

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 5.04 TO THE FIFE MUNICIPAL CODE REGARDING TRANSIENT ACCOMMODATIONS

WHEREAS, the relatively high level of criminal activity at hotels and motels in Fife is a real and compelling concern to the City of Fife, the citizens of Fife, visitors to Fife, and the hotel and motel industry itself; and

WHEREAS, it has been statistically demonstrated that some hotels and motels in Fife are responsible for a disproportionate number of police service calls regarding criminal activity; and

WHEREAS, a high level of criminal activity at hotels and motels has a tremendous negative impact on public health and safety, neighboring businesses, and tourism, and drains police resources; and

WHEREAS, it is reasonable to require those hotels and motels with higher number of police calls for service to employ certain measures that have been shown to be effective deterrents to crime; and

WHEREAS, it has been recognized by the hotel and motel industry and the crime prevention community that the negative impact of employee involvement in such criminal activity is of such significance as to require higher levels of employee screening for those hotels and motels with higher numbers of police calls for service; and

WHEREAS, the City Council believes it is in the best interests of the City to take a proactive approach at preventing criminal activity at the City's hotels and motels; and

WHEREAS, the City Council desires to encourage and foster cooperation between hotel and motel operators and the Fife Police Department, so calls for police service initiated by the hotel or motel operator should not be included in the calls for service calculations in this ordinance; now therefore

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

Section 1. A new Chapter 5.04 is hereby added to the Fife Municipal Code, titled "Transient Accommodations" to read as follows:

Chapter 5.04 Transient Accommodations

5.04.010 Findings.

The recitals set forth in the ordinance codified in this chapter are by this reference incorporated herein as the city council's findings.

5.04.020 Definitions.

(1) Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(2) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering six or more lodging units to guests for periods of less than thirty days, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and similar facilities.

(3) "Transient Accommodation Property" means any land containing a facility for transient accommodation, including associated parking area, recreation area, loading area, landscaping, or other amenities.

(4) "Lodging unit" shall mean one self-contained unit designated by number, letter or some other method of identification.

(5) "Call for service" means:

(a) Any report to the Fife police department from or concerning a transient accommodation in connection with an incident occurring at that transient accommodation property, except calls originating from the owner, manager or other agent of the owner of the Transient Accommodation Property; or

(b) Any on-view incident observed by police concerning a transient accommodation property, which report or on-view incident is responded to by a police officer.

(c) Calls for service that do not result in the generation of a police report shall not be included in the annual calls for service calculation under this chapter.

(5) "Police" means any authorized agent of the Fife police department or other law enforcement agency having jurisdiction.

(6) "Police department" means the police department of the city of Fife.

5.04.030 General license requirements.

(1) It is unlawful for any person, firm, or corporation to operate a transient accommodation in the city of Fife without a license issued pursuant to chapter 70.62 RCW.

(2) It is unlawful for any person, firm, or corporation to operate a transient accommodation in the city of Fife without a business license issued pursuant to chapter 5.01 FMC.

5.04.040 City of Fife business license endorsement requirement.

(1) It is unlawful for any person, firm, or corporation to operate a transient accommodation in the city of Fife without an additional business license endorsement issued pursuant to this chapter.

(2) All transient accommodations may be issued a business license endorsement under the provisions of this chapter. Based upon an individual transient accommodation property's annual calls for service per unit, however, a transient accommodation must comply with additional requirements designed to deter crime in order to obtain or maintain its business license endorsement. The calls for service and crime statistics for each hotel and motel will be compiled for a 12-month period ending September 30th of each calendar year. Compilation shall commence October 1, 2014.

(3) Each transient accommodation licensee will be notified of its annual number of calls for service per unit no later than October 31st of each calendar year, beginning in 2015. The transient accommodations shall have five months from the date of notice to comply with all the requirements of their group level necessary to receive a business license endorsement. Any additional requirements placed on a transient accommodation under this chapter must be met or substantially in progress, as determined and verified by the Fife police department business license endorsement within five months of the date of the notice. Failure to comply with the additional requirements and obtain the police department business license endorsement for the applicable group level as provided herein shall be grounds for revocation and/or nonrenewal of a general business license for the transient accommodation. The police department business license endorsement required herein shall be made upon a form prepared by the police department upon application by the licensee. The business license endorsement form must be presented to the city clerk by every transient accommodation licensee, as a condition of eligibility for the general business license required by chapter 5.01 FMC.

(4) An additional fee shall be required for the transient accommodation business license endorsement as set forth in the City's fee schedule. The current fee schedule is available at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

5.04.050 Annual calls for police service greater than 0.19 calls per unit but less than or equal to 0.40 calls per unit.

Transient accommodations whose annual calls for service greater than 0.19 calls per unit but less than or equal to 0.40 calls per unit are required to meet the following conditions, designed to deter crime, to obtain a business license endorsement to operate in the city of Fife:

(1) Obtain and maintain a record of guests in accordance with FMC 5.34.010.

(2) At the request of an establishment, the Fife police department will provide the transient accommodation with inspection services and advice concerning crime prevention through environmental design standards.

(3) At the request of the transient accommodation, the Fife police department will provide training for the transient accommodation staff, in cooperation with management, regarding the recognition of criminal behavior.

(4) At the request of the transient accommodation, the Fife police department will keep the transient accommodation management apprised of police activity that occurs on the property.

5.04.060 Annual calls for police service greater than 0.40 calls per unit but less than or equal to 0.60 calls per unit.

Transient accommodations whose annual calls for service are greater than 0.40 calls per unit but less than or equal to 0.60 calls per unit are required to meet the following additional conditions, designed to deter crime, to obtain a business license endorsement to operate in the city of Fife:

(1) Conform to the requirements set forth in FMC 5.04.050.

(2) Have a representative available on the premises at all times.

(3) Install and operate a surveillance camera (with recorder) in the lobby for 24 hours per day, seven days per week.

(4) Undergo a Fife police department crime prevention assessment of their property to be conducted by the Fife police crime prevention unit using standards from the crime prevention through environmental design (CPTED) program.

5.04.070 Annual calls for police service greater than 0.60 calls per unit.

Transient accommodations whose annual calls for service are greater than 0.60 calls per unit are required to meet the following additional conditions, designed to deter crime, to obtain a business license endorsement to operate in the city of Fife:

(1) Conform to the requirements set forth in FMC 5.04.050 and 5.04.060.

(2) Provide the Fife police department with the names and dates of birth of all owners, managers, and employees to allow for background checks.

(3) Hold semi-annual employee training sessions, assisted by the Fife police department.

(4) Provide 24-hour front desk personnel.

(5) Enforce the following guest rules:

(a) Units cannot be rented for less than a six-hour period.

(b) No unit may be used for drunkenness, fighting, or breaches of the peace. No unit may be used if loud noises come from that unit. Loud noises are those noises that disturb the tranquility of the neighborhood or those noises that would be disturbing to a reasonable person.

(c) Alcohol may not be consumed in common areas except for designated banquet or reception rooms or areas.

(6) Maintain a daily key log. Each key that is found to be missing must have its corresponding lock re-keyed prior to the unit being rented. Each master key that is found to be missing will require the establishment to re-key all corresponding locks.

(7) Issue parking passes to all vehicles to be allowed to park on the premises with each pass marked with the issue date and expiration date.

(8) Participate in the Fife police department "criminal trespass program." Participation shall mean the facility shall be registered in the "criminal trespass program."

(9) Remove all graffiti and repair all vandalism within seven days of occurrence.

(10) Permit an annual inspection by the city of Fife building official to ensure that guestrooms are maintained according to applicable building and fire codes, and health department regulations.

(11) Follow crime prevention through environmental design (CPTED) standards for landscaping/plant maintenance. These standards will be provided by the Fife police department.

(12) Install lighting in all common areas with minimum maintained lighting of 1.5 foot-candles at ground level.

(13) Install and operate video monitoring equipment in all parking lots, monitored and recorded at the front desk 24 hours per day, seven days per week.

(14) Have a licensed, armed and uniformed security guard on the premises every day from 6:00 p.m. until 6:00 a.m.

(15) Submit to scheduled semi-annual audits by the city of Fife police department to verify compliance with the above-referenced requirements.

5.04.080 Revocation of business license.

If the chief of police finds that any transient accommodation has violated or failed to comply with any provisions of this chapter, the chief shall make a written record of such finding and shall specify therein the particulars, and will inform the Fife license officer. Upon recommendation of the chief of police, the city license officer may revoke or deny renewal of the city of Fife business license endorsement for that transient accommodation. Revocation or denial of renewal of the transient accommodation business license endorsement under this chapter shall require revocation of the hotel's or motel's city of Fife general business license under FMC 5.01.155. The license officer will provide the transient accommodation with notice of the decision to revoke the city of Fife business license as required under FMC 5.01.155 and 5.04.070.

5.04.085 Subsequent applications for business licenses and endorsements – Conditions of approval.

(1) The conditions of approval of any subsequent application for a business license or endorsement to operate a transient accommodation on the same property following a period of revocation or denial of renewal of a transient accommodation's

business license shall be based upon the transient accommodation property's history of annual calls for service prior to the revocation.

(2) No subsequent application for a business license or endorsement to operate a transient accommodation on the same property following a period of revocation or denial of renewal shall be approved unless the applicant presents a corrective action plan, to the reasonable satisfaction of the chief of police and the city manager, to assure that the conditions and causes of the prior revocation or denial of renewal have been or will be eliminated. Such corrective action plan must, at a minimum, include the following:

(a) All employees of the applicant shall be required to attend a four-hour crime prevention training class taught by law enforcement personnel; and

(b) The transient accommodation property must pass a full "Crime Prevention Through Environmental Design (CPTED)" inspection by law enforcement personnel demonstrating that the property meets minimum security requirements.

5.04.090 Appeals.

Upon notice of revocation or denial of renewal of a business license based upon the provisions of this chapter, the transient accommodation operator shall be entitled to appeal to the hearing examiner under FMC 5.01.155, and the provisions of the hearing examiner code, chapter 2.92 FMC. The applicant or license holder must appeal as required under FMC 5.01.155(B), filing a notice of appeal within 10 days of the decision that is being challenged.

5.04.100 Violations, enforcement and penalties.

(1) Remedies Cumulative. The remedies provided for herein for failure to comply with this chapter shall be cumulative and in addition to any other remedy at law or equity.

(2) Continuing Annual Calls for Police Service Greater Than 0.60 Calls per Unit. It is a violation of this chapter, if, after imposition of all of the requirements of FMC 5.04.070 for a period of one year, the annual calls for service to the transient accommodation continue to be greater than 0.60 per year.

(3) Civil Infraction. A violation of or failure to comply with this chapter is a Class 1 civil infraction and the city may enforce this chapter and seek fines and penalties in accordance with the provisions of chapter 1.24 FMC.

(4) Separate Offense. Each day upon which a violation of this chapter occurs constitutes a separate offense.

(5) Criminal Offense – Misdemeanor for Allowing or Permitting Nuisance. A violation of this chapter also constitutes a public nuisance and every person who allows or permits a transient accommodation to operate in violation of this chapter is guilty of a misdemeanor.

(6) Nuisance Abatement – Enforcement by Civil Action. The city manager may also seek legal or equitable relief to enjoin any acts or practices and abate any condition which may constitute a nuisance or a violation of this chapter.

5.04.110 Adjustment of Thresholds

Every two years, the City Council shall endeavor to review, and if deemed appropriate, adjust the calls for service thresholds set forth in FMC Sections 5.04.050 through 5.04.070.

Section 3. 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 4. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 12th day of Aug., 2014.

Passed by the City Council on the 9th day of Sept. 2014.



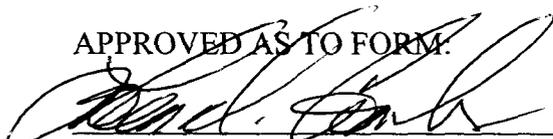
Subir Mukerjee, Interim City Manager

ATTEST:



Carol Etgen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

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