

**CITY OF FIFE
ORDINANCE NO. 1944**

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF FIFE, PIERCE COUNTY
WASHINGTON, AMENDING FIFE
MUNICIPAL CODE CHAPTER 20.10.060 BY
ADDING AN IMPACT FEE PAYMENT
DEFERRAL OPTION AND ADDING A NEW
FIFE MUNICIPAL CODE SECTION 20.10.150^{aw 160}
ENTITLED "ADMINISTRATIVE
GUIDELINES."**

WHEREAS, in 2015, the 64th Washington Legislature passed ESHB 5923, codified as RCW 82.02.050 which requires cities collecting impact fees to adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction, and

WHEREAS, the City of Fife does not currently have provisions to defer impact fee payment; and

WHEREAS, the Fife City Council finds that the option to allow deferred impact fee payment is appropriate; and,

WHEREAS, on July 26, 2016, the Fife City Council held a public hearing on the proposed ordinance; and

WHEREAS, the City Council finds that ^{the aw} ~~he~~ proposed amendments will promote the public health, safety, morals and general welfare and is consistent with the goals and policies of the Comprehensive Plan; now therefore,

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

Section 1. Fife Municipal Code Chapter 20.10.060 entitled "Imposition of impact fee" is hereby amended to read as follows:

20.10.060 Imposition of impact fee.

A. Except as provided in subsection (C) below, no building permit shall be issued for a development in a designated service area as herein defined unless the impact fee is calculated, imposed and collected pursuant to this chapter.

B. Impact fees shall be calculated and assessed at the time a building permit application is deemed complete, and except as provided in subsection (C) below, collected prior to building permit issuance.

C. Impact fee payments may be deferred until prior to the City conducting a final building occupancy inspection. All applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign an Impact Fee Deferral Agreement in a form acceptable by the Director. The applicant shall pay an application fee as set forth in the current fee schedule.

D. In the event that the fees are not paid within the time provided in this subsection, the City may institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW, except as revised herein. The then-present owner shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City shall not commence foreclosure proceedings less than forty five (45) calendar days prior to providing written notification to the then-present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the forty five-day cure period, no attorney fees and/or costs will be owed. In addition, the City retains its full authority to withhold inspections and to suspend, revoke or refuse to issue occupancy and other building permits and to commence enforcement actions due to non-payment of impact fees.

Section 2. Fife Municipal Code Chapter Fife Municipal Code Chapter 20.10 is hereby amended by adding a new section 20.10.150 entitled Administrative Guidelines to read as follows: 1160 aw

1160 aw
20.10.150 Administrative guidelines

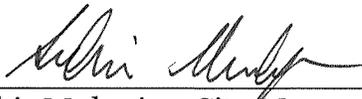
The Director shall be authorized to adopt forms, applications, brochures, and guidelines for the implementation of this title which may include the adoption of a procedures guide for impact fees.

Section 3. Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

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.

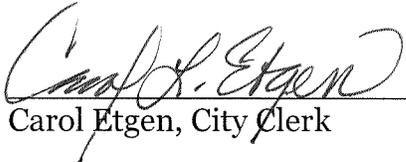
Introduced the 9th day of August, 2016.

Passed by the City Council on the 9th day of August, 2016.



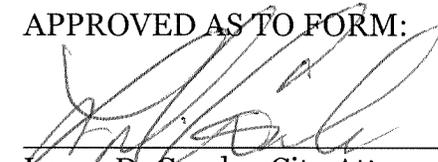
Subir Mukerjee, City Manager

ATTEST:



Carol Etgen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: August 11, 2016
Effective Date: August 14, 2016

Scriveners error – New section should be 20.10.160, not 20.10.150; and fifth “whereas” statement, “he” should be change to “the.”

9/16/16 – Angela Woods, Deputy City Clerk