Fahrenheit;

D. Liquid matter of any nature containing suspended solids in excess of 1,000 parts per million;

E. Matter of any nature containing five-day biochemical oxygen demand in excess of 300 parts per million;

F. Animal or vegetable greases, oils or matter containing animal or vegetable grease or oil of any nature, in excess of 300 parts per million, or any petroleum products;

G. Liquid matter with a hydrogen ion concentration below five and five-tenths or above nine and zero-tenths;

H. Any matter that may be prohibited by the city of Tacoma sewage treatment agreement;

I. Any matter which, in the opinion of the public works director, might interfere with the satisfactory operation of any treatment plants or any portion of the sewer system; provided, however, with the written approval of the public works superintendent being first obtained, sewage, wastes or other matter herein excluded may be discharged into the sewage system upon the payment to the city of the additional costs for processing the same as hereinafter provided and set forth;

J. Garbage disposal units are prohibited except in single-family and multifamily residential living units.

Section 69. 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 director 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 70. 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 director 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 71. Section 13.08.360 of the Fife Municipal Code is hereby amended to read as follows:

13.08.360 Determination of character of waste matter required before discharge.

Before any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this chapter, the controlling characteristic of such matter shall be determined to the satisfaction of the public works director and the city of Tacoma sewer department. The responsibility of initiating such determination, the costs involved, and of submitting the determination, the costs involved, and of submitting the results of the determination for approval, lie solely with the party or parties desiring to discharge the matter into the sewer system. Verification of these results and the decision as to whether or not a permit shall be issued shall be the responsibility of the public works director. The fact that any matter has been discharged into the sewer system prior to the passage of the ordinance codified in this chapter or subsequent thereto, without objection, does not constitute a valid right to so discharge such matter. Upon discovery by the public works director that any matter being discharged into the sewer does not conform to the requirements of this chapter, the public works director may immediately stop the discharge of such matter into the sewer system.

Section 72. Section 13.08.370 of the Fife Municipal Code is hereby amended to read as follows:

13.08.370 Pretreatment of sewage.

When at the time it becomes necessary or desirable to discharge into the sewer system any matter from any source which does not conform to the requirements previously outlined, it is required that before such matter may be discharged into the sewer system, the producer thereof shall pretreat same at his own expense to a degree that will produce an effluent which does conform to the requirements. Such pretreatment plans shall be understood to include grease traps, chemical or biochemical plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated. Any and all such devices and equipment shall be subject to the approval of the public works director, shall not be put into operation without a written permit of approval issued by the public works director, shall be provided with all necessary features of construction to permit inspection of operations and testing of material passing through them, and shall be open to the inspection of the public works director at any time; provided, however, that the producer, in lieu of the treatment of the sewage, as hereinabove provided for, may, with the written approval of the public works superintendent being first obtained, discharge the sewage, waste or other matter into the sewage system, and be subject to the payment of the additional cost of the treatment thereof.

Section 73. Section 13.08.390 of the Fife Municipal Code is hereby amended to read as follows:

13.08.390 Maintenance of interceptors.

Where installed all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and subject to inspection as required by the public works director. In the event the owner fails to properly maintain the interceptor, which in the opinion of the public works director causes clogging of the sewer lines and/or pump stations, the cost of the city, time and material, in cleaning the sewer lines and/or pump stations shall be charged to the owner of the interceptor. For the purpose of this paragraph, the owner shall be the person, firm or corporation named on the sewer account, as provided in FMC 13.08.470. Any costs not paid by the owner within 30 days from the date of the billing shall be added to and become part of the sewer bill and shall become a lien against the real property, as provided by FMC 13.08.490.

Section 74. Section 13.08.400 of the Fife Municipal Code is hereby amended to read as follows:

13.08.400 Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and subject to inspection as required by the public works director.

Section 75. Section 13.08.410 of the Fife Municipal Code is hereby amended to read as follows:

13.08.410 Manhole required when – Installation – Maintenance.

When required by the public works director, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the public works director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 76. Section 13.08.450 of the Fife Municipal Code is hereby amended to read as follows:

13.08.450 Administration.

This chapter shall be administered by the public works director.

Section 77. Section 13.08.550 of the Fife Municipal Code is hereby amended to read as follows:

13.08.550 Failure to connect building sewer – City to perform work when – Costs.

In the event the building sewer and connection are not made within the time provided for in this chapter, following notice, the public works director is authorized and directed to cause the same to be made and to file a statement of the cost with the finance director-treasurer, and thereupon a warrant shall be issued under the direction of the city attorney against the water-sewer fund for the payment of such cost. The cost, together with a penalty of 15 percent thereof, plus interest at the rate of 18 percent per year upon the total amount of the cost and penalty, shall be assessed against the property upon which such building sewer and connection have not been placed as required, and shall become a lien thereon as provided in this chapter. Such total amount, when collected, shall be paid into the water-sewer fund.

Section 78. Section 13.10.030 of the Fife Municipal Code is hereby amended to read as follows:

13.10.030 Minimum standards.

All mobile wash facilities shall meet the following standards:

- A. Have a defined, marked area for actual washing that is impervious to water. The marked area and surface shall be approved by the city engineer.

B. Have a method to collect the wash water. If an existing catch basin is proposed, the method to be used shall seal the catch basin to prevent waste water entering the storm system. Drain plugs are not permitted to be used. The method of collection shall be approved by the city engineer.

C. If a catch basin is dedicated to a reclaim system only, the method of cover when it is not in use shall be approved by the city engineer.

D. Provide a method of treatment (if required) of the waste prior to discharge into the sanitary sewer. The discharge shall comply with the requirements of the public sewer authority that treats the sewer. Testing of the discharge shall be undertaken twice a year at the operator's expense to see that it is meeting these requirements, unless the city engineer requires more frequent testing. The location of the discharge into the sanitary sewer shall be approved by the city engineer.

E. Operate only during the hours and days specified on the sewer discharge permit.

F. Washing will be cosmetic (outside) only, and no engines, or chassis shall be washed.

G. A sediment trap and/or oil/water separator may be required to be used by the city engineer.

Section 79. Section 13.10.040 of the Fife Municipal Code is hereby amended to read as follows:

13.10.040 Inspection.

The mobile wash operation shall be available for inspection by the city of Fife and the public sewer authority that treats the sewage generated from the facility. The city engineer may require a log be kept of maintenance of the facility, catch basin, oil/water separator or trap.

Section 80. Section 13.12.010 of the Fife Municipal Code is hereby amended to read as follows:

13.12.010 Generally.

Whenever any developer of commercial, industrial, or residential land, desires or finds it necessary to construct certain sanitary sewage facilities, water distribution facilities, storm drainage facilities and streets at his own expense before connection with, delivery to and operation by the city, such developer shall, before securing a building permit, enter into a developer's agreement with the city. A predesign conference shall first be held and thereafter a developer's

agreement shall be entered into which shall contain but need not be limited to the following matters:

A. Preconstruction delivery by the developer to the city of the plans and specifications for sewer system, water system, storm drainage system and streets, prior to construction and the governing standards for such plans and specifications;

B. Inspection requirements;

C. Conveyance of easement;

D. Notice requirement of commencement of construction;

E. Control over execution of construction contracts;

F. State and county construction licenses and permits;

G. Testing of systems requirement and provision for reimbursement of the city for expenses arising out of the agreement;

H. Warranty bond for repairs necessary within one year from the date of acceptance arising from faulty labor, workmanship or materials;

I. Indemnity and hold harmless clause;

J. Provision that the developer is an independent contractor;

K. Limitation on assignment of the agreement;

L. Provision for charges, taxes and future assessments applicable to the property;

M. Waiver clause;

N. Certification of the consulting engineer or public works director as a prerequisite for connection to the city sewer or water lines and acceptance of streets;

O. Submission of moneys expended to perform construction;

P. Agreement as easement and servitude;

Q. Change and correction requirements.

Section 81. Section 13.14.020 of the Fife Municipal Code is hereby amended to read as follows:

13.14.020 Notice required prerequisite to contracts with city.

The owner desiring to contract with the city shall notify the public works director, in writing, at least 30 days prior to construction of the facilities of his intent to enter into a latecomer agreement with the city. The notice shall contain the following information:

- A. The description of the facilities to be installed;
- B. The description of the area where the facilities are to be installed and a map showing the location thereof;
- C. The cost estimate of the facilities.

Section 82. Section 13.14.030 of the Fife Municipal Code is hereby amended to read as follows:

13.14.030 Procedures upon submission for approval.

A. The owner shall submit the final construction costs to the public works director within 60 days from the date of final approval of the construction by the city. The matter shall then be submitted to the city council which shall determine whether or not to enter into a latecomer agreement with the owner. If the project is approved for a latecomer agreement by the city council, the city shall have 90 days thereafter to finalize the agreement.

B. In the event the owner fails to comply with the time limitations set forth in FMC 13.14.020 and subsection (A) of this section, then and in that event, the owner shall have waived his right to enter into a latecomer agreement with the city.

Section 83. Section 13.16.040 of the Fife Municipal Code is hereby amended to read as follows:

13.16.040 Procedures for compliance.

The following shall be required of all subdivisions, short subdivisions and commercial and industrial areas:

- A. The water main to be installed shall meet the requirements of the city's comprehensive water plan.
- B. Water system plans shall be approved in writing by the public works director and/or the city engineer, and be inspected by the same.

C. The approved water system must be installed prior to the issuance of a building permit. This requirement may be waived if a bond or other surety is posted and approved prior to the issuance of the building permit. The amount of the bond or other surety shall be determined by the purveyor supplying the water. The type of bond, or other surety, and the form thereof shall be approved by the city attorney and filed with the city clerk or finance director-treasurer.

Section 84. Section 13.16.050 of the Fife Municipal Code is hereby amended to read as follows:

13.16.050 Water system requirements.

A. The International Fire Code (IFC), 2009 Edition, and all subsequent amendments thereto, shall be used as the standard for the amount of fire flow that shall be required.

B. New or replaced water mains shall be installed or replaced in accordance with the city's comprehensive water plan. In areas not covered by the city's comprehensive water plan, new or replaced water main size shall be determined by the public works director and/or the city engineer. In cul-de-sacs, an eight-inch main need only extend to the last required fire hydrant and normal domestic lines may be installed thereafter to the remaining residences.

Section 85. Section 13.16.120 of the Fife Municipal Code is hereby amended to read as follows:

13.16.120 Enforcement, violation, appeal and penalty.

A. A building permit shall not be issued for subdivisions, short subdivisions or commercial and industrial structures until the provisions of this chapter have been fully complied with.

B. In addition to the above, the fire marshal and the public works director are authorized to issue cease and desist orders whenever any person, firm or corporation is taking any action which is in violation of this chapter.

C. 1. Decisions or orders of the fire marshal or the public works director made pursuant to the authority in this chapter may be appealed to the board of appeals by an aggrieved party. A written notice of appeal shall be filed with the city clerk within 15 days of the date of decision. Such notice shall clearly state the date of the decision from which the appeal is taken; the nature of the decision; and the manner in which the appellant is aggrieved. The notice shall be subscribed and sworn to by the appellant.

2. Upon receipt of such appeal, the board of appeals shall consider the same and within 60 days of the date of filing shall issue an order either affirming the decision, reversing the decision or remanding the decision for further consideration in light of specific facts, found by the board of appeals, which facts were previously unknown to the fire marshal or the director of the department of public works.

3. All issues which are on appeal shall be stayed until a final decision has been made by the board of appeals. No plat shall be approved, no building permit shall be issued and development and construction shall cease during the appeal period, unless such is authorized by the board of appeals.

D. Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter shall be a misdemeanor. Each and every offense committed shall be deemed to be a separate offense and each day that a violation continues shall be deemed to be a separate offense.

Section 86. Section 13.18.060 of the Fife Municipal Code is hereby amended to read as follows:

13.18.060 Utility to be administered by public works director.

The storm drainage and surface water management utility shall be administered by the public works director or other official designated by the city manager.

Section 87. Subsection 15.32.020(B) of the Fife Municipal Code is hereby amended to read as follows:

B. "Approval" means the proposed work or completed work conforms to this chapter in the opinion of the city engineer.

Section 88. Section 15.32.050 of the Fife Municipal Code is hereby amended to read as follows:

15.32.050 General requirements.

A. Stormwater Management Manual Adopted. The February 2005 Edition of the Department of Ecology's Stormwater Management Manual for Western Washington, together with Ecology's "Flow Control Guidance for Highly Urbanized Areas" dated May 22, 2006, is hereby adopted by reference as the stormwater management manual for the city of Fife and is referred to as the "manual" in this chapter. Approval standards and minimum requirements for all regulated activities shall be as set forth in the manual.

B. Stormwater Best Management Practices (BMPs).

1. General. BMPs shall be used to control pollution from stormwater. BMPs shall be used to comply with the standards in this chapter. Best management practices are found in the manual.

2. Experimental BMPs. In those instances where appropriate BMPs are not in the manual, experimental BMPs will be considered. Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the manual in an effort to improve stormwater quality technology. Experimental BMPs must be approved in accordance with the approval process outlined in the manual.

C. Illicit Discharges. Illicit discharges to stormwater drainage systems are prohibited.

D. Quality of Fill Material. All fill material shall be of a quality which will permit the construction of buildings upon the fill. No fill that contains a substantial amount of decomposable materials shall be used. No hydraulic fill shall be permitted unless approved by the city engineer. Any fill that is not clean fill will require a permit from the Tacoma/Pierce County health department.

E. Culvert Requirement. When a driveway is to be constructed across an existing drainage ditch, a suitable culvert or other drainage structure as determined by the city engineer director shall be provided at the expense of the abutting property owner.

F. Low Impact Development. Where low impact development measures are used that result in the treatment and infiltration of runoff into groundwater, then other best management practices need be designed for the treatment and discharge of only the net runoff remaining beyond the amount addressed by said low impact development measures.

Section 89. Section 15.34.040 of the Fife Municipal Code is hereby amended to read as follows:

15.34.040 Applicability.

When any provision of any other chapter of the FMC conflicts with this chapter, that which provides more environmental protection shall apply unless specifically provided otherwise in this chapter.

The city engineer is authorized to adopt written procedures for the purpose of carrying out the provisions of this chapter.

Section 90. Section 15.34.050 of the Fife Municipal Code is hereby amended to read as follows:

15.34.050 General requirements.

A. Maintenance Required. All stormwater and low impact development facilities shall be maintained in accordance with this chapter and the approved maintenance manual. Systematic, routine preventive maintenance is preferred.

B. Minimum Standards. The following are the minimum standards for the maintenance of stormwater facilities:

1. Facilities shall be inspected annually and continually cleared of debris, sediment, and vegetation that affect the functioning and/or design of the facility.
2. Grassy swales, bioretention swales and other swales shall be inspected at the end of winter, end of spring and beginning of fall and mowed or replanted as necessary.
3. Permeable pavements shall be inspected annually to ensure that water is passing through the pavement profile.
4. Where lack of maintenance is causing or contributing to a water quality problem, immediate action shall be taken to correct the problem. Within one month, the city engineer or designee shall revisit the facility to assure that it is being maintained appropriately.

C. Maintenance of Drainage and Low Impact Development Facilities. All drainage structures and low impact development facilities between the property line and the roadway shall be maintained in a safe and usable condition by the city of Fife.

D. Disposal of Waste From Maintenance Activities. Disposal of waste from maintenance activities shall be conducted in accordance with the minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, guidelines for disposal of waste materials from stormwater maintenance activities, and, where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

E. Compliance. Property owners are responsible for the maintenance, operation, or repair of stormwater drainage systems and BMPs. Property owners shall maintain, operate, and repair these facilities in compliance with the requirements of this chapter and the approved maintenance manual.

Section 91. Section 15.34.060 of the Fife Municipal Code is hereby amended to read as follows:

15.34.060 Administration.

A. Administrator. The city engineer or a designee/inspector shall administer this chapter. The city engineer shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. Inspection Authority. The city engineer is directed and authorized to develop an inspection program for stormwater facilities in Fife.

C. Enforcement Authority. The city engineer shall enforce this chapter.

Section 92. Section 15.34.070 of the Fife Municipal Code is hereby amended to read as follows:

15.34.070 Inspection program.

A. Inspection. Whenever implementing the provisions of this inspection program or whenever there is cause to believe that a violation of this chapter has been or is being committed, the inspector is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the city to determine compliance with the provisions of this chapter.

B. Procedures. Prior to making any inspections, the inspector shall present identification credentials, state the reason for the inspection, and request entry.

1. If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

2. If, after reasonable effort, the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.

3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the state of Washington.

4. The inspector may inspect the stormwater drainage system without obtaining a search warrant provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

C. Annual Inspection Schedule. The city engineer shall establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities that are not owned by the city. Inspections shall be annual. Critical stormwater facilities may require a more frequent inspection schedule.

D. Annual Inspection Fee. The fee for the annual inspection shall be as set forth in the current fee schedule.

The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

This fee shall be paid to the city of Fife.

E. Inspection and Maintenance Records. As existing stormwater facilities are encountered, they shall be added to the master inspection and maintenance schedule. Records of new stormwater facilities shall include the following:

1. As-built plans and locations.
2. Findings of fact from any variance granted by the city.
3. Operation and maintenance requirements and records of inspections, maintenance actions, and frequencies.
4. Engineering reports, as appropriate.

F. Reporting Requirements. The city engineer shall report annually to the city council about the status of the inspections. The annual report may include, but need not be limited to, the proportion of the components found in and out of compliance, the need to upgrade components, enforcement actions taken, compliance with the inspection schedule, the resources needed to comply with the schedule, and comparisons with previous years.

Section 93. Section 15.34.080 of the Fife Municipal Code is hereby amended to read as follows:

15.34.080 Enforcement.

A. General. Enforcement action shall be taken whenever a person has violated any provision of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation, the damage or risk to

the public or to public resources, and/or the degree of bad faith of the persons subject to the enforcement action.

B. Orders. The city engineer shall have the authority to issue to an owner or person an order to maintain or repair a component of a stormwater facility or BMP to bring it in compliance with this chapter, the approved manual, and/or city regulations.

The order shall include:

1. A description of the specific nature, extent, and time of the violation and the damage or potential damage that reasonably might occur;
2. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective actions to be taken; and
3. A reasonable time to comply, depending on the circumstances.

C. Civil Penalty. Civil penalties shall be as provided in Chapter 1.24 FMC.

Section 94. Section 15.40.110 of the Fife Municipal Code is hereby amended to read as follows:

15.40.110 Community Development Director-- Administration powers.

The community development director of the of the city is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

Section 95. Section 15.40.120 of the Fife Municipal Code is hereby amended to read as follows:

15.40.120 Community Development Director-- Duties and responsibilities.

Duties of the community development director shall include but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the floodway; if located in the floodway, assure that the encroachment provisions of FMC 15.40.230 are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with FMC 15.40.050, basis for establishing the areas of special flood hazard, or in order to update or supplement the data, the community development director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer FMC 15.40.200, 15.40.210, 15.40.215, 15.40.220 and 15.40.230.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study or as required in subsection (B) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed nonresidential structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which any structure has been floodproofed; and

b. Maintain the floodproofing certifications required in FMC 15.40.100(C), which certification shall be provided upon completion of construction and prior to occupancy.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration;

2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field

conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in FMC 15.40.250.

Section 96. Section 16.02.080 of the Fife Municipal Code is hereby amended to read as follows:

16.02.080 Community development director.

“Community development director” means the director or his/her designee.

Section 97. Section 16.07.080 of the Fife Municipal Code is hereby amended to read as follows:

16.07.080 Maintenance enforcement.

The city engineer may order the removal or maintenance of any sign that is not maintained in a safe and orderly condition. The order for removal or maintenance of any sign shall be sent by the city engineer to the person to whom the sign permit was granted or to the property owner. The notice shall be sent by certified mail, return receipt requested. If the action requested in the order is not taken within the specified time period, the city engineer may direct the sign to be removed from the premises. The holder of the sign permit or the property owner shall be charged an amount equal to the city’s cost for removal of the sign.

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

Section 98. Subsection 17.05.040(E) of the Fife Municipal Code is hereby amended to read as follows:

E. As provided herein, the community development director or his/her designee is given the authority to interpret and apply, and the responsibility to enforce, this title to accomplish its purpose, goals, and intent.

Section 99. Section 17.08.040 of the Fife Municipal Code is hereby amended to read as follows:

17.08.040 Mitigation options.

The following methods are recommended as options to mitigate the significant adverse environmental impact to peak hour levels of service:

A. Modification of the development proposal, including inclusion of a transportation system management plan;

B. Improvement to the city street system pursuant to FMC Title 12. The number of required traffic lanes shall be determined by the Fife public works director. If this method is used, the public works director shall insure completion by not issuing any occupancy permit until required traffic lanes are complete or by requiring a bond or other security instrument acceptable to the city to insure that the improvement is completed within six years of development;

C. At the city's option, by paying the development's pro rata share of the cost of the street system improvement; provided, that:

1. The improvement, when constructed, will remove the significant adverse environmental impact;
2. The public works director has determined that the total funding for the improvement will be in place within six years of development completion; and
3. The proposed improvement will be city-owned upon completion.

Section 100. Section 18.05.070 of the Fife Municipal Code is hereby amended to read as follows:

18.05.070 Administrative review.

The director shall solicit the comments of the public works director, city engineer, parks director, building official, any other appropriate city department, local utility provider, local school district, and any other appropriate public or private entity concerning the proposed subdivision. Comments received in a timely manner, as well as any written comments received in response to a notice of public hearing, shall either be transmitted to the city council or incorporated into a report prepared by the director and submitted to the city council, prior to the scheduled public hearing.

Section 101. Subsection 18.05.160(C) of the Fife Municipal Code is hereby amended to read as follows:

C. Final Plat Contents. A final plat shall contain the following information:

1. The name of the subdivision;
2. Legal description of the property being subdivided;
3. Numeric scale, graphic scale, true north point and date of preparation of the final plat;

4. The boundary line of the plat, referenced to USGS or USC and GS datum and based on an accurate traverse, with angular and linear dimensions and bearings;
5. The exact location, width and name of all streets, alleys and other public ways within and adjacent to the subdivision;
6. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
7. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the subdivision;
8. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;
9. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;
10. Delineation of the building envelope and setbacks of each lot;
11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;
12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary;
13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the highwater line of such body;
14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;
15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;
16. Any restrictions or conditions on the lots or tracts within the subdivision, as required by the city council or at the discretion of the property owner;

17. The name and seal of the licensed land surveyor responsible for preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;

18. A signed certification stating that the subdivision has been made with the free consent, and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. However, direct street access may be waived only so long as other access to the lot is provided. No such waiver may result in an unusable lot. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a statutory warranty deed to the said donee or grantee for use for the purpose intended by the donation or grant. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;

19. Certification that all lots meet minimum zoning requirements;

20. Certification that roads, utilities, drainage facilities, and related infrastructure have been built or provided for;

21. If the plat is subject to a dedication, a certificate containing the dedication of all streets and other areas, signed and acknowledged before a notary public by all parties having an ownership interest in the lands subdivided;

22. Signature blocks for the certification of approval by the county assessor-treasurer, county auditor, Fife finance director-treasurer, community development director, public works director, and city manager;

23. Space for the signature of the city manager to accept the public rights-of-way on behalf of the city;

24. Certification by the Pierce County treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been paid, satisfied or discharged;

25. A form for the certificate of the county recorder;
26. Buildable Lands Report Information.
 - a. Number of dwelling units;
 - b. Gross and net acreage;
 - c. Existing zoning and plan designation;
 - d. Proposed zoning and plan designation;
 - e. Number of platted lots;
 - f. Square feet used to determine permitted number of units;
 - g. Square feet used for:
 - i. Environmental constraints;
 - ii. Roads;
 - iii. Stormwater and utilities;
 - h. Achieved density.

Section 102. Section 18.48.110 of the Fife Municipal Code is hereby amended to read as follows:

18.48.110 Review criteria – Access – Private streets.

The public works director may approve a private street if he determines that there is good cause for not having the street as part of the city public road system. The location of private streets relative to the proposed short platted parcels shall be analyzed by the public works director for location, adequacy, possible conflicts with future developments and existing plans, maps, sketches or studies for a city public street. A performance bond shall be filed with the city prior to the final approval and recording of the short plat, for the construction of the street, which shall be built to current city standards at the time of construction. All persons and their successors who own the land adjoining to the road within the short plat have equal legal right to use the private street area. Streets shall be designed and the designs approved by the city relative to grades, width, pavement type, adequacy of pavement, low impact development facilities, storm drainage, other affective items, and city street standards. Street right-of-way of private streets may be required to be 60 feet in width, if in the opinion of the city such right-of-way

provisions are necessary. The developer and/or adjoining landowners and their successors shall bear the expense of constructing and maintaining the street and a note to this effect shall be made on the face of the short plat.

Section 103. Section 18.50.010 of the Fife Municipal Code is hereby amended to read as follows:

18.50.010 Responsible official.

The community development director is hereby authorized to approve lot line adjustments in accordance with the procedures set forth in this chapter.

Section 104. Section 18.50.020 of the Fife Municipal Code is hereby amended to read as follows:

18.50.020 Application.

A. The application for a lot line adjustment shall be submitted to the community development director on forms provided by the city. The application shall be accompanied by the application fee and a map drawn to scale that shows the affected lots, the dimensions of each lot, the existing lot lines, the proposed new lot lines and the locations of all buildings and easements of record. The drawing accompanying the application need not be prepared by a licensed land surveyor or engineer. However, the final drawing to be recorded shall bear the seal and signature of a licensed surveyor or licensed engineer.

B. The application shall include the following information:

1. The names and addresses of all property owners of record as shown in the records of the Pierce County assessor's office;
2. The name, address and telephone number of the applicant;
3. The legal descriptions for all lots involved in the lot line adjustment;
4. The current zoning for all lots affected by the lot line adjustment;
5. The legal descriptions for proposed lots after approval of the lot line adjustment;
6. A title certificate issued within 30 days from the date of the application showing the owner of record and any encumbrances upon the property;
7. Attachments signed by all owners of record, if not having signed the application, and all mortgagors or other lienholders of record consenting to the lot line adjustment;

8. The certification of the applicant that the information contained in the application and accompanying documents is true and correct to the best of their knowledge and belief;

9. A map of the proposed lot line adjustment prepared by a licensed land surveyor (five copies). The map scale shall not be less than one inch equals 40 feet; provided, however, the community development director may, in his discretion, approve another scale if he determines the new scale is appropriate for the evaluation of the application. The map shall be on sheets 18 inches by 24 inches, with a two-inch margin on the left side of the sheet, a half-inch border on all other sides, and shall include the following:

- a. North arrow and graphic scale. The north arrow must be oriented to the top of the plan sheet;
- b. Proposed square footage of each lot;
- c. Dimensions of all existing property lines and the proposed new boundary line or lines;
- d. All adjacent streets;
- e. Dimensions and types of easements (if any);
- f. Existing structures and distances to property lines;
- g. Parcel numbers (Lot 1, Lot 2, etc.);
- h. Signature blocks for property owners;
- i. Signature blocks for approval by the city and the county assessor;
- j. Legal descriptions for each "new" lot, including section, township and range, together with square footage for each (include calculations);
- k. Old (original) legal descriptions for each lot;
- l. "Old lot line(s)" and "new lot line(s)" clearly labeled and differentiated by line type; and
- m. any other information or standards as may be required by the Pierce County Auditor as a condition of recording.

10. Vicinity map (five copies): A vicinity map at a scale of one inch equals 200 feet shall be provided with all development applications. (If the applicant wishes to use another scale, authorization to do so shall be obtained in advance from the department of community development.) This map shall show surrounding properties, lines and land uses. In addition, the map shall include a north arrow (true north) with north oriented to the top of the page, the scale used for the map and city street names for all streets shown;

11. Topographical map of the site with a minimum of two-foot contours with spot elevations at no less than 50-foot intervals, each direction; provided, however, the community development director may, in his discretion, waive the requirement of a topographical map if he determines a map is not necessary to adequately evaluate the application;

12. Project narrative (five copies): Describe the proposed lot line change(s) and the reasons for the requested change(s). Indicate the number of parcels involved;

13. Quit claim deeds (five copies): Provide copies of the draft quit claim deeds. Note: The city will request the original deeds at the time of recording the lot line adjustment mylar (if applicable); and

14. Pierce County health department approval for septic (if applicable).

Section 105. Section 18.50.040 of the Fife Municipal Code is hereby amended to read as follows:

18.50.040 Standard for review.

The community development director shall review the lot line adjustment application in accordance with the following standards:

A. The lot line adjustment will not create any additional lot;

B. The lot line adjustment will not create a lot that contains insufficient area and dimension to meet the minimum requirements for width and area for a building site;

C. Existing structures shall still meet zoning setback requirements in effect at the time of the lot line adjustment application. The resulting lot shall meet all zoning requirements in effect at the time of the application;

D. The resulting lots will not adversely affect access or easements of record; and

E. The resulting lots shall comply with all applicable conditions and provisions of the original plat or short plat.

Section 106. Section 18.50.050 of the Fife Municipal Code is hereby amended to read as follows:

18.50.050 Final approval.

A. Upon receiving a complete application the community development director shall transmit a copy of the application to the city engineer, and any other department or official as the community development director deems appropriate, for review and comment.

B. The community development director shall provide the applicant a list of any deficiencies in the application within 30 days from the date a complete application is received. The applicant shall then resubmit his application within 60 days of the date of the community development director's response; provided, however, the applicant may request that the community development director extend the amount of time the applicant has to resubmit his application if a written request for extension is received by the community development director within the above-referenced 60-day period. The public works director may, in his/her discretion, grant an extension of not more than six months. Only one extension can be granted. If the applicant fails to comply with this time requirement, then the file shall be closed and a new application, along with a new application fee, will be required to process the lot line adjustment.

C. In order to obtain final approval, the applicant shall submit a final drawing containing the same information as required for a short subdivision. The final drawing shall contain a statement of approval from the city engineer, as to the survey data. The community development director shall not approve a lot line adjustment that does not contain such a statement signed by the city engineer. Once approved by the community development director, the same shall be recorded by the community development department with the Pierce County auditor and said lot line adjustment shall be effective upon the date of recording.

Section 107. Section 19.06.190 of the Fife Municipal Code is hereby amended to read as follows:

19.06.190 Director.

"Director" means the community development director of the city of Fife, or his/her designee.

Section 108. Subsection 19.52.040(D) of the Fife Municipal Code is hereby amended to read as follows:

D. PRD Secondary Density Bonus. In order to achieve the maximum PRD density, an applicant must utilize the primary and secondary density bonuses. For example:

A 10 percent primary density bonus for an SFR zoning district is a 10 percent increase in the four dwelling units per acre requirement:

$$(4 \text{ dwelling units per acre} + [4 \text{ dwelling units per acre} \times .1]) = 4.4 \text{ dwelling units per acre}$$

A secondary density bonus of eight percent would be applied to the base density of the applicable zoning district. The primary and secondary density bonuses added to the base density would allow for 4.8 dwelling units per acre:

$$\{4 \text{ dwelling units per acre} + ([4 \text{ dwelling units} \times .1] + [4 \text{ dwelling units} \times .08])\} = 4.72 \text{ dwelling units per acre}$$

After applying the 4.72 toward the gross acreage of the planned development, the result is then rounded to the nearest whole number. For example, on a nine-acre site, the 4.72 density allowance times nine acres equals 42.48 or 42 dwelling units.

A secondary density bonus shall be based on the following:

1. Additional Open Space – Maximum Credit, 10 Percent. One percent increase in density for each two percent of common open space above the required common open space identified in subsection (C)(1) of this section.
2. Active Recreational Areas – Maximum Credit, Three Percent. One percent increase for each additional two percent of active common recreational area created.
3. Public Space – Maximum Credit Equals Maximum Density. One percent increase for each one percent (gross land area) of open space dedication to the public. Dedications shall be located to allow for access and use by the public. The director shall consider whether to accept or deny a proposed dedication. Public space in a PRD may overlap with the minimum open space requirement or additional open space. A minimum open space dedication of one-half acre is required, except for the dedication of a pedestrian/bicycle trail. A voluntary agreement for payment in lieu of dedication (see Chapter 19.68 FMC) may replace all of the additional open space and up to 10 percent of the minimum open space, less open space which is required to be on-site by other provisions of the FMC.
4. Nonexclusive Pedestrian/Bicycle Trail Easement/Right-of-Way – Maximum Credit, Three Percent. One percent increase for each 250 linear feet of nonexclusive, improved and maintained pedestrian/bicycle trail easement or right-of-way. Pedestrian/bicycle trails shall be separated from rights-of-way and, to the greatest extent possible, vehicular circulation areas. The trail shall be located for access and use by the public. The city engineer shall consider whether to accept or deny a proposed easement or right-of-way dedication based on its functional value to the city. The pedestrian/bicycle trail easement or right-of-way may

overlap with the PRD open space requirement or additional open space. The width of the easement or right-of-way shall be at least seven feet, with a reduction to five feet for sensitive area management tracts or wetland buffers. The trail shall be a minimum of four feet in width and constructed per the requirements of the city engineer.

5. Alley Loading – Maximum Credit, Four Percent. One percent increase for each 25 percent of the total residential or commercial lots which are restricted to alley-only vehicular access. The restricted lots shall be properly identified on the planned development site plan or plat.

6. Mixed Housing Types and Styles – Maximum Credit, Two Percent. PRD shall be greater than or equal to 10 acres. The submitted development plans or restrictive covenants shall ensure a significant mixture of housing types and/or styles throughout the PRD. The mixture of housing styles shall conform to an overall design concept within the development and shall be consistent with the surrounding community. The building design or architectural concept shall be prepared by a licensed architect.

Section 109. Subsection 19.52.060(D) of the Fife Municipal Code is hereby amended to read as follows:
19.52.060(D)

D. PID Lot Coverage Bonus. Lot coverage bonuses are percentage increases in the overall lot coverage allowance. A maximum 10 percent lot coverage bonus is permitted. In order to achieve a lot coverage greater than 45 percent, one or more of the following options may be utilized:

1. Public Open Space – Maximum Credit, 10 Percent. An additional one percent lot coverage bonus for each one percent of open space dedicated to the public. Dedications shall be located to allow for access and use by the public. The director shall consider whether to accept or deny a proposed dedication based on its functional value to the vicinity of the PID. Public open space in a PID may overlap with the minimum landscaping requirement or additional landscaping credit. A minimum open space dedication of one-half acre is required, except for the dedication of a pedestrian/bicycle trail. A voluntary payment in lieu of dedication (see Chapter 19.68 FMC) may replace the public open space dedication.

2. Nonexclusive Pedestrian/Bicycle Trail Easement/Right-of-Way Dedication – Maximum Credit, 10 Percent. One percent increase for each 250 linear feet of nonexclusive and improved pedestrian/bicycle trail easement or right-of-way. Pedestrian/bicycle trails shall be separated from rights-of-way and, to the greatest extent possible, vehicular circulation areas. The trail shall be located for access and use by the public. The city engineer shall consider whether to accept or deny a proposed easement or right-of-way dedication based on its functional value to the vicinity. The pedestrian/bicycle trail easement or right-of-way area may replace any additional landscaping required by this chapter. The width of the easement or right-of-way shall be at least seven feet, with a reduction to five feet

for sensitive area management tracts or wetland buffers. The improved trail shall be a minimum of four feet in width and constructed per the requirements of the city engineer.

Section 110. Section 20.25.020 of the Fife Municipal Code is hereby amended to read as follows:

20.25.020 Imposition and calculation of transportation impact fee.

A. There is hereby imposed a transportation impact fee measured in units of vehicle-miles and based on a figure of \$473.00 per daily vehicle-mile of travel for any development within the service area, except a development specifically exempt pursuant to FMC 20.10.090, Impact fee exemptions.

B. The actual transportation impact fee shall be generated from the formula for calculating impact fees set forth in the study entitled "Rate Study for Transportation Impact Fees" (DEA, Inc. 2006), as may be amended, and incorporated herein by reference. A copy of the "Rate Study for Transportation Impact Fees" is on file in the city clerk's office.

C. The public works director or his/her designee shall be responsible for calculating the amount of the applicable transportation impact fee for each development.

D. The timing of the payment shall be in accordance with the provisions of FMC 20.10.060.

E. In accordance with FMC 20.10.080, the public works department works may consider unusual circumstances for specific developments and may adjust the transportation impact fee for specific developments to ensure that impact fees are imposed fairly. The department shall set forth its reasons for adjusting the impact fee in written findings. In determining whether to adjust the impact fee, the department shall consider the following sources of information:

1. The Institute of Transportation Engineers (ITE) "Trip Generation User's Guide," latest edition.

2. If the applicant proposes a trip generation rate other than that set forth in the ITE "Trip Generation User's Guide," latest edition, the applicant shall provide supporting studies or data for a minimum of three comparison sites, at the same level of detail as would be necessary for the data to be accepted by ITE for inclusion in its database for trip generation.

3. Any other data or studies submitted by a qualified transportation professional affiliated with the Institute of Transportation Engineers or a professional engineer licensed by the state of Washington.

Section 111. Subsection 20.25.025(F) of the Fife Municipal Code is hereby amended to read as follows:

F. The public works director, or his/her designee, shall be authorized to determine whether a particular development meets the criteria for a discount.

Section 112. Section 21.02.030 of the Fife Municipal Code is hereby amended to read as follows:

21.02.030 Interpretation of title.

A. General Interpretation. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not the intent of this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties.

B. Relationship to Other Regulations. When this title imposes a greater restriction upon the use of structures or land than is imposed or required by other titles, ordinances, rules, regulations, easements, covenants or agreements, the provisions of this title shall control.

C. Responsible Official. It shall be the duty of the public works director ("director") to decide matters of interpretation or applicability of any provision of this title, subject to the public hearing and appeal procedures contained herein.

C. Provisions Not Affected by Headings. Chapter and section headings within this title shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any chapter or section.

D. Tenses. The present tense includes the future and the present. The singular includes the plural and the plural the singular.

Section 113. Subsection 21.06.020(G) of the Fife Municipal Code is hereby amended to read as follows:

G. "Director" means the public works director.

Section 114. 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 115. 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 11th day of March, 2014

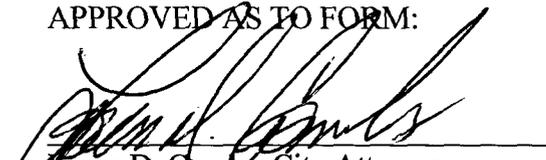
Passed by the City Council on the 25 th day of March, 2014.


David K. Zabell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: March 27, 2014
Effective Date April 1, 2014