



Committee Members:

Barbara Bitetto
Curt Brown
Josh Hamilton
Patrick Reed (Alternate)

Staff Contacts:

Jon Parkinson, Chief, EPFR
Brad Moericke, Chief, Sumner Police

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MONTHLY ACTIVITY REPORT - FIRE

MONTHLY ACTIVITY REPORT - POLICE

DEPARTMENT UPDATES

Animal Control Code Updates

1. Amendments to SMC 6.04 & SMC 6.10 relating to animal control

Emergency Management Code Updates

1. Amendments to SMC 2.76 Relating to Emergency management

Amendments to SMC 8.08 Fireworks

1. Amendments to SMC 8.08 relating to fireworks

Traffic Safety Task Force ILA

1. Traffic Safety Taskforce ILA

Good of the Order

ADJOURNMENT

ORDINANCE NO. _____
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SUMNER MUNICIPAL CODE CHAPTER 6.04 RELATING TO THE ANIMAL CODE.

WHEREAS, to provide clarification regarding existing animal code definitions and procedures, it is necessary to update and revise Chapter 6.04 SMC; and

WHEREAS, the proposed code revisions were before the Public Safety Committee on May 19, 2021 and the Public Safety Committee gave the item a do pass.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following provisions of Chapter 6.04 SMC are hereby amended as follows:

SMC 6.04.020.

U. “Potentially dangerous dog” means any dog that without provocation: (1) inflicts bite(s) on a human, domestic animal, or livestock either on public or private property; or (2) chases or approaches a person upon the streets, sidewalks, or any public grounds or private property in a menacing fashion or apparent attitude of attack; or (3) any dog with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans, domestic animals, or livestock on any public or private property.

SMC 6.04.220.

B. Refund. The deposit shall be refunded upon a showing of proof of alteration and microchipping from a licensed veterinarian. If there is no proof of alteration and microchipping within one year from date of deposit, Metro will retain the deposit.

Section 3. Severability. All sections in this ordinance are hereby deemed severable. Any section found invalid or unconstitutional by a court of law with jurisdiction shall not be deemed to invalidate or find unconstitutional other sections in this ordinance.

Section 4. Corrections. The City Clerk or City Attorney are authorized to make necessary

corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Passed and approved by City Council of the City of Sumner at regularly scheduled open public meeting on the 7th day of June 2021.

William Pugh
Mayor

Approved as to form:

Attest:

Andrea Marquez
City Attorney

Michelle Converse
City Clerk

Published:

Effective:

ORDINANCE NO. _____
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SUMNER MUNICIPAL CODE CHAPTER 6.10 RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

WHEREAS, in 2019, the City substantially updated the procedure for declaring a dog dangerous and potentially dangerous. Since the time of that update, the City has identified the need for additional revisions to clarify existing code requirements and to ensure consistency among the various code provisions; and

WHEREAS, the proposed code revisions were before the Public Safety Committee on May 19, 2021 and the Public Safety Committee gave the item a do pass.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC Chapter 6.10 is hereby amended pursuant to Exhibit A, which is attached hereto and incorporated herein.

Section 3. Severability. All sections in this ordinance are hereby deemed severable. Any section found invalid or unconstitutional by a court of law with jurisdiction shall not be deemed to invalidate or find unconstitutional other sections in this ordinance.

Section 4. Corrections. The City Clerk or City Attorney are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Passed and approved by City Council of the City of Sumner at regularly scheduled open public meeting on the 7th day of June, 2021.

William Pugh
Mayor

Approved as to form:

Attest:

Andrea Marquez
City Attorney

Michelle Converse
City Clerk

Published:

Effective:

EXHIBIT A

6.10.095100 Relocating a pPotentially dangerous or dangerous dogs temporarily located within this from another jurisdiction.

Any dog that is declared dangerous or potentially dangerous by another jurisdiction shall, at all times that the dog is located within the city, comply with the confinement restrictions imposed by SMC 6.10.080, regardless of whether the dog resides in the city.

6.10.100 Relocating a potentially dangerous or dangerous dog from another jurisdiction.

Upon relocation to this city, any dog that is declared dangerous or potentially dangerous by another jurisdiction shall comply with all dangerous or potentially dangerous dog obligations imposed by this Chapter as follows: (1) upon relocation to this city, the owner shall immediately comply with the confinement restrictions in SMC 6.10.080 and the notification requirements of SMC 6.10.090, and (2) within fifteen working days, the owner shall obtain a dangerous or potentially dangerous dog permit from Metro. For purposes of this provision, a dog shall be considered to have relocated to this city when either: (1) the owner of the dog resides within the city, or (2) the dog has been physically present or kept in the city for more than fifteen days. A dog shall be considered "kept in the city" for any particular day even when the dog is taken out of the city for a day trip or errand.

It is unlawful to relocate for longer than 30 days a dog into the city that has been declared dangerous or potentially dangerous by any animal control authority, hearing examiner, municipality or court without providing 48 hours' notice to Metro of the intent to bring the dog into the city. Prior to bringing the dog into the city, all conditions and provisions for permitting of such a dangerous or potentially dangerous dog must be met by the owner. Such dog shall be confined at all times pursuant to SMC 6.10.080. (Ord. 2676 § 1 (part), 2019)

6.10.110 Vacating a dangerous or potentially dangerous dog declaration.

A. Dogs Declared Dangerous or Potentially Dangerous by Metro. Three years after a dog has been declared potentially dangerous or dangerous, the owner may request that Metro vacate the declaration by serving such a request to Metro along with the applicable fee charged by the city in which the dog resides or is kept. A vacancy shall not be considered unless the dog has been in compliance and has no violations of the restrictions and permitting requirements imposed as a result of the declaration for a minimum of three years. Upon receipt of a request to vacate a declaration, Metro shall provide the request to the Director for consideration. The DirectorMetro may vacate the declaration if it determines that the declaration is no longer appropriate as a result of a change in the dog's behavior due to age, health, training, and/or other factors. It is the owner's burden to provide information to Metro in support of vacating the declaration. There shall be no appeal from Metro's decision in response to a request to vacate a declaration. (Ord. 2676 § 1 (part), 2019)

B. Dogs Declared Dangerous or Potentially Dangerous by Another Jurisdiction. For any dog that has been declared potentially dangerous or dangerous by another jurisdiction, three years after the dog has

resided within the city, the owner may request that Metro waive the permit requirement and confinement restrictions by serving such a request to Metro along with the applicable fee charged by the city in which the dog resides or is kept. A waiver shall not be considered unless the dog has been in compliance and has no violations of the restrictions and permitting requirements imposed as a result of the declaration for a minimum of three years. Metro may waive any such dangerous dog or potentially dangerous dog restrictions or requirements if it determines that such restrictions or requirements are no longer appropriate as a result of a change in the dog's behavior due to age, health, training, and/or other factors. It is the owner's burden to provide information to Metro in support of waiving the restrictions and requirements. There shall be no appeal from Metro's decision in response to a waiver request under this section.

6.10.120 Violations.

A. Criminal Penalties. It shall be unlawful for any person owning or harboring or having care of a potentially dangerous dog or dangerous dog to allow or permit such dog to be in violation of SMC 6.10.040(A) (permitting for potentially dangerous dogs), 6.10.070(A) (permitting for dangerous dogs), 6.10.080 (confinement), 6.10.090(B) (notification), and 6.10.100 (relocating). Any such person found to be in violation of these provisions shall, upon conviction thereof, be found guilty of a gross misdemeanor punishable by imprisonment in jail of no more than 364 days or by fine of not more than \$5,000, or both.

In addition and upon conviction, the court may order the seizure, impoundment, and/or forfeiture of any dog which is the subject of the criminal proceedings. Furthermore, any potentially dangerous or dangerous dog which attacks a human being, domestic animal, or livestock may be ordered destroyed when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or domestic animals. The court shall order any person convicted under this section to pay all costs of confinement, control, and/or destruction, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B).

B. When Metro determines that a dog is in violation of any provision of this chapter, Metro is authorized to immediately seize and impound such dog. If, after notification to the owner regarding the violation, the owner fails to correct the violation within 15 days, Metro is authorized to destroy the dog.

Metro is authorized, but not required, to grant the owner an extension of time to correct the violation before destruction of the dog. The owner shall pay all costs of confinement and control, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B), and all costs for the destruction of the dog. All costs must be paid before the dog may be redeemed by the owner.

C. In addition to the provisions of subsection (B) of this section, while an appeal is pending, Metro is authorized to immediately seize and impound the dog for the remainder of the appeal process when Metro determines that the dog is in violation of SMC 6.10.080 (confinement) or that the dog has inflicted a bite upon another animal or person. The owner shall pay all costs of confinement and control, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B). All costs must be paid before the dog may be redeemed by the owner. (Ord. 2676 § 1 (part), 2019)

D. It shall be a class 1 civil infraction, punishable by a fine not to exceed \$250.00 plus statutory assessments, for any person owning or harboring or having care of a potentially dangerous dog or dangerous dog to allow or permit such dog to be in violation of SMC 6.10.095.

ORDINANCE NO. 2777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER AMENDING SUMNER MUNICIPAL CODE CHAPTER 2.76 RELATED TO EMERGENCY MANAGEMENT.

WHEREAS, RCW 38.52 outlines the rules, regulations and authority for the state's emergency management program; and

WHEREAS, RCW 38.52.070 provides the City, as a political subdivision of the State, with authority for the establishment of a local organization for emergency management; and

WHEREAS, the City of Sumner has codified its Emergency Management rules and regulations as Sumner Municipal Code Chapter 2.76; and

WHEREAS, the Covid-19 pandemic, and the subsequent State and City declarations of emergency related to addressing the public health emergency have highlighted the necessity of amending certain outdated or vague provisions of the code to make the processes and policies clearer and to better outline the authorities and powers; and

WHEREAS, the City Council finds that it is of extreme importance to the welfare of the public to have clear and consistent authorities, rules, regulations and processes that can be utilized to respond quickly in the case of a future emergency or disaster.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.76 of the Sumner Municipal Code, "Emergency Management" is hereby amended as shown in Exhibit A hereto.

Section 2. Effective Date. This ordinance shall take effect five days after its adoption and publication, as otherwise provided by law.

Section 3. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this ordinance shall control.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this resolution, including but not limited to the correction of clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 5. Ratification. By and through adoption of this ordinance, the City Council hereby ratifies and confirms any and all acts prior to and consistent with the authority granted herein.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington at a regular meeting thereof this 7th day of June, 2021.

ADOPTED AND APPROVED this _____ day of _____, 2021.

Mayor William L. Pugh

Approved as to form:

City Attorney Andrea Marquez

Attest:

City Clerk Michelle Converse

EXHIBIT A

Chapter 2.76

EMERGENCY MANAGEMENT¹

Sections:

- 2.76.010 Purpose.
- 2.76.020 Emergency management policy.
- 2.76.030 Definitions.
- 2.76.040 Emergency management plan.
- 2.76.050 Emergency management program.
- 2.76.060 Administrator of emergency management – Powers and duties.
- 2.76.070 Disaster and emergency powers of the mayor.
- 2.76.080 Function and duties of divisions and employees.
- 2.76.090 Administrator of emergency management – Additional powers and duties.
- 2.76.100 Liability limited.
- 2.76.110 Violation – Penalty.

2.76.010 Purpose.

The declared purposes of this chapter are to provide for the preparation, and carrying out of plans for emergency mitigation, preparedness, response and recovery for persons and property within the city in the event of an emergency or disaster, and to provide for the coordination of the emergency functions and services of the city with other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such emergency management activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 2036 § 1 (part), 2003: Ord. 1593 § 1, 1993)

2.76.020 Emergency management policy.

It shall be the policy of the city to make effective preparation and use of manpower, resources and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies by their very nature, may disrupt or destroy existing systems and capabilities of the city to respond to protect life, public health and public property. Therefore, citizens are advised to be prepared to be self-sufficient for up to 72 hours should an emergency or disaster occur, including provisions for food, water, shelter and basic medication. (Ord. 2036 § 1 (part), 2003: Ord. 1593 § 2, 1993)

2.76.030 Definitions.

As used in this chapter:

A. “Administrator” means the administrator of emergency management for the city. The administrator of emergency management for the city is the city administrator.

B. “Director” means the director of emergency management for the city. The ~~fire chief of Pierree County Fire Protection District No. 22 (DBA East Pierree Fire and Rescue)~~[Police Chief of the Sumner Police Department or their designee](#) is the director of emergency management for the city.

C. “Emergency disaster” means an event or set of circumstances which (1) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (2) reaches such a dimension or degree of destructiveness as to warrant the city council proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local and state statute.

D. “Emergency management” means the preparation to carry out all emergency functions, other than functions for which the military forces are normally responsible, to mitigate, prepare for and recover from emergencies and

disasters and aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

E. "Emergency management organization" means the functions and duties of divisions and employees as defined in SMC 2.76.080. (Ord. 2200 § 2, 2007; Ord. 2036 § 1 (part), 2003; Ord. 1593 § 3, 1993)

2.76.040 Emergency management plan.

The emergency plan ~~prepared by the fire chief of Pierce County Fire Protection District No. 22 (DBA East Pierce Fire and Rescue) and~~ promulgated by the mayor and adopted by the city council shall be the official emergency management plan of the city. The ~~fire chief of Pierce County Fire Protection District No. 22 (DBA East Pierce Fire and Rescue)~~ Director shall file a copy of said plan in the office of the city clerk and distribute copies to appropriate city agencies. (Ord. 2200 § 3, 2007; Ord. 2036 § 1 (part), 2003; Ord. 1593 § 4, 1993)

2.76.050 Emergency management program.

The emergency management program of the city is created and shall be comprised of:

A. The administrator, who shall have direct responsibility for the organization, administration and operation of the emergency management program for the city and direct responsibility for the emergency operations of departments of the administrative branch of government. The administrator shall be appointed by the mayor;

B. Compensated members of the emergency management organization;

C. Volunteer members of the emergency management organization;

D. Such advisory committees as may be appointed by the administrator;

E. The city may form and develop its own emergency management operation/program, or may contract pursuant to chapter 39.34 RCW for emergency management services with another political subdivision which does have an approved emergency management program in accordance with chapter 38.52 RCW. (Ord. 2036 § 1 (part), 2003; Ord. 1889 § 17 (part), 1999; Ord. 1593 § 5, 1993)

2.76.060 Administrator of emergency management – Powers and duties.

A. To request the city council to proclaim the existence or threatened existence of a disaster or emergency for execution by the Mayor, and the termination thereof, if the city council is in session, or to recommend that the Mayor issue such proclamation, if the city council is not in session, subject to confirmation by the city council at the earliest practicable time;

B. To request the Governor to proclaim a state of extreme emergency when, in the opinion of the administrator, the resources of the area or region are inadequate to cope with the disaster or emergency;

C. To direct coordination and cooperation between divisions, services and staff of the departments and services of this city to carry out the provisions of the emergency management plan, and to resolve questions of authority and responsibility that may arise between them;

D. To recommend for adoption by the city council any necessary or appropriate emergency management plans and mutual aid agreements; (Ord. 2036 § 1 (part), 2003; Ord. 1593 § 6, 1993)

E. To act on behalf of the mayor if he/she is unable to carry out his/her duties in carrying out the purposes of this chapter or the provisions of the emergency management plan;

F. To represent the emergency management organization of the city in dealing with issues pertaining to emergency management; and

G. To prepare and maintain, together with the Director, the emergency plan of the city and manage the day-to-day responsibilities of the emergency management program activities of the city.

2.76.070 Disaster and emergency powers of the ~~mayor~~Mayor.

In the event of the proclamation of an emergency or disaster as herein provided or the proclamation of a state of extreme emergency by the Governor or the State Director of Emergency Management, the mayor is empowered:

A. To declare or proclaim the existence or threatened existence of a disaster or emergency and make and issue rules and regulations on matters and policies and operating procedures reasonably related to the protection of life and property as affected by such disaster or emergency; provided, however, such declaration or proclamation and rules and regulations must be confirmed at the earliest practicable time by the city council. If the mayor is absent, or unable to act, then those duties-e authority and powers of the mayor outlined herein are delegated to the ~~city-~~city administrator. If the mayor and ~~city-a~~city administrator are absent, or unable to act, then those-the duties-authority and powers of the mayor outlined herein will be delegated to the Director of emergency management. In the absence or inability to act of the Director of emergency management then those-the authority and powers of the mayor outlined herein ~~duties~~ will be delegated to the city attorney~~chief of police~~;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property of the people and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;

C. To require services necessary to respond to and address the emergency or disaster of any city officer or employee, irrespective of ordinary job duties or the terms and conditions of any applicable collective bargaining agreement, and in the event of the proclamation of a state of extreme emergency by the Governor in the region in which the city is located, to command the aid of as many citizens of this city as may be deemed necessary in the execution of the mayor's duties; such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers;

D. To requisition necessary personnel or material of any city department or agency;

E. To control and direct the efforts of the emergency management organization of this city for the accomplishment of the purposes of this chapter. (Ord. 2036 § 1 (part), 2003: Ord. 1889 § 17 (part), 1999: Ord. 1593 § 7, 1993)

2.76.080 Function and duties of divisions and employees.

All officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency or disaster and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of SMC 2.76.070 shall be charged with duties incident to the protection of life and property in this city during such emergency or disaster, shall constitute the emergency management organization of the city. (Ord. 2036 § 1 (part), 2003: Ord. 1593 § 8, 1993)

2.76.090 ~~Repealed. Administrator of emergency management—Additional powers and duties.~~

~~Concurrently with the adoption of this chapter, the administrator is empowered:~~

~~A. To act on behalf of the mayor if he/she is unable to carry out his/her duties in carrying out the purposes of this chapter or the provisions of the emergency management plan;~~

~~B. To represent the emergency management organization of the city in dealing with issues pertaining to emergency management;~~

~~C. To prepare and maintain the emergency plan of the city and manage the day-to-day responsibilities of the emergency management program activities of the city. (Ord. 2036 § 1 (part), 2003: Ord. 1889 § 17 (part), 1999: Ord. 1593 § 9, 1993)~~

2.76.100 Liability limited.

No individual, firm, association, corporation or other party, owning, maintaining or controlling any building or premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice emergency or disaster, or their successors in interest, or agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of the condition of said building or premises as a result of any act or omission in connection with the upkeep or maintenance thereof (except a willful act of misconduct), when such person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during an emergency or disaster or attacks by enemies of the United States or during an emergency or disaster drill or test ordered by lawful authority. (Ord. 2036 § 1 (part), 2003: Ord. 1593 § 10, 1993)

2.76.110 Violation – Penalty.

It is a misdemeanor, punishable by a fine not to exceed \$1,000, or by imprisonment for a term not to exceed 90 days, or both, for any person during a disaster to:

A. Willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon them by virtue of this chapter;

B. Do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such nature as to give, or be likely to give assistance to the enemy, or imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the protection thereof;

C. Wear, carry or display, without authority, any means of identification specified by the State Department of Emergency Management. (Ord. 2036 § 1 (part), 2003; Ord. 1593 § 11, 1993)

¹ For statutory provisions regarding the authority for the establishment of local organization for emergency management, see RCW 38.52.070; and for provisions regarding the municipality's limitations of liability with respect to emergency management, see RCW 38.52.180.

ORDINANCE NO. _____
CITY OF SUMNER, WASHINGTON

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON, AMENDING SUMNER MUNICIPAL CODE CHAPTER 8.08
“FIREWORKS” RELATED TO PERMITS FOR FIREWORK STANDS AND DISPLAYS.**

WHEREAS, RCW 70.77 outlines the laws, authorities and restrictions governing the permitting and inspection process for fireworks stands and displays and Sumner Municipal Code 8.08 contains the local rules and regulations that apply to the same; and

WHEREAS, for many years prior to this ordinance, the City of Sumner and East Pierce Fire and Rescue (“EPFR”) have partnered through an interlocal agreement by which EPFR provides certain fire-related services to the City of Sumner, including having substantial involvement in the inspection and permitting of fireworks; and

WHEREAS, the City of Sumner and EPFR have recently amended the interlocal agreement between the parties such that the City of Sumner will now perform certain services historically performed by EPFR, including but not limited to fire inspection and fire review services;

WHEREAS, as a result of amendments to the interlocal agreement, several provisions of the Sumner Municipal Code regarding the inspection and review of permits for firework stands and firework displays require updating in order to reflect the changed roles and obligations between the parties; and

WHEREAS, the proposed code revisions were before the Public Safety Committee on May 19, 2021 and the Public Safety Committee gave the item a do pass.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 8.08 of the Sumner Municipal Code is hereby amended in accordance with Exhibit A, which is attached and incorporated by reference.

Section 2. Severability. All sections in this ordinance are hereby deemed severable. Any section found invalid or unconstitutional by a court of law with jurisdiction shall not be deemed to invalidate or find unconstitutional other sections in this ordinance.

Section 3. Corrections. The City Clerk or City Attorney are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Passed and approved by City Council of the City of Sumner at regularly scheduled open public meeting on the 7th day of June, 2021.

William Pugh
Mayor

Approved as to form:

Attest:

Andrea Marquez
City Attorney

Michelle Converse
City Clerk

Published:

Effective:

EXHIBIT A

Chapter 8.08

FIREWORKS

Sections:

- 8.08.010 Adoption of sections of Revised Code of Washington and Washington Administrative Code or its successors by reference.
- 8.08.020 Applicability.
- 8.08.030 Definitions.
- 8.08.040 State license and city permit required.
- 8.08.050 Inspection required.
- 8.08.055 Copy of license to be filed.
- 8.08.060 Sale permit – Fee.
- 8.08.070 Certificate of insurance required.
- 8.08.080 Activities to be conducted in a safe and reasonable manner.
- 8.08.090 Permit required for sales – Application.
- 8.08.100 Retail fireworks stands.
- 8.08.110 Sale and discharge of fireworks.
- 8.08.115 Sale and use of sky lanterns and similar devices unlawful.
- 8.08.120 Special purchase and use permits.
- 8.08.130 Permit for public display.
- 8.08.140 Agreement to confiscate and destroy illegal fireworks – Alternative to seizure process.
- 8.08.150 Permit revocation.
- 8.08.160 Violation – Penalty.
- 8.08.170 Severability.

8.08.010 Adoption of sections of Revised Code of Washington and Washington Administrative Code or its successors by reference.

RCW:

- 70.77.126 Definitions – “Fireworks.”
- 70.77.131 Definitions – “Display fireworks.”
- 70.77.136 Definitions – “Consumer fireworks.”
- 70.77.141 Definitions – “Agricultural and wildlife fireworks.”
- 70.77.146 Definitions – “Special effects.”
- 70.77.160 Definitions – “Public display of fireworks.”
- 70.77.165 Definitions – “Fire nuisance.”
- 70.77.170 Definitions – “License.”
- 70.77.175 Definitions – “Licensee.”
- 70.77.180 Definitions – “Permit.”
- 70.77.190 Definitions – “Person.”
- 70.77.200 Definitions – “Importer.”

- 70.77.205 Definitions – “Manufacturer.”
- 70.77.210 Definitions – “Wholesaler.”
- 70.77.215 Definitions – “Retailer.”
- 70.77.230 Definitions – “Pyrotechnic operator.”
- 70.77.236 Definitions – “New fireworks item.”
- 70.77.255 Acts prohibited without appropriate licenses and permits – Minimum age for license or permit – Activities permitted without license or permit.
- 70.77.260 Application for permit.
- 70.77.265 Investigation, report on permit application.
- 70.77.270 Governing body to grant permits – State-wide standards – Liability insurance.
- 70.77.280 Public display permit – Investigation – Governing body to grant – Conditions.
- 70.77.285 Public display permit – Bond or insurance for liability.
- 70.77.290 Public display permit – Granted for exclusive purpose.
- 70.77.295 Public display permit – Amount of bond or insurance.
- 70.77.345 Duration of licenses and retail fireworks sales permits.
- 70.77.381 Wholesalers and retailers – Liability insurance requirements.
- 70.77.386 Retailers – Purchase from licensed wholesalers.
- 70.77.401 Sale of certain fireworks prohibited.
- 70.77.405 Authorized sales of toy caps, tricks, and novelties.
- 70.77.410 Public displays not to be hazardous.
- 70.77.415 Supervision of public displays.
- 70.77.420 ~~Permanent s~~Storage permit required – Application – Investigation – Grant or denial – Conditions.
- 70.77.425 Approved storage facilities required.
- 70.77.435 Seizure of fireworks.
- 70.77.440 Seizure of fireworks – Proceedings for forfeiture – Disposal of confiscated fireworks.
- 70.77.480 Prohibited transfers of fireworks.
- 70.77.485 Unlawful possession of fireworks – Penalties.
- 70.77.488 Unlawful discharge or use of fireworks – Penalty.
- 70.77.495 Forestry permit to set off fireworks in forest, brush, fallow, etc.
- 70.77.510 Unlawful sales or transfers of ~~displays~~~~special~~ fireworks – Penalty.
- 70.77.515 Unlawful sales or transfers of consumer fireworks – Penalty.

- 70.77.517 Unlawful transportation of fireworks – Penalty.
- 70.77.520 Unlawful to permit fire nuisance where fireworks kept – Penalty.
- 70.77.525 Manufacture or sale of fireworks for out-of-state shipment.
- 70.77.535 ~~Articles pyrotechnic, special effects for entertainment media.~~ ~~Special effects for entertainment media.~~
- 70.77.540 Penalty.
- 70.77.545 Violation a separate, continuing offense.
- 70.77.547 Civil enforcement not precluded.
- 70.77.580 Retailers to post list of fireworks.

WAC:

- 212-17-025 Definition and classification – “Fireworks.”
- ~~212-17-035 — Definition and classification — “Consumer fireworks.”~~
- ~~212-17-040 — Definition — “Special fireworks.”~~
- ~~212-17-500 — Type I violations.~~
- ~~212-17-505 — Type II violations.~~
- ~~212-17-510 — Type III violations.~~
- 212-17-515 Violation/penalty matrix. ~~Type IV violations.~~

(Ord. 2323 § 1 (part), 2010)

8.08.020 Applicability.

The provisions of this chapter shall apply to the sale of all consumer fireworks, as defined by RCW 70.77.136 and WAC 212-17-0~~23~~5. (Ord. 2323 § 1 (part), 2010)

8.08.030 Definitions.

The words and phrases herein used for the purposes of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

A. “Consumer fireworks” includes only such fireworks that have been defined in RCW 70.77.136 or WAC 212-17-0~~23~~5.

B. “Dangerous fireworks” ~~shall have the same meaning as defined in WAC 212-17-025(2). includes all fireworks which do not meet the consumer fireworks definition under RCW 70.77.136 or WAC 212-17-035.~~

C. “~~Display~~Special fireworks” shall, in addition to the definition set forth in RCW 70.77.131, include the types of fireworks set forth in WAC 212-17-0~~25~~(3)~~40~~.

D. “Fireworks stands” includes all displays and locations where fireworks are displayed in connection with sale of fireworks, offered for sale or are stored. “Fireworks stands” includes temporary fireworks stands as well as permanent structures where fireworks are offered for sale or are stored.

E. “Person” includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate or any other group or combination acting as a unit.

F. “Public display of fireworks” ~~has the same meaning as defined in RCW 70.77.160. –means an entertainment feature where the public is admitted or permitted to view the display or discharge of dangerous fireworks.~~

G. “Sale at retail” includes any sale or transfer, including contracts or orders for sales or transfers, wherein any person at a fixed location or a place of business sells, transfers or gives fireworks to a consumer or user.

H. “Sale at wholesale” includes a sale or transfer to a retailer or any other person for resale, and which also includes any sale or transfer of fireworks to a permittee of a public display of fireworks.

I. City, Local Public Agency, Local Government – Defined. The terms “city,” “local public agency,” and “local government,” as used in the sections of chapter 70.77 RCW that are adopted by reference in this chapter, shall mean the city of Sumner.

J. ~~Local Fire Official—Defined. The term “L~~ocal fire official,” as used in this chapter and as used in the provisions of the Revised Code of Washington adopted by this chapter, shall mean Fire Code Official, as designated by the City Administrator, or the Fire Code Official’s designated representative. ~~–the chief of the Fire District 22 or his or her designated representative.~~

K. “Department” shall mean the City of Sumner department or official, or their designee, designated by the City Administrator to review the permits required under this chapter. ~~K. Designee—Fire Chief. Pursuant to RCW 70.77.270, the city council hereby designates the Fire District 22 fire chief or his or her designee as the person with authority to grant or deny permits that are sought pursuant to this chapter.~~

L. “Sky lantern” means an airborne lantern typically made of paper with a wood or wire frame containing a candle, fuel cell composed of waxy flammable material, or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. (Ord. 2493 § 1, 2014; Ord. 2323 § 1 (part), 2010)

M. “Local Fire Authority” shall mean the local fire department.

8.08.040 State license and city permit required.

A. Pursuant to chapter 70.77 RCW and this chapter, a permit issued by the ~~Department~~fire chief or his or her designee shall be required for any activity enumerated in RCW 70.77.255(1) or SMC 8.08.1340.

B. No permit for the activities set forth in RCW 70.77.255(1) shall be issued until:

1. A license issued by the Chief of the Washington State Patrol is filed with the ~~Department~~fire chief or his or her designee; and
2. A certificate of insurance as required by SMC 8.08.070 and chapter 70.77 RCW is filed. (Ord. 2323 § 1 (part), 2010)

8.08.050 Inspection required.

Prior to the issuance of any permit, the ~~local fire official~~fire chief or ~~their~~his or her designee shall perform an inspection of any structure or building intended for retail activity, wholesale activity, manufacturing activity, fireworks storage, or public display of fireworks, to determine whether such structures or buildings comply with the requirements of the Revised Code of Washington, the Washington Administrative Code or the city code. No permit shall be issued by the City until such structures or buildings comply with all applicable laws. (Ord. 2323 § 1 (part), 2010)

8.08.055 Copy of license to be filed.

Any person who obtains a permit as required by this chapter shall file with the ~~Department~~fire chief, a copy of each license for such activity required by chapter 70.77 RCW. (Ord. 2323 § 1 (part), 2010)

8.08.060 Sale permit – Fee.

The annual permit fee for the sale of such fireworks as may be authorized hereunder, or may be authorized by the provisions of the laws of the state of Washington, shall be ~~\$100~~50.00 per year payable in advance. (Ord. 2323 § 1 (part), 2010)

8.08.070 Certificate of insurance required.

A. As a condition of the issuance of any permit required by this chapter, and at all times during the sale, storage, or display of fireworks pursuant to the authority granted by a permit issued pursuant to this chapter, every retailer, wholesaler, manufacturer, or pyrotechnic operator operating within the city limits of Sumner shall obtain and have in effect a bond or insurance in the amounts required by RCW 70.77.270, 70.77.285 and 70.77.295. The ~~fire-chief~~Department shall approve the bond or insurance if it meets the requirements of this section.

B. Any certificate of insurance or bond required by this chapter or the sections of chapter 70.77 RCW adopted by this chapter shall provide that:

1. The insurer will not cancel the insured's coverage without 15 days' prior written notice to the Department ~~fire-chief~~ and the Chief of the Washington State Patrol through the director of fire protection;
2. The city of Sumner, its employees, officers, agents, volunteers, and officials are included as additional insureds; and
3. The city of Sumner is not responsible for any premiums or assessments on the policy.

C. Nothing in this section shall relieve any person of the insurance requirements in chapter 70.77 RCW. (Ord. 2323 § 1 (part), 2010)

8.08.080 Activities to be conducted in a safe and reasonable manner.

A. All retailers of fireworks or persons publicly displaying fireworks shall be responsible for conducting activities in a manner that is safe and responsible and in compliance with all federal, state, and local laws and regulations. The issuance of any permit required by this chapter shall in no way relieve any person from the duty of complying with all federal, state, and local laws and regulations or conducting activities in a safe and reasonable manner. The issuance of a permit shall not be deemed an endorsement by the city of Sumner of the activity engaged in.

B. The city shall not be liable to any person, corporation, entity or holder of property for any damage that is caused by or derived from the display of fireworks, and the person displaying fireworks assumes all risks of such display, and shall hold the city and its employees and officials harmless from any and all claims or causes of action for damage caused by or derived from such display. (Ord. 2323 § 1 (part), 2010)

8.08.090 Permit required for sales – Application.

An application for a permit to sell fireworks shall be made in writing to the Department ~~fire-chief or his or her designee~~ no later than June 15th of the year for which permit is sought, on forms provided for that purpose. Permit fees, inspection, and plan review charges shall be charged as required by resolution of the city council. The ~~fire-chief~~Department ~~or his or her designee~~ shall deny or grant any such application in writing. The Department, in consultation with the local fire official and/or the local fire authority, ~~fire-chief or his or her designee~~ may place reasonable conditions on any permit issued. The person applying for a permit may appeal in writing the denial of the permit or the conditions of the permit to the City Administrator~~Director of the Department~~fire chief. The appeal shall be based solely upon written information provided by the applicant and information obtained or held by the fire chief official, and no hearing shall be required. The determination of the Department~~fire-chief~~ Director~~City Administrator~~ of the appeal shall be final. (Ord. 2323 § 1 (part), 2010)

8.08.100 Retail fireworks stands.

The following requirements shall apply to the operation of retail fireworks stands (hereinafter "stand"):

A. Prior to opening for business, a stand must be inspected and approved by the local fire official and/or the local fire authority where appropriate, ~~fire-chief or his or her designee~~.

B. Inspections of stands shall not be conducted until the local fire official ~~fire-chief or his or her designee~~ has received the following:

1. Documentation of approval of all required permits; A temporary use application, and subsequent permit approval;
2. Documentation of approval by the community development department;

- ~~23.~~ A business license;
- ~~34.~~ A copy of the state license required by chapter 70.77 RCW; and
- ~~45.~~ Proof of insurance as required by SMC 8.08.070.

C. Fire lanes and hydrants shall be maintained clear of obstruction and provide access at all times.

D. No decorations shall be used unless flameproof.

E. Electrical extension cords shall not be used without specific approval of the State Electrical Inspector or the local fire official. ~~fire chief or his or her designee.~~

F. No stand shall be located within 25 feet of any other building, including motor homes and trailers, nor within ~~10050~~ feet of any gasoline or LPG dispensing device.

G. Each stand shall have at least two exits. Exits must be doors that open outward and must be clear and unlocked when the stand is occupied.

H. Security fencing, where installed, shall be placed not less than three feet from the exterior wall of the stand. The area between the exterior wall of the stand and the security fencing shall be maintained clear of storage and all obstructions at all times.

I. Each stand shall have at least two properly operating 2A, 20BC extinguishers mounted on the stand and easily accessible. Occupants must be physically capable of using the extinguishers, and must know how to operate the extinguishers.

J. Smoking is prohibited inside stands and within 25 feet of the exterior of stands. "No Smoking" signs shall be posted on the exterior front, back and sides, and interior of the stand.

K. No stand shall be located closer than 600 feet from another stand.

L. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least 20 feet surrounding the stand.

M. Stands shall be operated by adults, 18 years of age or older only. No fireworks shall be left unattended in a stand.

N. Every stand shall have a sign stating:

NO FIREWORKS MAY BE SOLD TO ANY PERSON UNDER THE AGE OF SIXTEEN YEARS. THE DISCHARGE OF FIREWORKS IS ONLY PERMITTED BETWEEN THE HOURS OF 12:00 P.M. (NOON) AND 12:00 A.M. (MIDNIGHT) ON JULY 4. SUMNER MUNICIPAL CODE SECTION 8.08.110.

Signs shall be 12 inches by 18 inches and shall have letters and background of contrasting colors, readily readable from at least 10 feet. Signs shall be affixed to the front of the stand and shall be visible to the public at all times the stand is open for business.

O. Overnight sleeping in a stand is prohibited.

P. Heating appliances are prohibited in stands.

Q. All fireworks shall be stored within the stand. No additional fireworks may be stored or maintained on the site.

R. All unsold fireworks, accompanying litter, and the stand shall be removed from the location by 12:00 noon on the sixth of July each year. (Ord. 2323 § 1 (part), 2010)

8.08.110 Sale and discharge of fireworks.

A. Except as permitted by this chapter and state law, it is unlawful to possess, discharge or sell at wholesale or retail any fireworks other than consumer fireworks.

B. No consumer fireworks shall be sold or offered for sale at retail within the city except from 12:00 noon on the twenty-eighth day of June to 9:00 p.m. on the fourth day of July of each year. No consumer fireworks may be sold between the hours of 11:00 p.m. and 9:00 a.m.

C. It is unlawful for a person to ignite, discharge, use or explode any consumer fireworks except between the hours of 12:00 p.m. (noon) and 12:00 a.m. (midnight) on July 4th.

D. It is unlawful for any person to discharge fireworks on the property of another without permission of the owner of such property. It is unlawful for any person to discharge fireworks in a public park unless a written permit has been obtained by park commissioners. It is unlawful for any person to discharge fireworks on city property that is not a park without the express written permission of the city council.

E. No person shall sell any consumer fireworks to a consumer or user thereof under the age of 16 years.

F. No person under the age of 16 years shall possess or discharge any fireworks unless directly supervised by an adult who is responsible for the person under the age of 16 years.

G. The transfer of fireworks ownership, whether by sale at wholesale or retail, by gift or by other means of conveyance of title, or the delivery of any fireworks to any person who does not possess a valid permit at the time of such transfer where a permit is required by this chapter, is prohibited.

H. The sale, transportation, possession, or discharge of fireworks not marked with the manufacturer's license number and State Fire Marshal's classification, as required by chapter 70.77 RCW, is prohibited.

~~I. This section shall take precedence over and shall preempt any conflicting provision of the Revised Code of Washington or the Washington Administrative Code. (Ord. 2323 § 1 (part), 2010)~~

8.08.115 Sale and use of sky lanterns and similar devices unlawful.

It is unlawful to use, discharge, launch, ignite or sell at wholesale or retail any sky lantern or similar unmanned device that requires combustible material to propel or lift it into the air. (Ord. 2493 § 2, 2014)

8.08.120 Special purchase and use permits.

A. ~~Religious organizations or~~ Private organizations or persons may purchase or use consumer fireworks on dates and at times other than that specified in SMC 8.08.110 if:

1. Purchased from a manufacturer, importer or wholesaler licensed pursuant to chapter 70.77 RCW;
2. For use on prescribed dates and locations;
3. For ~~religious or~~ a specific organized event purposes; and
4. A special event permit as prescribed in SMC 12.52 is obtained ~~from the Department of Community Development in addition to the other permits required hereunder.~~ ~~fire chief or his or her designee.~~

B. Applications for a permit required under this section shall be made in writing to the ~~Department~~ ~~fire chief or his or her designee~~ on forms provided for that purpose and shall be accompanied by a fee as required by resolution for each private ~~or religious~~ use of fireworks authorized by this section. The ~~local fire official~~ ~~fire chief or his or her designee~~ shall investigate whether the character and location of the proposed use would be hazardous or dangerous to any person or property. Based on such investigation, the ~~Department~~ ~~fire chief or his or her designee~~ may grant or deny such permit and may place reasonable conditions on any permit issued.

C. No permit issued pursuant to this section shall be transferable. If such permit is issued it shall be lawful only for the prescribed uses. A permit authorized by this section shall not be issued unless the applicant is over the age of 18 years. (Ord. 2323 § 1 (part), 2010)

8.08.130 Permit for public display.

A. An application to make a public display of fireworks shall be made in writing to the ~~Department fire chief or his or her designee~~ on forms provided for that purpose and shall be accompanied by a fee as required by resolution for each display. Application shall be submitted at least 60 days in advance of the proposed display.

B. ~~To be considered for a permit under this section, the applicant must demonstrate the following: (1) a surety bond in the amount of \$50,000 or a certificate of insurance evidencing liability insurance in the amount of \$1,000,000 for bodily injury coverage for each person and event and \$25,000 for property damage coverage (as required by RCW 70.77.295), (2) a general display license from the state fire marshal, (3) compliance with all applicable state standards, and (4) that the display of fireworks can be performed in a manner that is not hazardous or dangerous to any person or property.~~

~~CB.~~ The ~~fire chief or his or her designee~~ local fire official and/or the local fire authority where appropriate shall investigate whether the character and location of the display would be hazardous or dangerous to any person or property. If the local fire official determines that the display would not be hazardous or dangerous to any person or property, and if the applicant meets all the requirements of this chapter, the director of the Department has authority to grant the permit.

~~DC.~~ If the ~~fire chief or his or her designee~~ Department grants a permit for the public display of fireworks, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit shall be transferable. Every public display of fireworks shall be conducted or supervised by a competent and experienced pyrotechnic operator approved by the local fire official. ~~fire chief or his or her designee.~~

~~ED.~~ The person applying for a permit may appeal in writing the denial of the permit or the conditions of the permit to the ~~City Administrator~~ Director of the Department ~~fire chief~~. The appeal shall be based solely upon written information provided by the applicant and information obtained or held by the ~~fire chief~~ Director of the Department, and no hearing shall be required. The determination of the ~~City Administrator~~ Director of the Department ~~fire chief~~ of the appeal shall be final. (Ord. 2323 § 1 (part), 2010)

8.08.140 Agreement to confiscate and destroy illegal fireworks – Alternative to seizure process.

A. In lieu of the formal seizure and forfeiture process set forth in RCW 70.77.435 and 70.77.440, the city and the person possessing or selling fireworks subject to seizure may enter an agreement wherein the city agrees to confiscate and destroy the fireworks subject to seizure.

B. An agreement made pursuant to this section vests all right, title and possession in the fireworks with the local fire official ~~fire chief or his or her~~ or their designee. The fireworks may be immediately destroyed or otherwise disposed of at the discretion of the ~~fire chief~~ local fire official. ~~or his or her designee.~~ (Ord. 2323 § 1 (part), 2010)

8.08.150 Permit revocation.

Violations of any provision of chapter 70.77 RCW, this chapter, or a permit issued hereunder, or any failure or refusal on the part of the permittee to obey any rule, regulation or request of the local fire official ~~fire chief or his or her designee~~ concerning fireworks, shall be grounds for the revocation of a fireworks permit. (Ord. 2323 § 1 (part), 2010)

8.08.160 Violation – Penalty.

A. ~~Unless specifically designated in this chapter or specified in the Revised Code of Washington and adopted herein by reference as a gross misdemeanor or misdemeanor, A~~any violation of this chapter is a Class 2 civil infraction and, upon a finding that a violation has been committed, the person committing the act shall be assessed an amount not to exceed \$125.00 plus applicable statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. A person is guilty of a separate offense for each day or occurrence during which he or she commits, continues, or permits a violation of any provision of, or permit issued under, this chapter.

B. “Civil infraction” has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the Sumner municipal court. (Ord. 2323 § 1 (part), 2010)

8.08.170 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 2323 § 1 (part), 2010)

**INTERLOCAL AGREEMENT BETWEEN
PIERCE COUNTY, AND THE CITIES OF BUCKLEY, BONNEY LAKE,
DUPONT, FIFE, FIRCREST, GIG HARBOR, LAKEWOOD, MILTON, ORTING,
PUYALLUP, RUSTON, SUMNER, TACOMA, AND UNIVERSITY PLACE, AND
THE TOWN OF STEILACOOM (HEREINAFTER COLLECTIVELY THE
“PARTIES” OR INDIVIDUALLY A “PARTY”) BY AND FOR THE FORMATION
OF THE TACOMA-PIERCE COUNTY DUI (DRIVING UNDER THE
INFLUENCE) AND TRAFFIC SAFETY TASK FORCE.**

THIS AGREEMENT, made pursuant to RCW Chapter 39.34, the Interlocal Cooperation Act, is made and entered into by and between the following initial Parties: Pierce County, a political subdivision of the State of Washington, the City of Buckley, a Washington State municipal corporation, the City of Bonney Lake, a Washington State municipal corporation, the City of Dupont, a Washington State municipal corporation, the City of Fife, a Washington State municipal corporation, the City of Fircrest, a Washington State municipal corporation, the City of Gig Harbor, a Washington State municipal corporation, the City of Lakewood, a Washington State municipal corporation, the City of Milton, a Washington State municipal corporation, the City of Orting, a Washington State municipal corporation, the City of Puyallup, a Washington State municipal corporation, the City of Ruston, a Washington State municipal corporation, the Town of Steilacoom, a municipal subdivision of the State of Washington, the City of Sumner, a Washington State municipal corporation, the City of Tacoma, a Washington State municipal corporation, and the City of University Place, a Washington State municipal corporation.

RECITALS

WHEREAS, in 2016, an entity known as the Tacoma Pierce County DUI and Traffic Safety Task Force (hereinafter “Task Force”) was created by interlocal agreement between the Parties for the purpose of promoting the targeting, apprehending and prosecution of individuals accused of committing traffic infractions or criminal law violations, impaired driving, and/or violations of alcohol laws; and

WHEREAS, The Task Force has been successful in applying for and receiving funding for High Visibility Enforcement Mobilization grants from the Washington Traffic Safety Commission in Target Zero Region 5 (Pierce County); and

WHEREAS, the prior interlocal agreement naturally expired per its terms on March 19, 2021; and

WHEREAS, it is the desire, and in the best interest of the Parties, to continue to participate in regional traffic safety emphasis efforts (hereinafter

“Task Force Emphasis Events”) for the mutual benefit of the communities they serve; and

WHEREAS, Multi-agency participation in such a Task Force is authorized under the Washington Mutual Aid Peace Officer Powers Act set forth in Chapter 10.93 R.C.W. and the Interlocal Cooperation Act set forth in Chapter 39.34 R.C.W.

AGREEMENT

NOW, THEREFORE, in furtherance of the foregoing and in consideration of the following terms and conditions, the Parties agree as follows:

1. Purpose. The purpose of this Agreement shall be to form and operate a Task Force, comprised of individual law enforcement officers from each Party, with the goal of sharing resources to apprehend and successfully prosecute individuals who commit traffic violations and/or impaired driving offenses within specifically targeted areas of Pierce County and to coordinate those efforts regionally.
2. Term. This Agreement shall be in effect for a period of two (2) years from the date first signed by any Party hereto (the Term). The Term shall automatically renew for additional two (2) year terms at the end of each preceding term unless earlier terminated. If any individual Party desires to terminate the relationship created by this agreement, then they must provide not less than ninety (90) days written notice to the other parties hereto. If the Parties collectively wish to terminate this agreement, the Parties shall agree, through a writing signed by an authorized representative of each Party hereto, not less than ninety (90) days prior to the expiration of any term that the automatic renewal shall not occur.
3. Participation. The Parties each agree to provide, as staffing and other operational considerations allow, law enforcement personnel to participate in Task Force Emphasis Events within Pierce County on the days and between the hours as determined by the Task Force and the Washington Traffic Safety Commission.
4. Liability and Indemnification. The Parties do not by this Agreement create any separate legal or administrative entity. Each participating agency shall bear the financial responsibility and liability for the actions of each of its employees that participate in the Task Force or any single Task Force Emphasis Event, including but not limited to salary, benefits and worker’s compensation insurance. Any individual law enforcement officer participating in a Task Force Emphasis Event shall remain the employee and responsibility of their employing agency.
5. Administration of Task Force. This Agreement shall be administered by the Task Force comprised of the Pierce County Sheriff and the Chiefs of Police for each Party, or their respective delegates.

6. Task Force Emphasis Event Operations. Consistent with established Task Force procedures and policies, each individual Task Force Emphasis Event shall be facilitated by the hosting Party's employee holding a rank of sergeant or higher.
7. Property Ownership. Each Party shall be responsible for its own property used during the Term of the Agreement and any property acquired by an individual Party during the Term of this Agreement shall remain with that Party upon termination or expiration of the Agreement.
8. Communication and Coordination. The Task Force Target Zero Manager (a WTSC representative) and Law Enforcement Liaison (as chosen by the Parties) shall be responsible for coordinating Task Force Emphasis Events and all related communications between the Parties.
9. Participating Agencies. A list of the Task Force Parties is attached hereto as Attachment 1. The attached list may be updated as additional parties join or withdraw without the need to revise this Agreement, but subject to approval by the governing body of any additional party.
10. Recording. In accordance with RCW 39.34.040 as currently written or hereafter amended, a copy of this Agreement shall be filed with the Pierce County Auditor.
11. Consent. The signature hereon by any Sheriff or Chief Law Enforcement Officer shall constitute consent to the full exercise of peace officer powers within their respective jurisdictions by any and all properly certified or exempted officers engaged in any sanctioned operations or Task Force Emphasis Events of the Task Force. The consent shall be valid during the tenure of the responsive undersigned individuals during the life of this agreement.
12. Agency Responsibility. The consents given in Section 11 above are not intended to reallocate, under R.C.W. 10.93.040, the responsibility of the participating agencies for the acts or omissions of their officers.
13. Severability. Should any clause, phrase, sentence or paragraph of this Agreement or its application be declared invalid or void by a court of competent jurisdiction, the remaining provisions of this Agreement or its applications of those provisions not so declared shall remain in full force and effect.
14. Headings/Titles. All titles and section headings are provided for the purpose of reference and convenience and are not intended to affect the meaning, content or scope of this Agreement.

IN WITNESS WHEREOF, authorized representatives of the Parties hereto have signed their names in the spaces below:

Town/City or County of _____ (print name of jurisdiction)

Dated this _____ day of _____ 2021

****WE WILL INCLUDE SIGNATURE BLOCKS FOR EACH CHIEF, MAYOR, CITY ATTORNEY AND CITY CLERK AFTER THE TERMS ARE APPROVED BY EACH PARTY.**

ATTACHMENT 1

Pierce County Sheriff's Department

Buckley Police Department

Bonney Lake Police Department

Dupont Police Department

Fife Police Department

Fircrest Police Department

Gig Harbor Police Department

Lakewood Police Department

Milton Police Department

Orting Police Department

Puyallup Police Department

Ruston Police Department

Steilacoom Department of Public Safety

Sumner Police Department

Tacoma Police Department

University Place Police Department