

ORDINANCE NO. 23-1001

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending SeaTac Municipal Code 2.15 related to Citizen Advisory Committees, Commissions, and Boards to sunset the Sidewalk Advisory Committee.

WHEREAS, RCW 35A.13.080(2) authorizes the City Council to provide for appointment of certain citizens' committees, commissions, and boards advisory to the City Council; and

WHEREAS, pursuant to the said authority, the City Council, by Ordinances created certain advisory committees, commissions, and boards; and

WHEREAS, the Sidewalk Advisory Committee's primary purpose is complete and the City Council desires to officially sunset the committee

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The following section is repealed:

2.15.220 Sidewalk Advisory Committee.

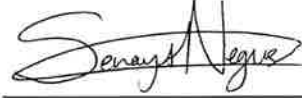
Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. 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 ordinance, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations, or Ordinance numbering and section/subsection numbering.

Section 4. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

ADOPTED this 24th day of January, 2023, and signed in authentication thereof on this 24th day of January, 2023.

CITY OF SEATAC



Senayet Negusse, Deputy Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: March 1, 2023]

[Sunset Sidewalk Advisory Committee]

ORDINANCE NO. 23-1002

AN ORDINANCE of the City Council of the City of SeaTac, Washington, related to Citizen Advisory Committees, Commissions, and Boards by amending the Planning Commission section in SeaTac Municipal Code 2.15.

WHEREAS, RCW 35A.13.080(2) authorizes the City Council to provide for appointment of certain citizens' committees, commissions, and boards advisory to the City Council; and

WHEREAS, pursuant to the said authority, the City Council, by Ordinances created certain advisory committees, commissions, and boards; and

WHEREAS, the City Council requested changes to the scope of work and membership requirements for the Planning Commission to ensure that members are more representative of SeaTac residents and that renter-related policies are reviewed by the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. Section 2.15.200 of the SeaTac Municipal Code is hereby amended as follows:

A. Duties and Responsibilities. The Planning Commission acts in an advisory capacity to the City Council with the following purposes:

1. ~~In order to m~~ Maintain and achieve the highest level of the City's attributes so that all SeaTac residents and businesses can enjoy and be proud to reside in this community;
2. ~~s~~ Study and make recommendations to the City Council for adoption of long range comprehensive plans, policies, programs, services, and development regulations that are consistent with and implement the Comprehensive Plan and Growth Management Act (RCW 36.70A) related- including but not limited to:
 - a. Growth management;
 - b. Land use;
 - c. Housing, including variety, availability and demand, preservation and sustainability, health and safety, renter and owner issues, and affordability;
 - d. Transportation, including all modes and accessibility;
 - e. Community facilities, parks and open space, including access to parks and services;
 - f. Community design and historic resources;
 - g. Economic development;
 - h. Utilities and capital facilities;
 - i. Environmental management~~and development regulations which shall be consistent with and implement the Comprehensive Plan.~~
- 2-3. ~~Recommend to the City Council such~~ development regulations as defined by RCW 36.70A.030 which that may be deemed necessary, but which shall be and

are consistent with and shall implement the Comprehensive Plan, to
Development regulations shall include but are not limited to the following:

- a. Subdivision Code, SMC Title 14;
 - b. Zoning Code, SMC Title 15, including the Official Zoning Map;
 - c. Development Review Code, SMC Title 16A;
 - d. Crime Prevention Through Environmental Design Code, SMC Title 17;
and
 - e. Shoreline Master Program, Chapter 18.05 SMC.
- ~~3-4.~~ Conduct required public hearings ~~as required~~, review individual or City-wide rezones initiated by the City, and such other actions as may be requested by the City Council.
- ~~4-5.~~ Conduct ~~Research~~ and fact finding, which may include undertaking such surveys, analyses, research, and reports in order to fulfill the purposes set forth in this section. The Planning Commission is specifically authorized to join with and cooperate with the planning agencies of other cities and counties, to include regional planning agencies, in furtherance of such research and planning.
- ~~5 6.~~ Work Plan. Annually, by July 15th of each calendar year, to coincide with the City's preliminary budget or mid-year biennial review process, submit to the City Council a work plan for the ensuing calendar year, together with a report on progress made in implementing the goals and requirements of State law and on the status of land use policies and procedures within the City, for the purpose of assisting the Council in establishing a budget to support the Commission. The work plan may include:
- a. A description of all anticipated amendments to the Comprehensive Plan;
 - b. Anticipated preparation of subarea plans;
 - c. Anticipated area rezones;
 - d. Anticipated amendments of development regulations;
 - e. Any other studies and projects reasonably expected to be undertaken; and
 - f. Any estimated direct expenses.

- B. Membership. The Planning Commission shall consist of seven (7) members that are composed of: The Planning Commission's membership should reflect the City's diverse community in a manner that represents the City's interests and population.
- ~~1. Four (4) members who are residents of the City; and~~
 - ~~2. Three (3) members who shall own, operate or be employed by business entities located within the City, but if such candidates cannot be found, then these positions shall be residents of the City.~~
 1. The Commission should consist of members qualified by experience or interests in areas related to topics referenced in subsection (A)(2) of this section. Members should represent a cross-section of the community, including but not limited to, occupations, skills, experiences, ages, ethnicities, demographics, and geographic areas.
 2. The Planning Commission shall consist of seven (7) members.
 3. If qualified candidates are available, one (1) member should represent each of the following interests:
 - a. Homeowner, two (2) members preferred.
 - b. Renter, two (2) members preferred.

- c. Owner, operator, or employee of a small business within the City limits
 - d. Representative of the construction community, such as, builder, architects, engineers, urban planners, and designers.
4. Requirements for Residency.
- a. After March 16, 2023, at least six (6) members of the Commission shall be residents of the City who have lived within the City for at least one year (365 days) prior to appointment to the Commission.
 - b. One (1) member of the Commission may be a non-resident if the member has been an owner, operator or employee of a small business operating within the City limits for at least one year (365 days) prior to appointment to the Commission.
5. Effective date of Residency. Any member of the Commission appointed prior to March 16, 2023, who does not meet the requirement of Section (B)(4) may nevertheless serve out their current term as a Commission member until that term ends consistent with Section 2.15.080 of this Chapter. At the end of the member's term, no member of the Commission shall be re-appointed to a subsequent term unless the member meets the requirements of Section (B)(4).

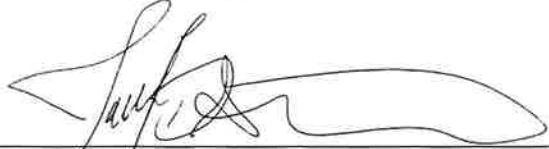
Section 2. Corrections. Upon approval of the City Attorney's Office, the City Clerk and the Code Reviser are authorized to make necessary corrections without altering intent, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations; or Ordinance numbering and section/subsection numbering.

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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law, but no sooner than March 16, 2023.

ADOPTED this 14th day of February, 2023, and signed in authentication thereof on this 14th day of February, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 3/22/2023]
[Planning Commission - 7 members]

ORDINANCE NO. 23-1003

AN ORDINANCE of the City of SeaTac, Washington, creating land use and zoning regulations related to Reentry Center facilities; by adding section 15.415.400, amending sections 15.105.080, 15.105.180, 15.115.040, 15.205.040, 15.300.055, 15.305.055, 15.310.055, 15.415.005, 15.415.010, 15.445.210, and 15.455.120 of the SeaTac Municipal Code; repealing Ordinance 21-1027 enacting a Moratorium on the permanent establishment of “Halfway House”, Work Release Facilities”, and similar uses; repealing Ordinance 22-1009, extending a Moratorium on the permanent establishment of “Halfway House”, Work Release Facilities”, and similar uses; and declaring an emergency and establishing an effective date.

WHEREAS, on February 9, 1999, the SeaTac City Council passed Ordinance No. 99-1005 establishing “Halfway House” as an allowed use within some zoning designations in the City of SeaTac, subject to development regulations requiring a Conditional Use Permit, compliance with standards related to landscaping and parking, and requirements related to the establishment of an Essential Public Facility; and

WHEREAS, Ordinance No. 99-1005 defined “Halfway House” as “State licensed work/release facilities and other housing facilities serving as an alternative to incarceration”; and

WHEREAS, the City of SeaTac City Council has amended the SeaTac Municipal Code periodically between 1999 and 2021, resulting in substantial changes to land use regulations within the City of SeaTac, however such amendments have not substantially amended the standards or requirements for the “Halfway House” use; and

WHEREAS, the City Council desires to amend the development regulations for “Halfway House” uses to ensure that the regulations serve the good of the community, ensure compatibility between adjacent land uses, and are consistent with the City of SeaTac Comprehensive Plan; and

WHEREAS, on September 16, 2022, City staff properly and timely transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106, and no comments were received; and

WHEREAS, on October 3, 2022, a SEPA threshold Determination of Nonsignificance was issued for the proposed amendments and no comments were received nor was an appeal filed; and

WHEREAS, on October 4, 2022, the Planning Commission held a public hearing on the proposed amendments. On November 1, 2022, the Planning Commission recommended approval of the amendments with additional changes; and

WHEREAS, on November 29, 2022, the Planning and Economic Development Committee of the Council reviewed the Planning Commission’s recommendation. On January 26, 2023, the Planning and Economic Development Committee of the Council reviewed the amendments and recommended approval of the amendments with the changes recommended by staff; and

WHEREAS, the City Council recognizes that in the interest of public health and safety that it is necessary to create standards that will regulate the siting and safe operation of Reentry Center facilities within the City of SeaTac; and

WHEREAS, the City Council desires to repeal Ordinance 21-1027, enacting a Moratorium on enacting a Moratorium on the permanent establishment of “Halfway House”, Work Release Facilities”, and similar uses; and

WHEREAS, the City Council desires to repeal Ordinance 22-1009, extending a Moratorium on the permanent establishment of “Halfway House”, Work Release Facilities”.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. Section 15.105.080 “H” Definitions, of the SeaTac Municipal Code is hereby amended to delete the definition of Halfway House in this Chapter, and all other definitions in this section remain the same:

Halfway House

~~State-licensed work/release facilities and other housing facilities serving as an alternative to incarceration.~~

Section 2. Section 15.105.180 “R” Definitions, of the SeaTac Municipal Code is hereby amended to add the following definition:

Reentry Center

A facility or institution operated under contract with the Department of Corrections, and/or owned by the state or a government agency used for incarcerated individuals to serve the remainder of a court imposed sentence for a period not to exceed twelve months in partial confinement. Also referred to as “Work Release” in accordance with RCW 72.65. This definition excludes at-home electronic surveillance.

Section 3. All references in Title 15 of the SeaTac Municipal Code to “Halfway House” shall be changed to “Reentry Center”.

Section 4. Section 15.115.040 of the SeaTac Municipal Code is hereby amended to read as follows:

15.115.040 Essential Public Facilities

B. Included Essential Public Facilities. EPFs subject to this section include, but are not limited to, those facilities identified in the EPF definition (SMC 15.105.050), the Seattle-Tacoma International Airport, Interstate 5, State Route 509 (both current and proposed extensions), State Route 518, the Federal Detention Center, the King County Bow Lake Solid Waste Transfer Station, and the Sound Transit’s “LINK” Light Rail System. Reentry Centers are not subject to the CUP-EPF review procedure and are permitted as a Major Conditional Use, subject to the criteria in SMC 15.115.020(D), Conditional Use Permit (CUP).

Section 5. Section 15.205.040 “General Use Chart” of the SeaTac Municipal Code is hereby amended by removing “C” from the O/CM column (Office/Commercial Medium). The Reentry Center land use shall be labeled as “C” (Conditional Use Permit required) in the following zones: CB, CB-C, RBX, and I. The Additional Standards column is hereby amended to read as follows, and all other provisions of this Use Chart section remain the same.

~~As part of the CUP process a determination will be made as to whether an essential public facility (EPF) siting process is needed. See SMC 15.115.040, Essential Public Facilities. These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations. Permitted as a Major Conditional Use, subject to the criteria in 15.115.020(D), Conditional Use Permit (CUP).~~

LAND USE	UL	UM	UH	UH-UCR	T	MHP	NB	O/C/MU	O/CM	CB	CB-C	RBX	I	P	ADDITIONAL STANDARDS
Halfway House Reentry Center									C	C	C	C	C		<p>As part of the CUP process a determination will be made as to whether an essential public facility (EPF) siting process is needed. See SMC 15.115.040, Essential Public Facilities. These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.</p> <p>Permitted as a Major Conditional Use, subject to the criteria in 15.115.020(D), Conditional Use Permit (CUP).</p>

Section 6. Section 15.300.055 “City Center Overlay District Use Chart” of the SeaTac Municipal Code is hereby amended by adding Reentry Center under Health and Human Services land use column, and all other provisions of this Use Chart section remain the same.

Section 7. Section 15.415.0005 is hereby amended to read as follows:

15.415.005 Purpose

The purpose of this chapter is to delineate regulations that apply to the following commercial uses: fueling/service stations, sexually oriented businesses, ~~and~~ mobile food vending and Reentry Centers.

Section 8. Section 15.415.010 is hereby amended to read as follows:

15.415.010 Authority and Application

The provisions of this chapter shall apply to all fueling/service stations, sexually oriented businesses, ~~and~~ mobile food vending uses and Reentry Centers, regardless of where located.

Section 9. Section 15.415.400 is hereby added as a new section to the SeaTac Municipal Code and to read as follows:

15.415.400 Reentry Center Standards

A. Purpose.

The purpose of this section is to establish reasonable standards for the siting of a Reentry Center to minimize impacts and ensure neighborhood compatibility within the City of SeaTac, while protecting the public health, safety, welfare and peace of both facility residents and the broader community.

B. Applicability.

This Section is applicable to Reentry Centers and does not include regulations for federal, state and/or local correction facilities, or other uses as regulated by SMC 15.115.040 Essential Public Facilities. Specific needs of each Reentry Center facility will be reviewed through the conditional use permit process in SMC 15.115.020.

C. Siting.

1. Buffer.

- a. A Reentry Center shall not be located closer than one thousand seven hundred fifty (1,750) feet from the property of any elementary-middle school, high school, park, or community center (including teen centers and YMCA) within or outside of City limits.
- b. For the purposes of this subsection, distance shall be measured in a straight line from the closest property line upon which the proposed Reentry Center is to be located, to the closest property line from which the proposed Reentry Center is to be separated.

2. Dispersion.

- a. A new or expanding Reentry Center shall not be located closer than one-half (1/2) mile from the closest property line of any other Reentry Center.

3. Siting Process Requirements.

- a. Following identification of a site under consideration within the City of SeaTac, written notification of site selection shall be provided directly to the Community and Economic Development Director.
- b. Prior to scheduling the mandatory pre-application meeting with the City, the Applicant shall hold a minimum of one public meeting within the City limits to inform the neighborhood and solicit public comment.
 - i. Public meeting(s) shall occur between the hours of 5pm-9pm on weekdays, or anytime on a weekend.

- ii. Public meeting(s) subject to this section shall occur within the corporate city limits of SeaTac.
- iii. At least fourteen (14) days prior to the public meeting, written notification of the public meeting shall be provided to all parcels and associated addresses, including residents, owners, and tenants within a one-half (1/2) mile radius of the proposed site(s). The written notification shall also be published in the City's officially designated newspaper and be provided to the Community and Economic Development Director.
- iv. The Applicant shall provide a public meeting agenda, which shall include, at a minimum, a description of the proposed project description, site location, timeline, and proposed site and building layout. The neighborhood meeting should provide a time for verbal public comments from attendees and provide contact information for the Applicant for written comments.
- c. All public notifications shall include:
 - i. Date, time and location of the meeting;
 - ii. A description of the proposed project;
 - iii. A description of the site, including current zoning classification, site address/parcel number, and vicinity map reasonably sufficient to inform the reader of the general location;
 - iv. The name, address and telephone number of the applicant and/or agent;
 - v. A statement that persons may appear at the meeting and provide public comment and/or may provide written comment to the applicant and/or agent listed.
- d. Copies of the mailing list, agenda, attendance sign-in sheet, minutes, written comments received, presentation materials, handouts and documents shall be included in the mandatory pre-application meeting submittal.
- e. In addition to compliance with local siting and development requirements, the Department of Corrections ("DOC"), its agents, or any private or public entity under contract with the DOC shall provide verifiable proof of compliance with the siting requirements and site selection process as required under RCW 72.65.220 and WAC 137-57-050 including a copy of the Local Advisory Committee recommendation to the Secretary and Secretary preliminary approval (if applicable) at time of conditional use permit application.

D. Development Standards.

1. Occupancy.

- a. A Reentry Center shall house no more than thirty (30) persons, excluding resident staff.

2. Appearance.

- a. The Reentry Center shall match the bulk and scale of the uses allowed in the zone where the Reentry Center is located. The design, construction, appearance, physical integrity, and maintenance of the Reentry Center shall provide an environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to residents' stability. Building entries shall be prominent and highly visible from other buildings and public areas.
- b. Exterior lighting to be located as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained.

3. Street Frontage.

- a. The Reentry Center shall not be located on a property that has street frontage on a principal or minor arterial road.

4. Open Space.

- a. **Minimum Area Required.** A minimum of 120 square feet of open space shall be provided per person, allocated by type as follows:

Outdoor Common Space	Minimum 50%
Outdoor Single-Purpose Space	Up to 50%
Indoor Common Space	Up to 50%

- b. **General Location and Design Requirements.**

- i. To the extent possible, all open space shall be centrally located, accessible, and usable to residents while maintaining a high level of visibility from the structure.
- ii. Open space shall not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses.
- iii. Vehicular use areas, critical areas and associated buffers, setbacks, and landscaping shall not count towards open space requirements.

- c. **Outdoor Common Space.** Outdoor common space shall be usable outdoor multi-purpose space accessible by all residents, including but not limited to: courtyards, plazas and multi-purpose green spaces.

- i. **Design Features.** Courtyard/plaza areas shall include:
 - a. Minimum width of twenty (20) feet and a minimum depth of fifteen (15) feet.
 - b. A minimum of one (1) tree for each two hundred (200) square feet of required area.
 - c. Include one (1) lineal foot of seating per each forty (40) square feet of required area.

d. Outdoor Single-Purpose Space. Outdoor single-purpose facilities shall be usable and accessible by all residents, including but not limited to: swimming pools, tennis and sport courts.

e. Indoor Common Space. Indoor common space shall be usable and accessible by all residents, including but not limited to: amenities and/or equipment for recreational uses such as, lounge rooms, game rooms and exercise rooms. Lobbies and hallways do not count as indoor common space.

E. Performance Standards.

1. Operations.

a. A security plan containing, but not limited to the following, shall be provided at time of conditional use permit application:

i. Staffing, scheduling and level of responsibilities;

ii. Onsite and off-site security and surveillance measures;

iii. Policy and procedure for locating a missing Reentry Center participant.

2. Site and Transit.

a. A written transit, pedestrian, and bicycle access plan from the subject site to services shall be submitted at time of conditional use permit application.

3. Compliance with Additional Regulations.

a. In addition to the Zoning Code under SMC Title 15, Reentry Centers shall comply with the provisions of the Building and Construction Code under SMC Title 13 and are subject to the provisions of crime prevention through environmental design (CPTED) under SMC Title 17.

b. Reentry Centers shall abide by all federal and state laws and regulations, as well as Department of Corrections policies.

Section 10. Ordinances 21-1027 and 22-1009 are hereby repealed.

Section 11. **Declaration of Emergency.** The SeaTac City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare of the City of SeaTac, pursuant to RCW 35A.13.190.

Section 12. **Corrections.** Upon approval of the City Attorney's Office, the City Clerk and the Code Reviser are authorized to make necessary corrections without altering intent, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 13. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity

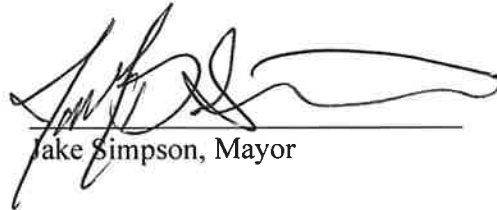
shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 14. **Effective Date.** This Ordinance shall take effect and be in full force and effect immediately upon passage as set forth herein.

This Ordinance shall be in full force and effect immediately after passage as required by law.

ADOPTED this 28th day of February, 2023, and signed in authentication thereof on this 28th day of February, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

APPROVED AS TO FORM:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 2/28/2023]

[Reentry Center Facilities]

ORDINANCE NO. 23-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the execution of a professional services contract with Hans Van Dusen, for assistance with the Solid Waste Hauler procurement process and amending the City's 2023-2024 Biennial Budget.

WHEREAS, the comprehensives garbage, recyclables and compostables services contract with Recology King County will end on 5/31/2025; and

WHEREAS, to ensure that a new service provider contract is in place upon the completion of the current contract, thereby allowing for comprehensives garbage, recyclables and compostables services to continue uninterrupted; and

WHEREAS, staff require additional expertise and assistance with the procurement process to ensure that the residents and businesses of SeaTac receive the highest level of service for the best price; and

WHEREAS, it is necessary for the City Council to amend the 2023-2024 Biennial Budget to provide additional appropriation authority for professional services associated with the procurement of a new Solid Waste Hauler for the City of SeaTac;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The City Manager is authorized to execute a professional services contract with Hans Van Dusen, to provide assistance on the Solid Waste Hauler procurement processes in an amount not to exceed \$45,000.

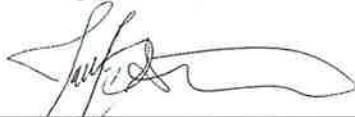
Section 2. The City's 2023-2024 Biennial Budget is amended to increase expenditures in the Solid Waste Fund (404) by \$45,000, for needed professional services.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 14th day of March, 2023, and signed in authentication

thereof on this 14th day of March, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 03/25/2023]

ORDINANCE NO. 23-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing funding for the purchase of streetlights and amending the City's 2023-2024 Biennial Budget.

WHEREAS, the City recognizes an opportunity to have the newly adopted streetlight poles installed as part of frontage improvements associated with the Polaris at SeaTac development, thereby achieving the look and feel desired for the area; and

WHEREAS, Olson Projects, the developer of Polaris at SeaTac, has agreed to construct the foundation system and install at their expense, streetlights furnished by the City; and

WHEREAS, it is necessary for the City Council to amend the 2023-2024 Biennial Budget to provide additional appropriation authority for the purchase of streetlights;


NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The City's 2023-2024 Biennial Budget is amended by increasing expenditures in the Street Fund (102) by \$90,000 to fund the purchase of streetlights.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 14th day of March, 2023, and signed in authentication thereof on this 14th day of March, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg

Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 03/25/2023]

ORDINANCE NO. 23- 1006

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the addition of five (5) Recreation Leader 3 positions within the Parks and Recreation Department and amending the City's 2023-2024 Biennial Budget.

WHEREAS, on March 9, 2023, the Administration and Finance Committee reviewed a Decision Card submitted by the Parks and Recreation Department to add five (5) Regular Part-time Recreation Leader 3 positions to allow for program enhancement and expansion; and

WHEREAS, the addition of five (5) Recreation Leader 3 positions (3.38 Full-time Equivalent) will eliminate nine (9) Regular Part-time Recreation Leader 2 positions and one (1) Regular Part-time Preschool Instructor (3.50 Full-time Equivalent); and

WHEREAS, the Administration and Finance Committee recommended approval of the Decision Card; and

WHEREAS, it is necessary for the City Council to amend the 2023-2024 Biennial Budget to provide additional appropriation authority to fund these positions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. Five (5) Recreation Leader 3 positions are approved for the Parks and Recreation Department.

Section 2. The City's 2023-2024 Biennial Budget is amended by increasing revenue in the General Fund (001) \$45,000 and expenditures in the Recreation Division Budget by \$225,945 to fund the five (5) Recreation Leader 3 positions.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.


ADOPTED this 11th day of ~~March~~ ^{April}, 2023, and signed in authentication thereof on
this 11th day of ~~March~~ ^{April} 2023.

CITY OF SEATAC



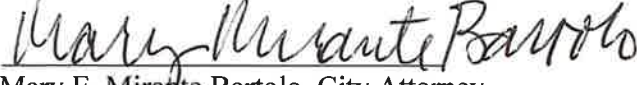
Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

APPROVED AS TO FORM:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 4/22/23]
[Addition of Five (5) Recreation Leader 3 Positions]

ORDINANCE NO. 23-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to execute an agreement for the design services for renovations to the SeaTac Maintenance Facility, authorizing project expenditures, and amending the City's 2023-2024 Biennial Budget.

WHEREAS, the existing Maintenance Facility was constructed in 2003, and is in need of expansion to meet operational growth; and

WHEREAS, the City followed procurement processes for professional services as set forth in SMC 3.31.080 and RCW 39.80.050 and

WHEREAS, the City selected ARC Architects and entered into negotiations for design services and

WHEREAS, the City has \$300,000 budgeted in the Municipal Capital Improvement Fund for this project; and

WHEREAS, in order to enter into design contract with ARC Architects, a budget amendment to the 2023-2024 Biennial Budget is required that increases expenditures in fund #301 by \$230,707;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

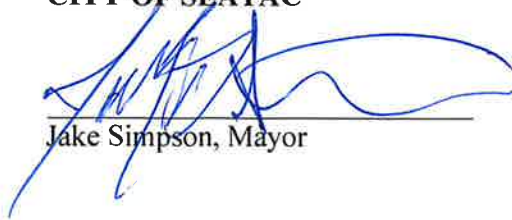
Section 1. The City Manager is authorized to execute a Professional Services Agreement for design services and for renovations to the SeaTac Maintenance Facility, in an amount not to exceed \$530,707.

Section 2. The City's 2023-2024 Biennial Budget is amended by increasing expenditures in the Municipal Capital Improvement Fund (Fund #301) by \$230,707 in order to fund the design services and construction contract administration for the renovations to the SeaTac Maintenance Facility.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 11th day of April, 2023, and signed in authentication thereof on this 11th day of April, 2023.

CITY OF SEATAC



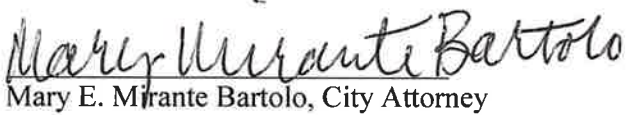
Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 4/22/23]

[Professional Services Contract with ARC Architects and Budget Amendment for SeaTac Maintenance Facility Design Improvements]

ORDINANCE NO. 23-1008

AN ORDINANCE of the City Council of the City of SeaTac, Washington, establishing the addition of a Human Services Manager position within the Community and Economic Development Department and amending the City's 2023-2024 Biennial Budget.

WHEREAS, on March 9, 2023, the Administration and Finance Committee reviewed a Decision Card submitted by the Community and Economic Development Department to add Human Services Manager position to allow for enhancement and expansion of the City of SeaTac Human Services programs; and

WHEREAS, the addition of the Human Services Manager position will allow the City of SeaTac to collaborate with regional, state, and federal organizations to secure additional resources and funding to support Human Services programs in SeaTac; and

WHEREAS, the Human Services Manager position will be responsible for supporting the existing Human Services programs and personnel; and

WHEREAS, the Human Services Manager position will work with the SeaTac community to develop long-term strategies for the provision of Human Services in SeaTac; and

WHEREAS, the Administration and Finance Committee recommended approval of the Decision Card; and

WHEREAS, it is necessary for the City Council to amend the 2023-2024 Biennial Budget to provide additional appropriation authority to fund this position;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The Human Services Manager position is approved for the Community and Economic Development Department.

Section 2. The City's 2023-2024 Biennial Budget is amended by increasing expenditures in the Community and Economic Development Department by \$307,079 in order to fund the Human Services Manager position.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and

publication as required by law.

ADOPTED this 11th day of ~~March~~ ^{April}, 2023, and signed in authentication thereof on this 11th day of ~~March~~ ^{April}, 2023.

CITY OF SEATAC



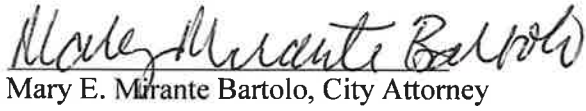
Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 4/22/23]

[Human Services Manager Position]

ORDINANCE NO. 23-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting a new Title 4, Rental Housing, and a new Chapter 4.05 within Title 4, Rental Housing Protections, amending Chapter 1.15 Code Enforcement, providing for severability, and establishing an effective date.

WHEREAS, the SeaTac Comprehensive Plan Housing and Human Services element establishes Policy 3.5A, which reads: “*Use City programs to support physical and social stability in established residential neighborhoods.*”; and

WHEREAS, the City Council adopted the SeaTac Housing Action Plan on September 14, 2021, by Resolution No. 21-010, and the SeaTac Housing Action Plan establishes Objective 5, which reads: “*Help residents and businesses stay in SeaTac, and prevent disruption to communities*”; and

WHEREAS, the SeaTac Housing Action Plan indicates that approximately fifty percent of the SeaTac residential community occupies rental housing, and that average rents in SeaTac increased by forty-eight percent between 2012 and 2020 while area median income only increased by twenty-nine percent in the same time period; and

WHEREAS, SeaTac, together with the King County region, is facing an affordable housing crisis and several other cities, such as Auburn, Burien, Federal Way, Kenmore, Kent, Redmond, Seattle, Tukwila, and King County have adopted tenant protections; and

WHEREAS, the City Council finds and declares that this ordinance is necessary to stabilize rental housing within SeaTac; and

WHEREAS, the City Council desires to reduce the risk of displacement of residents by adopting rental housing regulations for inclusion in the SeaTac Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. **Adopting a New Title 4, Rental Housing, and Chapter 4.05, Rental Housing Protections within the SeaTac Municipal Code (SMC).** There is adopted a new SeaTac Municipal Code Title 4, Rental Housing, and a new SeaTac Municipal Code Chapter 4.05, Rental Housing Protections to read as set forth attached hereto as Exhibit “A”, incorporated by this reference as if fully set forth herein.

Section 2. **Amending SMC 1.15.025, Code Enforcement.** SMC 1.15.025 is amended to read as follows:

A. Violations of the following titles and chapters of the SeaTac Municipal Code shall be remedied in accordance with SMC 1.15.045 through 1.15.075 by way of correction agreement and/or notice of infraction:

1. Chapter 5.05 SMC, regarding business licenses and regulations;
2. Chapter 5.10 SMC, relating to solicitors and canvassers;
3. Chapter 7.15 SMC, regarding property maintenance;
4. Chapter 7.25 SMC, regarding junk vehicles and vehicle storage;
5. Chapter 7.40 SMC, relating to garbage code; and
6. Repeat violations of any City code.

B. Violations of the following titles and chapters of the SeaTac Municipal Code shall be remedied in accordance with SMC 1.15.120 through 1.15.160, the notice and order procedures:

1. Chapter 4.05, relating to rental housing protections;
2. Chapter 11.05 SMC, relating to road standards;
- ~~23.~~ Chapter 11.10 SMC, relating to right-of-way use;
- ~~34.~~ Chapter 12.10 SMC, relating to storm water management;
- ~~45.~~ SMC Title 13, related to buildings and construction, unless otherwise specified; and
- ~~56.~~ SMC Title 15, Zoning Code violations, unless provided otherwise.

However, repeat violations of Chapter 11.05, 11.10 or 12.10 SMC or SMC Title 13 or 15 may be remedied in accordance with SMC 1.15.065 through 1.15.075, notice of infraction procedures.

C. Monetary Penalties – General. Any person violating any provision or regulation of the SeaTac Municipal Code may be subject to the assessment of civil penalties pursuant to this chapter. The monetary penalty for each violation per day or portion thereof shall be as follows:

1. For nonresidential violations:
 - a. First day of each violation, one hundred dollars (\$100.00);
 - b. Second day of each violation, two hundred dollars (\$200.00);
 - c. Third day of each violation, three hundred dollars (\$300.00);
 - d. Fourth day of each violation, four hundred dollars (\$400.00);
 - e. Each additional day of violation beyond four days, five hundred dollars (\$500.00) per day.
2. For residential violations, the penalty is one hundred dollars (\$100.00) per day of violation.
3. Payment of a monetary penalty does not relieve the person to whom the penalty was issued or assessed against of the duty to correct the violation.

D. Monetary Penalties – Environmentally Sensitive Areas. The code compliance provisions for environmentally sensitive areas as codified under Chapter 15.700 SMC are intended to encourage compliance and to protect environmentally sensitive areas and the general public from harm and to further the remedial purposes of this title. To achieve this, persons responsible for code compliance will not only be required to restore damaged or altered environmentally sensitive areas, insofar as that is possible and beneficial, but will also be required to pay a civil monetary penalty for the redress of ecological, recreation, and economic values lost or damaged due to their unlawful action.

1. The provisions of this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law for other related violations.
2. In addition to any other persons who may be responsible for violations occurring within or on environmentally sensitive areas, the owner of the land upon which the violation occurred shall be jointly and severally liable for the restoration of the site and the payment of any civil monetary penalty imposed.
3. Any person in violation of the environmentally sensitive areas under Chapter 15.700 SMC shall be subject to both the civil monetary penalties set forth in subsection (C) of this section and an amount reasonably determined by the City to be equivalent to:
 - a. The economic benefit that the person responsible for the violation derives from the violation, as measured by the greater of the resulting increase in market value of the property or the value received by the person responsible for the violation; and/or
 - b. Savings of construction costs realized by the person responsible for the violation as a result of performing any act in violation of Chapter 15.700 SMC; and/or
 - c. Reasonable value of property damaged.

Section 3. **Corrections.** Upon approval of the City Attorney’s Office, the City Clerk and the Code Reviser are authorized to make necessary corrections without altering intent, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or Ordinance numbering and section/subsection numbering.

Section 4. **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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. **Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

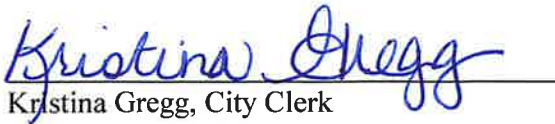
ADOPTED this 11th day of April, 2023, and signed in authentication thereof on this 11th day of April, 2023.

CITY OF SEATAC



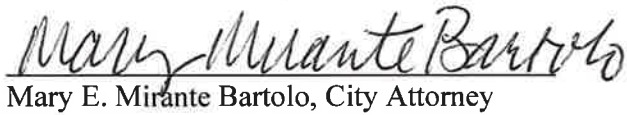
Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

Effective: 5/17/23

1 Exhibit A to Ordinance No. 23-1009

2 SeaTac Title 4, Rental Housing

3 Chapter 4.05, Rental Housing Protections

- 4
- 5 4.05.010 Purpose and intent
 - 6 4.05.020 Applicability
 - 7 4.05.030 Definitions
 - 8 4.05.040 Distribution of information required
 - 9 4.05.050 Deposit requirements and installment payments permitted
 - 10 4.05.060 Late fees
 - 11 4.05.070 Rent increases
 - 12 4.05.080 Due date adjustments
 - 13 4.05.090 Just cause eviction
 - 14 4.05.100 Social Security numbers
 - 15 4.05.110 Enforcement
- 16
- 17

18 **4.05.010 Purpose and intent.**

19 The purpose of this chapter is to promote increased housing security in SeaTac by establishing
20 regulations and standards, related to the terms established within a rental agreement between a
21 landlord(s) and tenant(s), and supplementing those provisions contained in RCW 59.18, the
22 Residential Landlord Tenant Act of 1973 (“RLTA”), as amended. To achieve this purpose, this
23 chapter establishes minimum notice requirements for rental rate increases, establishes maximum
24 fee amounts, protects renter privacy, allows for the adjustment of rental due dates, and
25 establishes additional just cause protections for renters.

26 The intent of this chapter is to establish a rental program to support physical and social stability
27 in established residential neighborhoods. The regulations contained in this chapter are intended
28 to balance the needs of the landlord and tenant. SeaTac recognizes that the renting of residential
29 property is a commercial venture where owners and landlords must evaluate risk, profit, and loss.
30 Providing housing for SeaTac residents directly impacts quality of life, and therefore requires
31 regulations to ensure that it is equitably undertaken. This chapter strives to ensure housing
32 security for current and future residents and addresses potential retaliation against tenants who
33 make complaints about housing conditions.

34 **4.05.020 Applicability**

35 SMC 4.05.020 through 4.05.110 apply to tenancies governed by Chapter 59.18 RCW (RLTA)
36 and Chapter 59.20 RCW (Manufactured / Mobile Home Landlord Tenant Act) and are in
37 addition to the provisions provided in said chapters. The provisions of this chapter shall not

1 apply to rental agreements between an owner and tenant where the owner shares the dwelling
2 unit as a primary residence with the tenant.

3
4 **4.05.030 Definitions**

5 The definitions of this section apply throughout this chapter unless the context clearly requires
6 otherwise. The definitions of RCW 59.18.030 (RLTA) also apply to this chapter unless otherwise
7 defined in this section.

8 “Days” means calendar days unless otherwise provided.

9 “Director” means the city of SeaTac Director of the Community and Economic Development
10 department, or the director’s designee.

11 “Dwelling unit” has the same meaning as RCW 59.18.030(10), as may be amended. At the time
12 of passage of the ordinance codified in this chapter, the RLTA defined “dwelling unit” to mean a
13 structure or that part of a structure which is used as a home, residence, or sleeping place by one
14 person or by two or more persons maintaining a common household, including but not limited to
15 single-family residences and units of multiplexes, apartment buildings, and mobile homes.

16 “Immediate family member” has the same meaning as RCW 59.18.030(10), as may be amended.
17 At the time of passage of the ordinance codified in this chapter, the RLTA defined “immediate
18 family member” to include the spouse or domestic partner, dependent children, and other
19 dependent relatives.

20 “Landlord” has the same meaning as RCW 59.18.030 as may be amended and excluding living
21 arrangements identified in RCW 59.18.040. At the time of passage of the ordinance codified in
22 this chapter, the RLTA defined "Landlord" as the owner, lessor, or sublessor of the dwelling unit
23 or the property of which it is a part, and in addition means any person designated as
24 representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident
25 manager, or a designated property manager.

26 “Nonrefundable move-in fees” means nonrefundable payment paid by a tenant to a landlord to
27 cover administrative, pet, or damage fees, or to pay for cleaning of the dwelling unit upon
28 termination of the tenancy but does not include payment of a holding fee authorized by RCW
29 59.18.253(2).

30 “Rent” means recurring and periodic charges identified in the rental agreement for the use and
31 occupancy of the premises, which may include charges for utilities. These terms do not include
32 nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or
33 other fees, including attorneys’ fees. Provided, however, that if, at the commencement of the
34 tenancy, the landlord has provided an installment payment plan for nonrefundable fees or
35 deposits for the security of the tenant’s obligations and the tenant defaults in payment, the
36 landlord may treat the default payment as rent owing.

1 “Rental agreement” has the same meaning as RCW 59.18.030(30), as may be amended. At the
2 time of the passage of the ordinance codified in this chapter, the RLTA defined “rental
3 agreement” as all agreements which establish or modify the terms, conditions, rules, regulations,
4 or any other provisions concerning the use and occupancy of a dwelling unit.

5 “Security deposit” means a refundable payment or deposit of money, however designated, the
6 primary function of which is to secure performance of a rental agreement or any part of a rental
7 agreement. “Security deposit” does not include a fee.

8 “Subsidized housing” has the same meaning as RCW 59.18.030(33), as may be amended. At the
9 time of the passage of the ordinance codified in this chapter, the RLTA defined “subsidized
10 housing” as rental housing for very low-income or low-income households that is a dwelling unit
11 operated directly by a public housing authority or its affiliate, or that is insured, financed, or
12 assisted in whole or in part through one of the following sources: (a) a federal program or state
13 housing program administered by the department of commerce or the Washington State Housing
14 Finance Commission; (b) a federal housing program administered by a city or county
15 government; (c) an affordable housing levy authorized under RCW 84.52.105; or (d) the
16 surcharges authorized in RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in
17 Chapter 43.185C RCW.

18 “Substantial rehabilitation” means extensive structural repair or extensive remodeling and
19 requires a building, electrical, plumbing, or mechanical permit for the tenant’s dwelling unit at
20 issue. Any “substantial rehabilitation” as provided herein requires displacement of a tenant.

21 “Tenant” has the same meaning as RCW 59.18.030(34), as may be amended, and excluding the
22 living arrangements identified in RCW 59.18.040 and 59.20.030(24), as may be amended. At the
23 time of passage of the ordinance codified in this chapter, the RLTA defined “tenant” as any
24 person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under
25 a rental agreement, and RCW 59.20.030 defined “tenant” as any person, except a transient, who
26 rents a mobile home lot.

27 **4.05.040 Distribution of information required.**

28 (1) Distribution of Information Packets by Landlord.

29 (a) The director shall prepare, and update as necessary, summaries of this chapter, the
30 SeaTac Property Maintenance Code (Chapter 13.210 SMC), state RLTA (Chapter 59.18
31 RCW), Forcible Entry and Forcible and Unlawful Detainer (Chapter 59.12 RCW), and
32 fair housing laws, describing the respective rights, obligations, and remedies of landlords
33 and tenants, including information about legal resources available to tenants.

34 (b) A landlord shall provide a copy of the summaries prepared by the director to any
35 tenant or prospective tenant when a rental agreement is offered, whether or not the
36 agreement is for a new or renewal agreement.

1 (c) Where there is an oral rental agreement, the landlord shall give the tenant copies of
2 the summaries described herein, either before entering into the oral rental agreement or as
3 soon as reasonably possible after entering into the oral rental agreement.

4 (d) For existing tenants, landlords shall, within 30 days after the summaries are made
5 available by the city, distribute current copies of the summaries to existing tenants.

6 (e) The initial distribution of information to tenants must be in written form and landlords
7 shall obtain the tenant's signature documenting tenant's receipt of such information. If a
8 tenant refuses to provide a signature documenting the tenant's receipt of the information,
9 the landlord may draft a declaration stating when and where the landlord provided tenant
10 with the required information. After the initial distribution of the summaries to tenants, a
11 landlord shall provide existing tenants with updated summaries by the city, and may do
12 so in electronic form unless a tenant otherwise requests written summaries.

13 (f) The packet prepared by the director includes informational documents only, and
14 nothing in the summaries therein shall be construed as binding on or affecting any
15 judicial determination of the rights and responsibilities of landlords and tenants, nor is the
16 director liable for any misstatement or misinterpretation of the applicable laws.

17 (2) Notice of Resources. A landlord is required to provide a copy of a resource summary,
18 prepared by the city, to any tenant when the landlord provides a notice to a tenant under RCW
19 59.12.030.

20
21 **4.05.050 Deposit requirements and installment payments permitted**

22 (1) Installment Payments, Generally.

23 (a) Upon a tenant's written request, tenants may pay security deposits, nonrefundable
24 move-in fees, and/or last month's rent in installments as provided herein; except that the
25 tenant cannot elect to pay the security deposit and nonrefundable move-in fees in
26 installments if:

27 (i) the total amount of the security deposit and nonrefundable move-in fees does
28 not exceed 25 percent of the first full month's rent for the tenant's dwelling unit;
29 and,

30 (ii) payment of last month's rent is not required at the inception of the tenancy.

31 (b) Landlords may not impose any fee, charge any interest, or otherwise impose a cost on
32 a tenant because a tenant elects to pay in installments.

33 (c) Installment payments are due at the same time as rent is due.

34 (d) All installment schedules must be in writing, signed by both parties.

35 (e) The sum of any security deposits, nonrefundable move-in fees, and/or last month's
36 rent may not exceed one month's rent, except in subsidized housing where the amount of
37 rent is set based on the tenants' income.

38 (f) The exception for subsidized housing shall not include tenancies regulated under
39 Section 8 of the Housing Act of 1937, 42 U.S.C. Section 1437f, commonly known as the
40 "choice voucher program."

1
2 (2) Fixed-Term Tenancies for Six Months or Longer. Tenants entering rental agreements with
3 terms lasting six or more months may choose to pay the security deposit, nonrefundable move-in
4 fees, and last month's rent, excluding any payment made by a tenant to the landlord prior to the
5 inception of tenancy to reimburse the landlord for the cost of obtaining a tenant screening report,
6 in six equal monthly installments over the first six months occupying the dwelling unit.

7
8 (3) Month-to-Month or Tenancy Lasting Fewer Than Six Months. Tenants entering rental
9 agreements with terms lasting fewer than six months or month-to-month rental agreements may
10 choose to pay the security deposit, nonrefundable move-in fees, and last month's rent, excluding
11 any payment made by a tenant to the landlord prior to the inception of tenancy to reimburse the
12 landlord for the cost of obtaining a tenant screening report, in two equal installments. The first
13 payment is due at the inception of the tenancy, and the second payment is due on the first day of
14 the second month or period of the tenancy.

15
16 (4) Paying in installments does not apply to a landlord obtaining a tenant screening report, which
17 report cost paid by the tenant shall be limited to the standard and actual cost of the tenant
18 screening report.

19
20 (5) No security deposit may be collected by a landlord unless the rental agreement is in writing
21 and a written checklist or statement specifically describing the condition and cleanliness of or
22 existing damages to the premises and furnishings, including, but not limited to, walls, floors,
23 countertops, carpets, drapes, furniture, and appliances, is provided by the landlord to the tenant at
24 the beginning of the tenancy. The checklist or statement shall be signed and dated by the
25 landlord and the tenant, and the tenant shall be provided with a copy of the signed checklist or
26 statement.

27
28 (6) Nothing in this chapter prohibits a landlord from bringing an action against a tenant to
29 recover sums exceeding the amount of the tenant's security deposit for damage to the dwelling
30 unit for which the tenant is responsible. The landlord may seek attorney's fees for such an action
31 as authorized by Chapter 59.18 RCW.

32
33 **4.05.060 Late fees**

34 (1) Any fees for late payment of rent shall not exceed ~~\$10.00 per month~~ two percent (2%) of
35 monthly rent per month. No other fees may be charged for late payment of rent. Any rental
36 agreement provision providing for such fees shall be deemed void with respect to any provision
37 prohibited by this subsection. This section shall not apply to or limit decisions, orders, and
38 rulings of courts of competent jurisdiction.

39
40 (2) Any notice to pay or vacate served under RCW 59.12.030(3) shall include within the notice
41 in at least 16 point bold font the following information: "You have 14 days to pay the rent
42 required by this notice. After 14 days, you may pay the rent but will have to include a late fee
43 totaling at most ~~\$10.00 per month~~ two percent (2%) of monthly rent per month for each month of

1 rent owed. If the landlord has started a court case to evict you and the case is filed in court, you
2 will need to pay court costs as well before the hearing date to avoid eviction.”

3
4 **4.05.070 Rent increases**

5 (1) Rent increases shall comply with the provisions of the Washington State Residential
6 Landlord-Tenant Act as established by Chapter 59.18 RCW.

7
8 (2) A landlord may not increase the rent or charge any non-rent charges except in accordance
9 with this section. Any rental agreement or renewal of a rental agreement shall state the dollar
10 amount of the rent or rent increase and include, or shall be deemed to include, a provision
11 requiring not less than:

12 (a) 120 days’ prior notice to the tenant of a rent increase over three percent.

13 (b) 180 days’ prior notice to the tenant of a rent increase over ten percent.

14 (3) If the rental agreement governs a subsidized tenancy where the amount of rent is based on the
15 income of the tenant or circumstances specific to the subsidized household, the landlord shall
16 provide a minimum of 30 days’ prior written notice of an increase in the amount of rent to each
17 affected tenant. In the event of such an increase, the tenant may terminate the tenancy
18 immediately upon surrendering the dwelling unit prior to the increase taking effect. The tenant
19 shall only owe pro rata rent through the date upon which the premises are surrendered. Any
20 notice increasing the current rent shall inform the tenant that they may terminate the tenancy at
21 any time and owe pro rata rent through the date the tenant surrenders the dwelling unit.

22 (4) A landlord shall not increase the rent to be charged to a tenant by any amount if the dwelling
23 unit has defective conditions making the dwelling unit uninhabitable or is otherwise in violation
24 of RCW 59.18.060, Landlord duties, as it exists or may be amended. If the tenant believes the
25 dwelling unit has defective conditions making the unit uninhabitable the tenant shall notify the
26 landlord in writing as required by RCW 59.18.070 before the effective date listed in the notice of
27 rent increase.

28
29 **4.05.080 Due date adjustments**

30 All rental agreements executed after the adoption of the ordinance codified in this chapter shall
31 include a provision allowing tenants to adjust the due date of rent payments if the tenant has a
32 regular primary source of income, monthly source of governmental assistance, or fixed income
33 source (e.g., social security) that the tenant receives on a date of the month that is incongruent
34 with paying rent on the date otherwise specified in the rental agreement. A landlord shall not
35 refuse to rent to a prospective tenant or terminate a lease based on a request for a due date
36 adjustment.

37
38 **4.05.090 Just cause eviction.**

39 (1) Tenant evictions within the City of SeaTac shall comply with the provisions of the
40 Washington State Residential Landlord-Tenant Act as established by Chapter 59.18 RCW.

41
42 ~~(2) A landlord of housing units shall not evict or attempt to evict any tenant, or otherwise~~
43 ~~terminate or attempt to terminate the tenancy of any tenant or refuse to renew or continue the~~

1 rental agreement after the expiration of the rental agreement, unless the landlord can prove in
2 court that just cause exists.

3
4 (2) If the reason for the eviction proceedings is due to the tenant being past due on rent, the
5 landlord shall terminate eviction proceedings when the tenant has paid the landlord the past due
6 amount for rent or when a payment plan has been agreed upon between the landlord and tenant.

7
8 (3) A landlord may not evict residential tenants from rental housing units if the units are not
9 licensed with the city of SeaTac, regardless of whether just cause for eviction may exist.

10 (a) A landlord is in compliance with licensing requirement if the rental housing unit is
11 licensed with the city of SeaTac pursuant to Chapter 5.05 SMC before entry of a court
12 order authorizing eviction or before a writ of restitution is granted.

13 (b) A court may grant a continuance in an eviction action in order to give the landlord
14 time to license the rental housing unit.

15
16 (4) The reasons for termination of tenancy listed below, ~~and no others,~~ shall constitute just cause
17 under this section:

18 (a) The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW
19 59.12.030(3); a 10-day notice to comply or vacate pursuant to RCW 59.12.030(4); or a
20 three-day notice to vacate for waste, nuisance (including a drug-related activity nuisance
21 pursuant to Chapter 7.43 RCW), or maintenance of an unlawful business or conduct
22 pursuant to RCW 59.12.030(5);

23 ~~(b) The tenant habitually fails to pay rent when due which causes the owner to notify the~~
24 ~~tenant in writing of late rent four or more times in a 12-month period;~~

25 (be) The tenant fails to comply with a 10-day notice to comply or vacate that requires
26 compliance with a material term of the rental agreement or that requires compliance with
27 a material obligation under RCW 59.18.130;

28 ~~(d) The tenant habitually fails to comply with the material terms of the rental agreement~~
29 ~~which causes the owner to serve a 10-day notice to comply or vacate three or more times~~
30 ~~in a 12-month period;~~

31 (ce) The owner seeks possession so that the owner or a member of his or her immediate
32 family may occupy the unit as that person's principal residence and no substantially
33 equivalent unit is vacant and available in the same building, and the owner has given the
34 tenant at least 90 days' advance written notice of the date the tenant's possession is to
35 end. The director may reduce the time required to give notice to no less than 60 days if
36 the director determines that delaying occupancy will result in a personal hardship to the
37 owner or to the owner's immediate family. Personal hardship may include but is not
38 limited to hardship caused by illness or accident, unemployment, or job relocation. There
39 is a rebuttable presumption of a violation of this subsection (4)(ec) if the owner or a
40 member of the owner's immediate family fails to occupy the unit as that person's
41 principal residence for at least 60 consecutive days during the 90 days immediately after
42 the tenant vacated the unit pursuant to a notice of termination or eviction using this
43 subparagraph as the cause for eviction;

1 (df) The owner elects to sell a dwelling unit subject to the provisions of this chapter and
2 gives the tenant at least 90 days' written notice prior to the date set for vacating, which
3 date shall coincide with the end of the term of a rental agreement, or if the agreement is
4 month to month, with the last day of a monthly period. The director may reduce the time
5 required to give notice to no less than 60 days if the director determines that providing 90
6 days' notice will result in a personal hardship to the owner. Personal hardship may
7 include but is not limited to hardship caused by illness or accident, unemployment, or job
8 relocation. For the purposes of this subsection, an owner "elects to sell" when the owner
9 makes reasonable attempts to sell the dwelling within 30 days after the tenant has
10 vacated, including, at a minimum, listing it for sale at a reasonable price with a realty
11 agency or advertising it for sale at a reasonable price in a newspaper of general
12 circulation. There shall be a rebuttable presumption that the owner did not intend to sell
13 the unit if:

- 14 (i) Within 30 days after the tenant has vacated, the owner does not list the single-
15 family dwelling unit for sale at a reasonable price with a realty agency or
16 advertise it for sale at a reasonable price in a newspaper of general circulation, or
17 (ii) Within 90 days after the date the tenant vacated or the date the property was
18 listed for sale, whichever is later, the owner withdraws the rental unit from the
19 market, rents the unit to someone other than the former tenant, or otherwise
20 indicates that the owner does not intend to sell the unit;

21 (eg) The tenant's occupancy is conditioned upon employment on the property and the
22 employment relationship is terminated;

23 (fh) The owner seeks to do substantial rehabilitation in the building and gives the tenant
24 at least 120 days' written notice prior to the date set for vacating. To utilize this basis as
25 the rationale for termination, the owner must obtain at least one permit necessary for the
26 rehabilitation before terminating the tenancy;

27 (gi) The owner elects to demolish the building, convert it to a cooperative, or convert it to
28 a nonresidential use and gives the tenant at least 120 days' written notice prior to the date
29 set for vacating. To utilize this basis as the rationale for termination, the owner must
30 obtain a permit necessary to demolish or change the use before terminating any tenancy
31 or converting the building to a condominium;

32 (hj) The owner seeks to discontinue use of a housing unit unauthorized by SMC Title 15
33 after receipt of a notice of violation;

34 (ik) The owner seeks to reduce the number of individuals residing in a dwelling unit to
35 comply with the maximum limit of individuals allowed to occupy one dwelling unit as
36 required by SMC Title 13; and

- 37 (i)
38 (A) The number of such individuals was more than is lawful under the
39 current version of SMC Title 13; and
40 (B) That number has not increased with the knowledge or consent of the
41 owner; and
42 (C) The owner is either unwilling or unable to obtain a permit to allow the
43 unit with that number of residents; and

1 (ii) The owner has served the tenants with a 30-day notice, informing the tenants
2 that the number of tenants exceeds the legal limit and must be reduced to the legal
3 limit; and

4 (iii) After expiration of the 30-day notice, the owner has served the tenants with
5 and the tenants have failed to comply with a 10-day notice to comply with the
6 limit on the number of occupants or vacate; and

7 (iv) If there is more than one rental agreement for the unit, the owner may choose
8 which agreements to terminate; provided, that the owner may either terminate no
9 more than the minimum number of rental agreements necessary to comply with
10 the legal limit on the number of occupants, or, at the owner's option, terminate
11 only those agreements involving the minimum number of occupants necessary to
12 comply with the legal limit;

13 (~~jl~~) An emergency order requiring that the housing unit be vacated and closed has been
14 issued pursuant to SMC Title 13 and the emergency conditions identified in the order
15 have not been corrected;

16 (~~km~~) The owner seeks to discontinue sharing with a tenant of the owner's own housing
17 unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of
18 an accessory dwelling unit that is accessory to the housing unit in which the owner
19 resides, or seeks to terminate the tenancy of a tenant in a single-family dwelling unit and
20 the owner resides in an accessory dwelling unit on the same lot. This subsection does not
21 apply if the owner has received a notice of violation of the development standards of
22 SMC Title 15;

23 (~~ln~~) A tenant, or with the consent of the tenant, the tenant's subtenant, sublessee, resident,
24 or guest, has engaged in criminal activity on the premises, or on the property or public
25 right-of-way abutting the premises, and the owner has specified in the notice of
26 termination the crime alleged to have been committed and the general facts supporting
27 the allegation, and has assured that the department has recorded receipt of a copy of the
28 notice of termination. For purposes of this subsection a person has "engaged in criminal
29 activity" if he or she:

30 (i) Engages in drug-related activity that would constitute a violation of Chapter
31 69.41, 69.50, or 69.52 RCW; or

32 (ii) Engages in activity that is a crime under the laws of this state, but only if the
33 activity substantially affects the health or safety of other tenants or the owner.

34
35 (~~54~~) Any rental agreement provision which waives or purports to waive any right, benefit or
36 entitlement created by this section shall be deemed void and of no lawful force or effect.

37
38 (~~65~~) With any termination notices required by law, owners terminating any tenancy protected by
39 this section shall advise the affected tenant or tenants in writing of the reasons for the termination
40 and the facts in support of those reasons.

41
42 (~~76~~) If a tenant who has received a notice of termination of tenancy claiming subsection (4)(~~ce~~),
43 (~~df~~) or (~~km~~) of this section as the ground for termination believes that the owner does not intend

1 to carry out the stated reason for eviction and makes a complaint to the director, then the owner
2 must, within 10 days of being notified by the director of the complaint, complete and file with
3 the director a certification stating the owner's intent to carry out the stated reason for the
4 eviction. The failure of the owner to complete and file such a certification after a complaint by
5 the tenant shall be a defense for the tenant in an eviction action based on this ground.
6

7 (~~§7~~) In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it
8 shall be a defense to the action that there was no just cause for such eviction or termination as
9 provided in this section.
10

11 (~~98~~) It shall be a violation of this section for any owner to evict or attempt to evict any tenant or
12 otherwise terminate or attempt to terminate the tenancy of any tenant using a notice which
13 references subsection (4)(~~ce~~), (~~df~~), (~~fh~~), (~~ik~~), (~~jl~~) or (~~km~~) of this section as grounds for eviction or
14 termination of tenancy without fulfilling or carrying out the stated reason for or condition
15 justifying the termination of such tenancy.
16

17 (~~109~~) An owner who evicts or attempts to evict a tenant or who terminates or attempts to
18 terminate the tenancy of a tenant using a notice which references subsection (4)(~~ce~~), (~~df~~) or (~~fh~~)
19 of this section as the ground for eviction or termination of tenancy without fulfilling or carrying
20 out the stated reason for or condition justifying the termination of such tenancy shall be liable to
21 such tenant in a private right for action for damages up to \$2,000, costs of suit, or arbitration and
22 reasonable attorney's fees.
23
24

25 **4.05.100 Social Security numbers**

26 (1) Tenants may be required to provide the landlord with a social security number, if the tenant
27 has one, as part of the application process for a rental agreement. If the tenant does not have a
28 social security number, then no landlord shall require a tenant to provide a social security
29 number. No landlord shall require that any tenant, prospective tenant, occupant, or prospective
30 occupant of rental property provide a social security number. Alternative proof of financial
31 eligibility such as portable screening reports or other proof of income must also be accepted,
32 where available, if offered by the tenant.
33

34 (2) Nothing in this section shall prohibit a rental housing owner or nonowner manager from
35 either:

- 36 (a) Complying with any legal obligation under federal law.
- 37 (b) Requesting information or documentation necessary to determine or verify the
38 financial qualifications of a prospective tenant, or to determine or verify the identity of a
39 prospective tenant or prospective occupant. However, if the rental housing owner or
40 nonowner manager requests a social security number for verifying financial
41 qualifications, other documentation sufficient to verify financial qualifications must also
42 be accepted, such as portable screening reports, Individual Taxpayer Identification
43 Number (ITIN) or other proof of income, and if a person is offering alternative means,

1 the rental housing owner or nonowner manager must offer the same terms to the applicant
2 as if a social security number was provided.

3 (3) A landlord may utilize information including, but not limited to, previous names, addresses,
4 personal references, and work history to screen prospective tenants. A landlord shall maintain the
5 right to take adverse action because of inaccurate, unfavorable, or unavailable screening results.
6

7 **4.05.110 Enforcement**

8 (1) A violation of this Chapter 4.05 shall be a violation as defined by SMC 1.15.020 and shall be
9 subject to the code enforcement provisions of SMC 1.15 Code Enforcement.

10 (2) Powers and Duties of the Director.

11 (a) The director is authorized to enforce this chapter consistent with the provisions of
12 SMC 1.15 Code Enforcement.

13 (b) The director shall attempt to settle by agreement any alleged violation or failures to
14 comply with the provisions of this chapter; provided, that nothing herein shall create a
15 right or entitlement of a landlord to settlement by agreement.

16 (c) The director is authorized to request records from landlord and the landlord shall
17 allow the director access to such records, as well as a complete roster of tenants' names
18 and contact information, when requested, with at least five business days' notice and at a
19 mutually agreeable time, to investigate potential violations of the requirements of this
20 chapter.

21 (3) Any provision in violation of SMC 4.05.040 through 4.05.100 in a rental agreement are null
22 and void and of no lawful force and effect.

23 (4) A landlord found in violation of any of the provisions in this chapter, unless otherwise
24 provided in this chapter, shall be liable to such a tenant in a private right of action for the greater
25 of double the tenant's economic and noneconomic damages or three times the monthly rent of
26 the dwelling unit at issue, and reasonable litigation costs and attorneys' fees.

ORDINANCE NO. 23-1010

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Chapter 3.31 of the SeaTac Municipal Code related to Purchasing.

WHEREAS, the City Council discussed amending the City's Purchasing Code to increase the City Manager's authority to make purchases, execute contracts, and accept grants when the value does not exceed \$100,000 at the August 9, October 8, and December 13, 2022 Council Study Sessions; and

WHEREAS, the City Council also discussed amending the procedures for how making purchases, executing contracts, and accepting grants exceeding \$100,000, but not exceeding \$150,000, are handled; and

WHEREAS, the City Council has determined that it is appropriate to amend the City's Purchasing Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. Section 3.31.050 of the SeaTac Municipal Code is hereby amended to read as follows:

3.31.050 Cost Threshold--Contract Approval Levels and Contract Amendments.

- A. The following approval levels are designed for all contracts and ~~purchases~~agreements. Contracts, agreements, and purchases that require additional budget appropriations must be approved by the City Council, regardless of amount.
1. Contracts and ~~purchases~~agreements not exceeding ~~\$5~~100,000 may be approved by the City Manager or designee without City Council approval.
 2. Contracts and agreements exceeding \$100,000, but not exceeding \$150,000, shall be reported on the Consent Agenda, for City Council approval.
 - i. This is for a trial period of one year from the effective date of this Ordinance at which time this amount will be reviewed by the City Council.
 - ~~2.3.~~ Contracts and ~~purchases~~agreements exceeding ~~\$1~~150,000 shall be presented to the City Council for approval as referred by the Council Standing Committee or City Council.

B. The approval process for contract amendments, except contract amendments for public works, is set forth in this Subsection.

1. The City Manager ~~or designee~~ may execute an amendment without City Council approval, provided that the amendment:
 - i. Extends the time of completion for a project. Such an extension can be for up to six months; and/or
 - ii. Provides for a cost increase that does not exceed 10% of the original contract cost or ~~\$10050,000~~, whichever is less, and such cost increase does not require additional budget appropriations; or
 - iii. The total value of the contract does not exceed ~~\$10050,000~~ after the cost increase.

C. The approval process for amendments to public works contracts exceeding \$150,000 in value (including change orders) is set forth in this Subsection.

1. The City Manager or designee may execute an amendment to a public works contract, including change orders, without City Council approval, provided that the amendment or change order does not increase the cost of the original contract amount beyond any contingency authorized by the City Council when the contract was awarded.

Section 2. Section 3.31.190 of the SeaTac Municipal Code is hereby amended to read as follows:

3.31.190 Acceptance of Grants, Lease or Rental of City Facilities and Contracts for which City Receives Payment.

The City Manager or designee, on behalf of the City, is granted the authority to accept grants, lease or rent City facilities, or let any contract in which the City receives either monetary or nonmonetary payment for material, equipment, services, or supplies under such terms and conditions the City Manager deems is in the best interest of the City and does not interfere with public use; provided that annual payment to the City for any such lease, rental agreement, or contract ~~does not exceed is less than fifty-one hundred~~ thousand dollars (~~\$100,00050,000~~) in value.

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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

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 ordinance, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations, or Ordinance numbering and section/subsection numbering.

Section 5. Effective Date. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 25th day of April, 2023, and signed in authentication thereof on this 25th day of April, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 5/6/2023]

[SMC 3.31 - Purchasing]

ORDINANCE NO. 23-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to execute a professional services agreement between the City of SeaTac and Klinge and Associates Inc. in the amount of \$440,732.61 and amending the City's 2023-2024 Biennial Budget.

WHEREAS, the City of SeaTac approved a decision card for a 'SeaTac Police Community Outreach Center' in the 2021-2022 Biennial Budget, and the project was carried forward in the Facility Construction CIP Fund (306 fund) for the 2023-2024 Biennial Budget; and

WHEREAS, the City of SeaTac signed a lease agreement for rental of the office space with Sunset Management Inc on January 30, 2023; and

WHEREAS, the lease agreement provides revenue of \$62,600 to the City of SeaTac to be put towards 'Lessee Improvements' and this revenue will be delivered to the City within 30 days upon satisfactory completion and close out of the project; and

WHEREAS, the desired scope of work provides construction services for the complete build out of the office space through a tenant improve; and

WHEREAS, an amendment to the 2023-2024 Biennial Budget is required to provide for additional monies to fund the project;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

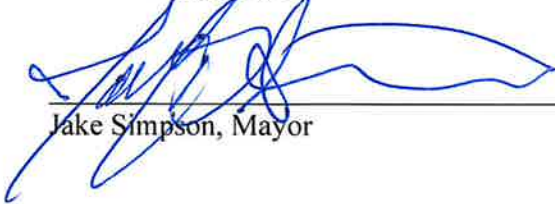
Section 1. The City Manager is authorized to execute a professional services contract with Klinge & Associates Inc. for construction services for the Police substation in an amount not to exceed \$440,732.61.

Section 2. The City's 2023-2024 Biennial Budget is amended to increase revenue in the Facility Construction CIP Fund (306 fund) by \$62,600 and expenditures by \$275,737.61, for needed professional services.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 25th day of April, 2023, and signed in authentication thereof on this 25th day of April, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 5/6/2023]

[Klinge and Associates Inc. Agr and amend budget]

ORDINANCE NO. 23-1012

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2023-2024 Biennial Budget Beginning Fund Balances and other miscellaneous items.

WHEREAS, the Administration and Finance Committee, on April 13, 2023, reviewed the proposed amendment submitted by the City Manager and Finance and Systems Director which details recommended changes in various expenditure line items in the 2023-2024 Biennial Budget; and

WHEREAS, it is necessary for the City Council to amend the 2023-2024 Biennial Budget to provide additional appropriation authority to fund certain expenditures identified in Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

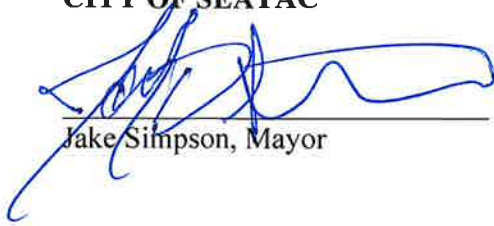
Section 1. A listing of the adjustment requests is included by line item, amount, and fund in summary format as shown in the attached Exhibit A. Decision Cards providing detailed descriptions are included as Exhibit C.

Section 2. The 2023-2024 Biennial Budget for the City of SeaTac, covering the period from January 1, 2023, through December 31, 2024, is hereby amended with a total 2024 ending fund balance in the amount of \$112.7 million for all budgeted funds. The City's 2023-2024 biennial budget is attached as Exhibit B and includes budgeted revenues and expenditures for the 2023-2024 biennium in the amounts and for the purposes shown separately and in the aggregate totals for all such funds as displayed.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 25th day of April, 2023, and signed in authentication thereof on this 25th day of April, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 5/6/2023]

[2023-2024 Biennial Budget Amendment Ordinance]

EXHIBIT A

2023-2024 Biennial Budget Amendment

Revenue

		2023-2024	
		TOTAL	
001	001.334.01.20.003	\$600,000	Therapeutic Court - AOC
	001.334.01.20.004	\$149,950	Community Justice Counselor - AOC
	001.334.04.20.003	\$125,000	Dept of Commere Comp Plan Grant
113	113.332.92.10.000	\$3,547,361	ARPA Coronavirus Local Allocation
301	301.337.07.00.009	\$9,175	KC Youth Sports Pump Track Design
307	307.334.03.81.013	\$622,193	34th Ave, S 160th to S 166th TIB Grant
501	501.348.30.00.001	\$7,126	Vehicle/Equip MTC & Repair Charges
	501.348.30.00.002	\$13,134	Vehicle/Equip Cap Recovery Charges
		\$5,073,939	

Expenditures

		2023-2024	
FUND #	BARS#	TOTAL	Description
001	001.000.02.512.51.41.000	\$600,000	Professional Services - Community Court
	001.000.02.512.51.49.061	\$149,950	Registration - Community Court
	001.000.04.518.88.41.000	\$4,413	Professional Services - Cityworks Review & Configuration
	001.000.04.518.88.41.000	\$7,900	Professional Services - OnBase Upgrade
	001.000.04.518.88.41.000	\$3,853	Professional Services - Phoenix Systems Upgrade
	001.000.04.518.88.48.049	\$20,444	Equipment Repair & Maint - Network Infrastructure Refresh
	001.000.04.518.88.48.050	\$1,035	Enterprise SW & Maint - Pheonix Systems Upgrade
	001.000.06.515.45.41.022	\$173,000	Special Legal Services
	001.000.07.517.91.43.032	\$6,907	Meals - Awards Banquet
	001.000.09.525.60.35.000	\$21,267	Small Tools & Minor Equip - Projector & Screen Replacement ECC
	001.000.13.558.60.41.000	\$500,000	Professional Services - Comp Plan Update
	001.000.13.558.60.41.000	\$254,057	Professional Services - City Center/Airport Business District Plan
	Various	\$748,615	Salaries & Benefits Adjustment
Total General Fund (001)		\$2,491,441	
102	102.000.11.544.40.41.000	\$12,000	Professional Services - On-Call Geotechnical Engineering Services
	102.000.11.595.30.63.211	\$775,000	Miller Creek Daylight Project
	102.000.11.595.30.63.222	\$10,000	2022 Overlay Project
	102.000.11.595.30.63.223	\$103,261	2023 Overlay Project
	Various	\$87,569	Salaries & Benefits Adjustment
Total Street Fund (102)		\$987,830	
107	107.000.13.557.30.41.136	\$100,000	Tourism Destination Development Plan (TDDP)
	Various	\$10,899	Salaries & Benefits Adjustment
Total Hotel/Motel Fund (107)		\$110,899	
113	113.000.13.518.63.41.001	\$1,500,000	SeaTac Business Capital Access Program
	113.000.13.518.63.41.002	\$242,700	SeaTac Digital Marketplace
	113.000.13.518.63.41.003	\$1,800,000	SeaTac Regional FastTrack Childcare Initiative
	Various	\$4,661	Salaries & Benefits Adjustment
Total ARPA Grant Fund (113)		\$3,547,361	

EXHIBIT A

2023-2024 Biennial Budget Amendment

Expenditures

<u>FUND #</u>	<u>BARS#</u>	<u>2023-2024</u> <u>TOTAL</u>	<u>Description</u>
301	301.000.04.518.88.35.000	\$52,987	Small Tools & Minor Equip - Network Infrastructure Refresh
	301.000.04.518.88.35.000	\$2,500	Solid Waste Intern DC - Small Tools & Minor Equip
	301.000.10.594.18.62.001	\$1,102,482	City Hall HVAC Upgrade
	301.000.10.594.75.62.003	\$323,006	Community Center HVAC Upgrade
	301.000.10.594.75.62.002	\$191,340	SeaTac Comm Center Impr - Comm Center Playground Equip
	301.000.10.594.76.63.217	\$74,489	Angle Lake Fishing Pier
	301.000.10.594.76.63.219	\$137,704	Riverton Heights Spray Park
	301.000.10.594.76.63.221	\$120,000	Botanical Garden Entry Sign
	301.000.10.594.76.63.222	\$15,033	Bicycle Pump Track
	301.000.13.594.18.64.092	\$212,355	Permitting Software
	301.000.10.594.40.62.073	-\$230,707	Maint. Facility Design - See 306 Fund
	Total Municipal CIP Fund (301)	\$2,001,189	
306	306.000.10.594.21.62.001	\$164,994	SeaTac Police Community Outreach
	306.000.10.594.44.62.001	\$230,707	Maint. Facility Renovations
	Total Facility Constr. CIP (306)	\$395,701	
307	307.000.11.599.99.65.105	\$500,000	Transportation Master Plan Update
	307.000.11.599.99.65.307	\$471,203	River Ridge Elementary Sidewalk
	307.000.11.599.99.65.601	\$2,759,040	34th Ave S
	307.000.11.599.99.65.602	\$3,051,734	ST-141 (32nd, 180th, 176th)
	Various	\$47,600	Salaries & Benefits Adjustment
	Total Transportation CIP (307)	\$6,829,577	
308	308.000.10.576.10.41.000	\$42,666	Professional Services - Gateway Project
	Total Light Rail Station (308)	\$42,666	
403	403.000.11.531.32.41.000	\$48,392	Professional Services - SW Management Action Planning
	403.000.11.595.40.63.211	\$985,000	Miller Creek Daylight Project
	Various	\$77,827	Salaries & Benefits Adjustments
	Total SWM (403)	\$1,111,219	
404	404.000.11.537.90.XX.XXX	\$48,111	Solid Waste Intern DC - Salaries & Benefits
	404.000.11.537.92.43.031	\$800	Solid Waste Intern DC - Lodging
	404.000.11.537.92.43.032	\$600	Solid Waste Intern DC - Meals
	404.000.11.537.92.43.033	\$300	Solid Waste Intern DC - Transportation
	404.000.11.537.90.49.053	\$480	Solid Waste Intern DC - Subscriptions
	404.000.11.537.92.49.061	\$1,300	Solid Waste Intern DC - Registration
	Various	\$6,439	Salaries & Benefits Adjustments
	Total SWE (404)	\$58,030	
501	501.000.11.548.65.41.000	\$1,272	Professional Services - Fleet Electrification
	501.000.11.594.48.64.095	\$314,085	Vehicles/Heavy Equipment
	Various	\$6,970	Salaries & Benefits Adjustments
	Total Equip Rental Fund (501)	\$322,327	
	Grand Total - ALL FUNDS	\$17,898,240	

CITY OF SEATAC, WASHINGTON
2023-2024 BIENNIAL BUDGET: EXHIBIT B

4/25/2023

2023-2024 BIENNIAL BUDGET (EXPENDITURES + ENDING BALANCES) = \$ 293,781,571				
FUND	BEGINNING BALANCE	REVENUES & OTHER SOURCES	EXPENDITURE APPROPRIATION	ENDING BALANCE
001 General Fund	\$ 40,874,342	\$ 94,669,283	\$ 104,666,708	\$ 30,876,916
102 Street Fund	9,127,607	21,028,486	13,060,363	\$ 17,095,730
105 Port ILA	13,049,905	3,066,578	3,171,751	\$ 12,944,732
106 Transit Planning	410,101	570,960	151,045	\$ 830,016
107 Hotel/Motel Tax	11,331,778	3,859,200	3,304,689	\$ 11,886,289
108 Building Management	3,727,788	566,022	578,336	\$ 3,715,474
111 Des Moines Creek Basin ILA	4,320,685	727,100	3,404,445	\$ 1,643,340
112 Affordable Housing Sales Tax	221,408	297,290	378,000	\$ 140,698
113 ARPA Grant	68,336	5,138,442	5,099,052	\$ 107,726
114 Restricted Public Safety Fund	-	156,526	120,400	\$ 36,126
207 SCORE Bond Servicing	390,871	287,863	283,063	\$ 395,671
301 Municipal Capital Improvements	19,345,703	6,608,429	15,246,592	\$ 10,707,540
306 Facility Construction CIP	3,750,367	41,700	995,701	\$ 2,796,366
307 Transportation CIP	18,602,849	5,889,948	15,433,768	\$ 9,059,029
308 Light Rail Station Areas CIP	3,030,848	120,750	842,666	\$ 2,308,932
403 SWM Utility	7,006,547	8,582,000	9,553,297	\$ 6,035,250
404 Solid Waste & Environmental	1,467,037	863,900	678,278	\$ 1,652,659
501 Equipment Replacement	2,259,169	2,321,753	4,131,997	\$ 448,925
TOTAL BIENNIAL BUDGET	\$ 138,985,341	\$ 154,796,230	\$ 181,100,151	\$ 112,681,420

City of SeaTac Decision Card

<p>Title: Increase 2023 COLA</p> <p>Fund(s): Several</p> <p>Amount: \$ 990,581</p>	<p>Department: City Manager</p> <p>Director: Carl Cole</p> <p>Program: All</p>
<p>Mandatory? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Date Prepared: 04/04/2023</p> <p>Preparer: Carl Cole</p>

Description: *(Provide a brief overview of what is being requested)*

City Manager recommendation the Council approve an additional 2023 Cost of Living Adjustment (COLA) of 4.5% for all employees, effective July 1, 2023.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

Over the course of the last budget process, several Councilmembers expressed concern that the City of SeaTac was not competitive in the job market and expressed interest in assessment of comparative wages. Recent salary surveys have shown the City lagged in a few job classifications (corrections were made in all cases), but that base wages across the board are substantively within Council policy. The one area where the City is falling behind is in annual adjustments to wages based on economic factors. The current Collective Bargaining Agreement (CBA) requires an annual Cost of Living Adjustment (COLA) equal to 95% of the CPI-W Seattle-Tacoma-Bellevue June to June index, up to a maximum of 5%. Because economic factors have resulted in two years of higher than average inflation (2021-6.3%, 2022-9.5%), the buying power of City employees is being reduced as a consequence of the 5% cap. Additionally, current City employees are beginning to seek employment elsewhere in order to receive higher compensation, and exit interviews with those that have left indicate compensation was a primary reason for leaving. Recruiting, hiring and training are significant expenses and addressing the COLA gap will hopefully slow the flow of employees leaving the City for better financial opportunities.

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

Council can approve a different adjustment amount or not fund this request at all.

City Goal: *(Identify how this request works towards the City's Goals):*

Building Effective & Accountable Government requires staff dedicated to their jobs and eager to provide public service. Failing to retain qualified staff works against this goal.

Funding Detail:

	Fund(s)/Source	2023 Amount	2024 Amount
Expenditures:			
One-Time Costs			
On-Going Costs	001, 102, 107, 113, 307, 403, 404, 501	277,481	713,100
Total Expenditures		\$ 277,481	\$ 713,100
Revenues:			
Grant <i>(Identify Grant)</i>			
Other <i>(Identify)</i>			
Total Revenues		\$ 0	\$ 0
Total Request (Net):		\$ 277,481	\$ 713,100

City of SeaTac Decision Card

<p>Title: Solid Waste Intern</p> <p>Fund(s): 404 Solid Waste/301 Fund</p> <p>Amount: \$ 54,091</p> <p>Mandatory? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Department: Public Works</p> <p>Director: William Appleton</p> <p>Program: Solid Waste</p> <p>Date Prepared: 02/17/2023</p> <p>Preparer: Mason Giem</p>
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Description: *(Provide a brief overview of what is being requested)*

Creation of a Solid Waste intern position.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

The Solid Waste Division is requested to provide an increased level of service for the community of SeaTac which both the Community and Council have asked for. Additionally, the creation of an intern position will create opportunity for people planning a career in public service to work within the field while going to school or having completed school but lacking experience. The Solid Waste Division, with the addition of an intern position would be well positioned to increase level of service within SeaTac.

Externally, our residents and businesses would see improvements in: litter pick-up and response to dumping in the rights-of-way and improved event/program coordination and execution. Specific programs include the Adopt-A-Street program which has grown to 11 volunteer groups and one community event but could have more impact with additional staffing. The position would also help volunteer groups improve at recruitment and program execution. Promoting and growing the Adopt-A-Street program including the new Adopt-A-Trail program would also be an assigned responsibility. Internally, the position would assist with hosting field staff training, conducting bi-weekly checks on hazardous waste management at City facilities and assist with reporting and documentation requirements for our hazardous waste materials management program. A dedicated staff member will ensure improved compliance with these regulations.

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

Continue to operate without an intern position. However, while programs will continue to run, they likely won't be as effective as they could be without additional staff support.

City Goal: *(Identify how this request works towards the City's Goals):*

This request Promotes our Neighborhoods and works to Build Effective and Accountable Government by improving the level of service SeaTac receives around solid waste related issues using sustainable funding generated by the solid waste franchise. It will ensure that our neighborhoods are cleaner and have greater opportunities to participate in waste reduction activities.

Funding Detail:

	Fund(s)/Source	2023 Amount	2024 Amount
Expenditures:			
One-Time Costs	301 Fund	2,500	
On-Going Costs	404- Solid Waste	16,966	34,625
Total Expenditures		\$ 19,466	\$ 34,625
Revenues:			
Grant <i>(Identify Grant)</i>			
Other <i>(Identify)</i>			
Total Revenues		\$ 0	\$ 0
Total Request (Net):		\$ 19,466	\$ 34,625

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Solid Waste Intern

Position Title (Provided by HR) : Solid Waste Intern

Salary Range (Provided by HR) : \$23-\$28/hour

Limited Term Position? (Y/N) yes

Primary Duties/Responsibilities:

Provide intern level assistance within the Solid Waste Division 10-20 hours/week (1,040 hours/year) for the following activities/programs:

1. The Adopt-A-Street and Adopt-A-Park Programs, including volunteer management and promotion.
2. The Citywide Hazardous Materials Storage and Handling Program, including Department of Ecology reporting, documentation and staff training.
3. Solid Waste Division Events, including the Recycle events, The Great SeaTac Scrub Down and Get Your Green On.
4. The litter control program, including identification and coordination of illegal dumping cleanup.
5. Grant reporting for department of Waste Reduction and Recycling grant, the King County Hazardous Waste grant and the Local Solid Waste Financial Assistance grant.
6. Providing solid waste education (contamination reduction and compost service setup) to residents and businesses.

	2023	2024
Total Salary <i>(provided by Finance)</i>	13,440	29,120
Total Benefits <i>(provided by Finance)</i>	1,786	3,765
Subtotal Salary and Benefits	\$ 15,226	\$ 32,885

BARS

Office Supplies	XXX.XX.31.008		
Uniform & Safety Clothing	XXX.XX.31.018		
Office Furniture &	XXX.XX.35.000		
Equipment Computer &	301 FUND	2,500	
Hardware Telephone			
Cell Phone Purchase	XXX.XX.35.000		
Cell Phone Service Charges	XXX.XX.42.028		
Software Subscriptions	XXX.XX.49.053	240	240
Training & Conferences			
Lodging	XXX.XX.43.031	400	400
Meals	XXX.XX.43.032	300	300
Transportation	XXX.XX.43.033	150	150
Registration	XXX.XX.49.061	650	650
Vehicle			
Vehicle Purchase	501 FUND		
Equipment Rental Charges <i>(provided by Public Works)</i>	XXX.XX.45.002		

Other *(specify)* :

Subtotal Associated Costs	\$ 4,240	\$ 1,740
TOTAL:	\$ 19,466	\$ 34,625

ORDINANCE NO. 23-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending and repealing certain sections of Chapter 5.35 of the SeaTac Municipal Code relating to fireworks.

WHEREAS, the City Council adopted Ordinance No. 05-1006, codified in Chapter 5.35 of the SeaTac Municipal Code, which prohibited the sale, use, and possession of fireworks within the City of SeaTac except for public or religious displays of fireworks subject to the issuance of proper permits; and

WHEREAS, the City Council would like to repeal and amend certain sections of Chapter 5.35 in order to allow for the sale, use, and possession of consumer fireworks subject to the issuance of proper permits; and

WHEREAS, this has been before the Public Safety and Justice Committee on February 9 and May 4, 2023; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

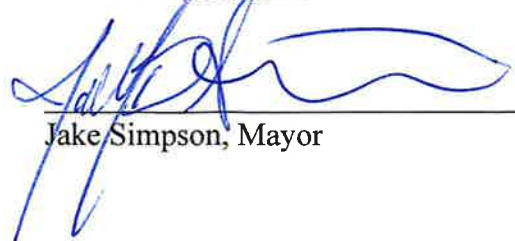
Section 1. Chapter 5.35 of the SeaTac Municipal Code is hereby amended as set forth in Exhibit A.

Section 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage as required by law.

ADOPTED this 9th day of May, 2023, and signed in authentication thereof on this 9th day of May, 2023.

CITY OF SEATAC



Jake Simpson, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 6/8/2023]

[Fireworks Code]

Chapter 5.35
FIREWORKS

Sections:

- 5.35.010** Definitions.
- 5.35.015** Reckless discharge of fireworks.
- 5.35.020** General provisions.
- ~~**5.35.025** Enforcement. Repealed.~~
- 5.35.030** ~~Repealed.~~ Sale – Application and Permit
- 5.35.040** ~~Repealed.~~ Fireworks Stand.
- 5.35.050** Public or religious displays of fireworks.
- 5.35.055** Issuance – Nontransferable – Voiding.
- 5.35.060** Repealed.
- 5.35.070** Repealed.
- ~~**5.35.080** Exceptions. Repealed.~~
- 5.35.085** Construction.
- 5.35.090** Violation – Enforcement and Penalty.

5.35.010 Definitions.

~~A. “Chief” or “Fire Chief” Chief of City of SeaTac Fire Department~~

A. “City” means the City of SeaTac.

B. “Fire code official” means the Puget Sound Regional Fire Authority Fire Chief or other designated authority charged with the administration and enforcement of the fire code, or duly authorized representative. ~~“Fire Department” means the City of SeaTac Fire Department.~~

5.35.015 Reckless discharge of fireworks.

RCW 70.77.488 is hereby incorporated as now stated or hereinafter amended, and all other statutes adopted by reference therein as if fully set forth herein.

5.35.020 General provisions.

A. Fireworks shall be regulated in accordance with the provisions of this Chapter, the Fire Code under SMC 13.150, and 70.77 RCW as referenced and hereby incorporated, now stated, or hereinafter amended.

~~A. It shall be unlawful for any person, firm, or corporation to offer for sale, at retail or wholesale, or to sell, at retail or wholesale, any fireworks within the City; provided, that this prohibition does not apply to duly authorized public displays.~~

B. It shall be a civil infraction, with a monetary penalty of two hundred fifty dollars (\$250.00), including costs and assessments, for any person to purchase, possess, use, discharge, ignite, or explode any fireworks within the City except:

1. As authorized by City permit to operate a public display of fireworks, ~~granted~~ pursuant to this chapter and RCW 70.77.260(2); or
2. As authorized by RCW 70.77.311(2) (use by individual or group for religious purpose on approved date and at approved location); provided, that a permit is obtained from the ~~Fire Chief~~ fire code official pursuant to this chapter; or
3. Used as trick and novelty devices, and use of agricultural and wildlife fireworks as defined in WAC 212-17-045 now stated or as hereinafter amended; or
4. As authorized under RCW 70.77.405, 70.77.530, and 70.77.535.

C. Limitation on Use of legal Consumer Fireworks.

1. Legal consumer fireworks, as defined by RCW 70.77.136 are small devices designed to produce: (a) visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission; and (b) audible effects such as a whistling ground device containing 50 milligrams or less of explosive materials.
2. Devices that are aerial, airborne, discharged, launched, or explode that may otherwise be considered consumer fireworks are prohibited.
3. It is unlawful for any person under the age of 16 years to possess, use, discharge, or transport any fireworks unless under immediate supervision of an adult who is 18 years old or older. It is unlawful for any person or entity to sell or give fireworks to anyone under the age of 16 years unless that person is under the immediate supervision of an adult who is 18 years old or older.
4. It is unlawful for any person to smoke within 25 feet of any building or stand in which fireworks are sold at retail or stored after hours.
5. It is unlawful for any person to discharge any fireworks, or to permit the discharge of fireworks, within 300 feet of any structure, combustible material, or person, or any building or stand in which fireworks are sold at retail or stored after hours.
6. It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle, thing or object.
7. It is unlawful to have in possession of or to use, fire, or discharge any fireworks in any public park within the City, including vehicle parking areas within or adjacent to a park.
8. During periods of extreme fire danger, the local fire code official may prohibit the discharge of all fireworks including those described in this chapter.

9. Legal consumer fireworks may only be used or discharged within the City on the following days and times pursuant to RCW 70.77.395:

From 12:00 noon to 11:00 p.m. on June 28 of each year;

From 9:00 a.m. to 11:00 p.m. on each day from June 29 through July 3 of each year;

From 9:00 a.m. to 12:00 midnight on July 4 of each year; From 9:00 a.m. to 11:00 p.m. on July 5 of each year; and

From 6:00 p.m. on December 31 until 1:00 a.m. on January 1 of the subsequent year.

~~D.C.~~ It shall be unlawful for any person, firm, or corporation to hold, conduct, or engage in any public or religious display of fireworks within the City without first having obtained and being a valid holder of a valid permit under the provisions of this chapter and in accordance with RCW 70.77.311.

~~5.35.025 Enforcement.~~

~~Law enforcement and the Fire Department are authorized to enforce the provisions of this chapter, including, but not limited to, the issuance of civil infractions pursuant to this chapter.~~

5.35.030 Sales ~~application~~ – Application and Permit.

A. Temporary Fireworks Stands. Retail sales of fireworks shall be permitted only from within temporary fireworks stands, and sale from any other building or structure is prohibited. Temporary stands shall be subject to the following conditions:

1. Any person, firm or corporation engaging in the retail sale of any fireworks within the city limits of SeaTac shall obtain a City business license in accordance with SMC Chapter 5.05.
2. Applications for temporary fireworks stand permits shall be made to the City and must be accompanied by the appropriate application fee in accordance with the fee schedule as required under SMC Chapter 5.05. In 2023, applications may be filed between June 8, 2023 through June 21. In 2024, and every year thereafter, applications may be filed only during the period between April 15 and June 1 of the year for which the permit is sought.
3. Any issued permit shall be used only by the designated permittee and shall be non-transferable.
4. The maximum number of permits issued by the City in any year shall not exceed four. Applications shall be reviewed on a first-come-first-served basis.

B. Temporary fireworks stand permits shall be issued only upon compliance with the following terms and conditions:

1. The applicant shall have a valid and subsisting Washington State fireworks license issued by the Washington State Patrol authorizing the holder thereof to engage in the fireworks business.

2. The applicant shall provide proof of a liability insurance policy with coverage of not less than \$50,000; and \$500,00 for bodily injury liability for each person and occurrence, respectively; and not less than \$50,000 for property damage liability for each occurrence, or such policy as may comply with, or exceed, the requirements of RCW 70.77.270.

3. Prior to issuance of a permit, the applicant shall provide the local fire code official with a list of all combustible items that will be offered for sale at fireworks stands.

4. Prior to issuance of a permit, the applicant shall provide copies of their City Business License to the local fire code official

5.35.040 Fireworks stands.

Temporary fireworks stands shall be erected under the supervision of the fire code official and shall conform to the following minimum standards:

1. Temporary fireworks stands shall not be located:

(a) within 100 feet of any gasoline stations, oil storage tanks, or premises where flammable liquids are kept or stored;

(b) closer than 20 feet to buildings, combustibles, parking, storage, public roads, motor vehicle traffic, or generators;

(c) within 25 feet of any property line;

(d) within 100 feet of tents, other fireworks stands, fuel dispensing devices, retail propane dispensing stations, flammable liquid storage, and combustible storage; and

(e) within 300 feet of bulk fuel storage.

2. Each temporary fireworks stand shall have at least two exits that shall be unobstructed at all times and located as far from each other as possible. Parking for customers shall be located at least 20 feet away from the stand.

3. Each temporary fireworks stand shall have fire extinguishers in a readily accessible place and approved by the fire code official as to location within the stand, number and type. No smoking shall be permitted within 25 feet of a fireworks stand, and signs reading "NO SMOKING WITHIN 25 FEET" shall be conspicuously posted on all four sides of the fireworks stand.

4. Each stand shall only be operated and occupied by adults (18 years old or older). No fireworks shall be left unattended in a stand.
5. All vegetation and combustible materials shall be cleared from the location of the stand to at least a distance of 20 feet.
6. All unsold fireworks, cartons and other rubbish shall be removed from the location and from the City by 12:00 noon on July 6 each year. The fireworks stand shall be dismantled and removed from the location by 12:00 noon on July 10 each year.
7. Fireworks shall not be discharged within 300 feet of a fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 300 FEET" shall be in letters at least two inches high, with a principal stroke of not less than one-half inch on contrasting background, and such signs shall be conspicuously posted on all four sides of the stand.
8. Fireworks retailers shall not knowingly sell fireworks to persons under the age of 16 and shall require proof of age by means of a driver's license or photo identification card containing a photograph with a date of birth, issued by a public or private school, state, federal or foreign government.
9. Retail sales of legal consumer fireworks shall only be allowed within the City on the days and times identified in this ordinance pursuant to RCW 70.77.395.
10. If the fireworks stand is proposed for placement on lease, the applicant shall provide an affidavit from the property owner that the use is acceptable.
11. Additional signage required by the fire code official shall be prominently displayed on the fireworks stand.

5.35.050 Public or religious displays of fireworks.

A. Any person desiring to give or make a public or religious display of fireworks within the City shall make an application for a permit to operate the public or religious display, in writing, to the Chief of the Fire Department. The application shall set forth the following information:

1. The name of the organization sponsoring the display, together with the names and addresses of persons actually in charge of the firing/presentation of the display;
2. The date and time of day at which the display is to be held;
3. The exact location planned for the display;
4. A description setting forth the age and experience of the persons who are to do the actual discharging of the fireworks;

5. The number, type and description of fireworks to be discharged, and the name, address, and telephone number of the licensed manufacturer, importer, or wholesaler where such fireworks will be or have been purchased;
6. The manner and place of storage of such fireworks prior to the display; and
7. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of transit or communication as well as telephone, electric and other utility lines and poles and any other structures, facilities or objects which could present overhead obstructions, located within five hundred (500) feet of the point of discharge.

B. Fee for Public Display Permit. There shall be no permit fee for a permit issued by the City under this chapter and in accordance with RCW 70.77.311(2).

C. Investigation on Site – Certificate of Compliance ~~by Fire Department~~ –

1. Notice of Approval by ~~Fire Department~~ fire code official. Upon receipt of such application, at least thirty (30) days in advance of the date set for the display, the ~~Fire Department~~ fire code official shall make an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display.

2. If the ~~Fire Chief~~ fire code official ~~or designee~~ is satisfied that the display is lawful and there has or will be full compliance with all applicable laws, State and local, then the ~~Fire Chief~~ fire code official ~~or designee~~ shall issue a written recommendation for or against the permit which shall be kept on file ~~in the Fire Chief's or designee's office~~ with the City and available for review by authorized reviewing agencies.

3. If the ~~Fire Chief~~ fire code official ~~or designee~~ finds that the permit applicant has complied with all applicable laws, then the ~~Fire Chief~~ fire code official ~~or designee~~ may issue a certificate of compliance stating an endorsement of the display as being in conformance with all applicable laws and with these regulations.

4. For any scheduled public display, applicants must also submit such information as is deemed appropriate by the SeaTac Police Department ~~of the City~~ to ensure that adequate traffic control and crowd protection policing and any other measures necessary or appropriate for public safety have been arranged either through private security agencies or through a contract with the City's Police Department or the King County Department of Public Safety. A written notice that the applicant has complied with these requirements shall be issued by the Police Chief before a public display permit is issued.

D. Every public or religious display of fireworks shall be handled by at least two (2) competent operators approved by the ~~Fire Chief~~ fire code official ~~or designee~~, and every public or religious display of fireworks shall be of such character, and so located, discharged or fired that, in the

opinion of the ~~Fire Chief~~ fire code official or designee, after proper investigation, it would not constitute a hazard to property or endanger any person.

E. At least one (1) operator at each public or religious display of fireworks shall be a pyrotechnic operator licensed by the Chief of the Washington State Patrol, through the Director of Fire Protection, under RCW 70.77.255. The State-licensed pyrotechnic operator shall be the person who actually discharges or ignites the fireworks.

F. A bond or certificate of insurance must be furnished to the ~~Fire Chief~~ fire code official or designee before a permit is issued. The bond shall be in the amount of one million dollars (\$1,000,000) and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by any public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability (including automobile coverage) insurance policy providing limits of one million dollars (\$1,000,000) combined single limit per occurrence and annual aggregate, naming the City of SeaTac as an additional insured. Any such bond or insurance policy must be approved by the City Attorney.

G. A ~~cash~~ deposit in the amount of three hundred dollars (\$300.00) must be posted with the fire code official ~~Fire Chief or designee~~ at least thirty (30) days in advance of the public or religious display date to provide for the costs of site cleanup. The deposit shall be forfeited to the City if the operator fails to perform such cleanup within three (3) days of the display. If the operator properly performs the cleanup, the deposit shall be returned to the operator.

~~H. Storage:~~

~~1. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.~~

~~2. All shells shall be inspected upon delivery to the display site by the display operator. Any shells having tears, leaks, broken fuses or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.~~

~~3. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, magazines must be twenty five (25) feet upwind (in relation to the firing item) from the nearest mortar. Magazine lids must be open in the opposite direction of the firing. All ready boxes are to be protected by a flameproof water-repellent canvas cover until emptied.~~

~~4. The shell storage area shall be located at a minimum distance of not less than twenty-five (25) feet from the discharge site.~~

~~5. During the display, shells shall be stored upwind from the discharge site. If the winds shift during the display, the shell storage area shall be relocated to be upwind from the discharge site.~~

~~6. There shall be at least two (2) 2A-rated fire extinguishers (two and one-half (2-1/2) gallon water), UL approved kept as widely separated as possible within the actual area where the discharging will occur.~~

~~I. Preparation of Site Crowd Control.~~

~~1. All dry grass, weeds and other combustible waste within fifty (50) feet of the firing site shall be removed.~~

~~2. The site shall be located so that the trajectory of shells shall not come within fifty (50) feet of any overhead object including but not limited to above ground telephone, telegraph or electric lines, trees or wooded areas.~~

~~3. Discharged fireworks shall not come within one hundred (100) feet of any tent or canvas shelter.~~

~~4. The firing and storage site shall be located not less than two hundred (200) feet from any building, public highway or railroad or other means of travel.~~

~~5. No boats shall be allowed within two hundred (200) feet of the firing or storage site.~~

~~6. The operators shall provide sufficient personnel to assure that no unauthorized persons are allowed within two hundred (200) feet of the firing and storage site. This requirement shall be in effect from one-half (1/2) hour prior to the arrival of fireworks until the fireworks debris, equipment and fireworks have been removed from the site.~~

~~7. Spectators shall be restrained behind lines or barriers at least two hundred (200) feet from the firing and storage locations.~~

~~J. Installation of Mortars.~~

~~1. Mortars shall be inspected by the operators for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.~~

~~2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of not less than ten (10) degrees, pointed towards the water.~~

~~3. Mortars shall be either buried securely into the ground to a depth of two-thirds (2/3) to three-fourths (3/4) of their length or fastened securely in mortar boxes or drums. In soft~~

ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

~~4. In damp ground, a weather resistant bag should be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.~~

~~5. Weather resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating inside the surface of the mortar.~~

KH. Operation of the Display.

1. The operators shall provide fire protection at the site as required by ~~the Fire Chief~~ fire code official.

2. Only fireworks approved by the ~~Fire Chief~~ fire code official are authorized for use.

~~3. When display is fired from a barge or vessel, a secured area shall be established around the barge or vessel to prevent boats from entering the fallout area. No boats shall be allowed within two hundred (200) feet of the firing or storage site. A boat shall be on standby to remove personnel from the barge and otherwise respond in the case of an emergency. Additional fire extinguishers, rated 2A minimum, shall be on the barge and so spaced that an extinguisher shall be available at all times.~~

~~43. If, in the opinion of the Fire Chief~~ fire code official ~~or designee or authorized representative~~, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

~~54. If at any time high winds or unusually wet weather prevail such that, in the opinion of the Fire Chief~~ fire code official ~~or designee or authorized representative~~ of the display operators, a definite fire danger exists, the public display shall be discontinued or postponed until weather conditions improve so as to permit safe discharge of fireworks.

~~6. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.~~

~~7. Display operators and assistants shall use only flashlights or approved electrical lighting for artificial illumination.~~

~~8. No smoking or open flames shall be allowed within fifty (50) feet of the firing or storage area so long as shells are present. Signs to this effect shall be conspicuously posted.~~

~~9. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions are over and any debris falls into the planned landing area.~~

~~10. Mortars shall be re-angled or reset if necessary at any time during the display to properly adjust the trajectory or landing area.~~

~~11. When a shell fails to ignite in the mortar, the mortar shall not be touched for a minimum of five (5) minutes. After five (5) minutes it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.~~

~~12. Operators shall not attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.~~

~~13. Operators shall not dry a wet shell, nor shall they lance or pot a wet shell for reuse.~~

~~14. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.~~

~~15. When fireworks are displayed in darkness, the operator shall ensure that the firing range is inspected early the following morning.~~

~~16. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the City in a safe manner.~~

~~17. The debris from discharged fireworks shall be disposed of in a proper manner.~~

LI. Additional Safety Measures. When, in the sole discretion of the ~~Fire Chief~~ fire code official, it is necessary to preserve the public health, safety and welfare of the City, a permit may be conditioned upon any other safety requirements as deemed appropriate by the ~~Fire Chief~~ fire code official. The applicant shall bear the cost of any additional safety requirements, and, at the sole discretion of the ~~Fire Chief~~ fire code official ~~or designee~~, may be required to pay those costs prior to the issuance of a permit.

MJ. The denial by the ~~Fire Chief~~ fire code official ~~or designee~~ of a permit issued under this chapter may be appealed to ~~the City Council in the same manner as decisions of the Hearing Examiner, as set forth in SMC 13.100.100(B)1.20.230 through 1.20.280.~~ The decision of the ~~City Council~~ Hearing Examiner shall be final and conclusive in accordance with SMC 1.20.100(H).

5.35.055 Issuance – Nontransferable – Voiding.

Each permit issued pursuant to this chapter shall be valid only for the specific authorized event, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit in addition to all other sanctions provided in this code.

5.35.060 Sale of fireworks.

Repealed.

5.35.070 Unclassified fireworks.

Repealed.

~~5.35.080 Exceptions.~~

~~The provisions of this chapter shall not apply to “toy sparklers” and “toy caps” containing not more than 25/100ths grains of explosive compound for each cap and/or sparkler. It is further provided, that nothing contained in this chapter shall be deemed to prohibit the use of any explosive or flammable compound, blasting caps and similar items used for industrial purposes, nor to prohibit the use of any blank cartridges for use by person for bona fide ceremonial services, sporting events or demonstrations. This chapter shall not be construed so as to prohibit the use of torpedoes, flares or fuses by the operators of motor vehicles or railroads, nor by other transportation agencies for signal purposes. This chapter shall also not apply to the assembling, use and display of fireworks, of whatever nature, by any persons engaged in the production of fireworks when such use and display are necessary parts of the production and such persons possess requisite State permits to do so. This chapter shall also not apply to manufacturers, wholesalers, dealers or jobbers who possess the appropriate licenses and/or permits from manufacturing or selling any kind of fireworks for direct shipment out of the City or out of the State, nor for manufacturing and/or selling at wholesale any dangerous fireworks to properly licensed persons holding a valid permit for a public display of fireworks.~~

5.35.085 Construction.

This chapter is intended to implement Chapter 70.77 RCW, and shall be construed in connection with that law and any and all regulations issued pursuant thereto.

5.35.90 Violation – Enforcement and Penalty.

A. Any person violating any provision of this chapter for which no penalty is specifically provided is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding one thousand dollars (\$1,000), or by imprisonment for a term not exceeding ninety (90) days, or by both.

B. Any person who sells or offers to sell without a valid permit or license, uses or discharges fireworks in a reckless manner that creates a substantial risk of death or serious physical injury to another person or damage to the property of another is guilty of a gross misdemeanor. Upon conviction, the sentencing court may order restitution for any property damage or loss caused by the offense.

BC. A person commits a separate offense for each separate and distinct violation of any provisions of this chapter, and a person commits a separate offense for each day during which ~~he/she~~ they commits or allows to continue a violation of any provisions of this chapter.

CD. Any fireworks which are illegally sold, offered for sale, used, discharged, ignited, exploded, possessed or transported in violation of the provisions of this chapter or of Chapter 70.77 RCW shall be subject to seizure by any police officer or by the ~~Fire Chief~~ fire code official ~~or his designee~~.

DE. It shall be a civil infraction, with a monetary penalty of two hundred fifty dollars (\$250.00), including costs and assessments, for any parent, guardian, or other person having control or custody of a person under the age of eighteen (18) years of age to authorize or permit such person to violate any provision of this chapter.

F. Any person who violates any portion of this ordinance shall have their fireworks subject to seizure by the SeaTac Police Chief, or designee, as provided for in RCW 70.77.435.

G. Law enforcement and the fire code official are authorized to enforce the provisions of this chapter, including, but not limited to, the issuance of civil infractions pursuant to this chapter.