

**ORDINANCE NO. 50**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,  
WASHINGTON, ADOPTING BY REFERENCE SECTION 2.04.120,  
RELATING TO MISUSE OF PUBLIC RECORDS, OF THE  
PIERCE COUNTY CODE AS A REGULATION OF THE CITY**

WHEREAS, the City of University Place will incorporate on August 31, 1995;  
and

WHEREAS, the City will be contracting with Pierce County to provide police services to residents of the City at least on an interim basis during the post incorporation period; and

WHEREAS, Pierce County deputy sheriffs are familiar with the Pierce County Code; and

WHEREAS, allowing Pierce County deputy sheriffs to continue to enforce certain Pierce County Code provisions within the City after incorporation both promotes the public welfare and allows police officers to make an orderly transition to the enforcement of criminal codes which the City of University Place will enact after incorporation; and

WHEREAS, the City wishes needs to have prohibit the misuse of public records;  
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,  
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Authority to adopt Pierce County Code. Pursuant to RCW 35A.12.140 and 35A.13.180, the City adopts by reference Section 2.04.120, Misuse of Public Records, of the Pierce County code, as presently constituted or hereinafter amended, as a regulation of the City.

Section 2. Adoption of Certain Other Laws. To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in Section 2.04.120 is necessary or convenient to establish the validity and enforceability of the Misuse of Public Records Section, then such provision of the Pierce County Code and Chapter, or other law, rule or regulation, is hereby adopted by reference.


Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on the date of incorporation.


**PASSED BY THE CITY COUNCIL ON AUGUST 21, 1995**

  
Stanley L.K. Flemming, Mayor

**ATTEST:**

  
Susan Matthew, Interim City Clerk

**APPROVED AS TO FORM:**

  
Robert J. Backstein, Interim City Attorney

Date of Publication: August 24, 1995

Effective Date: August 31, 1995

than two hours each working day shall be expended by the transcriber. Time periods shall be adjusted daily to fit the normal work schedule.

(Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.090)

**2.04.100 Protection of Public Records.**

Each department shall adopt and enforce reasonable rules to protect public records from damage, disappearance, disorganization or destruction. Public records consist mainly of operational files that are subject to high usage. In order to insure that essential functions of the County are continually carried out, and the public records are not damaged, altered, disorganized, or lost, access to the record storage areas is restricted. Public records will be inspected in the offices in which they are filed and maintained. inspection shall be in the presence of the authorized department staff employee. Prior arrangements should be made for a convenient time for a staff member to assist and supervise the inspection so that essential functions of the office are not disrupted. No records shall be removed from a file except by a staff member. The staff member who will supervise the inspection will be assigned on the basis of the work schedule at the time and availability. Inspection shall be denied and the records will be withdrawn if the individual inspecting the records is doing so in a manner to damage, alter, or substantially disorganize them. Inspection shall be denied and records withdrawn if the individual inspecting the records attempts to remove them from the prescribed location or is excessively interfering or will unduly interfere with other essential functions of the department. (Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.100)

**2.04.110 Review of Denials of Public Records Requests.**

A. Upon any denial of a request for a public record, the public official or staff member who denied the record shall initiate a prompt review of the decision by referring the request and denial to the Office of the Prosecuting Attorney who shall consider the matter and recommend to affirm or reverse such denial or call a special meeting of the department as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

B. Administrative remedies shall not be considered exhausted until the department has returned the review of a denial with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.110)

**2.04.120 Misuse of Public Records - Penalty.**

Every person who shall unlawfully remove, alter, mutilate, destroy, disorganize, conceal, erase, obliterate or falsify any public record shall be guilty of a misdemeanor. (Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.120)