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ORDINANCE NO. 95-1001

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 2.24.060 of the SeaTac Municipal Code regarding the ADA Citizens' Access Committee - Removal from Office

WHEREAS, the City Council recently considered ordinance proposals which would assist in addressing the problem sometimes faced by boards and commissions where a lack of a quorum prevents the board or commission from meeting; and,

WHEREAS, among the proposals to address this problem were proposals to provide for automatic removal of office of members of boards and commissions who did not attend a certain percentage of meetings throughout the year, that being an increase from the current language which provides that a board or commission may be removed from membership if he or she is absent, without prior notification or excuse from three consecutive regularly scheduled meetings; and,

WHEREAS, the City Council sought input and advice from the various boards and commissions regarding this issue, and, ultimately, the City Council felt that the language should remain as it is for the time being, giving the boards and commissions further opportunity to evaluate their quorum requirement needs; and,

WHEREAS, the ADA Citizens' Access Committee has evaluated its position with respect to provisions for removal from office of its committee members and is recommending to the City Council that the City Code provisions dealing with its committee removal of office language be amended to provide that if a member of the ADA Citizens' Access Committee shall be absent without prior notification or excuse reported to the ADA Coordinator/City staff liaison, the committee chair or the committee vice chair by 1:00 p.m. of the day of the meeting, from three (3) regularly scheduled meetings of the committee within any twelve (12) month period, except in the case of emergencies, the chairperson of the ADA Citizens' Access Committee may declare the position held by that member vacant and a new member may be appointed pursuant to the provisions of the City Code; and,

WHEREAS, in order to give the operational needs of the ADA Citizens' Access Committee, as deemed by that committee, the opportunity to operate, it is appropriate that the City Code section be amended to reflect the change as requested by the committee.

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

1. That Section 2.24.060 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.24.060 Removal from Office. If a member of the ADA Citizens' Access Committee shall be absent, without prior notification or excuse reported to the ADA Coordinator/City staff liaison, to the committee chairperson or to the committee vice chairperson by 1:00 p.m. of the day of the meeting, from three (3) ~~consecutive,~~ regularly scheduled meetings of the committee within any twelve (12) month period, except in cases of emergency, the chairperson of the ADA Citizens' Access Committee may declare the position held by that member vacant and a new member may be appointed in the manner set forth in Section 2.24.030.

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 10th day of January, 1995, and signed in authentication

thereof on this day of January, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1002

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to employment and employees and amending the Pay and Compensation Plan of the City for non-represented employees and amending Ordinance No. 94-1015

WHEREAS, the City Council of the City of SeaTac, Washington, has previously enacted Ordinance No. 90-1037 and various amendments thereto, establishing personnel polices and procedures and adopting a pay and compensation plan for City employees

WHEREAS, in order to address the need for a reasonable and fair compensation to City employees, and to provide a reasonable cost of living allowance, it is appropriate that modification of the pay and compensation plan be made, consistent with the City Council's intention to provide equitable compensation to non-represented employees of the City and to other employees of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as a non-codified Ordinance, as follows:

1. That the provisions of Ordinance No. 94-1015 are amended as follows:

SALARY RANGES: The salary ranges for the various positions of the non-represented employees of the City shall be increased by the amount of 2.45 percent to reflect the COLA for 1995, effective January 1, 1995, with the salaries of employees in those positions being likewise increased by the same percentage to the extent that such increase does not exceed the maximum amount for the employee's salary range.

2. That the provisions of Ordinance No. 94-1015 and the pay and compensation Ordinances of the City shall remain in full force and effect except as inconsistent herewith.

3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary as required by law.

ADOPTED this 10th day of January, 1995, and signed in authentication

thereof on this 10th day of January, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1003

AN ORDINANCE of the City Council of the City of SeaTac, Washington creating a new Chapter 2.44 of the SeaTac Municipal Code relating to the Arts and Recreation Advisory Board, and repealing Chapters 2.21 and 2.46 of the City Code

WHEREAS, upon incorporation of the City of SeaTac the City Council created a number of boards and commissions to act in an advisory capacity, with particular emphasis to certain areas of city functions, issues and activities; and,

WHEREAS, among the boards and commissions created by the City Council were the Arts Commission, initially established by Ordinance No. 92-1005, codified as Chapter 2.21 of the SeaTac Municipal Code, and the Parks and Recreation Commission, initially established by Ordinance No. 92-1034, codified as Chapter 2.46 of the SeaTac Municipal Code; and,

WHEREAS, that since the establishment of these two commissions, a number of projects have come up involving both of these commissions, and illustrating the concurrency and duplication of responsibility; and,

WHEREAS, because of the duplication and overlap of responsibilities of these two commissions, and in order to provide for a more efficient and convenient evaluation of the issues of importance to these commissions, it would be appropriate to have the functions, duties and responsibilities of these two commissions merged and handled by a single advisory board of the City Council; and,

WHEREAS, the lack of consolidation and coordination of separate advisory boards, each independently dealing with identical or similar issues have caused problems, resulting in an inefficient, ineffective and uncoordinated handling matters that are subject to such advisory board review with potential or actual adverse impacts which could have been alleviated through a consolidated review.

WHEREAS, because of the pressing need for a thorough, comprehensive and urgent advisory review of pending art and park projects, including projects which have substantial operational impacts on the City of SeaTac parks program and park related services, a delay in establishment of a combined-unified advisory board will have adverse impact on the ability of the City Council to take necessary action regarding the subject matter and issues needing review by such a combined advisory board; and,

WHEREAS, because of that urgency, this Ordinance is necessary for preservation of the public peace, welfare and benefit of the City of SeaTac and its parks program, and should be an emergency Ordinance and the City Council so finds it to be.

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

1. That a new Chapter 2.44 of the SeaTac Municipal Code be, and the same hereby is created to read as follows:

Chapter 2.44

Arts and Recreation Advisory Board

2.44.010 Arts and Recreation Advisory Board created.

There is created an advisory board to be known as "The Arts and Recreation Advisory Board of the City of SeaTac."

2.44.020 Membership.

There shall be seven (7) members of the Arts and Recreation Advisory Board who shall be appointed by the Mayor and confirmed by the City Council, and who shall serve at the pleasure of the City Council. The members shall be residents of the City.

2.44.030 Appointment.

The members of the Arts and Recreation Advisory Board shall be appointed from among members of the public to include, to the extent reasonably possible, representation from people involved with or interested in the various and diverse recreational, parks and arts activities of the community.

2.44.040 Terms and vacancies.

Members of the Arts and Recreation Advisory Board shall serve for a term of four (4) years or until appointment of a successor member, whichever is later, unless otherwise replaced. It is provided, however, that for the initial appointment, two (2) members shall be initially appointed for four (4) year terms, or until appointment of a successor member, whichever is later, unless otherwise replaced; two (2) members shall be initially appointment for three (3) year terms, or until appointment of a successor member, whichever is later, unless otherwise replaced; and two (2) members shall be initially appointed for two (2) year terms, or until appointment of a successor member, whichever is later, unless otherwise replaced; and one (1) member shall be initially appointment for a one (1) year term, or until appointment of a successor member, whichever is later, unless otherwise replaced. In case of any vacancies on the commission, vacancies shall be filled consistent with the procedures set forth in Section 2.44.020, for the unexpired terms for which such vacancies are filled. It is provided, however, that if there has been a difficulty in filling appointments to city boards, commission or advisory committees established by the City Council, and if a member of the Arts and Recreation Advisory Board applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" on the board, commission or advisory committee, to serve for the remainder of the initial member's term, unless otherwise replaced.

2.44.050 Officers - meetings.

A. At its first meeting of each year, the advisory board members shall elect a chairperson and a vice chairperson from among the members of the advisory board. The advisory board shall meet as needed to perform the duties of the advisory board and to fulfill the role of being an advisory body to the City Council.

B. It shall be the duty of the chairperson to preside over all meetings of the advisory board. The vice chairperson shall preside at all meetings where the chairperson is absent. Minutes shall be kept and meeting agendas prepared in coordination between members of the board and staff members. A majority of the members of the board shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry and recommended action.

2.44.060 Role of the Advisory Board.

The Arts and Recreation Advisory Board is created to assist the City Council in the following areas: (A) To advise the City Council in connection with artistic and cultural activities as may be referred to the advisory board by the City Council which may include:

(1) Facilitate cooperation and coordination with local schools and with local, regional, and national art organizations;

(2) Recommend to the City Council programs to enhance awareness of, an interest in, fine arts, performing

arts, and the cultural heritage of the City, which may be in cooperation with any appropriate private, civic or public agency of the City, county, state or of the federal government;

(3) Recommend ways and means of obtaining private, local, county, state or federal funds for the promotion of art projects within the City; and,

(4) Advise the City Council on acquisition and replacement and maintenance of works of art for municipal display and for municipal purposes;

(B) Advise the City Council regarding the parks and recreational facilities and programs of the City, as may be referred by the City Council which may include:

(1) The development of parks and/or recreational facilities, excluding senior facilities and activities;

(2) Recreational activities;

(3) Concessions or privileges in parks and/or playgrounds, or squares, parkways and boulevards, play and recreational grounds and/or other municipally owned recreational facilities including community buildings.

(4) Make recommendations, as requested for rules and regulations for City parks, recreational facilities and programs.

2.44.070 One percent for the arts.

It is the desire of the City Council, as expressed hereby, to have up to one percent of the total costs of City capital facility projects which have a total cost in excess of $1,000,000 designated to be used for selection, acquisition, installation and/or display of original works of art which may be incorporated into and become a part of the capital facility project, or be placed in, on or about the project or in another suitable public area, and/or for repairs and maintenance of public arts placed and displayed in connection with certain City structures, with actual expenditures for the arts being specifically approved and authorized by the City Council, on a case-by-case basis. In addition to the other factors involved in purchasing, constructing and installing art work, for the purposes hereof, capital facility projects shall not include projects of the City to construct or remodel any streets, sidewalks, parking facilities, storm drainage improvements, utility lines, and any other capital facility projects which are funded in whole or in part through transportation and gasoline tax dollars, enterprise fund revenues, and any other expenditure restricted revenues.

2.44.080 Compensation.

The members of the Arts and Recreation Advisory Board shall serve without compensation.

2.44.090 Annual reports of progress.

The Arts and Recreation Advisory Board shall annually provide to the City Council a report on progress made in carrying out the board's responsibilities. Additional reports may be submitted when deemed appropriate by the board or when requested by the City Council.

2. That Chapter 2.21 of the SeaTac Municipal Code be, and the same hereby is repealed.

3. That Chapter 2.46 of the SeaTac Municipal Code, be and the same hereby is repealed.

4. That this Ordinance is necessary for the immediate preservation of the health, safety , welfare and benefits of the City of SeaTac and of its parks program, and is declared to be an emergency Ordinance, effective upon adoption.

ADOPTED this 23rd day of January, 1995, and signed in authentication

thereof on this 23rd day of January, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington granting MCI Metro Access Transmission Services Inc., a Delaware corporation, its successors and assigns, the right, privilege, authority and franchise to set, erect, construct, support, attach, connect and stretch facilities between, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area for purposes of providing telecommunication and telephone services; and to charge and collect tolls, rates and compensation for such services

WHEREAS, in order to maintain control over use of City of SeaTac right-of-ways by utilities operating within the City, it is appropriate to enter into franchise agreements with such utilities; and,

WHEREAS, Metro Access Transmission Services, Inc., is such a utility, and it has negotiated a franchise agreement with the City acceptable to both parties.

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

1. **Definitions.** Where used in this franchise (the "Franchise") the following terms shall mean:

A. "METRO" means MCI Metro Access Transmission Services, Inc., a Delaware corporation, and its respective successors and assigns.

B. "City" means the City of SeaTac, a municipal corporation of the State of Washington, and its respective successors and assigns.

C. "Franchise Area" means: any, every and all of the roads, streets, avenues, alleys, highways, grounds and public places of the City as now laid out, platted, dedicated or improved; and any, every and all roads, streets, avenues, alleys, highways, grounds and public places that may hereafter be laid out, platted, dedicated or improved within the present limits of the City and as such limits may be hereafter extended.

D. "Facilities" means Metro's poles (with or without crossarms), wires, lines, conduits, cables, communication and signal lines, braces, guys, anchors, vaults and all necessary or convenient facilities and appurtenances thereto, whether the same be located over or underground.

E. "Ordinance" means Ordinance No.__, which sets forth the terms and conditions of this Franchise.

2. **Facilities within Franchise Area.** The City does hereby grant to Metro the right, privilege, authority and franchise to:

A. Set, erect, construct, support, attach, connect and stretch facilities between, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under along, across and through the Franchise Area for purposes of providing telecommunication and telephone services; and

B. To charge and collect tolls, rates and compensation for such telecommunication and telephone services and such uses as authorized by the Federal Communications Commission (FCC) or the Washington Utilities and Transportation Commission (WUTC).

3. **Use - Maintenance of Facilities in Franchise**.

A. Metro's Facilities shall be constructed, installed, maintained and repaired within the Franchise Area: (1) so as to provide for safety of persons and property, and (2) so as not to unreasonably interfere with the free passage of traffic, all in accordance with the laws of the State of Washington, and the ordinances, resolutions, rules and regulations of the City; provided, however, that if any term or condition of this Franchise and any term or condition of such city ordinances, resolutions, rules or regulations are in conflict, the term or condition of this Franchise shall govern and control. Whenever it shall be necessary for Metro to engage in any work within the Franchise Area, Metro shall apply for all necessary City permits to do such work, and shall, except where expressly provided otherwise herein, comply with all requirements and conditions of such permits, including but not limited to location restrictions, traffic control, and restoration, repair or other work to restore the surface of the Franchise Area, as nearly as practicable, to its condition prior to such work, or as otherwise required by the Public Works Department as a condition of the permit. Such restoration responsibility shall continue for a period of time to correspond to the remaining life of the pavement and/or surface in which the work was done, as indicated in the permit. Rather than Metro being required to obtain a separate bond for routine individual projects involving work in the Franchise Area, Metro may satisfy the City's bond requirements by posting a single on-going performance bond.

B. During the term of this Franchise and with respect to poles which are Facilities and which are wholly owned by Metro and which are within the Franchise Area, the City may, subject to Metro's prior written consent, which consent shall not be unreasonably withheld, install and maintain City-owned overhead wires upon such poles for signal interconnect and communication capabilities with no charge being made for such Facilities attachment. The foregoing rights of the City to install and maintain such wires are further subject to the following:

1. Such installation and maintenance shall be done by the City at its sole risk and expense in accordance with all applicable laws (including, but not limited to, RCW 70.54.090), and subject to such reasonable requirements as Metro may specify from time to time (including without limitation, requirements accommodating Metro's Facilities or the facilities of other parties having the right to use Metro's Facilities); and

2. Metro shall have no obligation under Section 7 (or arising under the purview of Section 7) in connection with any City-owned wires so installed or maintained.

4. **Relocation of Facilities**.

A. Whenever the City undertakes (as a public works project or causes to be undertaken at City expense) the construction of any public works improvement within the Franchise Area and such public works improvement necessitates the relocation of Metro's then existing Facilities within the Franchise Area, the City shall:

1. Provide Metro written notice requesting such relocation within a reasonable time prior to the City's commencement of activities requiring such relocation; and

2. Provide Metro with copies of pertinent portions of the City's plans and specifications for such public works improvement.

After receipt of such notice and such plans and specifications, Metro shall relocate such Facilities within the Franchise Area at no charge to the City.

B. Whenever any person or entity, other than the City, requires the relocation of Metro's Facilities to accommodate the work of such person or entity within the Franchise Area; or, the City requires any person or entity to undertake work (other than work undertaken as a public works project or at the City's cost and expense) within the Franchise Area and such work requires the relocation of Metro's Facilities within the Franchise Area, then Metro shall have the right as a condition of any such relocation to require such person or entity to:

1. Make payment to Metro, at a time and upon terms acceptable to Metro, for any and all costs and expenses incurred by Metro in the relocation of Metro's Facilities; and

2. Indemnify and save Metro harmless from any and all claims and demands made against it on account of injury or damage to the person or property of another arising out of or in conjunction with the relocation of Metro's Facilities, to the extent such injury or damage is caused by the negligence of the person or entity requesting the relocation of Metro's Facilities or the negligence of the agents, servants or employees of the person or entity requesting the relocation of Metro's Facilities.

C. Any condition or requirement imposed by the City upon any person or entity, other than Metro (including, without limitation, any condition or requirement imposed pursuant to any contract or in conjunction with approvals or permits for zoning, land use, construction or development) which requires the relocation of Metro's Facilities within the Franchise Area shall be a required relocation for the purposes of paragraph B of this Section.

D. Nothing in this Section 4 "Relocation of Facilities" shall require Metro to bear any cost or expense in connection with the location or relocation of any

Facilities then existing under benefit of easement or other recorded rights or licenses.

Undergrounding of Facilities.

A. Metro acknowledges that the City may now or at some time in the future desire to adopt a policy to encourage the undergrounding of Facilities within the Franchise Area. The City acknowledges that Metro provides telecommunications service on a non-preferential basis subject to and in accordance with applicable rates and tariffs on file with the Washington Utilities and Transportation Commission ("WUTC"). Subject to and in accordance with such rates and tariffs, Metro will cooperate with the City in the formulation of policy and regulations concerning the undergrounding of Metro's Facilities within the Franchise Area.

B. This Section 5 "Undergrounding of Utilities" shall govern all matters related to undergrounding of Metro's Facilities (i.e., conversion or otherwise) within the Franchise Area.

6. **Reimbursement of Costs**. Metro shall reimburse and pay to the City the amount of actual administrative expenses incurred by the City which are directly related to the receipt and/or approval of a permit, license and/or franchise, to the inspection of plans and/or construction, and/or to the preparation of documents and/or statements prepared pursuant to Chapter 43.21C of the Revised Code of Washington, pursuant to Section 35.21.860 of the Revised Code of Washington. As such expenses are incurred by the City, the City shall submit to Metro statements/billings for such expenses. Metro shall make payment to the City in reimbursement of such expenses within thirty (30) days of the receipt of such statements/billings.

7. **Indemnification**. Metro shall indemnify and save the City harmless from any and all claims and demands made against it on account of bodily injury to the person or property damage of another, to the extent such injury or damage is caused by the negligence of Metro or its agents, servants or employees in exercising the rights granted Metro in this Franchise; provided, however, that in the event any such claim or demand be presented to or filed with the City, the City shall promptly notify Metro thereof, and Metro shall have the right, at its election and at its sole cost and expense, to settle and compromise such claim or demand, provided further, that in the event any suit or action begun against the City based upon any such claim or demand, the City shall likewise promptly notify Metro thereof, and Metro shall have the right, at its election and its sole cost and expense, to settle and compromise such suit or action, or defend the same at its sole cost and expense, by attorneys of its own election.

8. **Moving Buildings within the Franchise Area**. If any person or entity obtains permission from the City to use the Franchise Area for the moving or removal of any building or

other object, the City shall, prior to granting such permission, require such person or entity to make any necessary arrangements with Metro for the temporary adjustment of Metro's wires to accommodate the moving or removal of said building or other object. Such necessary arrangements with Metro shall be made, to Metro's satisfaction, not less than fourteen (14) days prior to the moving or removal of said building or other object. In such event, Metro shall at the expense of the person or entity desiring to move or remove such building or other object, adjust any of its wires which may obstruct the moving or removal of such building or other object, provided that:

A. The moving or removal of such building or other object which necessitates the adjustment of wires shall be done at a reasonable time and in a reasonable manner so as not to unreasonably interfere with Metro's business;

B. Where more than one route is available for the moving or removal of such building or other object, such building or other object shall be moved or

removed along the route which causes the least interference with the operations of Metro and the City; and

C. The person or entity obtaining such permission from the City to move or remove such building or other object shall be required to indemnify and save Metro harmless from any and all claims and demands made against it on account of injury or damage to the person or property of another arising out of or in conjunction with the moving or removal of such building or other object, to the extent such injury or damage is caused by the negligence of the person or entity moving or removing such building or other object or the negligence of the agents, servants or employees of the person or entity moving or removing such building or other object.

9. **Default**. If Metro shall fail to comply with the provisions of this Franchise, the City may serve upon Metro a written order to so comply within sixty (60) days from the date such order is received by Metro. If Metro is not in compliance with this Franchise after expiration of said sixty (60) day period, the City may, by ordinance, declare an immediate termination of this Franchise, provided however, if any failure to comply with this Franchise by Metro cannot be corrected with due diligence within said sixty (60) day period (Metro's obligation to comply and to proceed with due diligence being subject to unavoidable delays and events beyond its control), then the time within which Metro may so comply shall be extended for such time as may be reasonably necessary and so long as Metro commences promptly and diligently to effect such compliance.

10. **Nonexclusive Franchise**. This Franchise is not and shall not be deemed to be an exclusive Franchise. This Franchise shall not in any manner prohibit the City from granting other and further franchises over, upon, and along the Franchise

Area which do not interfere with Metro's rights under this Franchise. This Franchise shall not prohibit or prevent the City from using the Franchise Area or affect the jurisdiction of the City over the same or any part thereof.

11. **Franchise Term**. This Franchise is and shall remain in full force and effect for a period of ten (10) years from and after the effective date of the Ordinance, with up to two (2) five-year term extensions thereafter, as follows: the term extensions would be automatic unless, not less than ninety (90) days prior to the termination of the current term or extension, either side gives notice of its intention to terminate or renegotiate the terms of the Franchise. It is further provided, however, that Metro shall have no rights under this Franchise nor shall Metro be bound by the terms and conditions of this Franchise unless Metro shall, within sixty (60) days after the effective date of the Ordinance, file with the City its written acceptance of the Ordinance.

12. **Assignment**. Metro may assign its rights, benefits and privileges in and under this Franchise, subject to and conditioned upon approval by the City, which approval will not be unreasonably withheld. Any assignee shall, within thirty (30) days of the date of any proposed assignment, file written notice of intent to assign the franchise with the City together with the assignee's written acceptance of all terms and conditions of the Franchise and promise of compliance. Notwithstanding the foregoing, Metro shall have the right, without such notice or such written acceptance, to mortgage its rights, benefits and privileges in and under this Franchise to the Trustee for its bondholders and assign to any subsidiary, parent, affiliate or company having common control with Metro so long as notice of same is provided to City and provided Metro remains fully liable to City for compliance with all the terms and conditions hereof until such time as the City shall consent to such assignment as provided above.

13. **Miscellaneous**.

A. If any term, provision, condition or portion of this Franchise shall be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Franchise which shall continue in full force and effect. The headings of sections and paragraphs of this Franchise are for convenience of reference only and are not intended to restrict, affect or be of any weight in the interpretation or construction of the provisions of such sections or paragraphs.

B. Metro agrees, as a condition of the granting of this franchise, that it shall comply with all applicable laws of the State of Washington and, except where expressly provided otherwise herein, all ordinances of the City, and shall pay, in a timely manner, all taxes, fees and costs legally imposed on Metro in connection with the activities, properties and operations of the franchise.

C. This Franchise may be amended only by written instrument, signed by both parties, which specifically states that it is

an amendment to this Franchise and is approved and executed in accordance with the laws of the State of Washington. Without limiting the generality of the foregoing, this Franchise (including, without limitation, Section 7 above) shall govern and supersede and shall not be changed, modified, deleted, added to, supplemented or otherwise amended by any permit, approval, license, agreement or other document required by or obtained from the City in conjunction with the exercise (or failure to exercise) by Metro of any and all rights, benefits, privileges, obligations or duties in

and under this Franchise, unless such permit, approval,

license, agreement or other document specifically:

1. References this Franchise; and,

2. States that it supersedes this Franchise to the extent it contains terms and conditions which change, modify, delete, add to, supplement or otherwise amend the terms and conditions of this Franchise.

In the event of any conflict or inconsistency between the provisions of this Franchise and the provisions of any such permit, approval, license, agreement or other document, the provisions of this Franchise shall control.

D. This Franchise is subject to the provisions of any applicable tariff now or hereafter on file with the WUTC or its successor. In the event of any conflict or inconsistency between the provisions of this Franchise and such tariff, the provisions of such tariff shall control.

14. **Effective Date**. This Ordinance shall take effect thirty (30) days after publication of the Ordinance Summary following adoption of the Ordinance, as required by law, and after having been published in summary at least five (5) days prior to its adoption, and upon receipt by the City of an executed acceptance document from Metro.

15. **Notice.** Any notice or information required or permitted to be given to the parties under this franchise agreement may be sent to the following addresses unless otherwise specified.

City of SeaTac

17900 International Boulevard

Suite 401

SeaTac, Washington 98188-4236

MCI Metro Access Transmission Services, Inc.

2250 Lakeside Boulevard

Richardson, Texas 75082

MCI Metro Access Transmission Services, Inc.

Office of the General Counsel

2400 N. Glenville Drive

Richardson, Texas 75082

ADOPTED this 24th day of January, 1995, and signed in authentication thereof on this 24th day of Janaury, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

HONORABLE MAYOR AND CITY COUNCIL

CITY OF SEATAC, WASHINGTON

In the matter of the : Franchise Ordinance No.
application of MCI Metro :
Access Transmission Services, :
Inc., a Delaware corporation, :
for a franchise to construct, :
operate and maintain :
facilities in, upon, over, :
under, along, across and :
through the franchise area of : ACCEPTANCE

the City of SeaTac, Washington:

WHEREAS, the City Council of the City of SeaTac, Washington has granted a franchise to MCI Metro Access transmission Services, Inc., a Delaware corporation, its successors and assigns, by enacting Ordinance No. , bearing the date of , 1994; and

WHEREAS, a copy of said Ordinance granting said franchise was received by the MCI Metro Access Transmission Services, Inc., on , 1994, from said City of SeaTac, King County, Washington.

NOW, THEREFORE, MCI Metro Access Transmission Services, Inc., a Delaware corporation, for itself, its successors and assigns, hereby accepts said Ordinance and all the terms and conditions thereof, and files this, its written acceptance, with the City of SeaTac, King County, Washington.

IN TESTIMONY WHEREOF said MCI Metro Access Transmission Services, Inc., has caused this written Acceptance to be executed in its name by its undersigned thereunto duly authorized on this day of , 1994.

ATTEST: MCI Metro Access Transmission

Services, Inc.

By:

Copy received for City of

SeaTac on:

By:

City Clerk

ORDINANCE NO. 95-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington creating a new Section 8.05.095- Non-Appearance After Written Promise, as part of the City's Traffic Code

WHEREAS, the City of SeaTac has adopted numerous state statutes and the Model Traffic Code by reference, so that criminal and traffic violations occurring within the City are, essentially, the same as exist throughout the State of Washington, and are handled the same as elsewhere in the state; and,

WHEREAS, traditionally, the provisions providing for those obligations included the potential that a person who failed to appear after providing his/her written promise to appear in court would be subject to specific enforcement based upon that failure to respond; and,

WHEREAS, in the 1994 legislative session, the Washington State Legislature revised the provisions for response to traffic or criminal citations, requiring notice to be provided to the Department of Licensing whenever a person fails to properly respond to his/her citation, however, in doing so, the legislature deleted those portions making the violation of a written promise to appear enforceable, separately, as a violation; and,

WHEREAS, in order to allow the City to be able to effectively enforce the requirement that persons charged with traffic and criminal violations to appear in court, it is appropriate that those portions of the state statute which were deleted be readopted by City ordinance.

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

1. That a new Section 8.05.095 of SeaTac Municipal Code be, and the same hereby is, created to read as follows:

8.05.095 Non-Appearance After Written Promise.

Any person who, after having been issued a citation for a criminal traffic or criminal non-traffic violation by a law enforcement officer or by any other person authorized to issue criminal citations or complaints under law and where the person so charged signed a written promise to appear in court at a specific date and time or as otherwise indicated on the citation or complaint, fails to appear in court at the date and time so indicated shall be guilty of a misdemeanor regardless of the disposition of the charge with which he or she was originally cited.

Violation of this section shall be punishable by imprisonment in jail for a period of up to 90 days or a fine in the amount up to $1,000 or both such jail and fine.

2. That if any terms or provisions of this Ordinance or its application to any person or circumstances is held to be invalid or unenforceable by a final decision of a court having jurisdiction on the matter, the remainder of the Ordinance or the application of such terms or provisions to other persons or circumstances shall be unaffected and remain in full force and effect.

3. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 24th day of January, 1995, and signed in authentication

thereof on this 24th day of January, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1006

AN ORDINANCE of the City Council of the City of SeaTac, Washington creating a new Chapter 8.15 of the SeaTac Municipal Code relating to curfew and parental responsibility

WHEREAS, the City of SeaTac places high value on the safety and welfare of its youth, and has a vested interest in preserving, nurturing and protecting this valuable component of the population; and,

WHEREAS, the physical, psychological and moral well-being of the young people of the City is threatened by an increasing presence of gangs and street crime; and,

WHEREAS, juveniles in public places late at night are particularly vulnerable to being victimized and abused; and,

WHEREAS, the City of SeaTac has no effective tools at this time to protect juveniles from the dangers and temptations that exist in public places late at night; and,

WHEREAS, parental responsibility and supervision must be encouraged and promoted to assist in preserving, nurturing and protecting the youth of the community; and,

WHEREAS, the City Council has received reports and statements from the City's police department, from members of the public and from members of the business community, concerning the need to have effective tools to protect minors from the dangers and temptations that exist in public places late at night; and,

WHEREAS, the City Council finds that a juvenile curfew and parental responsibility ordinance will preserve the public safety and reduce acts of violence by and against juveniles that are occurring at rates beyond the capacity of the police to adequately assure public safety; and,

WHEREAS, the City Council further finds that reasonable regulations on the hours for which juveniles under the age of 18 may be upon public streets, parks or other public places will protect the juveniles of the City and reinforce parental responsibility and authority.

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

1. That a new Chapter 8.15 of the SeaTac Municipal Code be, and the same hereby is, created to read as follows:

Chapter 8.15

Curfew and Parental Responsibility

Sections:

8.15.010 Definitions

As used in this chapter, the following the words shall have the following meanings:

(a) "Curfew hours" means:

(1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 5:00 a.m. of the following day; and,

(2) 1201 a.m. until 5:00 a.m. on any Saturday or Sunday

(b) "Emergency" means any unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of property.

(c) "Establishment" means any privately owned place of business operated for a profit to which the public is in invited, including but not limited to, any place of amusement or entertainment.

(d) "Guardian" is a person other than a parent who has legal guardianship of a juvenile.

(e) "Juvenile" means any unemancipated person under the age of 18 years.

(f) "Parent" means the natural parent, adopted parent, or step-parent of a juvenile.

(g) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, shops and commercial businesses.

(h) "Remain" means to linger or stay.

(i) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

8.15.020 Juvenile Curfew.

A. It shall be unlawful for any juvenile to remain in any public place or establishment within the City of SeaTac during curfew hours.

B. It shall be a complete defense to prosecution under paragraph A above, that the juvenile was:

(1) Accompanied by the juvenile's parent or guardian or other person over the age of 18 years who has been given custody or control of the juvenile by said juvenile's parent or guardian;

(2) On an errand at the direction of the juvenile's parent or guardian without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the juveniles's presence;

(7) Attending an official school, religious or other recreational activity supervised by

adults and sponsored by the City of SeaTac, a civic organization, a school district, or another similar entity that takes responsibility for the juvenile, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of SeaTac, a civic organization, a school district, or other similar entity that takes responsibility for the juvenile;

(8) Exercising First Amendment Rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

(9) Attending or returning home from, without any detour or stop, any theater, movie house or sporting event; provided, however, that the juvenile shall have in his or her possession and present to a police officer upon request the ticket or ticket stub(s) from the theater, movie house or sporting event; or,

(10) Patronizing a restaurant or similar licensed food service establishment, during regular hours of operation of such establishment, where the juvenile receives or secures the services provided by the establishment from within the building or structure of the establishment, or returning home therefrom, without any detour or stop.

C. Penalties: A violation of this section is an infraction. The civil infraction penalty for a first violation of this section within a five (5) year period shall be fifty dollars ($50.00); for a second offense within a five (5) year period, the penalty shall be one hundred dollars ($100.00); and for a third or subsequent violation within a five (5) year period, the penalty shall be two hundred dollars ($200.00). It is provided, however that individuals who have committed violations of this section shall have the opportunity to work off their penalties through community service in the City of SeaTac parks, at the rate of five dollars ($5.00) per hour, as can be scheduled with the City's Parks and Recreation Department.

8.15.030 Temporary Custody Procedure.

A police officer who reasonably believes that a juvenile is in violation of any of the curfew provisions of this chapter shall have authority to take the juvenile into custody and deliver or arrange to deliver the minor either to:

(1) The juvenile's parent, guardian, custodian or other adult person having custody or control of such minor; or,

(2) The offices of the police department acting as the law enforcement agency of the City of SeaTac, or facility operated by such police department; or,

(3) The appropriate juvenile authority.

8.15.040 Parental Responsibility.

A. It is unlawful for the parent, guardian, or other adult person having custody or control of any juvenile to permit or knowingly allow such juvenile to remain in any public place or on the premises of any establishment within the City of SeaTac during curfew hours.

B. It shall be a complete defense to the prosecution under paragraph A, above, that the juvenile was:

(1) Accompanied by the juvenile's parent, guardian, or any other person over the age of 18 years who has been given custody or control of the juvenile by said juvenile's parent or guardian;

(2) On an errand at the direction of the juvenile's parent or guardian without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the juvenile's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of SeaTac a civic organization, a school district, or other similar entity that takes responsibility for the juvenile, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of SeaTac, a civic organization, a school district, or other similar entity that takes responsibility for the juvenile;

(8) Exercising First Amendment Rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Attending or returning home from, without any detour or stop, any theater, movie house, or sporting event; provided, however, that the juvenile shall have in his or her possession and present to a police officer upon request the ticket or ticket stub(s) from the theater, movie house or sporting event; or,

(10) Patronizing a restaurant or similar licensed food service establishment, during regular hours of operation of such establishment, where the juvenile receives or secures the services provided by the establishment from within the building or structure of the establishment, or returning home therefrom, without any detour or stop.

C. Penalties.

(1) A first violation of this section within a five (5) year period shall be a misdemeanor, which shall be punishable by a fine of no more than two hundred and fifty dollars ($250.00).

(2) A second or subsequent conviction of this section within a five (5) year period is a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in jail for not more than ninety (90) days or by both such fine and imprisonment.

8.15.050 Third Person Liability.

It is expressly the purpose of these provisions to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter. It is the specific intent of these provisions that no provisions nor any term used in this chapter is intended to impose any duty whatsoever on the City or any of its officers, agents or employees for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, agents or employees, for injuries or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

2. Each separate provision of this Ordinance shall be deemed independent of all others. If any provision of this Ordinance, or any part thereof, or its application to any persons or circumstances is declared to be invalid, all other provisions or parts thereof or its application to other persons or circumstances shall remain valid and enforceable.

3. That this Ordinance shall be in full force and effect thirty (30) days after passage, Provided that this Ordinance shall automatically expire one year after the effective date of this Ordinance unless the term of its effectiveness is renewed, modified or otherwise extended by the City Council.

ADOPTED this 14th day of February, 1995 and signed in authentication

thereof on this 14th day of February, 1995

. CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 15.16.120 of the SeaTac Municipal Code relating to non-conforming signs

WHEREAS, in connection with the City's identification of certain sign regulations, including identification of those signs which are non-conforming, adjustment of the initial determinations and regulations applicable to non-conforming signs is appropriate to avoid confusion and clarify which signs are eligible and which signs are not eligible for characterization as non-conforming signs as defined in the City Code.

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

1. That Section 15.16.120 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

15.16.120 Nonconforming signs.

A. General. To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of adoption of this code, this section provides for up to nine (9) years of continued use of a nonconforming sign in its existing state. During this period, it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the City after the code's enactment.

B. Nonconforming Signs.

1. Notification of Nonconformity or Illegality. The code administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign and where practical, the owner of the property on which the sign is located of the following; provided that the business license of the business with which the sign is associated shall be presumed to be the sign user under this code:

a. The sign's nonconformity or illegality;

b. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

2. Signs Eligible for Nonconforming Sign Permit. With the exceptions herein provided, any on-site primary sign located within the City limits on the date of adoption of this code, or located in areas annexed to the City thereafter, which does not conform with the provisions of this code, is eligible for characterization as a nonconforming sign provided it meets the following requirements:

a. The sign was covered by a sign permit on the date of adoption of this code, if one was required under applicable law; or

b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code.

Exceptions: Other than signs which rotate or have a part(s) which move or revolve except the movement of the hands

of a clock or digital changes indicating time and temperature or national market indices, or advertise a specific company or commodity located on-site, as defined in paragraph D of Section 15.16.110 of this code, no temporary or special signs, as defined ~~by~~ in Section 15.16.080 of this code, prohibited signs, as defined ~~by~~ in Section 15.16.110 or incidental signs, as defined ~~by~~ in paragraph F of Section 15.16.030~~F~~ of this code, shall be eligible for characterization as nonconforming signs.

3. Number of Nonconforming Signs Permitted. Each sign user within the City having existing nonconforming signs meeting the requirements of Section 15.16.160 shall be permitted to designate only one such sign as "nonconforming" for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit.

4. Permit for Nonconforming Signs. A nonconforming sign permit is required for each nonconforming sign designated under Section 15.16.160. The permit (Certificate of Zone Compliance-CZC) shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located within sixty (60) days of notification by the City. The permit shall be issued and shall expire at the end of the applicable amortization period prescribed in Section 15.16.120D.

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the administrator may require to insure compliance with the code, including proof of the date of installation of the sign.

A nonconforming sign for which no permit has been issued within the sixty (60) day period of notification shall within six (6) months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the property on which the sign is located to penalties cited in Chapter 15.32 of this code.

5. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming status if:

a. The sign is altered in any way in structure or height which is not in compliance with the standards of this chapter; or

b. The sign is relocated to a position which is not in compliance with the standards of this chapter; or

c. The sign is replaced, provided that this replacement refers to structural replacement, not change of "copy," panel or lettering; or

d. Any new primary sign is erected or placed in connection with the enterprise using the nonconforming sign; or

e. No application for a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within sixty (60) days following notification by the City (Section 15.16.120(B)) that the sign is nonconforming and that a permit must be obtained; and

f. The loss of legal nonconforming status takes place upon any change in land use or occupancy, or change in business name the sign shall be brought into conformity. Such nonconforming signs shall, within six (6) months, be brought into conformity with this chapter by revising to the area and height standards or be removed.

Upon any of the above referenced circumstances taking place, any permit or designation for what had been a nonconforming sign shall become void. The administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this chapter and a new permit secured or shall be removed.

C. Illegal Signs. An illegal sign is any sign which does not comply with the requirements of this chapter within the City limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under Section 15.16.160.

D. Amortization Period for Nonconforming Signs. Nonconforming signs, as defined in Section 15.16.120B.2, for which a nonconforming sign permit has been issued may remain in a nonconforming state for nine (9) years after the

effect of this chapter. Thereafter, the sign shall be brought into conformity with this code by obtaining a permit or be removed; provided however, that the amortization period established by this section may be used only so long as the sign retains its legal nonconforming status.

E. Nonconforming Sign Maintenance and Repair. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, nor from any provisions on prohibited signs, contained in Section 15.16.110; provided however, that any repainting, replacement of "copy," panels and/or lettering, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or structure in any way which is not in compliance with the requirements of this code, or the sign will lose its nonconforming status (Section 15.16.120 B.5). (Ord. 94-1040 ' 1; Ord. 92-1041 ' 1)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 14th day of February, 1995, and signed in authentication

thereof on this 14th day of February, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1008

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to employment and employees and amending the Pay and Compensation Plan of the City for non-represented employees and amending Ordinance No. 94-1015 and Ordinance No. 95-1002

WHEREAS, the City Council of the City of SeaTac, Washington, has previously enacted Ordinance No. 90-1037 and various amendments thereto, establishing personnel polices and procedures and adopting a pay and compensation plan for City employees

WHEREAS, in order to address the need for a reasonable and fair compensation to City employees, and to provide a reasonable cost of living allowance, it is appropriate that modification of the pay and compensation plan be made, consistent with the City Council's intention to provide equitable compensation to non-represented employees of the City and to other employees of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as a non-codified Ordinance, as follows:

1. That the provisions of Ordinance No. 94-1015 are amended as follows:

SALARY RANGES: The salary ranges for the various positions of the non-represented employees of the City shall be increased by the amount of 3.15 percent over the new level to reflect the COLA for 1995, effective January 1, 1995, with the salaries of employees in those positions being likewise increased by the same percentage to the extent that such increase does not exceed the maximum amount for the employee's salary range, and with employees whose salary is or would exceed the maximum amount for the employee's salary range, the salaries of such employees shall be increased over the 1994 level by the amount of 2.45 percent, effective January 1, 1995.

VISION PROGRAM: The employees covered by this Ordinance shall receive vision coverage for the employee, spouse and dependents, supplemental to the medical plan of the City, as follows:

Vision coverage, with a twenty-five dollar ($25.00) deductible, as such plan is available through the AWC health plans.

ACCRUAL OF VACATION TIME: Each full time regular employee covered by this Ordinance shall be entitled to the following number of vacation days to be awarded on successful completion of the employees probation period:

First Year: During the first year of employment with the City, employees accrue 10 days of vacation per year (3.3334 hours per pay period)

Second Year: During the second year of employment, employees accrue 11 days of vacation per year (3.666 hours per pay period)

Third Year: During the third year of employment, employees accrue 12 days of vacation per year (4 hours per pay period)

Fourth and Fifth Year: During the fourth and fifth years of employment, employees accrue 13 days of vacation per year (4.333 hours per pay period)

Sixth through fifteenth year: During the sixth through fifteenth years of employment, employees accrue 15 days of vacation per year (5 hours per pay period)

Sixteenth year and thereafter: During the sixteenth year of employment and thereafter, employees accrue 20 days of vacation per year (6.666 hours per pay period)

Employees shall be entitled to their base wage compensation during vacation time.

VACATION ACCUMULATION: The employee covered by this Ordinance shall be entitled to accumulate and to carry over into the following year any unused vacation time earned up to a maximum of the amount of vacation which the employee could have earned over a period of two (2) years. Any accumulated vacation time in excess of the amount of vacation which the employee could have earned over a period of two (2) years at his/her current rate of accrual shall expire. It is provided, however, that where an employee has vacation time that would expire because it is in excess of the accrual amounts, and where the employee has made reasonable requests over a reasonable length of time to use vacation time which requests have been denied because of the work requirements of the City, the employee shall be given a time extension to use such vacation time prior to the expiration of such vacation time, with the time extension being determined by the City but not being less than one month for each forty (40) hours of vacation time that would expire because of the denied requests to take vacation.

2. That the provisions of Ordinance No. 94-1015 and Ordinance No. 95-1002 and the pay and compensation Ordinances of the City shall remain in full force and effect except as inconsistent herewith.

3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary as required by law.

ADOPTED this 14th day of February, 1995, and signed in authentication

thereof on this 14th day of February, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending the 1995 budget with revenues and appropriations

WHEREAS, pursuant to the provisions of Chapter 35A.33 of the Revised Code of Washington, the City is required to adopt an annual budget and provide for procedures for filing of estimates, preliminary budgets, deliberations, public hearings and final fixing of the budget; and,

WHEREAS, pursuant to the provisions of the Revised Code of Washington, a preliminary budget for the fiscal year 1995 was prepared and filed, requisite public hearings were held for the purpose of fixing a final budget and the City Council made deliberations and adjustments as deemed necessary and proper, and adopted the budget for the City of SeaTac for the fiscal year 1995, which budget was adopted through Ordinance No. 94-1047, on November 22, 1994; and,

WHEREAS, the budget was adopted based upon revenue information and estimates received from King County and from the State of Washington, however, subsequent to the adoption of the budget, the City of SeaTac received additional budget information that should have been received from the state well in advance of the time that the City's budget was adopted but which was not received by the City until well after the time by which it should have been received; and,

WHEREAS, the additional tax assessment information was information that the City could not have reasonably foreseen at the time of the preliminary budget nor even at the time of the adoption of the 1995 budget; and,

WHEREAS, because of the circumstances and impacts on the City's tax revenue receipts, in light of the tax assessment information received so late, it is appropriate that the 1995 budget be amended to address this new tax assessment information.

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

1. The 1995 budget for the City of SeaTac, covering the period from January 1, 1995 through December 31, 1995, as adopted by Ordinance No. 94-1047, be, and the same hereby is amended as shown on the attached exhibit.

2. That this Ordinance shall be in full force and effect for the fiscal year 1995, five (5) days after publication as required by law.

ADOPTED this 14th day of February, 1995, and signed in authentication

thereof on this 14th day of February, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1010

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 15.40.030 of the SeaTac Municipal Code, identifying major employer goals for commute trip reduction

WHEREAS, motor vehicle traffic is a major source of emissions that pollute the air and air pollution causes significant harm to public health and degrades the quality of the environment; and,

WHEREAS, motor vehicle traffic in the City of SeaTac is a major source of pollution; and,

WHEREAS, under state policy, as set forth in RCW 70.94.521-551, the City of SeaTac is required to develop an implement a program and plan to reduce single occupancy vehicle commute trips and vehicle miles travelled for the City and affected employers; and,

WHEREAS, the City Council of the City of SeaTac did adopt provisions for a commute trip reduction plan in Ordinance No. 93-1002; and,

WHEREAS, it is appropriate for the City Council to provide for its goals and periodically review the goals of its commute trip reduction plan.

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

1. That Section 15.40.030 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

15.40.030 Designation of CTR zone and base year values.

Employers in the City of SeaTac fall within the South King County CTR zone designated by the boundaries shown on the map in Attachment A.

The base year value of this zone for proportion of SOV trips shall be 85 percent. The base year value for vehicles miles traveled (VMT) per employee shall be set at 9.3. Commute trip reduction goals for major employers shall be calculated based on these values. Therefore, affected employers in the City of SeaTac shall establish programs designed to result in SOV rates of not more than 72 percent in 1995, 64 percent in 1997, and 55 percent in 1999 and VMT per employee of not more than 7.9 miles in 1995, 6.9 miles in 1997, and 6.0 miles in 1999.

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 28th day of February, 1995, and signed in authentication

thereof on this 28th day of February, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 2.26 of the SeaTac Municipal Code relating to the Youth Advisory Board

WHEREAS, in order for the City Council to be better able to address its legislative responsibilities and to best serve the citizens of the City of SeaTac, the City established a number of boards and commissions to act in advisory capacities, with emphasis towards different areas of municipal government or towards specific areas of interest of the citizens of the City; and,

WHEREAS, among the boards and commission so established was the Youth Commission of the City of SeaTac, initially established with fifteen members, to provide for a broad cross section of the youth community of the City; and,

WHEREAS, notwithstanding the valuable contributions that have been made by the Youth Commission, the members of the commission determined that because of absences and difficulty filling vacancies, they could accomplish their job more easily if the number of members were reduced to nine members; and,

WHEREAS, along with the change in the numbers of the commission, it would be appropriate to make some other changes in connection with the applicable municipal code sections to clarify its duties, functions and responsibilities, including clarifying its role as an advisory board to the City Council.

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

1. That Chapter 2.26 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

Chapter 2.26

YOUTH ~~COMMISSION~~ ADVISORY BOARD

2.26.010 Created.

There is hereby created an advisory ~~commission~~ board to be known as the "Youth ~~Commission~~ Advisory Board of the City of SeaTac." (Ord. 93-1003 ' 1)

2.26.020 Membership.

There shall be ~~fifteen (15)~~ nine (9) members of the Youth ~~Commission~~ Advisory Board. The Youth ~~Commission~~ Advisory Board members shall consist of young people from the City of SeaTac between the ages of 13 years and 19 years at the time of appointment, provided that not less than ~~nine (9)~~ six (6) of the members of the Youth ~~Commission~~ Advisory Board shall be residents of the City of SeaTac, provided that members who are not residents shall attend schools located in the City of SeaTac. Members shall serve at the pleasure of the City Council. It is further provided that any member of the former Youth Commission who would not meet the requirements for membership hereunder, but who met requirements for membership in the Youth Commission pursuant to the ordinances in effect at the time of the member's appointment, shall be allowed to serve on the Youth Advisory Board for the completion of his/her original term. (Ord. 93-1021 ' 1: Ord. 93-1003 ' 1)

2.26.030 Appointment.

The members of the Youth ~~Commission~~ Advisory Board shall be appointed by the Mayor subject to confirmation by the City Council. The selection and appointment of members to the Youth ~~Commission~~ Advisory Board shall, as far as possible, reflect the diversity of the community in terms of neighborhood representation, ethnicity, economic

background, disability, gender, cultural and religious background, family status and national origin, as well as representation from the various junior high schools and high schools which serve the City of SeaTac. In order to provide for the diversity of membership, the City shall solicit the names of interested applicants and nominees for appointment to the ~~Commission~~ Advisory Board from a variety of sources, including but not limited to individuals and organizations who are involved in working with youth and/or who work on youth-related activities in the community or in the surrounding communities. (Ord. 93-1003 ' 1)

2.26.040 Term of office.

The members of the Youth ~~Commission~~ Advisory Board shall serve for a term of approximately two (2) years, expiring December 31 of the year following initial appointment or until appointment of a successor member, whichever is later. The appointment of members shall, to the extent reasonably possible, be made so as to provide for staggered terms, resulting in approximately half of the terms expiring one year, and the other half expiring the following year. If a member of the Youth ~~Commission~~ Advisory Board shall be absent without prior notification or excuse from three (3) consecutive regularly scheduled meetings of the ~~Commission~~ Advisory Board, the Chairperson of the Youth ~~Commission~~ Advisory Board, with the concurrence of the Staff Advisor may declare the position held by that member vacant and a new member may be appointed pursuant to Section 2.26.030. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Youth ~~Commission~~ Advisory Board applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two (2) board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. (Ord. 94-1044 ' 6; Ord. 94-1033 ' 6; Ord. 93-1003 ' 1)

~~**2.26.050 Youth Resource Committee.**~~

~~The Planning Parks and Recreation Department shall solicit, compile and maintain a list of interested and knowledgeable adults who are willing to act as support resources for the Youth CommissionAdvisory Board. The Youth Resource Committee shall be comprised of members of the community from education, police, religious, recreation, human services and other communities which serve the City of SeaTac and the youth of the City. The Youth Resource Committee shall not have regularly scheduled meetings, but members of the Committee shall be available, upon request to assist and advise the Youth Commission Advisory Board members as the Youth Commission Advisory Board members address and discuss certain topics involving the expertise and familiarity of such Youth Resource Committee members. (Ord. 93-1003 ' 1)~~

2.26.060 Rules of procedure.

The Youth ~~Commission~~ Advisory Board shall elect its own Chairperson to preside over its meetings, and may create and fill such other officers among its members as may be determined by the ~~Commission~~ Advisory Board to be beneficial to conduct its business. A majority of the members of the Youth ~~Commission~~ Advisory Board shall constitute a quorum for its meetings. (Ord. 93-1003 ' 1)

2.26.070 Staff Advisor.

The Staff Advisor to the Youth Advisory Board shall be an employee of the City assigned s~~elected and appointed to act in the capacity as Staff Advisor to the Youth CommissionAdvisory Board~~ by the City Manager or his designee. The Staff Advisor shall be an ex-officio member of the Youth ~~Commission~~ Advisory Board, and shall attend meetings of the ~~Commission~~ Advisory Board but shall not have a vote on matters being voted on by the ~~Commission~~ Advisory Board. The Staff Advisor shall assist the Chairperson in the development of agendas for Youth ~~Commission~~ Advisory Board meetings, arrange for scheduling of meetings, and ~~arrange~~ for presentations and participation by other individuals ~~including members of the Youth Resource Committee~~, and shall assist the Youth ~~Commission~~ Advisory

Board in preparation of reports to the City Council. (Ord. 93-1003 ' 1)

2.26.080 Compensation.

The members of the Youth ~~Commission~~ Advisory Board shall serve without compensation. (Ord. 93-1003 ' 1)

~~**2.26.090 Expenses.**~~

~~The City Council may appropriate a budget for the Youth Commission Advisory Board to provide for necessary expenses and expenditures. The City shall provide the Youth Commission Advisory Board with adequate space and facilities and necessary supplies to facilitate the operations and functions of the Commission Advisory Board. (Ord. 93-1003 ' 1)~~

2.26.100 Conflict of interest.

If any member of the Youth ~~Commission~~ Advisory Board concludes that a member has a conflict of interest with respect to a particular matter which is pending before the ~~Commission~~ Advisory Board, that member shall disqualify himself or herself from participating in any deliberations, discussions and decision-making processes of the ~~Commission~~ Advisory Board. (Ord. 93-1003 ' 1)

2.26.110 Meetings.

The Youth ~~Commission~~ Advisory Board shall hold such meetings as may be deemed to be necessary for the completion of the purposes, responsibilities and functions of the ~~Commission~~ Advisory Board, to fulfill the role of being an advisory body to the City Council. ~~Regular meetings shall be held at least once every month during the school year, unless there is no business to be considered by the Commission. Special meetings may be called by the Chairperson or by three (3) members of the Commission at any time that the need for a special meeting is warranted. The Staff Advisor shall take and publish minutes of meetings of the Commission. Published copies of the minutes of the Youth Commission meetings shall be provided to each member of the Youth Commission.~~ (Ord. 93-1003 ' 1)

2.26.120 ~~Commission~~ Advisory Board responsibilities.

The Youth ~~Commission~~ Advisory Board ~~shall~~ is created to assist the City Council in the following areas: To

(1) identify issues related to youth in the community~~;~~ and provide input to the City Council ~~and to its Commissions, Advisory Boards and Committees~~ on such issues ~~relating to youth in the SeaTac community~~;

(2) develop ~~and maintain a Youth Action Agenda outlining~~ strategies to address ~~a broad range of~~ emotional, physical, social and health issues facing youth of the City of SeaTac;

(3) develop a plan to implement the ~~Youth Action Agenda~~ strategies over both the short and long term; ~~provide increased opportunities~~ recommend new avenues for community involvement by youth of the City of SeaTac ~~and by the community in general~~ to the City Council;

(4) provide ~~input~~ advice to the City Council, ~~City Commissions Advisory Boards~~ and City staff regarding the delivery of City youth programs and

(5) provide through the City Council outreach to the community in an effort to place youth issues before the citizens of the City of SeaTac in a positive manner.

(6) recommend ways and means of obtaining private, local, county, state or federal funds for the promotion of youth projects within the City. (Ord. 93-1003 ' 1)

2.26.130 Annual report of progress.

The Youth ~~Commission~~ Advisory Board ~~shall~~ may, with the assistance of the Staff Advisor, annually provide to the City Council a report on progress made in carrying out the ~~Commission's~~ Advisory Board's responsibilities. Additional reports may be submitted when deemed appropriate by the ~~Commission~~ Advisory Board or when requested by the City Council. (Ord. 93-1003 ' 1)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 14th day of March, 1995, and signed in authentication

thereof on this 14th day of March, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1012

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Sections 1.15.010, 1.15.020, 1.20.110, 1.20.140, 2.15.090, 2.15.130, 2.20.090, 2.21.080, 2.24.070, 2.45.010, 2.45.060, 2.46.040, 2.47.080, 2.50.030, 2.50.090, 3.25.050, 3.30.010, 3.30.020, 3.45.010, 3.30.020, 3.45.010, 5.05.060, 5.05.100, 5.05.130, 5.05.150, 5.05.160, 5.05.170, 5.05.180, 5.05.190, 5.05.200, 5.05.240, 5.05.280, 5.05.290, 5.05.310, 5.05.320, 5.05.330, 5.05.350, 5.05.370, 5.05.380, 5.05.390, 5.05.400, 5.05.410, 5.05.420, 5.05.430, 5.05.440, 5.10.030, 5.25.070, 5.25.100, 5.25.200, 5.30.090, 5.30.100, 5.30.110, 5.30.120, 5.30.130, 5.30.130, 5.30.190, 7.10.060, 7.25.030, 7.35.040 7.35.070, 9.05.030, 12.05.010, 12.05.020, 12.05.030, 12.05.040, 12.10.020, 12.10.030, 12.10.060, 12.10.080, 12.10.100, 12.10.110, 12.10.120, 12.10.140, 12.10.180, 13.30.040, 13.35.010, 14.10.020, 14.10.030, 14.10.040, 14.10.060, 14.10.070, 14.10.080, 15.05.050, 15.05.060, 15.05.070, 15.05.080, 15.10.380, 15.12.011, 15.13.030, 15.13.110, 15.13.115, 15.14.050, 15.14.120, 15.14.130, 15.14.160, 15.14.170, 15.14.180, 15.14.200, 15.14.220, 15.15.020, 15.15.030, 15.15.040, 15.15.050, 15.15.090, 15.15.130, 15.16.030, 15.16.110, 15.16.140, 15.16.150, 15.16.180, 15.19.030, 15.19.050, 15.20.030, 15.20.040, 15.21.100, 15.22.060, 15.23.040, 15.23.060, 15.23.070, 15.23.450, 15.26.060, 15.28.040, 15.29.040, 15.30.370, 15.32.010, 15.40.050, 15.40.080 of the SeaTac Municipal Code relating to identification of persons responsible for enforcement of City Codes

WHEREAS, since the time of the incorporation of the City of SeaTac, enforcement of certain municipal responsibilities and functions has been subject to change in terms of who enforces which City Codes; and,

WHEREAS, some of the changes have resulted from the relatively rapid growth of municipal resources compiled after incorporation, as well as reorganization and adjustment of organizational responsibilities among departments and municipal divisions; and,

WHEREAS, because of these changes and organizational refinements, some of the initially identified positions responsible for enforcement of certain City Codes no longer apply, and in some instances, the positions no longer exist; and,

WHEREAS, another area that has surfaced with concern regarding the current specific identification of certain positions as being responsible for enforcement of certain code provisions is that in some instances, various codes will seemingly identify inconsistent or conflicting positions or different departments and organizational divisions as being responsible for enforcement specific code provisions; and,

WHEREAS, in order to avoid the effects of such future organizational refinements and adjustments, it would be appropriate to consolidate enforcement references and responsibilities in the City Manager, as that person is the supervisor to each of the various directors of City departments, with additional provisions allowing for enforcement by the person designated by the City Manager, so that, in effect, the individuals who would likely be responsible for enforcing various code provisions would be the same as was originally intended, but the flexibility to allow for adjustments in organization or other enforcement needs would be there.

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

1. That Sections 1.15.010, 1.15.020, 1.20.110, 1.20.140, 2.15.090, 2.15.130, 2.20.090, 2.21.080, 2.24.070, 2.45.010, 2.45.060, 2.46.040, 2.47.080, 2.50.030, 2.50.090, 3.25.050, 3.30.010, 3.30.020, 3.45.010, 3.30.020, 3.45.010, 5.05.060, 5.05.100, 5.05.130, 5.05.150, 5.05.160, 5.05.170, 5.05.180, 5.05.190, 5.05.200, 5.05.240,

5.05.280, 5.05.290, 5.05.310, 5.05.320, 5.05.330, 5.05.350, 5.05.370, 5.05.380, 5.05.390, 5.05.400, 5.05.410, 5.05.420, 5.05.430, 5.05.440, 5.10.030, 5.25.070, 5.25.100, 5.25.200, 5.30.090, 5.30.100, 5.30.110, 5.30.120, 5.30.130, 5.30.130, 5.30.190, 7.10.060, 7.25.030, 7.35.040 7.35.070, 9.05.030, 12.05.010, 12.05.020, 12.05.030, 12.05.040, 12.10.020, 12.10.030, 12.10.060, 12.10.080, 12.10.100, 12.10.110, 12.10.120, 12.10.140, 12.10.180, 13.30.040, 13.35.010, 14.10.020, 14.10.030, 14.10.040, 14.10.060, 14.10.070, 14.10.080, 15.05.050, 15.05.060, 15.05.070, 15.05.080, 15.10.380, 15.12.011, 15.13.030, 15.13.110, 15.13.115, 15.14.050, 15.14.120, 15.14.130, 15.14.160, 15.14.170, 15.14.180, 15.14.200, 15.14.220, 15.15.020, 15.15.030, 15.15.040, 15.15.050, 15.15.090, 15.15.130, 15.16.030, 15.16.110, 15.16.140, 15.16.150, 15.16.180, 15.19.030, 15.19.050, 15.20.030, 15.20.040, 15.21.100, 15.22.060, 15.23.040, 15.23.060, 15.23.070, 15.23.450, 15.26.060, 15.28.040, 15.29.040, 15.30.370, 15.32.010, 15.40.050, 15.40.080 of the SeaTac Municipal Code be, and they hereby are amended to clarify the enforcement responsibilities of the City by identifying the City Manager or designee as being responsible for enforcement of City Codes rather than identifying specific positions, departments or department directors, as follows:

1.15.010 Authority of the City Manager ~~Director of Public Works~~.

The City Manager ~~Director of Public Works,~~ or designee, is authorized to utilize the procedures of this chapter to enforce any and all violations of land use, public health and business regulatory ordinances of the City, and any other ordinances of the City relating to hazards to public safety, to public or private property, or to the public welfare, and shall establish an Office of Code Enforcement for those purposes. (Ord. 90-1075 ' 1: Ord. 90-1048 ' 1)

1.15.020 Definitions.

For the purposes of this chapter, the following words and phrases shall be defined as indicated below:

A. "Business regulatory ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate business, production, commerce, entertainment, exhibition, occupations, trades, professions, and other lawful commercial activity, including, but not limited to~~:~~ ordinances

~~Ordinance No. 89-1006~~ relating to tax on gambling activities ~~(Chapter 3.25)~~;

~~Ordinance No. 90-1012~~ relating to animal control ~~(Chapter 6.05)~~;

~~Ordinance No. 90-1028~~ relating to cable television and communications systems ~~(Chapter 5.25)~~; and ~~Ordinances No. 90-1039 and 90-1067~~ relating to business licenses and regulations ~~(Chapters 5.05 and 5.10)~~.

B. "Code Enforcement Officer" means a City employee designated by the City Manager or the Director of Public Works to enforce the provisions of land use, public health, and business regulatory ordinances of the City.

C. "Director" means the City Manager ~~Director of Department of Public Works~~ or designee.

D. "Hearing Examiner" means the hearing examiner of the City of SeaTac as created by Ordinance No. 90-1045 ~~(Chapter 1.20)~~ or successor ordinance.

E. "Land use ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate the use and/or development of land, including, but not limited to~~:~~ordinances ~~Ordinance No. 90-1013~~ relating to road standards ~~(Chapter 11.05)~~;

~~Ordinance No. 90-1019~~ relating to zoning ~~(Chapter 15.10)~~;

~~Ordinance No. 90-1020~~ relating to subdivisions ~~(Chapter 14.05)~~;

~~Ordinances No. 90-1021 and 90-1064~~ relating to building and construction standards ~~(Chapter 13.05)~~;

~~Ordinances No. 90-1022 and 90-1065~~ relating to the fire code ~~(Chapter 13.15)~~;

~~Ordinance No. 90-1025~~ relating to surface water management (Chapter 13.20);

~~Ordinance No. 90-1061~~ relating to environmental review procedures ~~(Chapter 13.30)~~;

~~Ordinance No. 90-1076~~ relating to home occupations ~~(Chapter 15.10)~~; and

Any ordinance or ordinances relating to shorelines management which may be adopted hereafter.

F. "Public health ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate, control or prohibit activities affecting public health and sanitation, including, but not limited to~~:~~ ordinances

~~Ordinance No. 90-1017~~ relating to solid waste ~~(Chapter 12.15)~~;

~~Ordinance No. 90-1026~~ relating to health and sanitation ~~(Chapter 7.05)~~;

~~Ordinance No. 90-1044~~ relating to boating, moorage and anchorage ~~(Chapter 7.20)~~;

~~Ordinance No. 90-1049~~ relating to water and sewer systems ~~(Chapter 12.05)~~; and

~~Ordinance No. 90-1058~~ relating to litter control ~~(Chapter 7.10)~~. (Ord. 90-1075 ' 2: Ord. 90-1048 ' 2)

1.20.110 Decisions of the Examiner which are final.

For the following cases, the Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make decisions, which shall be final and conclusive:

A. Applications for conditional use permits;

B. Applications for variances;

C. Applications for shoreline permits when a public hearing is required;

D. Appeals from the decisions of the City Manager ~~director of planning and community development~~ or designee on applications for short subdivisions;

E. Appeals from threshold determinations concerning applications not subject to Council action;

F. Appeals from notices and orders issued as code enforcement actions;

G. Appeals from decisions regarding the abatement of nonconforming uses;

H. Appeals from administrative decisions or determinations by City officials where the governing ordinance provides for an appeal to the Examiner;

I. Other applications or appeals which the Council may prescribe by ordinance. (Ord. 90-1045 ' 10)

1.20.140 Procedural notice requirements.

Unless otherwise provided by ordinance, the City Manager ~~Director of Planning and Community Development~~ or designee shall cause notice of the time and place of the public hearing to be mailed to all persons of record at least fourteen (14) calendar days prior to the scheduled hearing. Additional notice shall be given as provided in the ordinance governing the particular type of application or appeal. Public hearings may be continued or reopened by the Examiner with written notice to all persons of record at least fourteen (14) calendar days prior to the rescheduled

hearing. Public hearings may be continued by the Examiner without additional written notice provided the continuance is made during open session to a specific date, time, and location. (Ord. 90-1045 ' 13)

2.15.090 Meetings.

The Planning Commission shall hold such regular, and, as may be necessary, special, meetings, as may be required for the completion of its responsibilities, but regular meetings shall be held not less than twice per month through the end of the calendar year 1992. Thereafter, regular meetings shall be held at least once per month unless there is no business to be considered by the Commission. The City Manager ~~Director of Planning and Community Development,~~ or designee, shall attend each meeting of the Planning Commission and shall take and publish minutes of each meeting. The City Manager ~~Director,~~ or designee, shall provide copies of the published minutes to each member of the Planning Commission and to each member of the City Council. (Ord. 90-1047 ' 9)

2.15.130 Research.

The Planning Commission shall, with the assistance of the City Manager ~~Director of Planning and Community Development~~ or designee act as the research and fact finding agency of the City in regard to land uses, housing, capital facilities, utilities, transportation, and in regard to classification of lands as agriculture, forest, mineral lands, critical areas, wetlands and geologically hazardous areas. The Commission may undertake such surveys, analyses, research and reports as may be generally authorized or as may be specifically requested by the City Council. The 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. (Ord. 90-1047 ' 13)

2.20.090 Meetings.

The Human Services Commission shall hold such meetings as may be deemed to be necessary for the completion of its responsibilities. Regular meetings shall be held at least once per month unless there is no business to be considered by the Commission. Special meetings may be called by the Chairperson, or by three members. The ~~Director of the Department of Planning and Community Development~~ City Manager, or designee, shall attend each meeting of the Commission and shall take and publish minutes. The ~~Director~~ City Manager or designee, shall provide copies of the published minutes to each member of the Human Services Commission and to each member of the City Council. (Ord. 91-1026 ' 9)

2.21.080 Meetings.

The Arts Commission shall hold such meetings as may be deemed to be necessary for the completion of its responsibilities. Regular meetings shall be held at least once per month unless there is no business to be considered by the Commission. Special meetings may be called by the chairperson, or by three members. The~~Director of the Department of Planning and Community Development~~ City Manager or designee, shall attend each meeting of the Commission and shall take and publish minutes. The City Manager ~~Director,~~ or designee, shall provide copies of the published minutes to each member of the Arts Commission and to the City Council. (Ord. 92-1005 ' 8)

2.24.070 Ex officio member - Staff support.

The City Manager ~~Americans with Disability Act (ADA) coordinator of the City~~ or designee shall attend each meeting of the ADA Citizens' Access Committee, and shall be an ex officio member of the committee, entitled to participate in all committee action, other than holding the office of chairperson of the committee and voting on motions or issues coming before the committee. The City Manager ~~ADA coordinator,~~ or designee, shall take and publish minutes of the meetings of the committee. The City Manager ~~ADA coordinator,~~ or designee shall provide copies of the published minutes to each member of the ADA Citizens' Access Committee, and to each member of the City Council and to the City Manager. (Ord. 92-1030 ' 1)

2.45.010 Definitions.

Whenever used in this chapter the following terms shall be defined as herein indicated:

A. "Aircraft" means any machine or device designated to travel through the air including but not limited to: airplanes, helicopters and balloons;

B. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating;

C. "Associated marine area" means any water area within one hundred feet of any "SeaTac City park area" or "marine facility" such as a dock, pier, float, buoy, log boom, or other object which is part of a "SeaTac City park area", provided that such area does not include private property;

D. "Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle;

E. "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose or remaining overnight;

F. "Campsite" means designated camping sites which are designated for the use of camping, and which have no water and/or electrical facilities available for hookup to a trailer or a camper;

G. "City" means the City of SeaTac, a municipal corporation in the State of Washington;

H. "Commission" refers to the City of SeaTac Parks and Recreation Commission;

I. "Department" means the City of SeaTac Department of Parks and Recreation;

J. "Director" means the City Manager ~~Director of the City of SeaTac Parks and Recreation Department,~~ or designee;

K. "Discrimination" means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide by a blind or deaf person;

L. "Facility" or "facilities" means any building, structure, or park area operated by the City of SeaTac Parks and Recreation Department;

M. "Facility Supervisor" refers to a duly appointed City of SeaTac Parks and Recreation Department employee;

N. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways;

O. "Park area" refers to premises of City of SeaTac parks. "Park area" means any area under the ownership, management, or control of the City of SeaTac Parks and Recreation Department;

P. "Person" means all natural persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or an agent, servant, or employee;

Q. "Rocket" means any device containing a combustible substance which when ignited propels the device forward;

R. "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, equestrians, or other non-

motorized modes of transportation;

S. "Trailer" means a towed vehicle which contains sleeping or housekeeping accommodations;

T. "Trailer site" means a designated camping site which has water and/or electrical facilities available for hookup, and which are designed for the use of persons with trailers or campers. (Ord. 94-1005 ' 1)

2.45.060 Cancellation of permit.

The Department reserves the right to cancel a permittee's reservation for cause or if the Department wishes to make use of the facility which in the judgement of the City Manager ~~Director~~ or designee supersedes the need of the permittee. Notice of the Department's cancellation for priority use shall be given at least twenty-four hours in advance. Notice of cancellation for cause may be given at any time. (Ord. 94-1005 ' 1)

2.46.040 Officers - Meetings.

A. At its first meeting of each year, under normal conditions the January meeting, the commissioners shall elect a chairperson and vice chairperson from its members. The City Manager ~~Planning and Community Development Director~~ or designee shall serve as the commission's staff, although such person is not a member of the commission. The commission shall have a regularly scheduled meeting at least once each month.

B. It shall be the duty of the chairperson to preside at all meetings of the commission and of the secretary to keep minutes of all meetings, prepare meeting agendas, and record all of the proceedings of the commission. The vice chairperson shall preside at all meetings where the chairperson is absent. A majority of the commission shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any recommended action. (Ord. 92-1034 ' 1)

2.47.080 Meetings.

The Solid Waste Advisory Board shall meet, regularly, at least once per month, unless there is no business to be considered by the board. Special meetings may be called by the chairperson or by three (3) members of the Board. The Waste Management Coordinator of the city or such other person as is designated by the City Manager ~~Public Works Director~~ shall attend each meeting of the Board, and shall take and publish minutes of the meetings, and shall provide copies of the minutes to each member of the Solid Waste Advisory Board and to each member of the City Council and to the City Manager. (Ord. 92-1042 ' 1)

2.50.030 Program coordinator.

In order to ensure coordination within the City Employee Wellness Program, a Program Coordinator is necessary and, therefore, the City Manager ~~Personnel Director,~~ or designee, shall serve as Program Coordinator. With concurrence of the ~~Director of the Department of Planning and Community Development~~ City Manager or designee, the Recreation Activity Coordinator may be designated as Program Coordinator or as Program Co-Coordinator. The Program Coordinator shall direct the City Wellness Team which shall be comprised of a volunteer representative from each City department. (Ord. 91-1009 ' 3)

2.50.090 Program support.

The City Council shall annually review the City Wellness Team's proposals and shall, in the budget process, make such appropriations as may be necessary to support the City Wellness Program. Initially, authority is granted for expenditure of funds up to the sum of one thousand dollars ($1,000.00) from the departmental budget of the ~~Personnel~~ Human Resources Department, and the Director of the Department of Finance shall establish an appropriate BARS code for receipt of reimbursement from the Association of Washington Cities and for expenditures toward program support. (Ord. 91-1009 ' 9)

3.25.050 Additional rules.

The City Manager or designee ~~Director of Finance~~ shall have authority to adopt rules and regulations not inconsistent with the provisions of this chapter, for carrying out and enforcing payment, collection and remittance of the taxes herein levied. Such rules and regulations may include the form of tax return required to be filed with the City at the time of payment of the tax on gambling activities, and procedures for auditing of the taxpayer's records. A copy of the rules and regulations so adopted shall be on file and available for public examination in the Clerk's office. (Ord. 92-1044 ' 1: Ord. 89-1006 ' 5)

3.30.010 Purpose.

The purpose of this chapter is to set forth rules and regulations applicable to the purchase or lease of material, equipment, services and supplies by, through, or under authority delegated to the City Manager ~~Director of Finance,~~ or designee, as City Purchasing Agent. (Ord. 90-1032 ' 1)

3.30.020 Definitions.

As used in this chapter, the following terms shall have the following meaning:

A. An "alternate" means material, supplies, equipment or services which deviate in respect to features, performance or use from the brand, model or specification designated as a standard whether or not such deviation constitutes an improvement.

B. "Annual contract" means an agreement between the City and a vendor, entered into pursuant to the formal advertising and bid process whereby the vendor agrees to supply specified items to the City for a fixed period of time in quantities to be determined by the City requirements and at a bid unit price. The annual contract is used whenever historical data indicates a reasonable likelihood that the

City will require a quantity of an item(s) costing in excess of three thousand dollars ($3,000.00).

C. "Bid" means an offer to perform a contract to sell, lease or supply material, equipment, services or supplies in response to a formal solicitation.

D. "Bidder" means one who submits a bid.

E. "Blanket contract" means an agreement between the City and a vendor, entered into without formal advertising and bid, whereby the vendor agrees to supply any and all goods or services merchandised by that vendor for a one-year period in quantities to be determined by the City requirements and indicated on purchase requisitions. The cost of such goods or services shall be as set forth in a pricing policy submitted by the vendor at the time of contracting. "Blanket contracts", are for the convenient purchase of low-cost items and no individual requisition shall exceed five hundred dollars ($500.00).

F. "City Purchasing Agent" is the City Manager ~~Director of Finance,~~ or designee, who is charged with procurement of all supplies, materials, equipment and nonprofessional services for the City with the exception of contracts for public works.

G. "Description" means identifying information distinctly and plainly set forth and sufficiently portrayed and explained to insure that the product or service under consideration is uniquely identified.

H. "Emergency purchase" means a purchase made in response to unforeseen circumstances beyond the control of the City which presents a real, immediate and material threat to the public interests or property of the City.

I. "An equal" is material, equipment or supply which is equal to or exceeds the quality, performance and usefulness of the brand, model or specifications designated as the standard.

J. An "informality" or "irregularity" is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids, having no effect or merely a trivial or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.

K. "Invitation to bid" means the procedure used in the formal sealed bid procedure.

L. "Purchase" includes leasing or renting.

M. "Purchaser" means the City and the department or agencies using material, equipment, supplies or services purchased.

N. "Request for quotation" means the procedure used when soliciting telephone and/or written quotations in accordance with RCW 35.22.352(8). The request and the quote in response may be either written or oral as specified by the City Purchasing Agent.

O. "Single source purchase" means a purchase of goods or services which can be obtained from only one known vendor.

P. "Specifications" means the explicit requirements furnished with an invitation to bid or request for quotation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the equipment, material, supplies or services to be purchased to enable the bidder or vendor to determine and understand that which is to be supplied. This information may be either in terms of physical characteristics or performance requirements or both.

Q. "Vendor" means the supplier of goods or services, or both. (Ord. 90-1032 ' 2)

3.45.010 Equipment rental fund established.

There is hereby established an Equipment Rental Fund, which shall be administered by the City Manager, ~~Director of Finance~~ or designee, to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of equipment, and for the purpose of equipment, materials and supplies to be used in the administration and operation of the said fund. (Ord. 90-1070 ' 1)

5.05.060 Application for license.

No business license shall be issued except upon application therefore made on forms prescribed by the City Manager ~~Director of Finance~~ or designee. Each application shall be accompanied by the prescribed license fee. Upon approval of the application, the business license shall be issued by the City and be delivered to the applicant. In event of denial, the fee paid shall be returned to the applicant together with notice that the application has been denied. (Ord. 90-1039 ' 6)

5.05.100 Investigations and inspection.

All applications for licenses shall be investigated by the City Manager ~~Director of Finance,~~ or designee, and business premises may likewise be inspected. Investigations and inspections may also be conducted by designated officials of King County pursuant to Interlocal Agreement. (Ord. 90-1039 ' 10)

5.05.130 Renewal of license.

All business licenses shall be renewed on or before January 1 of the tax year of issuance, if the business is to be continued. Application for renewal shall be made on forms prescribed by the City Manager ~~Director of Finance~~ or designee. Each application for renewal shall be accompanied by the license renewal fee for the ensuing tax year as

prescribed by an annual resolution of the City Council establishing fees and charges. Applications for renewal shall be processed by the City commencing on November 1 of each tax year for the ensuing tax year. (Ord. 92-1045 ' 1: Ord. 90-1039 ' 13)

5.05.150 Duties of the City Manager or director.

The City Manager or designee ~~Director of Finance~~ is authorized and directed to enforce the terms and provisions of all business license and regulations ordinances. If it is determined, by means of investigation or inspection, that any person has violated or failed to comply with any provision of any business license or regulation ordinance, then the City Manager or designee ~~Director of Finance~~ shall issue a notice and order recording such findings, specifying therein the particulars of any such violation or failure to comply, and ordering corrective action, civil penalty, suspension and/or revocation of license. (Ord. 90-1039 ' 15)

5.05.160 Additional rules and regulations.

The City Manager or designee ~~Director of Finance~~ is authorized to adopt and enforce rules and regulations, not inconsistent with the provisions of this chapter, and any other business license or regulation ordinance, and it shall be unlawful for any person to violate or fail to comply with any of the said rules and regulations. All such rules and regulations promulgated by the City Manager or designee ~~Director of Finance~~ shall be reduced to writing, shall be provided to the licensee with each new or renewal business license, or shall be mailed to each licensee for information of the licensee and the licensee's employees and agents. Such rules and regulations shall also be available for public inspection at the offices of the Director of Finance and City Clerk. (Ord. 90-1039 ' 16)

5.05.170 Inspections - Right of entry.

The City Manager ~~Director of Finance~~ or designee is authorized to make such inspections of licensed premises and take such action as may be required to enforce the provisions of any business license ordinance. The City Manager ~~Director~~ may designate any appropriate City employees, and specifically including the Code Enforcement Officer and commissioned police officers, to undertake such inspections. Inspections shall, to the extent possible, be in compliance with the following procedure:

A. An inspector may enter any licensed business location, at any reasonable time, to inspect the same or perform any duty imposed on the City Manager or designee ~~Director of Finance~~ by any business license or regulation ordinance.

B. If the place of business is occupied, the inspector shall first present proper credentials and demand entry and right to inspect.

C. If the place of business is unoccupied, the inspector shall first make a reasonable effort to locate the licensee or other person having charge or control of the premises and shall then present proper credentials and demand entry and right to inspect.

D. No licensee, employee or agent, shall fail or neglect, after proper demand, to admit the inspector, acting within the scope of the inspector's employment, to any location licensed for business, or to interfere with the inspector while in the performance of the inspector's duty.

E. Nothing herein shall prevent or prohibit undercover investigations or inspections by appropriate officers in appropriate circumstances. (Ord. 90-1039 ' 17)

5.05.180 Grounds for suspension or revocation.

No business license issued pursuant to this chapter shall be suspended or revoked without cause. Cause for suspension or revocation shall include, but not be limited to, the following:

A. The license was procured by fraud or misrepresentation of fact;

B. The licensee has failed to comply with any of the provisions of this chapter;

C. The licensee, or licensee's employees or agents, have been convicted of a crime, or suffered civil judgment or consent decree which bears a direct relationship to the conduct of the business licensed pursuant to this chapter;

D. The licensee, or licensee's employees or agents, have violated any law or ordinance relating to the regulation of the business licensed pursuant to this chapter, or any health or safety ordinance;

E. The licensee has caused or permitted a public nuisance to exist;

F. The licensee, or licensee's employees or agents, have engaged in, have permitted or have acquiesced in unlawful drug related activity on the business premises;

G. Licensees has failed to pay a civil penalty or to comply with any notice and order of the City Manager ~~Director of Finance~~ or designee;

H. Licensee's continued conduct of the business will, for any other reason, result in a danger to the public health, safety or welfare. (Ord. 90-1039 ' 18)

5.05.190 Notice and order.

A. The City Manager ~~Director of Finance,~~ or designee, shall issue a notice and order, directed to the licensee whom the Director has determined to be in violation of any of the terms and provisions of any business license or regulation ordinance. The notice and order shall contain:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred or is occurring;

2. A statement that the City Manager or designee ~~Director~~ has found the application submitted by or the conduct of the licensee to be in violation of any business license or regulation ordinance, with a brief and concise description of the facts or conditions found to render such licensee in violation of such business license or regulation ordinance;

3. A statement of any action required to be taken as determined by the City Manager or designee ~~Director~~. If the City Manager or designee ~~Director~~ has determines to assess a civil penalty, the order shall require that the penalty shall be paid within ten (10) days from the date of receipt of the notice and order. If the Director determines to suspend or revoke the license, the order shall require surrender of the licenses to the Director within ten (10) days from the date of receipt of the notice and order.

4. A statement advising that the licensee may appeal from the notice and order or from any action of the City Manager or designee ~~Director~~ to the City Hearing Examiner, provided the appeal is made in writing as provided in this chapter and filed with the City Clerk within ten (10) days from the date of receipt of the notice and order, and that failure to appeal shall constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the licensee either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to such licensee at the address which appears on the business license.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made, or by affidavit of mailing to which shall be attached the postal return receipt or original mailing if returned unclaimed. (Ord. 90-1039 ' 19)

5.05.200 Appeal from denial or from notice or order.

A. The City Hearing Examiner is designated to hear appeals by applicants or licensees aggrieved by actions of the City

Manager or designee ~~Director of Finance~~ pertaining to any denial, civil penalty suspension, or revocation of business licenses. The Hearing Examiner may adopt reasonable rules and regulations for conducting such appeals. Copies of all rules and regulations so adopted shall be filed with the Director of Finance and with the City Clerk, who shall make them freely accessible to the public.

B. Any licensee may, within ten (10) days after receipt of a notice of denial of application or of a notice and order, file with the City Clerk a written notice of appeal containing the following:

1. A heading with the words: "Before the Hearing Examiner of the City of SeaTac";

2. A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the business involved in the denial or notice and order;

4. A brief statement, in concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant or appellants;

5. A brief statement, in concise language, of the relief sought, and the reasons why it is claimed the protested action or notice and order should be reversed, modified, or otherwise set aside;

6. The signatures of all persons named as appellants, and their official mailing addresses;

7. The verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal.

C. As soon as practicable after receiving the written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

D. At the hearing, the appellant or appellants shall be entitled to appear in person, and to be represented by counsel and to offer such evidence as may be pertinent and material to the denial or to the notice and order. The technical rules of evidence need not be followed.

E. Only those matters or issues specifically raised by the appellant or appellants in the written notice of appeal shall be considered in the hearing of the appeal.

F. Within ten (10) business days following conclusion of the hearing, the Hearing Examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or overrule the denial or order of the City Manager or designee ~~Director of Finance~~, and may further impose terms as conditions to issuance or continuation of a business license.

G. Failure of any applicant or licensee to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of the right to an administrative hearing and adjudication of the denial or of the notice and order.

H. Any party aggrieved by the decision of the Hearing Examiner may appeal that decision to the City Council by filing a written notice of appeal, within ten (10) days after receipt of the decision of the Hearing Examiner, with the City Clerk. The City Clerk shall transmit a complete copy of the Hearing Examiner's record, findings and conclusions, and decision, and all exhibits, to the City Council and shall cause the appeal to be placed upon the agenda of the City Council within thirty (30) days after receipt of the notice of appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

I. Enforcement of any civil penalty, or suspension or revocation of any business license, or other order of by the City Manager or designee ~~Director of Finance~~ shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (Ord. 90-1039 ' 20)

5.05.240 Civil penalty.

In addition to or as an alternative to any other penalty provided herein or by any other business license or regulation ordinance, any licensee who violates any provision of any business license or regulation ordinance shall be subject to a civil penalty in an amount not to exceed five hundred dollars ($500.00) per violation to be directly assessed by the City Manager ~~Director of Finance~~ or designee. The City Manager ~~Director~~ or designee, in a reasonable manner, may vary the amount of the penalty assessed in consideration of the size of the business of the violator, the nature of the license required of the violator, the gravity of the violation, the number of past and present violations committed, and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed shall be enforced and collected by the City by legal action brought for that purpose. This remedy is cumulative and not exclusive. (Ord. 90-1039 ' 24)

5.05.280 Novelty amusement devices.

The following listed sections of Chapter 6.04 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.04.010 Definitions.

6.04.020 License required - Operation near schools prohibited.

6.04.030 Operation without licenses prohibited.

6.04.040 License fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.04.060 Novelty amusement device vendor's license.

6.04.070 Application procedure.

6.04.090 Financial interest prohibited.

6.04.100 Denial of licenses.

6.04.110 Suspension or revocation of licenses.

(Ord. 90-1039 ' 28)

5.05.290 Shuffleboards.

The following listed sections of Chapter 6.04 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" and the words "Division of Business Licenses" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.04.170 Shuffleboard defined.

6.04.180 License required - Fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.04.190 Display, removal and transfer of license.

6.04.200 Information required on application for license - Qualifications required of applicant.

(Ord. 90-1039 ' 29)

5.05.310 Pool and billiard tables.

The following listed sections of Chapter 6.12 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.12.010 License required - Nontransferable.

6.12.020 Definitions.

6.12.030 Coin operated.

6.12.040 Identification numbers.

6.12.050 License requirements.

6.12.060 License fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

(Ord. 90-1067 ' 2: Ord. 90-1039 ' 31)

5.05.320 Closing out sales.

The following listed sections of Chapter 6.16 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.16.010 Definitions generally.

6.16.020 Sale defined.

6.16.030 Advertising, etc., defined.

6.16.040 Inspector, investigator defined.

6.16.050 Goods defined.

6.16.060 License required.

6.16.070 Conditions for issuance.

6.16.080 Application for license.

6.16.090 Issuance.

6.16.100 License fee - Bond, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.16.110 License conditions.

6.16.120 License renewal, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.16.140 General rules and regulations.

6.16.150 Commingling of goods.

6.16.160 Removal of goods - Loss of identity.

6.16.170 Inspection of premises.

6.16.180 Records.

6.16.190 Duties of licensee.

6.16.200 Persons exempted.

(Ord. 90-1067 ' 3: Ord. 90-1039 ' 32)

5.05.330 Dances.

The following listed sections of Chapter 6.20 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.20.002 Findings of fact.

6.20.004 General provisions - Applicability.

6.20.010 Definitions.

6.20.020 Dance or dance hall license or permit required - Exceptions.

6.20.030 Dance hall license - Application.

6.20.040 Dance permit - Application.

6.20.050 Dance hall license - Investigation.

6.20.060 Dance or dance hall - Prerequisites to license or permit issuance.

6.20.070 Hours of operation.

6.20.072 Public youth dance - Hours of operation - Age restrictions - Penalty.

6.20.074 Public youth dance - Readmission fee.

6.20.080 Fees, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.20.090 Denial of license or permit.

6.20.110 Transferability of license or permit.

(Ord. 90-1067 ' 4: Ord. 90-1039 ' 33)

5.05.350 Go kart tracks.

The following listed sections of Chapter 6.28 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.28.010 Definitions.

6.28.020 License required - Fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.28.040 Compliance with zoning code.

6.28.050 Liability insurance.

6.28.060 Safety standards and specifications.

6.28.070 Reporting accidents and keeping records.

6.28.080 Telephone facilities.

6.28.090 First-aid kit.

6.28.100 Maintenance and inspections.

6.28.110 Safety helmets.

(Ord. 90-1067 ' 6: Ord. 90-1039 ' 35)

5.05.370 Massage parlors and public bath houses.

The following listed sections of Chapter 6.40 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, the words "King County fire marshal" shall refer to the City's Fire Chief, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.40.010 Definitions.

6.40.030 License required.

6.40.040 License application and issuance.

6.40.050 Standards for denial of license.

6.40.060 Expiration of license - Due date for license fees.

6.40.070 License fees, except that the fee, commencing in 1991, shall be established by resolution of the City Council, and late penalties shall be as prescribed at Section 5.05.140.

6.40.080 Requirements for licensing/operation.

6.40.090 Transfer of licenses and change of location.

6.40.100 Safety and sanitation.

6.40.110 Standards of conduct.

6.40.120 Standards for suspension or revocation of license.

6.40.130 Violation - Penalties.

(Ord. 90-1067 ' 8: Ord. 90-1039 ' 37)

5.05.380 Music machines.

The following listed sections of Chapter 6.48 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.48.010 Definitions.

6.48.020 Location license.

6.48.030 Operator's license, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.48.040 Vendor's license, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.48.050 Sublicense.

6.48.060 Licensee's interest in machine renter's business.

6.48.070 Residence requirements.

6.48.080 Application for license - Renewal.

6.48.110 Disturbing the peace unlawful.

6.48.120 Unlawful machines.

(Ord. 90-1067 ' 9: Ord. 90-1039 ' 38)

5.05.390 Outdoor musical entertainments.

The following listed sections of Chapter 6.52 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.52.010 Permit required.

6.52.020 Application for permit.

6.52.030 Permit fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.52.040 Submission of plans for approval - Approving agencies.

6.52.050 Conditions for permit issuance, except that fire prevention standards shall be pursuant to Ordinance 90-1022.

6.52.060 Hours of operation.

6.52.080 Violation - Misdemeanor.

6.52.090 Failure to comply.

(Ord. 90-1067 ' 10: Ord. 90-1039 ' 39)

5.05.400 Pawnbrokers.

The following listed sections of Chapter 6.56 King County Code as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.56.010 License required.

6.56.020 Pawnbroker and pawnshop defined.

6.56.030 License fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.56.040 Application for license.

6.56.050 Personal property tax return.

6.56.080 Records required.

6.56.090 Compliance required.

6.56.100 Transcript to be furnished.

6.56.110 Records and articles to be available for inspection.

6.56.120 Seller or consignee to give true name and address.

6.56.130 Authorized rate of interest - Penalty for violation.

6.56.140 Prima facie evidence of violation.

6.56.150 Period of redemption.

6.56.160 Certain transaction prohibited.

6.56.170 Pawnshop to be closed during certain hours.

It is provided, however, that no pawnbroker's license shall be issued which would increase the number of holders of such licenses to more than one (1) for every 15,000 of population or fractional part thereof, according to the last preceding federal census, provided that this population limitation shall not operate to prohibit the licensing of any pawnbroker duly licensed prior to the enactment of this chapter, if such pawnbroker is otherwise duly qualified. (Ord. 92-1032 ' 1: Ord. 90-1067 ' 11: Ord. 90-1039 ' 40)

5.05.410 Secondhand dealers.

The following listed sections of Chapter 6.60 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.60.010 License required.

6.60.020 Secondhand dealer and secondhand goods defined.

6.60.030 License fee, except that the fee, commencing in 1991, shall be established by resolution of the City Council.

6.60.040 Application for a license.

6.60.050 Renewal of license, registration or permit - Late penalty.

6.60.060 Personal property tax return.

6.60.070 More than one shop - Change of location.

6.60.080 Records required.

6.60.090 Compliance required.

6.60.100 Transcript to be furnished.

6.60.110 Records and articles to be available for inspection.

6.60.120 Seller to give true name and address.

6.20.130 No sale within ten days.

6.60.140 Certain transactions prohibited.

(Ord. 90-1067 ' 12: Ord. 90-1039 ' 41)

5.05.420 Theaters.

The following listed sections of Chapter 6.68 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.68.010 License required.

6.68.020 License fee - Term, except that the fee, commencing in 1991, shall be established by resolution of the City Council, and the term shall commence January 01 and end December 31 of each year.

6.68.030 Transferring of license.

6.68.050 Application for license.

(Ord. 90-1067 ' 13: Ord. 90-1039 ' 42)

5.05.430 Tobacco vending machines.

The following listed sections of Chapter 6.72 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the word "director" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.72.010 Definitions - Legislative intent.

6.72.020 Operator's license required, except that the fee, commencing in 1991, shall be established by resolution of the City Council - Definitions.

6.72.030 Application for operator's license - Prohibition.

6.72.040 Machine license required, except that the fee, commencing in 1191, shall be established by resolution of the City Council - Identification required.

6.72.050 Machine identification - Application for license - License required.

6.72.060 Establishment of ownership - Sanctions.

6.72.070 Vendor's license, except that the fee, commencing in 1991, shall be established by resolution of the City Council - License application and issuance.

6.72.080 Expiration date, except that the term shall commence on January 01 and shall end on December 31 of each year - Fee.

6.72.090 Non-transferability.

6.72.100 General regulations - Health warnings required.

6.72.110 Minors - Penalty for minors.

(Ord. 90-1067 ' 14: Ord. 90-1039 ' 43)

5.05.440 Charitable solicitations.

The following listed sections of Chapter 6.76 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the words "County" or "King County", and references to occurrences within the geographic boundaries of "King County outside the limits of incorporated cities and towns" shall refer to the City and its geographic boundaries, the words "director" and "Division of the Comptroller" shall refer to the City's City Manager ~~Director of Finance~~ or designee, and that the penalties for late payment of license fees shall be as prescribed at Section 5.05.140.

6.76.010 Definitions.

6.76.020 Soliciting for private needs prohibited.

6.76.030 Permit - Required - Exemptions.

6.76.040 Permit - Application - Contents.

6.76.050 Permit - Application - Investigation.

6.76.060 Permit - Application - State registration in lieu of.

6.76.070 Permit - Issuance.

6.76.080 Permit fees, except the fee, commencing in 1991, shall be established by resolution of the City Council.

6.76.090 Permit - Term.

6.76.100 Credentials.

6.76.110 Permit - Expiration - Return.

6.76.120 Written receipts required.

6.76.140 Permit - Suspension or revocation - Notice to Director of Public Safety.

6.76.150 Books and records of permit holders.

6.76.160 Financial reports.

6.76.170 Religious solicitations - Certificate of registration - Required.

6.76.180 Religious solicitations - Certificate of registration - Regulations.

6.76.190 Fraudulent misrepresentation and misstatements prohibited.

(Ord. 90-1067 ' 15: Ord. 90-1039 ' 44)

5.10.030 License fee, term and limitations.

A. Any person seeking to engage in business as a solicitor or canvasser shall file a written application for such license with the Director of Finance on a form provided by the City Manager ~~Director~~ or designee.

B. The solicitor or canvasser license shall be issued for the tax year and may be renewed as provided at Section 5.05.130.

C. The fee for a solicitor or canvasser license, during the tax year 1990, shall be the sum of thirty-five dollars ($35.00). Thereafter, the fee and renewal fee shall be as prescribed by an annual resolution of the City Council establishing fees and charges.

D. A solicitor or canvasser license shall limit the number of solicitors or canvassers who are permitted to solicit or canvass for any one activity or entity during any thirty (30) day period of time to not more than ten (10) named individuals. (Ord. 90-1039 ' 47)

5.25.030 Processing of franchise applications.

A franchise may be granted only upon application and such applications shall be processed in the following manner:

A. Applications for a franchise, or modification of an existing franchise shall be processed in an expeditious manner.

B. Applications shall be submitted in the form and manner prescribed by the City Manager ~~Director of Planning and Community Development~~ or designee, in the regulations adopted pursuant to this chapter.

C. Applicants for a franchise to operate in an area for which a franchise has previously been granted, shall have the right to the protection of proprietary information contained in the application from premature disclosure to prospective competitors until consideration of the application has been scheduled for public hearing.

D. Within sixty (60) days after receipt of an application, the City Manager ~~Director of Planning and Community Development~~ or designee shall transmit a written recommendation to the Council to approve, amend or disapprove the application. The Council shall schedule a public hearing on the question of granting the franchise application within sixty (60) days after receipt of the said written recommendation.

The Council shall act on the application no later than fourteen (14) days after the public hearing is completed. (Ord. 90-1028 ' 3)

5.25.070 Regulation of franchise.

The City shall exercise appropriate regulatory authority under this chapter and under applicable law, subject to the following:

A. The City may, at its sole option, participate in a joint regulatory agency and may delegate all or part of its responsibility in the area of cable communications.

B. This chapter and the regulation of cable television and communications shall be administered by the City Manager ~~Director of Planning and Community Development~~ or designee with specific authority to:

1. Supervise the implementation of cable policy, regulations and franchise agreements;

2. Facilitate the resolution of complaints received from cable users;

3. Enforce cable system regulations as necessary;

4. Supervise government programming with respect to PEG operations, or coordinate with a designated PEG management authority;

5. Provide for public information and planning;

6. Monitor cable policy and related developments in other jurisdictions and make recommendations for changes of

policy or regulations as appropriate in order to encourage the growth and development of cable systems;

7. Develop and maintain productive relationships with cable system operators and interested community groups to assure responsiveness to the needs and interests of the community;

8. Provide staff assistance to any advisory committee or regulatory agency hereafter established.

C. The grantee shall file a complete schedule of subscriber rates with the City and shall update such schedule prior to any rate change. The grantee shall receive no additional consideration in connection with its provision of cable service other than as listed on its filed schedule excluding bulk or commercial accounts. The City expressly reserves the right, subject to the provisions of state and federal law, to regulate subscriber rates.

D. The City may require performance evaluations or community needs assessments. Failure of the grantee to correct any inadequacy equating to a material breach of the franchise found at such evaluations or by such assessments shall be subject to the remedies contained in this chapter. (Ord. 90-1028 ' 7)

5.25.100 General financial and insurance provisions.

Requirements for bonding and insurance and provisions for liability and indemnification shall be as provided in the rules and regulations developed by the City Manager ~~Director of Planning and Community Development~~ or designee. (Ord. 90-1028 ' 10)

5.25.200 Implementation of cable communications policy.

The policies contained in this chapter, shall be implemented by means of administrative rules and regulations which shall be developed by the City Manager ~~Director of Planning and Community Development~~ or designee. A copy of the said rules and regulations shall be available in the Office of the Director. (Ord. 90-1028 ' 20)

5.30.090 Definitions.

For the purpose of applications and licenses for, and regulation of, adult entertainment, adult theater, and adult use establishments, the words and phrases used herein shall have the following meanings:

A. "Adult entertainment" means any exhibition or dance of any type conducted in premises where such exhibition or dance involves the exposure to view of any portion of the breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

B. "Adult theater" means any theater while that theater is providing entertainment through the showing of motion picture films predominantly distinguished or characterized by their emphasis on matter explicitly depicting any of the following:

1. Human genitalia in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Erotic fondling, touching or display of human genitalia, pubic region, or buttock or female breast.

C. "Adult use establishment" means a commercial enterprise predominantly involved in the selling, renting or presenting for viewing of books, magazines, motion pictures, films, video cassettes, cable television, or other electronic media distinguished or characterized by a predominant emphasis on matter explicitly depicting the items set forth in subdivisions 1, 2 and 3 of subsection B, above. Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panorams, or peep shows.

D. "Director" means the City Manager ~~City's Director of the Department of Finance,~~ or designee.

E. "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any business offering adult entertainment, adult theater, or adult use establishments.

F. "Entertainer" means any person who provides adult entertainment whether or not a fee is charged or accepted for such entertainment.

G. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of any portion of any activity involving adult entertainment, adult theater, or adult use establishments.

H. "Operator" means any person operating, conducting or maintaining a place of adult entertainment, adult theater, or adult use establishments.

I. "Panoram" or "peep show" means any device which, upon insertion of a coin or by any other means, exhibits or displays a picture or view in person or by film, video, or by any other means. (Ord. 91-1023 ' 9)

5.30.100 License - Application.

All applications for a license to conduct or operate adult entertainment, adult theater, adult use establishments, shall be submitted in the name of the person or entity proposing to conduct such activity on the business premises and shall be signed by such person or and shall be notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the City Manager ~~Director of Finance~~ or designee, which shall require the following information. Failure to provide the information required will constitute an incomplete application, and such application shall not be processed. Otherwise, the City Manager ~~Director~~ or designee shall immediately commence processing of the application and shall issue or deny the license without undue delay:

1. The name, residence address, home and work telephone number, date and place of birth, and social security number of the applicant, if the applicant is an individual, or of each partner, if the applicant is a partnership;

2. The business name, location address and telephone number of the establishment;

3. The names, residence addresses, home and work telephone numbers, and date and place of birth, and social security number of every corporate officer and corporate director;

4. The name, residence address, telephone number and social security number of each person who has a substantial interest or management responsibility in connection with the business, specifying the interest or management responsibility of each. For the purpose of this subsection "substantial interest" shall mean ownership of ten percent or more of the business, or any other kind of contribution or personal loan to the business of the same or greater degree;

5. Fingerprints and photographs of the applicants, all partners, or all officers, directors, and persons holding a substantial interest in an applicant corporation, which shall be taken by the City, or designee agency;

6. Terms of any loans, leases, secured transactions and repayments therefor, whether verbal or written, relating to the business;

7. A description of the existing premises, including plans and specifications showing that the premises and business are in compliance with the applicable requirements of fire, building and zoning codes and ordinances;

8. Full information concerning any felony convictions against the applicant to include a sole proprietor, all partners of a partnership, and all officers, directors and owners of a substantial interest or management responsibility, if the applicant be a corporation, within the period of five (5) years preceding the date of the applications, and full information concerning any misdemeanor or gross misdemeanor convictions against the said individuals involving moral turpitude, prostitution, sexual offenses, or violation of any adult entertainment, adult use establishment, or massage parlor business regulations, with the same said five (5) year period;

9. Full information concerning any denial, suspension or revocation of any adult entertainment, adult use establishment, massage parlor business license or permit, or of any manager's or entertainer's license, in the State of Washington or any state, within the period of five (5) years preceding the date of the application. (Ord. 92-1019 ' 1; Ord. 91-1023 ' 10A)

5.30.110 License - Notarized.

All applications for a manager's or entertainer's license shall be signed by the applicant and shall be notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the City Manager ~~Director of Finance~~ or designee, which shall require the following information. Failure to provide the information required will constitute an incomplete application, and such application shall not be processed. Otherwise, the City Manager ~~Director~~ or designee shall issue or deny the manager's or entertainer's license within two (2) working days following submission of the application:

1. The applicant's name, residence address, home and work telephone number, date and place of birth, social security number, any stage name or nicknames used in entertaining, current height, weight, color of hair, color of eyes, description of complexion, race and sex;

2. Fingerprints and photographs of the applicant, which shall be taken by the City, or designee agency;

3. The name and address of the specific business at which the applicant intends to work as a manager or entertainer;

4. With the application, the applicant shall present documentation that he or she has attained the age of eighteen (18) years. Any of the following shall be accepted as documentation of age: (a) motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth (b) an identification card bearing the applicant's photograph and date of birth issued by a federal or state government agency; (c) an official passport issued by the United States of America;

5. Full information concerning any felony convictions against the applicant within the period of five (5) years preceding the date of the application, and full information concerning any misdemeanor or gross misdemeanor convictions against the said individual involving moral turpitude, prostitution, sexual offenses, or violation of any adult entertainment, adult theater, adult use establishment, or massage parlor business regulations, within the same said five (5) year period;

6. Full information concerning any denial, suspension or revocation of any adult entertainment, adult theater, adult use establishment, or massage parlor business license or permit, or of any manager's or entertainer's license, in the State of Washington or any other state, within the period of five (5) years

preceding the date of the application. (Ord. 92-1019 ' 2; Ord. 91-1023 ' 10B)

5.30.120 Newly acquired interest - Notice requirement.

If any person or entity desires to acquire, subsequent to the issuance of a license for adult entertainment, adult theater, or adult use establishment, any interest in the licensed premises or business, notice of such intent to acquire an interest shall be provided in writing to the City Manager ~~Director~~ or designee not less than thirty (30) days prior to acquisition of any such interest. The information required to be provided by initial applicants, pursuant to this chapter, shall be required of such subsequent acquirers of interest. (Ord. 91-1023 ' 10C)

5.30.130 License - Standards for denial.

The City Manager ~~Director~~ or designee shall deny any license for adult entertainment, adult theater or adult use establishments, and any manager's or entertainer's license, if the City Manager ~~Director~~ or designee determines that the applicant has:

A. Made, with intent to mislead, a materially false statement in the application for license or a renewal of a license;

B. Been convicted of any crime which is directly related to the business or employment for which the license is sought, and the time elapsed since the conviction is less than two (2) years, including, but not limited to, prostitution or patronizing a prostitute which occurred on the premises or grounds of an adult entertainment, adult theater, or adult use establishment business, within the past two (2) years, providing, however, that this subsection shall not apply to convictions referred to in subsection C below;

C. Been administratively found to have violated, or been convicted of, any adult entertainment, adult theater, or adult use establishment business standard of conduct or similar regulation and to be under a present term of administrative, or judicial suspension, deferral, revocation, or other sanction. (Ord. 92-1019 ' 3: Ord. 91-1023 ' 11)

5.30.190 Standards for suspension or revocation of license.

The City Manager ~~Director~~ or designee shall suspend or revoke any license for adult entertainment, adult theater, or adult use establishments, and any manager's or entertainer's license, on the following bases:

A. Any such license shall be suspended for the period of thirty (30) days if the licensee is convicted of, or has violated, or encouraged, permitted, or authorized any violation of any adult entertainment, adult theater, or adult use establishment business standard of conduct or similar regulation. The period of suspension shall be increased to sixty (60) days upon a second such conviction or violation within the period of two (2) years. The period of suspension shall be increased to ninety (90) days upon a third such conviction or violation within the period of two (2) years.

B. Any such license shall be revoked for the period of one (1) year if it is determined that the licensee has:

1. Made, with the intent to mislead, a materially false statement in the application for a license or a renewal of a license;

2. Been convicted of any crime which is directly related to the business or employment for which the license is sought, and the time elapsed since the conviction is less than two (2) years, including, but not limited to, prostitution or patronizing a prostitute which occurred on the premises or grounds of an adult entertainment, adult theater, or adult use establishment business, providing, however, that this subsection shall not apply to convictions referred to in Section 5.30.130D;

3. Violated subsection A, above, four (4) or more times within the period of two (2) years. (Ord. 92-1019 ' 4: Ord. 91-1023 ' 17)

7.10.060 Litter receptacles - Used or anti-litter symbol - Distribution - Placement - Violations - Penalties.

A. Litter receptacles shall be of the design and bear an anti-litter symbol as designed and adopted by theState Department of Ecology.

B. Litter receptacles of the said uniform design shall be placed along the public streets and highways of this City and at all parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, boat launching areas, beaches and bathing areas, and such other public places within the City as may be specified by rule or regulation adopted by the City Manager ~~Director of the Department of Public Works~~ or designee.

C. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this Section to procure and place such receptacles at their own expense on the premises.

D. Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the Department of Public Works, violating the provisions of this Section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars ($10.00) for each day of violation. (Ord. 90-1058 ' 6)

7.25.030 Certification.

The City Manager ~~Director, or code enforcement officer~~ or designee may inspect and certify that a vehicle meets the requirements of a junk vehicle. Such certification shall be in writing and shall record the make of the vehicle, the vehicle identification number, and the license plate number of the vehicle if available. The certifying individual shall also describe in detail the damage, missing equipment, or condition to verify that the value of the junk vehicle is equivalent only to its value as scrap. (Ord. 90-1048 ' 29)

7.35.040 Graffiti - Notice of removal.

A. Whenever the City Manager ~~Code Enforcement Officer~~ or his/her designated representative determines that graffiti exists on any public or private buildings, structures, and places which are visible to any person utilizing any public road, parkway, alley, sidewalk or other right-of-way within the City, and when seasonal temperatures permit the painting of exterior surfaces, the Code Enforcement Officer or his/her/ designated representative shall cause a notice to be issued to abate such nuisance. The property owner shall have fifteen (15) days after the date of the notice to remove the graffiti or the same will be subject to abatement by the City.

B. The notice to abate graffiti pursuant to this Section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owners' name and address appears on the last property tax assessment rolls of King County, Washington. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

1. By personal service on the owner, occupant or person in charge or control of the property;

2. By registered or certified mail addressed to the owner at the last known address of said owner. If this address in unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

Notice of Intent to Remove Graffiti

Date:

To:

NOTICE IS HEREBY GIVEN that you are required, by Ordinance of the City of SeaTac, at your own expense, to remove or paint over the graffiti located on the property commonly known as (address), SeaTac, Washington, which is visible to public view, within fifteen (15) days after the date of this notice; or, if you fail to do so, the City requires the nuisance to be abated by removal or painting over of the graffiti. The cost of the abatement by the City or private contractors employed by the City to abate the nuisance will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters, are hereby notified to submit any objections or comments to the Code Enforcement Officer of the City of SeaTac or his/her designated representative, within ten (10) days from the date of this notice. If no objections or comments to the notice are received by the City, the City will, at the conclusion of the fifteen (15) day period, proceed with abatement of the graffiti inscribed on you property at your expense without further notice.

(Ord. 92-1025 ' 1)

7.35.070 Removal by City.

A. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the City Manager ~~Code Enforcement Officer~~ or his/her designated representative approves, then the Code Enforcement Officer is authorized and directed to cause the graffiti to be abated by City forces or by private contract, and the City

or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the City, an any paint used to obliterate or cover graffiti shall be as close as practicable to background color(s). If the Code Enforcement Officer provides for the removal of the graffiti, he/she shall not authorize nor undertake to provide for the painting or repair of any more extensive area than the area where the graffiti is located.

B. Property owners in the City of SeaTac may consent in advance to City entry onto private property for graffiti removal purposes. (Ord. 92-1025 ' 1)

9.05.030 Speed limit revisions.

RCW 46.61.415(1) is amended as follows:

A. The City Manager ~~Director of the Department of Public Works~~ or designee, or the Director of the King County Department of Public Works when acting as agent for the City pursuant to Interlocal Agreement, is empowered to revise existing speed limits on all streets and roads within this City as authorized by State law; provided, that such speed limit revisions shall not exceed ten (10) miles per hour; provided further, that any determination of the proper numerical value for a speed zone will be based upon the following engineering and traffic investigation factors:

1. Road surface characteristics, shoulder conditions, grade, alignment and sight distance;

2. The eighty-five (85) percentile speed and pace speed;

3. Roadside development and culture, and roadside friction;

4. Safe speed for curves or hazardous locations within the zone;

5. Parking practices and pedestrian activity;

6. Reported accident experience for a recent twelve (12) month period.

B. Action of the Director of the King County Department of Public Works when acting as agent for the City pursuant to Interlocal Agreement, in any speed limit revisions may be appealed by a person to the King CountyCouncil provided the appeal is filed in writing within thirty (30) calendar days from the date of posting of speed zone. Action of the City Manager ~~Director of the City Department of Public Works~~ or designee in any speed limit revisions may be appealed by a person to the City Hearings Examiner provided the appeal is filed in writing within thirty (30) calendar days from the date of posting of speed zone. (Ord. 94-1021 ' 3; Ord. 90-1030 ' 3)

12.05.010 Side sewer work and connections.

The following sections of Chapter 13.04 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to King County shall refer to the City and that references to the King County Director of Public Health shall refer to that officer and also to the CityManager ~~Director of Public Works~~ or designee, and except that where conflict exists between the provisions of this chapter and resolutions of the water districts and sewer districts, the latter shall govern within the territory of such districts, and except that references to the King County Board of Appeals shall refer to the SeaTac Hearing Examiner:

13.04.010 Definitions.

13.04.020 Connection with public sewer required.

13.04.030 County may connect and assess cost.

13.04.040 Opening public sewer.

13.04.050 Side sewers in public road - Bond required.

13.04.060 Restoration of public roads.

13.04.070 Traffic control at sewer excavations.

13.04.080 Opening public sewer - Permit required.

13.04.090 Side sewer permit - How obtained.

13.04.100 Fees for permits.

13.04.110 Charges for service.

13.04.130 Lien for delinquent charges.

13.04.140 Sewer connection charges.

13.04.150 Inspection of side sewers.

13.04.160 Work without permit to be stopped.

13.04.170 Permit fee when sewer district has agreement with county.

13.04.180 Side sewers - Requirements, materials and workmanship.

13.04.190 Use of public sewers.

13.04.200 Protection for damage.

13.04.210 Powers and authority of inspectors.

13.04.220 Repair of broken or obstructed side sewers.

13.04.230 Planting of certain trees and shrubbery prohibited - Removal of obstructions in sewers.

13.04.240 Pumps and pressure lines.

13.04.250 Developer extensions of the public sewer.

13.04.260 Rules and regulations.

13.04.270 Collection of costs.

13.04.280 Constitutionality.

13.04.290 Enforcement.

(Ord. 90-1049 ' 1)

12.05.020 Design, installation and repair of disposal systems.

The following sections of Chapter 13.08 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to King County shall refer to the City and that references to the

King County Director of Public Health shall refer to that officer and also to the City Manager Director of Public ~~Works~~ or designee, and except that where conflict exists between the provisions of this chapter and resolutions of the water districts and sewer districts, the latter shall govern within the territory of such districts, and except that references to the King County Board of Appeals shall refer to the SeaTac Hearing Examiner:

13.08.010 Definitions.

13.08.020 Chapter not retroactive.

13.08.030 Designer's certificate.

13.08.040 Installer's certificate.

13.08.050 Permits.

13.08.055 Mobile home and recreational vehicle park inspection fee.

13.08.060 Where private sewage disposal system required.

13.08.070 Location of systems.

13.08.080 Design of systems.

13.08.090 Installation and alteration.

13.08.100 Inspection.

13.08.110 Approval or disapproval of system - Notice.

13.08.120 Maintenance of system.

13.08.140 Enforcement.

(Ord. 90-1049 ' 2)

12.05.030 Sewerage cleaning and removal.

The following sections of Chapter 13.12 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to King County shall refer to the City and that references to the King County Director of Public Health shall refer to that officer and also to the City Manager ~~Director of Public Works~~ or designee, and except that where conflict exists between the provisions of this chapter and resolutions of the water districts and sewer districts, the latter shall govern within the territory of such districts, and except that references to the King County Board of Appeals shall refer to the SeaTac Hearing Examiner:

13.12.010 Certificate required for cleaning disposal units.

13.12.020 Application for registration and inspection certificate.

13.12.030 Examination of applicant - Inspection of disposal site - Time limit for acting on application - Registration and inspection fee - Painting registration number on vehicles.

13.12.040 Approval required for alternate disposal sites.

13.12.050 Maintenance of disposal sites.

13.12.060 Enforcement.

(Ord. 90-1049 ' 3)

12.05.040 Sewer and water comprehensive plans.

The following sections of Chapter 13.24 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to King County shall refer to the City and that references to the King County Director of Public Health shall refer to that officer and also to the City Manager ~~Director of Public Works~~ or designee, and except that where conflict exists between the provisions of this chapter and resolutions of the water districts and sewer districts, the latter shall govern within the territory of such districts, and except that references to the King County Board of Appeals shall refer to the SeaTac Hearing Examiner:

13.24.010 District comprehensive plans.

13.24.020 Approving engineer.

13.24.030 Comprehensive plans - Water purveyors.

13.24.040 Comprehensive plans - Sewer districts.

13.24.050 Comprehensive plans - Modification of requirements.

13.24.060 Comprehensive plans - Approval requirements.

13.24.070 Comprehensive plans - Environmental review.

13.24.110 Approval of certain sewer and water district comprehensive plans.

(Ord. 90-1049 ' 4)

12.10.020 Definitions.

"Basin" means a drainage area which drains directly to Puget Sound.

"Basin plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual sub-basins.

"Bond" means a surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the Public Works Director to guarantee that work is completed in compliance with the project's engineering plan and in compliance with all City requirements.

"Closing depression" means an area of the City which is low-lying and either has no, or such a limited, surface water outlet that during storm events the area acts as a retention basin, holding water that has a surface area of more than five thousand square feet at overflow.

"Department" means the Department of Public Works.

"Design storm" means a rainfall (or other precipitation) event or pattern of events for use in analyzing and designing drainage facilities.

"Development" means for the purposes of this chapter any activity that requires a permit or approval, including but not limited to a building permit, grading permit, shoreline substantial development permit, conditional use permit, unclassified use permit, zoning variance or reclassification, planned unit development, subdivision, short subdivision, master

plan development, building site plan, or right-of-way.

"Director" means the City Manager ~~Director of the Department of Public Works~~ or ~~the director's~~ designee.

"Drainage" means the collection, conveyance, containment and/or discharge of surface and storm water runoff.

"Drainage facility" means the system of collection, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and man-made.

"Drainage review" means an evaluation by the City staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

"Erosion/sedimentation control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment laden water does not leave the site.

"Infiltration facility" means a drainage facility designed to use the hydrologic process of surface and storm water runoff soaking into the ground, commonly referred to as percolation, to dispose of surface and storm water runoff.

"Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this chapter.

"Improvement" means streets (with or without curbs or gutters), sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees and other appropriate items.

"Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and man-made drainage system, both on and off-site.

"Multifamily/commercial retention/detention facility" means a retention/detention facility which is not a subdivision retention/detention facility as defined in this chapter.

"Preapplication" for the purposes of this chapter refers to the meeting(s) and/or form(s) used by applicants for some development permits to present initial project intentions to the City. Preapplication does not mean application.

"Professional civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

"Project" means the proposed action of a permit application or approval which requires drainage review.

"Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

"Site" means the portion of a piece of property that is directly subject to development.

"Subdivision retention/detention facility" means a retention/detention facility which is both located within or associated with a short or formal subdivision containing only single-family or duplex residential structures located on individual lots and which is required to handle excess runoff generated by development of an area of which two-thirds or more is

designated for single-family or duplex residential structures located on individual lots.

"Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water. The term "runoff" is synonymous.

"Surface and storm water management system" means drainage facilities and any other natural features which collect, store, control, treat and/or convey surface and storm water.

"Surface Water Design Manual" means the manual (and supporting documents as appropriate) describing surface and storm water design and analysis requirements, procedures and guidance which is hereby adopted by reference. A copy of the manual is on file in the office of the City Clerk for use and examination by the public.

"Water quality swale" means an open vegetated drainage channel intended to optimize water quality treatment of surface and storm water runoff by following the specific design criteria described in the Surface Water Design Manual.

"Wetponds" and "wetvaults" mean drainage facilities for water quality treatment that contain a permanent pool of water, usually four feet in depth, that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time (on the order of a week or more) in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb, and to allow biologic activity to occur that metabolizes nutrients and organic pollutants. For wetvaults the permanent pool of water is covered by a lid which blocks sunlight from entering the facility, limiting the photo-dependent biologic activity. (Ord. 90-1046 ' 2)

12.10.030 Drainage review - When required.

A. Permits. A drainage review is required for any proposed project requiring one of the permits or approvals listed in subsection B of this section which would:

1. Add more than five thousand (5,000) square feet of new impervious surface; or

2. Collect and concentrate surface and storm water runoff from a drainage area of more than five thousand (5,000) square feet; or

3. Contain or abut a floodplain, stream, lake, wetland or closed depression, or a sensitive area as defined by ordinance or as determined by the City Manager ~~Public Works Director~~ or designee.

B. The following permits and approvals will be required to have a drainage review if the project involves the planned actions listed in subsection A of this section:

1. Commercial building;

2. Conditional use;

3. Formal subdivision (plat);

4. Grading;

5. Master plan development;

6. Planned unit development;

7. Residential building;

8. Right-of-way use;

9. Shoreline substantial development;

10. Administrative subdivision (short plat);

11. Special use;

12. Unclassified use;

13. Zoning reclassification; and/or

14. Zoning variance.

(Ord. 90-1046 ' 3)

12.10.060 Special requirements.

In addition to the core requirements, engineering plans must also meet any of the following special requirements which apply to the project and which are described in detail in the Surface Water Design Manual:

A. Special Requirement #1: Critical drainage area. If a project lies within an area designated by ordinance or by the City Manager ~~Public Works Director~~ or designee as a "critical drainage area", then the project drainage review and engineering plans shall be prepared in accordance with special critical drainage area requirements adopted by the City Manager ~~Public Works Director~~ or designee.

B. Special Requirement #2: Compliance with an existing master drainage plan. If a project lies within an area covered by an approved master drainage plan, then the project drainage review and engineering plans shall be prepared in accordance with any special requirements of the master drainage plan.

C. Special Requirement #3: Conditions requiring a master drainage plan. If a project:

1. Is a master planned development as described in an adopted comprehensive plan or other ordinance; or

2. Is a subdivision that will eventually have more than one hundred single-family lots and encompasses a contiguous drainage sub-basin of more than two hundred (200) acres; or

3. Is a commercial building permit or planned unit development that will eventually

construct more than fifty (50) acres of impervious surface; or

4. Will clear an area of more than five hundred (500) acres;

then a master drainage plan shall be prepared as specified in the Surface Water Design Manual and submitted with the State Environmental Policy Act (SEPA) checklist. Approval of the master drainage plan is required before permit approval.

D. Special Requirement #4: Adopted basin or community plans. If a project lies within an area included in an adopted basin or community plan, then the project drainage review and engineering plans shall be prepared in conformance with the special requirements of the adopted basin or community plan.

E. Special Requirement #5: Special water quality controls. If a project will construct more than one acre of impervious surface that will be subject to vehicular use or storage of chemicals and

1. Proposes to discharge runoff directly to a regional facility, receiving water body, lake, wetland, or closed depression to provide the runoff control consistent with Core Requirement #3; or

2. The runoff from the project will discharge into a Type 1 or 2 stream, or Type 1 wetland within one mile from the project site;

then a wetpond meeting the standards as specified in the Surface Water Design Manual shall be employed to treat a project's runoff prior to discharge from the project site. A wetvault or water quality swale may be used when a wetpond is not feasible.

F. Special Requirement #6: Coalescing plate oil/water separators. If a project will construct more than five acres of impervious surface that will be subject to petroleum storage or transfer, or high vehicular (more than twenty-five hundred vehicle trips per day) or heavy equipment use, storage or maintenance, then a coalescing plate or equivalent oil/water separator shall be employed to treat a project's runoff prior to treatment by a wetpond, wetvault, or water quality swale, and/or discharge from the project site.

G. Special Requirement #7: Closed depressions. If a project will discharge to an existing closed depression either on or off the site that has greater than five thousand (5,000) square feet of surface area at potential overflow, then the project's drainage review and engineering plans must meet the requirements for closed depressions as specified in the Surface Water Design Manual.

H. Special Requirement #8: Use of lakes, wetlands or closed depressions for runoff control. If a project proposes to use a lake, wetland, or closed depression for runoff controls required by Core Requirement #3, then the project must meet the requirements of Chapter 21.54 King County Code (Sensitive Areas) for such use, including special water quality controls, and must observe the limits of any increases to the floodplain as specified in the Surface Water Design Manual.

I. Special Requirement #9: Delineation of one hundred year floodplain. If a project contains or abuts a stream, lake, wetland or closed depression, then the one hundred year floodplain boundaries and floodway, if available, based on an approved floodplain study as specified in the Surface Water Design Manual shall be delineated on the site improvement plans and profiles and on any final plat maps prepared for the project.

J. Special Requirement #10: Flood protection for Type 1 and 2 streams. If a project contains or abuts a Type 1 or 2 stream (as defined in the Surface Water Design Manual) that has an existing flood protection facility or involves construction of a new, or modification of existing flood protection facility, then the flood protection facility shall be analyzed and/or designed as specified in the Surface Water Design Manual and in the Federal Emergency Management (FEMA) regulations (Title 44 CFR).

K. Special Requirement #11: Geotechnical analysis and report. If a project includes construction of a pond for drainage control or an infiltration system (excluding a roof downspout system) above a steep slope (as defined in the Surface Water Design Manual) within two hundred (200) feet from the top of the

steep slope or on a slope with a gradient steeper than fifteen percent (15%), or construction of earth fill/bank armor for flood protection facilities, then a geotechnical analysis and report shall be prepared and stamped by a geotechnical professional civil engineer which shall address, at a minimum, the analysis described in the Surface Water Design Manual.

L. Special Requirement #12: Soil analysis and report. If the soils underlying a project have not been mapped, or if the existing soils maps are in error or not of sufficient resolution to allow the proper engineering analysis for the proposed site to be performed, then a soils analysis and report shall be prepared and stamped by a professional civil engineer with expertise in soils to verify and/or map the underlying soils by addressing at a minimum the analysis described in the Surface Water Design Manual. (Ord. 90-1046 ' 5B)

12.10.080 Critical drainage areas.

Development in areas where the Public Works Director has determined that the existing flooding, drainage, and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the City Manager ~~Public Works Director~~ or designee, until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features, or other controls

necessary to protect against community hazard. Where application of the provisions of this section will deny all reasonable uses of the property, the restriction of development contained in this section may be proposed for a variance, provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. (Ord. 90-1046 ' 6)

12.10.100 Procedures and conditions related to construction timing and final approval.

A. No work related to permanent or temporary storm drainage control shall proceed without the approval of the City Manager ~~Public Works Director~~ or designee.

B. Erosion/sedimentation control measures associated with both the interim and permanent drainage systems shall be:

1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with the erosion/sedimentation control plan;

2. Satisfactorily maintained until all improvements, restoration, and landscaping associated with the permit and/or approval listed in Section 12.10.030 are completed and the potential for on-site erosion has passed.

C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface and storm water runoff discharge from the site must be constructed and be in operation.

D. Subdivisions only: Recording may occur prior to the construction of drainage facilities when approved in writing by the City Manager ~~Public Works Director~~ or designee but only to minimize impacts that may result from construction during inappropriate times of the year. (Ord. 90-1046 ' 8)

12.10.110 Bonds and liability insurance required.

The City Manager ~~Public Works Director~~ or designee is authorized to require all persons constructing retention/detention facilities and other drainage facilities to post bonds. Where such persons have previously posted, or are required to post, other bonds covering either the facility itself or other construction related to the facility, such person may, with the permission of the Public Works Director and to the extent allowable by law, combine all such bonds into a single bond, provided that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further that such bond shall on its face clearly delineate those separate bonds which it is intended to replace. (Ord. 90-1046 ' 9 (intro.))

12.10.120 Drainage facilities restoration and site stabilization bond.

Prior to commencing construction, the person required to construct the drainage facility pursuant to Sections 12.10.050 through 12.10.070 shall post a drainage facilities restoration and site stabilization bond in an amount sufficient to cover the cost of corrective work on or off the site which is necessary to provide adequate drainage, stabilize and restore disturbed areas, and remove sources of hazard associated with work which has been performed and is not completed. After determination by the City Manager ~~Public Works Director~~ or designee that all facilities are constructed in compliance with approved plans, the drainage facilities restoration and site stabilization bond shall be released. The City may collect against the drainage facilities restoration and site stabilization bond when work is not completed in reasonable fashion and is found to be in violation of the conditions associated with the permit and/or approval listed in Section 12.10.030. The City Manager ~~Public Works Director~~ or designee shall have discretion to determine whether the site is in violation of the requirements of this chapter, and whether the bond shall be collected to remedy the violation. Prior to final approval and release of the drainage facilities restoration and site stabilization bond, the City Manager ~~Public Works Director~~ or designee shall conduct a comprehensive inspection for the purpose of observing that the retention/detention facilities and other drainage facilities have been constructed according to plan, applicable specifications and standards. (Ord. 90-1046 ' 9A)

12.10.140 Failure to complete proposed work.

In the event of failure to comply with all conditions and terms of the permit and/or approval required by this chapter, the City Manager ~~Public Works Director~~ or designee shall notify the permittee and surety in writing, and in the absence of an adequate response within seven (7) days from receipt of notification, may order the required work to be satisfactorily completed or may perform all necessary corrective work to stabilize and restore disturbed areas and eliminate hazards caused by the non-completion of work. The surety executing such bond shall continue to be firmly bound up to the limits of the bond, under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such required work to be done. In no event shall the liability of the surety exceed the amount stated in the bond regardless of the number of years the bond remains in force. (Ord. 90-1046 ' 9C)

12.10.180 Administration.

The City Manager ~~Public Works Director~~ or designee is authorized to promulgate and adopt administrative rules and regulations for the purpose of implementing and enforcing the provisions of this chapter.

A. Inspections. The City Manager ~~Public Works Director~~ or designee is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the City Manager ~~Public Works Director~~ or designee has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the City Manager ~~Public Works Director~~ or designee may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the City Manager ~~Public Works Director~~ or designee by this chapter, provided that if such premises or portion thereof is occupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

C. Access. Proper ingress and egress shall be provided to the City Manager ~~Public Works Director~~ or designee to inspect or perform any duty imposed upon the City Manager ~~Public Works Director~~ or designee by this chapter. The City Manager ~~Public Works Director~~ or designee shall notify the responsible party in writing of failure to comply with the said access requirement. In the absence of an adequate response within seven (7) days from the receipt of notification, the City Manager ~~Public Works Director~~ or designee may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in obtaining access or causing such work to be done shall be imposed on the person holding title to the subject property. (Ord. 90-1046 ' 12)

13.30.040 Responsible official designated.

The City Manager ~~Director of the Department~~ or ~~his or her~~ designee, shall be the SEPA responsible official for the City, and shall carry out the duties and functions of the City when it is acting as the lead agency or as a consulted agency under SEPA and the SEPA rules. (Ord. 90-1061 ' 4)

13.35.010 Off-site improvements.

Whenever a building permit is applied for under provisions of City ordinances for new construction of a multiple-residence structure consisting of three or more dwelling units, or a structure for public assembly, commercial or industrial purposes, or alteration of an existing structure of said type in excess of seventy-five thousand dollars ($75,000.00), then the applicant for such building permit shall simultaneously make application for a permit, as an integral part of such new construction or alteration, for the construction of such off-site improvements as may be required by the City Manager ~~Director of the Department of Public Works~~ or designee, including, but not limited to, sidewalks, curbs, gutters, street paving, traffic signalization, water mains, drainage facilities, sanitary sewers, all improvements required by any applicable ordinance and all necessary appurtenances. Such off-site improvements (except traffic signalization systems) shall extend the full distance of the real property to be improved upon and which adjoins property dedicated as a public street. Traffic signalization off-site improvements shall be installed pursuant to the provisions of all applicable ordinances. (Ord. 91-1016 ' 1)

14.10.020 Bond to defer improvements.

The construction of required on-site and off-site improvements may be deferred by the City Manager ~~Director of the Department of Public Works~~ or designee upon submission to the Director of an application for deferral, full and complete engineering drawings of the required improvements, and furnishing of a performance bond to the City in an amount equal to a minimum of one hundred fifty percent (150%) of the estimated cost of constructing the required improvements. The decision of the City Manager ~~Director~~ or designee as to the amount of such bond shall be conclusive. (Ord. 91-1017 ' 2)

14.10.030 Deferral period.

The bond shall specify the exact work to be performed and shall further specify that all such work shall be completed within the time set by the Department of Public Works or, if no such time is set, then not later than one (1) year. The Department of Public Works shall annually review the deferred improvements and the amount of the bond. Should the City Manager ~~Director~~ or designee determine that any improvement need not be immediately constructed, then the deferral may be extended for an additional period of time up to one (1) year. Any improvements deferred for five (5) years shall then be constructed or, if so determined by theCity Manager ~~Director~~ or designee, shall be waived. The City Manager ~~Director~~ or designee may grant other, or additional, deferrals to senior citizens and to persons of low income when deemed appropriate. Concurrent with the granting of any additional time of deferral, the bond shall be reviewed and increased or decreased as the City Manager ~~Director~~ or designee deems necessary, but shall remain in an amount equal to a minimum of one hundred fifty percent (150%) of the estimated cost of constructing the deferred improvements. (Ord. 91-1017 ' 3)

14.10.040 Security in lieu of bond.

The City Manager ~~Director of the Department of Public Works~~ or designee may authorize substitution of a certified check, cashier's check, or other adequate security in lieu of a bond. Any such check or other security shall be made payable to the City, and shall be in the same amount as the bond would have been, but for the substitution. (Ord. 91-1017 ' 4)

14.10.060 Substitution of parties.

The requirement of posting of any bond or other security for deferral shall be binding on the applicant, heirs, successors and assigns. However, no release of the applicant, owner or developer on the bond shall be granted unless an assignee or substitute party will be obligated to perform the construction of improvements, and has provided a new bond or other security to the City. If any such new bond is to be provided by a condominium owners association or property owners association, then it shall be necessary for the association to have voted to assume the obligation and a copy of the minutes of the association, duly certified, shall be filed with the new bond prior to approval by the City. In no case shall substitution of parties be approved if the City Manager ~~Director of the Department of Public Works~~ or designee determines that the new party cannot provide sufficient security to ensure that the improvements will be constructed when required. (Ord. 91-1017 ' 6)

14.10.070 Restrictive covenant to defer improvements.

A restrictive covenant running with the land, in form acceptable to the City, may be substituted for the required bond or other security, but only as to deferral of the construction of improvements relating to single family development no larger than a short plat, and subject to the following conditions:

A. The restrictive covenant shall require that the property owner or owners join in any future local improvement district (LID) established to construct the required improvements, and, without waiving the right to object to individual assessments, to pay the pro-rata fair share of the final assessment computed by determining the assessment applicable to the original parcel as if it had not been short platted and then dividing that sum by the total number of short platted lots;

B. There are no similar improvements in the vicinity and there is no likelihood that the improvements will be necessary within the following five-year period;

C. There will be no detrimental effect on the public health, safety or welfare if the improvements are not installed;

D. There is no likelihood that the zoning or land use of the subject property adjacent to the site, will change to a higher classification (which would accelerate the need for the improvements), within the ensuing five-year period; and

E. The restrictive covenant stipulates that the property owner shall immediately construct the deferred improvements at his or her expense upon determination by the City Manager, ~~Director of the Department of Public Works~~ or designee that the improvements have become necessary, or in event the City determines to construct the improvements as part of a public works project, then the property owner, or owners, shall make payment to the City of their pro-rata share of the cost of the project, computed by determining the charge applicable to the original parcel as if it had not been short platted and then dividing that sum by the total number of short platted lots. (Ord. 91-1017 ' 7)

14.10.080 Maintenance bond.

The City Manager ~~Director of the Department of Public Works~~ or designee is authorized to require, as a condition of plat approval, the posting of a bond to the City warranting maintenance, repairs and operation of all required on-site and off-site improvements for the period of two (2) years after final approval. (Ord. 91-1017 ' 8)

15.05.050 Minimum requirements.

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of the code. Additionally, the City Manager ~~Director of Planning and Community Development~~ or designee shall issue an interpretation on areas of question as set forth in Section 15.05.060. (Ord. 92-1041 ' 1)

15.05.060 Interpretation - General.

A. Regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

D. The word "shall" is mandatory and the word "may" is discretionary.

E. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words and terms used in this code shall have their customary meanings.

F. The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall issue administrative interpretation on the Zoning Code in order to clarify the intent and standards. The interpretation shall have the stated issue, findings of fact, and conclusions and shall be considered during the annual review of the code for inclusion as a standard. (Ord. 92-1041 ' 1)

15.05.070 Interpretation - Boundaries.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in

priority order, shall apply:

A. Where the boundaries are not clearly designated in regard to rights-of-way, the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall determine the nearest lot line to be the boundary for a zone boundary;

B. Where boundaries are indicated as following lines of ordinary high water, or government or meander line, the lines shall be considered to be the actual boundaries, and if these lines should change, the boundaries shall be considered to move with them;

C. Where a public right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged; and

D. If none of the rules of interpretation described in subparagraphs A. through C. apply, then the zoning boundary shall be determined by map scaling. (Ord. 92-1041 ' 1)

15.05.080 Administration and review authority.

A. The Hearing Examiner shall have the authority to hold public hearings and make decisions and recommendations on reclassification, subdivisions and other development proposals and appeals as set forth in City Ordinances and subsequent amendments (Ref: Chapter 15.22).

B. The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall have the authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, in violation or non-compliance with this code.

C. The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall have the sole authority to issue official interpretations of the zoning code, in accordance with the criteria set forth in Section 15.05.060. Such decisions shall be considered administrative decisions which can be appealed through the Hearing Examiner. (Ord. 92-1041 ' 1)

15.10.380 Lot lines.

The property lines that establish the boundaries of buildable lots.

(1) Front.

Interior Lot. The boundary that abuts the street right-of-way.

Corner Lot. The boundary that abuts the lowest arterial designation. If there is no designated arterial abutting the property, the Director of Planning and Community Development or his designee shall determine the front lot line prior to the time of permit issuance.

(2) Rear. The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

(3) Side. All lot lines which do not qualify as a rear or front lot line. (Ord. 92-1041 ' 1)

15.12.011 Classification of unlisted uses and clarification.

A. In creating use charts, the City has considered the characteristics of uses which make them comparable, compatible or similar to each other. The City recognizes that it is not possible to enumerate and classify every use to which land

may be devoted, either now or in the future, and that ambiguity may exist with reference to the appropriate and consistent use definition and applicable standards. Therefore:

1. When any known and identifiable use is not listed as a permissible use in any classification; or

2. When any use has now come into existence by reason of any technical development in the trades, sciences and equipment; or

3. When any use already listed in the use charts which, because of any process, equipment or materials used, possesses different performance standards than those which are usually associated with the uses in the classification as presently classified and which, therefore, makes it reasonable that such a use should be placed in the more restrictive classification, it shall be the responsibility and duty of the Department of Planning and Community Development to ascertain all pertinent facts relating to any such use and make what it deems to be the appropriate process on a case by case basis for locating the use in the compatible zone classification.

B. Based on the above situations, the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall review the findings of facts and conclusions, and issue a decision of one of the following actions:

1. Approve or deny the use as a similar and compatible use for that zone classification;

2. Require approval or denial through the conditional use process; or

3. Begin the process for review of an amendment to the land use charts.

C. The purpose of the review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, and for the further purpose of determining the need for stipulating such conditions that would mitigate potential impacts and reasonably assure that the basic purpose of this code shall be served.

D. Any administrative decision issued by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee can be appealed to the City Hearing Examiner, as stated in Section 15.22.060 J.8 in Chapter 15.22, Decision Criteria.

E. On an annual basis, the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall review and bring forward any recommended revisions or interpretations for uses to the Planning Commission. Additionally, every five (5) years, the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall present a comprehensive review of the zoning code to the Planning Commission for consideration of necessary revisions due to lack of specificity or ambiguity in the adopted standards and their impacts. (Ord. 92-1041 ' 1)

15.13.030 Yard setbacks.

A. Front Yard. The front yard setback shall be that portion of the property fronting a major or minor residential arterial. All other lot front yards shall be determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee.

B. Corner lots shall have a twenty (20) foot yard setback on all street frontages. All other building setbacks shall be five (5) feet.

C. Side Yard. The side yard setback shall be measured from the lot lines that are parallel to each other and perpendicular to the front and rear lot lines.

D. Rear Yard. The rear yard setback shall be measured from the lot line that is parallel to the front lot line. (Ord. 93-1014 ' 8: Ord. 92-1041 ' 1)

15.13.110 Aviation business center standards.

A. Buffer yard requirements shall be as follows:

1. Type I landscaping, twenty (20) feet wide when adjacent to residential uses;

2. Type III landscaping, fifteen (15) feet wide berm to conceal service areas, backs of buildings, and parking areas from street level view.

B. Building Height. The maximum building height for parcels shall be consistent with Federal Aviation Administration regulations.

C. Minimum Lot Size. To encourage large projects, a minimum lot size of five (5) acres is established.

1. The development shall relate open space and pedestrian facilities to other developments within the same and adjoining street blocks.

2. Projects of less than five (5) acres may be approved by City Council after review and recommendation by the Planning Commission. Approval shall be based upon a determination that the project is consistent with the purpose of the zone.

D. Maximum Lot Coverage. The lot coverage standards are stated in the zone standards chart (Section 15.13.010), but the following restrictions and incentives will determine the final lot coverage.

1. Landscaping required by the code may not be counted toward the open space requirement;

2. Land dedicated to the City without compensation for public rights-of-way and public transit may be included in calculating total land area for the purpose of determining maximum lot coverage;

3. Upon finding that the request for lot coverage bonuses meet the purpose of the zone, the Planning Commission shall recommend to the City Council whether or not to accept the benefit option. The benefit options include the following:

a. Park Fund. A lot coverage bonus up to 3% may be granted upon contribution of $5,000 per acre of land developed. For the purpose of this bonus, per acre of land shall be determined as total parcel area minus any portions of the property that may be constrained due to wetlands, steep slopes, etc. Land may be dedicated to the City for the purpose of parks and/or open space in lieu of payment. Payments may be phased over a five (5) year period with a 10% surcharge on all phased payments. Proof of payment or method of payment must be approved prior to the issuance of a building permit. Funds will be administered by the Department of Planning and Community Development and must be spent on projects consistent with an adopted City Parks and Recreation Plan.

b. Child Care. A lot coverage bonus up to 5% may be granted for development which provides child care facilities for employees. The facility shall be available to all employees of the development in conformance with the State Department of Social and Health Services requirements. A cooperatively managed child care facility established and run by employees is allowed.

c. Art Exhibit Area. A lot coverage bonus of 1% may be granted for each one thousand (1,000) square feet designated for an outdoor art exhibit. A minimum of two thousand (2,000) square feet for exhibiting art must be granted in order to use this option. A maximum bonus of 3% may be established upon recommendation by the Planning Commission. The art exhibit areas must be established in building and site plans that are submitted for permits. The art exhibit must be easily accessible to the general public.

d. Transit Center. A lot coverage bonus up to 10% may be granted for property dedicated for a transit center. Land donated shall be transferred to and accepted by the local agency and transit operator who will be responsible for development of the transit center site. Proof of an acceptable site must be furnished at the time of submittal of the permit applications. Land area dedicated may be included to determine the maximum lot coverage for the development.

e. Structured Parking. A lot coverage bonus up to 5% may be granted for projects that include a parking structure with a minimum of 275 stalls.

f. Mobile Home Relocation Assistance. A lot coverage bonus up to 10% shall be granted for redevelopment projects that provide relocation assistance to residents of mobile home parks. The development must provide relocation benefits to households beyond what shall be the required assistance of an approved mobile home relocation plan. The City shall include any lot coverage bonus as part of an approved relocation plan.

E. Development Plan Required. A development plan must be submitted for all projects that will be developed in phases. Aviation business center developments should be a phased development to ensure that infrastructure is in place or that financing of the required improvements have been identified to provide said improvements within a specific time frame as approved by the City.

1. Types of improvements may include road/utility improvements (sewer, utilities, drainage system, etc.)

2. A time schedule for estimated completion time for all phases is to be provided to the City for the initial review.

3. Initiation of new phases will be prohibited until conditions imposed on previous phases or SEPA conditions have been met or assured.

4. Any minor deviation that is consistent with the purpose and development criteria of the zone classification from the original building may be approved by the Director of Planning and Community Development or his designee or referred to the Hearing Examiner if determined to have a detrimental effect on the site or adjacent properties.

F. Urban Design. A landscaping plan shall be submitted at the time of site plan review, with the following issues to be resolved at time of approval:

1. A maintenance bond or other appropriate security shall be required to ensure landscaping will be installed and maintained for three (3) years, according to the approved plan and specifications;

2. All landscaping shall be installed or a landscape bond equal to 150% of the estimated cost of the landscaping shall be submitted prior to the issuance of a temporary certificate of occupancy;

3. A maintenance bond or other appropriate security equal to 30% of the estimated cost of the landscaping shall be required to ensure that the landscaping will be maintained for three (3) years, according to the approved plan and specification; and

4. Modifications may be allowed by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee provided the applicant demonstrates a plan that exceeds the standards cited above.

G. Parking Lot Standards. In addition to the landscaping standards established under Section 15.14.090 of the off-street parking and circulation section, the following standards shall apply where applicable:

1. The joint use of driveways and parking shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between the properties;

2. No parking shall be located between any required sidewalk and the buildings;

3. Buildings shall accentuate the natural topography and preserve important view corridors where appropriate;

4. New utilities shall be located underground;

5. All business signs shall be an integral part of and architecturally similar to the architectural design of the business park, and shall be reviewed in the site plan. Billboards and portable signs are not permitted in the business park development;

6. Adjacent developments shall link open space and make it available to the public;

7. Pedestrian and bicycle pathways shall be integral features of the aviation business center. These pathways shall be designed to tie together different business park developments. The pedestrian and bicycle pathways shall be separate from the internal roadway system. Where possible, the pedestrian and bicycle pathways shall connect to off-site pedestrian and bicycle systems;

8. Access points to surrounding arterial streets shall be designed and developed to minimize traffic congestion and potentially hazardous turning movements. Access points and street intersections should be designed in such a way as to not inhibit pedestrian activity;

9. An internal circulation plan shall be developed to assure smooth pedestrian and vehicular traffic flow in and between developments. The access and internal circulation must be approved by the City Manager ~~Public Works Director~~ or designee;

10. To promote public transit use, paved walkways and adequate lighting shall be provided between buildings and the nearest transit stop. Paved, covered passenger waiting areas with good visibility shall be provided at all transit stop locations. Development should be sited to enhance pedestrian access between buildings and transit service. Efforts shall be made to orient building toward transit stops and approaches rather than parking lots.

H. Additional Development Conditions.

1. In order to reduce the use of single occupancy vehicles, a Transportation Demand Management (TDM) program shall be created and established based on a transportation study's findings and/or as determined by the City Manager, ~~Director of Public Works~~ or ~~his~~ designee. At a minimum, the property owner shall provide vanpool/carpool loading and parking facilities contained within the parking and circulation plan.

2. A Solid Waste Management Program to reduce solid waste generation and to recycle waste shall be established prior to development. During site plan review, the program shall be reviewed by the Public Works Department for consistency with City policies and other regulatory requirements. The City, if requested, will provide technical assistance to the applicant in developing such a program. At a minimum, this program shall include:

a. An in-house recycling program;

b. An on-site collection program for recyclable material;

c. Additional development conditions may be imposed as mitigating measures on business park development as part of the SEPA, site plan review, and rezone process. (Ord. 92-1041 ' 1)

15.13.115 Horse, equine animal regulations.

A. Applicability

1. Any horse or equine animals in existence at the date of the adoption of this code (or areas annexed into the City) shall be permitted to remain under the authority of a legal nonconforming use. Any new horses shall be permitted with the approval of a special district overlay as noted in Chapter 15.28.

2. All horses and equine animal locations and facilities (existing/proposed) shall be reviewed and approved by the City Manager or Code Enforcement Officer or ~~his~~ designee to ensure compliance with the herein adopted health standards, pursuant to the standards established in Chapter 15.28 under the special district overlay rules. (Ord. 92-1041 ' 1)

15.14.050 Alternative landscape options.

The following alternative landscape options are permitted only as approved by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee.

A. Incorporation of existing vegetation to augment new plantings in the landscape design.

B. Reduction of the width of the Type I landscape strip by no more than 20% when incorporating fences, hedges, architectural barriers or berms into the landscape design. The reduced landscaping in such cases shall be reallocated to other portions of the site.

C. Incorporation in the design of berms of at least three (3) feet in height for width reduction.

D. The street frontage landscaping can be located between the road and sidewalk or alternate based on a comprehensive design layout. (Ord. 92-1041 ' 1)

15.14.120 Landscaping of building facades.

A minimum of Type IV landscaping shall be planted along building facades, as noted in the landscape charts.

A. The width of the street line perimeter landscaping may be reduced 25% if the area comprising the 25% is allocated to landscaping located adjacent to the street facing facade of the building(s) on a site. The landscaping shall be placed in a manner and consist of vegetation determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee to provide equal or greater screening from the street. The 25% allocation is in addition to the required building facade landscaping. (Ord. 92-1041 ' 1)

15.14.130 Street landscaping.

Street trees, shrubs, and/or groundcover shall be planted along the property frontage within City right-of-way adjacent to the subject property. The type and location of plantings shall be determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. Street trees shall be planted on a maximum of thirty (30) feet on center and to be a minimum 2-1/2 inch caliper upon planting. Upon review and approval by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee, street frontage landscaping may be variable widths, no less than five (5) feet, provided the total required amount is located on-site. (Ord. 92-1041 ' 1)

15.14.160 Retention of significant trees.

Significant trees shall be retained as follows:

A. No clearing of a site is permitted until approval of the tree retention and landscape plan.

B. Perimeter Landscape Areas. All significant trees which do not constitute a safety hazard shall be retained.

C. Site Interior. Excluding the required perimeter landscape strip, at least twelve (12) percent of the significant trees on-site shall be retained.

D. Areas devoted to access points and to sight clearance at street intersections and access points are exempt from this section.

E. The following may be exempt from significant tree retention as determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee:

1. Areas cleared for required roads, utilities, sidewalks, trails, or storm drainage systems; or

2. Trees within fifteen (15) feet of a proposed or existing structure.

F. Priority shall be given to the retention of significant trees that:

1. Exceed sixty (60) feet in height.

2. Form a continuous canopy.

3. Provide winter wind protection or summer shade.

4. Create a distinctive skyline feature.

5. Protect areas adjacent to sensitive area buffers.

6. Are eight (8) inches in caliper or greater as measured three (3) feet vertically from ground level. (Ord. 92-1041 ' 1)

15.14.170 Protection of significant trees.

To provide the best protection for significant trees, applicants:

A. Shall provide during the construction stage either a:

1. Temporary five (5) foot high fence, or

2. A line of five (5) foot high, orange colored, two-by-four (2x4) stakes placed no more than ten (10) feet apart.

B. Shall place the fence or stakes in a line generally corresponding to the drip line of any significant tree(s) to be retained.

C. Shall construct a rock well if the grade level around the tree is to be raised by more than one (1) foot. The diameter of the well shall be equal to the diameter of the trunk plus five (5) feet.

D. Shall not install impervious surfaces, excavate, store, or drive equipment within the area defined by such fencing or stakes.

E. Shall not lower the grade level within the larger of the two areas defined as follows:

1. The drip line of the tree(s); or

2. An area around the tree equal to one (1) foot diameter for each inch of tree trunk diameter measured four (4) feet above the ground.

F. May use alternative protection methods if determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee to provide equal or greater tree protection. (Ord. 92-1041 ' 1)

15.14.180 Restoration of significant trees.

Significant trees which would otherwise be retained, but which were damaged or destroyed through some fault of the applicant shall be replaced in a manner determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. (Ord. 92-1041 ' 1)

15.14.200 Irrigation requirements.

All planting shall receive sufficient water to ensure survival as follows:

A. Landscaped areas shall be installed with the following irrigation systems or water conservation methods:

1. Moisture sensor (may be required);

2. Automatic timers set for operation periods which minimize evaporation and assure adequate moisture levels;

3. Sprinkler heads (of the pop up type) designed to provide adequate coverage for all landscaping. Other sprinkler

heads may be allowed upon approval by the City;

4. Separate irrigation zones for turf and planting beds;

5. Group together plants with similar water needs;

6. Augmenting existing soils with loamy soil; and

7. Covering the base of plants with mulch to minimize evaporation.

B. The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee may allow an exemption from the irrigation requirements if the applicant provides:

1. Landscape areas where at least 70% of the existing vegetation is undisturbed;

2. Landscaping in areas where existing site conditions (i.e., high water table) assure adequate moisture to sustain growth;

3. Despite physical constraints preventing automatic irrigation, a manual scheduled method is proposed and approved. (Ord. 92-1041 ' 1)

15.14.220 Bonds/security requirements.

A. Prior to issuance of any construction, grading, or building permits, a landscape bond or other suitable financial guarantee as approved by the City Attorney, shall be submitted to the Department of Planning and Community Development. The amount of the landscape bond or other financial guarantee shall equal 150% of the estimated cost of the required landscaping.

B. Prior to issuance of a final certificate of occupancy, a maintenance bond or other acceptable financial guarantee equal to 30% of the replacement cost of the required landscaping shall be submitted. The bond shall be maintained for a three (3) year period, at which point the Building Official and the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee will determine if the bond shall be released or is needed for maintenance within the landscaped areas. (Ord. 92-1041 ' 1)

15.15.020 Authority and application.

A. All new uses locating in any new building shall be required to meet the off-street parking, internal circulation, loading space, bicycle parking and storage, and pedestrian circulation requirements of this chapter;

B. Any use that requires an addition to an existing building or a change of use (encompassing more than 40% of the gross floor area (gfa) of the building/complex) shall require the current parking standards be implemented relative to only the new square footage;

C. If this chapter does not specify a parking requirement for a specific land use, the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall establish the minimum requirement based on a comparable parking demand. The applicant may be required to provide a parking study for the proposed use demonstrating that the parking demand for the specific land use will be satisfied. The study shall be prepared by a professional with expertise in traffic and parking analysis, or an equally qualified individual authorized by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee.

D. If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide a satisfactory written contract with cooperating landowners showing the provision of adequate off-street parking. Additionally, satellite parking is permitted for accessory uses in conjunction with primary uses in Section 15.15.130.

E. Once a use has approved parking layout and spaces, different uses/companies off-site cannot use the parking created for the subject property/development. (Ord. 92-1041 ' 1)

15.15.030 Computation of required off-street parking spaces.

A. Off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. If the formula for determining the number of off-street parking spaces results in a fraction, the applicant shall be required to provide the number of spaces rounded up to the nearest whole number.

B. The residential and commercial ratios may be reduced with proof of viable HCT or PRT, linkage/station, pursuant to the determination of the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. The overall ratio cannot be lowered more than 35%. (Ord. 93-1014 ' 9; Ord. 92-1041 ' 1)

15.15.030 Parking space requirements for residential uses.

[See printed volume for chart]

*These ratios may be reduced with proof of viable HCT linkage/station pursuant to the determination of the City Manager ~~Director of Planning and Community Development~~ or designee. The overall ratio may not be lowered more than 10%.

(Ord. 92-1041 ' 1)

15.15.030 Parking space requirements for recreational/cultural uses.

[See printed volume for chart]

(Ord. 92-1041 ' 1)

15.15.030 Parking space requirements for general, educational and health services uses.

[See printed volume for chart]

(Ord. 92-1041 ' 1)

15.15.030 Parking space requirements for government/office/business uses.

[See printed volume for chart]

(Ord. 92-1041 ' 1)

15.15.030 Parking space requirements for retail/commercial uses.

[See printed volume for chart]

(Ord. 92-1041 ' 1)

15.15.030 Parking space requirements for manufacturing uses.

[See printed volume for chart]

(Ord. 92-1041 ' 1)

15.15.040 Shared parking requirements.

The amount of off-street parking required by Section 15.15.030A may be reduced by an amount determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee when shared parking facilities for two or more uses are designed and developed, or developed adjacent to an existing use, as one common parking facility, provided:

A. The amount of the reduction shall not exceed ten (10) percent of each use.

B. A covenant or other contract for shared parking between the cooperating property owners is approved by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. The covenant or contract cannot be amended without the consent of the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee.

C. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee or provide the full amount of required off-street parking for each use, within sixty (60) days of notification. (Ord. 92-1041 ' 1)

15.15.050 Exceptions for community residential facilities (CRF).

The requirement of one (1) off-street parking space per bed may be reduced to no less than one (1) space for every two (2) beds, as determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee based on the following considerations:

A. Availability of private or public transportation services to meet the needs of the CRF's occupants;

B. Pedestrian access to health, medical and shopping facilities. (Ord. 92-1041 ' 1)

15.15.090 Transportation system management requirements.

A. All land uses in government/business, retail/commercial, manufacturing and any other land use where employees are a basis for computing the required off-street parking spaces in Section 15.15.030(A), shall be required to reserve one (1) parking space of every fifteen (15) required spaces for ride-share parking as follows:

1. The ride-share parking spaces shall be located closer to at least one entrance than other employee parking except handicapped;

2. Reserved areas shall have markings and signs indicating that the space is reserved for ride-share vehicles; and

3. Parking in reserved areas shall be limited to vanpools, carpools, and any other vehicles meeting minimum ride-share qualifications set by the employer.

B. The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee may reduce the number of required off-street parking spaces when one or more regularly scheduled high capacity public (or recognized private/ public systems, i.e. Regional Personal Transit) transit routes serve the site. The amount of reduction shall be based on the frequency of the transit service and shall be limited as follows:

1. Government/business/manufacturing - 40% maximum;

2. Recreation/culture/retail/wholesale/ general service - 30% maximum. (Ord. 92-1041 ' 1)

15.15.130 Off-site parking location.

A. The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee may authorize a portion of the necessary parking for an accessory use (or 30% of the primary use) to be located on a site other than the subject property if:

1. Adequate parking exists for the primary use on the subject property;

2. Adequate pedestrian, van or shuttle connection between the sites exists; and

3. The sites are within one (1) mile of each other.

B. Legal documentation is required for the approved, off-site parking location and shall be recorded with the City of SeaTac City Clerk and the Department of Planning and Community Development. Off-site parking may be removed only if alternative parking is provided in conformance with the code and such parking is approved by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. (Ord. 92-1041 ' 1)

[See printed volume for Figure 15.10.110b]

15.16.030 Commercial/office/industrial zone classification signs.

A. General.

1. In general, signs should be scaled to the building to which the sign is related. Accordingly, the following sections contain regulations on the area, number and height of signs which are a function of the size of the building to which the sign is related.

2. Each enterprise in a multiple building complex in an applicable business district which is composed of single and/or multiple occupancy buildings shall be permitted the primary signs described in subsections B through D of this section, and have the ability to combine their signage needs into a single monument/freestanding sign not to exceed eighty-five (85) square feet in area and fifteen (15) feet in height.

3. Each enterprise shall display and maintain on-premises street address number identification.

4. A multiple occupancy building complex encompassing at least five (5) acres may display one (1) complex identification sign along each right-of-way which provides direct access to the complex.

B. Business District Standards. The following standards regulate signs in the NB, CB, I, AU zones.

1. Monument and Freestanding Signs. Any monument or freestanding sign must be "integrated," that is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited. Monuments and freestanding signs may be illuminated through internal and external illumination. Internal or external illumination shall not create glare on adjacent traffic corridors. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager, Director of Planning and Community Development or ~~his~~ designee prior to issuance of a sign permit.

a. Setbacks:

Interior lots

Five (5) feet from the front property line.

Ten (10) feet from the side property lines.

Corner lots

Five (5) feet from all property lines.

Sign projections shall not obstruct any access points as required in Section 15.13.100 of the Code.

b. Maximum Height: Fifteen (15) feet.

c. Maximum Surface Area: Eighty-five (85) feet per face.

2. Building-Mounted Signs, Parapet and Canopy-Mounted Signs. The surface area of any building-mounted sign and parapet or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Surface Area Maximum Sign

of Facade Surface Area

Less than 100 sf 30 sf

100 - 199 sf 35 sf + 11% of facade area over 100 sf

200 - 499 sf 40 sf + 12% of facade area over 200 sf

500 - 999 sf 80 sf + 11% of facade area over 500 sf

1000 - 1499 sf 10% of facade

1500 - 2999 sf 10% of facade

3000 sf or greater 10% of facade

Additionally, the following conditions apply:

a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. The sign displayed by the tenant or user must be located on the facade that was used to determine the size of the sign, except as provided in this section.

b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building if:

i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area that is directly related to the tenant.

ii. The display of a sign on that facade by the secondary sign user will not create a significant adverse impact on dependent sign users of that facade.

iii. The display of a secondary sign is necessary to reasonably identify and locate the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

c. Sign Height - Parapet Signs. The height of any wall/canopy sign or parapet sign shall not extend above the highest exterior wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.

d. Any building-mounted sign shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

e. Any building-mounted signs shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and principal product and/or service information.

f. All parapet and canopy signs must be manufactured in such a way that they appear to be a part of the building itself.

g. All roof and canopy signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.

C. Number of Primary Signs. A business may not have more than one (1) monument/ freestanding sign and the facade related signs shall be limited by the surface area of the building facade.

D. Buildings on More than One (1) Street. Buildings facing more than one (1) street are entitled to a bonus in primary signing.

Building on Intersecting Streets. When a building is located on intersecting streets, two (2) monument signs are permitted if they are located on two (2) different streets and are separated more than one hundred (100) feet measured in a straight line between signs. Otherwise, only one (1) monument sign is permitted, and must meet the setback limitation under subsection B of this section.

E. Incidental Signs. Incidental signs (Section 15.16.020(11)) are not included in the number of primary signs so long as the individual signs do not exceed nine (9) square feet in surface area.

F. Directional Signs. Directional signs shall not exceed nine (9) square feet in surface area and may be located only on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic. Off-premises directional signs may be approved through a variance process described in Section 15.16.160, when the applicant has demonstrated that his premises are located such that on-premises, directional signs are inadequate to reasonably apprise the public of the location of the premises. (Ord. 93-1036 ' 12; Ord. 92-1041 ' 1)

15.16.110 Prohibited signs.

The following signs or displays are prohibited, unless otherwise approved by this chapter. Prohibited signs are subject to removal by the City at the owner's or user's expense. Any existing sign which is prohibited upon the effective date of this code shall be removed within six (6) months of notification from the City except as provided in Section 15.16.120 regarding nonconforming signs.

A. Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located (except real estate "Open House" and subdivision directional signs as governed by Section 15.16.080 of this code); provided, however; on-premises signs may call the attention of the public to public holidays or community events, the time and temperature;

B. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of any emergency (police, fire or ambulance) or radio equipment vehicle; or which obstruct the visibility of any traffic or street sign or signal device;

D. Signs which rotate or have a part(s) which move or revolve except the movement of the hands of a clock or digital changes indicating time and temperature or national market indices, or advertise a specific company or commodity located on-site are permitted;

E. Signs, balloon-signs/symbols or displays or banners, clusters of unauthorized flags, posters, pennants, ribbons, streamers, strings of lights, spinners, twirlers or propellers, flashing, rotating or blinking lights, chasing or scintillating lights, flares, balloons, bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell. Exception: Certain of these devices are permitted on a limited basis as seasonal decorations under Section 15.16.090I or for grand openings of new businesses under Section 15.16.080B of this code;

F. Signs identifying, or window signs advertising activities, products, businesses or services which have been discontinued for more than sixty (60) days on the premises upon which the signs are located;

G. Private signs on utility poles as prohibited by RCW;

H. Searchlights, except if:

1. They are used by any business or enterprise once yearly for a maximum period of seven (7) consecutive days or for purposes of the grand opening of a new enterprise or an enterprise under new management for a maximum period of seven (7) consecutive days (See Section 15.16.080B);

2. The beam of the searchlight does not flash against any building or does not sweep an arc greater than forty-five (45) degrees from vertical;

I. Portable signs, which for the purpose of this code shall mean a stand-alone readerboard and a sign which has no permanent attachment to a building or the ground, including A-frame signs, pole attachments, mobile signs, but not including real estate open-house signs or A-frame signs permitted under Section 15.16.080, and political signs, provided such political signs must meet the requirements of Section 15.16.080D and E, where applicable;

J. Signs for which a permit has been granted under conditions with which the permittee does not comply;

K. Signs for which a permit has been granted and subsequently revoked for cause by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee;

L. Direction signs, except where specifically authorized under provisions of this code;

M. Signs erected, altered or relocated (excluding copy change) without a permit issued by the City or any other governmental agency which require a permit by law;

N. Off-site signs in public right-of-ways or located on private property when they exceed the number of signs allowed within that zone classification/district. Additionally, any incidental sized sign in regard to off-site signs shall not be permitted;

O. Billboards as defined in Section 15.16.020(2) of the city code, except those qualifying as nonconforming signs pursuant to Section 15.16.120 of the city code. (Ord. 94-1008 ' 1; Ord. 92-1041 ' 1)

15.16.140 Requirements applicable to all signs.

A. Structural Requirements. The structure and erection of signs within the City shall be governed by the adopted Uniform Sign Code and Uniform Building Code (or any superseding edition adopted by the city, including appendices), as promulgated by the International Conference of Building Officials, which are adopted and made a part hereof by this reference. Compliance with the Uniform Sign Code and Uniform Building Code shall be a prerequisite to issuance of a sign permit under Section 15.16.130 of this code.

B. Electrical Requirements. Electrical requirements for signs within the City shall be governed by the adopted National Electrical Code (or any superseding edition adopted by the City), promulgated by the National Fire Protection Association, which is adopted and made a part hereof by this reference. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under Section 15.16.130 of this code.

C. Sign Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare, or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

D. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five (5) days after receiving notice from the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. The premises surrounding a monument sign shall be free and clear of rubbish and any landscaping area free of weeds.

E. Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress or egress from parking areas of any way open to the public.

F. Landscaping for Monument Signs. All primary monument signs shall include, as part of their design, general landscaping and curbs about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation.

G. Sign Inspection. All sign users shall permit the periodic inspection of their signs by the City upon City staff request.

H. Conflicting Provisions. Whenever two provisions of this code overlap or conflict with regard to size or placement of a sign, the more restrictive provision shall apply. (Ord. 92-1041 ' 1)

15.16.150 Administration, enforcement and sign removal.

A. Code Administrator. The code administrator of this chapter/code is the City Manager ~~Director of Planning and Community Development~~ or ~~his/her~~ designee. The administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. To that end, the administrator is further empowered to delegate the duties and powers granted to and imposed upon him/her under this code. As used in this code, "administrator of this code" or "administrator" includes his/her authorized representative.

B. Inspection by the Administrator. The code administrator or his designee (including code enforcement) is empowered to inspect any building, structure or premises in the City, upon which, or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

C. Code Violations and Enforcement. The civil remedies provided in this section for violations of, or failure to comply with, provisions of this code shall be cumulative and shall be in addition to any other remedy provided by law.

1. Injunction and Abatement. The City, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who fails to comply with any provision of this code, or against the erector, owner or use of an unlawful sign or the owner of the property on which an unlawful sign is located to prevent, enjoin, abate or terminate violations of this code and/or the erection, use or display of an unlawful sign. The City may abate an unlawful sign using the procedure of the adopted City Code.

2. Civil Infraction. Any violation of any provision of this code is a civil infraction as provided in this adopted City code for which civil penalties may be imposed as provided therein. (Ord. 92-1041 ' 1)

15.16.180 Appeals.

The decision of the City Manager ~~Director of Planning and Community Development~~ or designee approving, approving with modifications, denying a sign permit or interpreting the provisions of the Sign Code may be appealed pursuant to Chapter 15.22 of this code. (Ord. 92-1041 ' 1)

WIDTH X HEIGHT = AREA

15.19.030 Play space for children.

At least 50% of the required recreation area (Section 15.19.020) shall be laid out in a manner that makes it suitable and safe as play space for children. The children's play space shall contain a minimum of one (1) set of children's play equipment as approved by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. (Ord. 92-1041 ' 1)

15.19.050 Location and layout.

A. When the total required area is less than three thousand (3,000) square feet, the outdoor space shall be one continuous site, with a minimum width of fifteen (15) feet.

B. If the total required recreation space is more than three thousand (3,000) square feet, the space may be divided into several usable sites, provided at least one tract is two thousand (2,000) square feet, and all others one thousand (1,000) square feet with a minimum width of fifteen (15) feet.

C. No required landscaping, driveways, parking, other vehicular uses, or front yards can be located in the outdoor open space.

D. A Type III landscaping buffer consisting of fencing and plant screening with a minimum width of five (5) feet shall separate the recreation space from public streets, parking areas, and driveways.

E. Decks, balconies and other similar appurtenances that do not have common access by all the complex residents shall not be counted towards the space requirements.

F. The square footage in required side and rear yards may be used to meet the recreation space requirements.

G. No recreation space shall have a slope greater than four (4) percent.

H. The space, layout, and proposed type of screening shall be subject to approval by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. (Ord. 92-1041 ' 1)

15.20.030 Seasonal uses.

The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee may issue a temporary and revocable permit to allow sales of seasonal goods in any nonresidential zone for a period not to exceed ninety (90) days in any twelve (12) month period. The City Manager ~~Director~~ or his designee shall consider the following:

A. The temporary use is not in proximity to a similar permanent use;

B. The use should be consistent with the permitted uses in the zone;

C. The use will not result in significant traffic, parking, drainage, fire protection, or other adverse impacts;

D. The use must provide sanitary facilities if the Health Department finds it is necessary;

E. The use must not infringe on public right-of-way;

F. A performance bond, the amount to be determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee, shall be posted to guarantee the removal of the use and that the area be restored to the satisfaction of the City Manager ~~Director~~ or ~~his~~ designee. (Ord. 92-1041 ' 1)

15.20.040 Temporary use permits.

The City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee may issue a temporary use permit to allow a defined temporary use/event if finding the use consistent with the following findings of fact:

A. No significant capital outlay is required for the use or event to take place;

B. The use will not result in significant traffic, parking, drainage, fire protection, or other adverse impacts;

C. The use must provide sanitary facilities if the Health Department finds it is necessary;

D. A performance bond, the amount to be determined by the City Manager ~~Director of Planning and Community Development~~ or designee, shall be posted to guarantee the removal of the use and the area restored to the satisfaction of the City Manager ~~Director~~ or ~~his~~ designee;

E. A temporary construction shed or trailer may be located on the subject property or on adjacent property if owned by the same property owner or with permission of the owner. (Ord. 94-1006 ' 16; Ord. 92-1041 ' 1)

15.21.100 Reuse of facilities - Reestablishment of closed public school facilities.

Upon conditional use permit review and approval the reestablishment or reconversion of an interim nonschool use of school facilities back to school uses shall have a site plan approved by the Hearing Examiner decision and administered by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee. (Ord. 92-1041 ' 1)

15.22.060 Hearing Examiner development review process.

A. Purpose. To establish a Hearing Examiner system under the provisions of Chapter 35A.63 RCW to hear and decide applications for amendments to land use regulations and other matters as specifically assigned by the appropriate ordinances (Ord. 90-1045, Section 1).

B. Office Created. The office of the Hearing Examiner is hereby created to act on behalf of the City Council by considering and applying zoning and regulatory ordinances to the land as provided herein. The Hearing Examiner shall also exercise administrative powers and such other quasi-judicial powers as may be granted by ordinance and code adoption.

C. Appointment and Terms. The Hearing Examiner shall be appointed by the City Manager, subject to confirmation by the City Council, to serve for a term of two (2) years.

D. Removal. The Hearing Examiner may be removed from office at any time for just cause by a majority vote of the whole membership of the City Council.

E. Qualifications. The Hearing Examiner shall be appointed solely on the basis of qualifications for the duties of the office with special reference to training, actual experience in, and knowledge of administrative or quasi-judicial hearings on zoning, subdivision and other land use regulatory enactments as may be granted by ordinance or code adoption.

F. Examiner Pro Tem. In the event of the absence or the inability of the Hearing Examiner to act on an application, a Hearing Examiner pro tem may be appointed, in the manner specified in subsection C, for such application or period of absence, and shall have all the duties and powers of the Hearing Examiner.

G. Freedom from Improper Influence. Individual Council members, City officials or any other persons shall not interfere, or attempt to interfere, with the performance of the Hearing Examiner's designated duties (Ord. 90-1045, Section 7).

H. Functions Relating to Area Zoning. Prior to adopting new area zoning, the City Council may choose to have the Hearing Examiner conduct public hearings to consider individual property requests for changes to the proposed area zoning, in which case such decisions shall be considered as recommendations to the Council (Ord. 90-1045, Section 8).

I. Decisions Appealable to the City Council. For the following cases, the Hearing Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make decisions which shall be given the effect of an administrative decision appealable to the City Council:

1. Applications for unclassified uses in a zone classification;

2. Appeals from permit denials or conditions imposed on environmental grounds pursuant to the State Environmental Policy Act (SEPA);

3. Appeals from threshold determinations concerning applications subject to City Council action;

4. Other applications or appeals which the City Council may refer by ordinance, specifically declaring that the Hearing Examiner's decision shall be appealable to the City Council (Ord. 90-1045, Section 9/Ord. 90-1051, Section 2).

J. Decisions of the Hearing Examiner which are Final. For the following cases, the Hearing Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make decisions which shall be final and conclusive:

1. Applications for conditional use permits;

2. Applications for variances (including sign variances);

3. Applications for shoreline permits when a public hearing is required;

4. Appeals from the decisions of the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee on applications for short subdivisions;

5. Appeals from threshold determinations concerning applications not subject to City Council action;

6. Appeals for a sign amortization extension;

7. Appeals from decisions regarding the abatement of nonconforming uses;

8. Appeals from administrative decisions or determinations by City officials where the governing ordinance provides for an appeal to the Hearing Examiner;

9. Other applications or appeals which the City Council may prescribe by ordinance.

K. Hearing Procedures. The Hearing Examiner shall have the power to prescribe procedures for the conduct of the hearings subject to confirmation of the City Council; and also to issue summons and subpoenas to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

L. Public Hearings.

1. Before rendering a decision on any application or appeal, the Hearing Examiner shall hold at least one (1) public hearing thereon. For applications subject to City Council action, the public hearing by the Hearing Examiner shall constitute a hearing by the City Council.

2. Whenever a project requires more than one (1) permit or approval, the Hearing Examiner may order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Hearing Examiner to order and conduct consolidated hearings shall be final in all cases.

M. Procedural Notice Requirements. Unless otherwise provided by ordinance, the City of Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall cause the notice of the time and place of the public hearing to be mailed to all persons of record at least fourteen (14) calendar days prior to the scheduled hearing (not including the day the notice is mailed). Additional notice shall be given as provided in the section or ordinance governing the particular type of application or appeal. Public hearings may be continued or reopened by the Hearing Examiner with written notice to all persons of record at least seven (7) calendar days prior to the rescheduled hearing. Public hearings may be continued by the Hearing Examiner without additional written notice, provided the continuance is made during open session to a specific date, time and location.

N. Planning and Community Development Department Report. When an application or appeal has been set for public hearing, the Department of Planning and Community Development shall coordinate and assemble the reviews of other City departments and governmental agencies having an interest in the subject application or appeal, and shall prepare a report summarizing the factors involved and the Department of Planning and Community Development's findings and recommendation or decision. At least fourteen (14) days prior to the scheduled hearing, the report, and in the case of appeals, any written appeal arguments submitted to the City shall be filed with the Hearing Examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials.

O. General Criteria for Examiner Decisions.

1. Each decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.

2. The Hearing Examiner's findings and conclusions shall carry out and help implement applicable state laws and regulations and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official laws, policies and objectives of the City, and that the decision will not be unreasonably incompatible with, or detrimental to, affected properties and the general public.

3. The Hearing Examiner shall accord substantial weight to the recommendation of the Department of Planning and Community Development.

P. Additional Criteria for Pending Area Zoning Recommendations. When the Hearing Examiner considers individual property owner requests for pending area zoning, he/she shall prepare a report which contains additional findings based on the applicable proposed Comprehensive Plan causing the pending area zoning.

Q. Additional Criteria for Subdivision Decisions. When the Hearing Examiner issues a decision regarding an application for a subdivision of property and there are conflicts between adopted plans, portions of plans, or zoning, the following criteria shall apply:

1. In case of conflict in use and density designations between adopted Comprehensive Plans, the most current adopted plan shall govern.

2. In case of conflict in use and density designations between adopted Comprehensive Plans and present zoning, the zoning shall govern.

R. Examiner Actions. Within ten (10) days of the conclusion of a hearing or rehearing, the Hearing Examiner shall render a written recommendation or decision and shall transmit a copy thereof to all persons of record.

1. The Examiner's decision may be to grant or deny the application or appeal, or the Hearing Examiner may grant the application or appeal with such conditions, modifications and restrictions as he/she finds necessary to make the application or appeal compatible with the environment, and carry out applicable state laws and regulations, and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other ordinances, policies and objectives of the City.

2. The conditions, modifications and restrictions that the Hearing Examiner may impose include additional setbacks, screening in the form of landscaping or fencing, covenants, easements and dedications of additional road right-of-ways. Performance bonds or equivalent measures may be required to insure compliance with the conditions, modifications and restrictions of this code. (Ord. 92-1041 ' 1)

15.23.040 Phased development.

Development of the project may be phased, in which case each complete phase may be processed as one development. A map showing all property owned or controlled by the developer which is contiguous to the development site, or which is within the area determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee to be relevant for comprehensive planning and environmental assessment purposes, together with a

conceptual plan of said properties' eventual development through all potential phases, shall be submitted with the application for the first phase. The conceptual plan shall conform to the purposes of this chapter and shall be used by the City to review all phases of the development. (Ord. 92-1041 ' 1)

15.23.060 Preliminary development plan - Filing requirements.

The applicant shall file a preliminary development plan with the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee, including, at a minimum, the following information:

A. A legal description and site location map of the property;

B. A proposed site plan and/or drawings with five (5) foot contour intervals showing the principal topographic contours; individual trees over eight (8) inches in diameter measured three (3) feet above the base of the trunk in areas to be developed or otherwise disturbed; designated placement, location, and principal dimensions of buildings, streets, parking areas, recreation areas and other open space and landscaping areas; and all property within the area determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee to be relevant for comprehensive planning and environmental assessment purposes; together with a conceptual plan for its development;

C. Drawing and/or text showing scale, bulk, and architectural character of structures;

D. Special features;

E. Text describing conditions or features which cannot be adequately displayed on maps or drawings;

F. A description of plans for covenants, uses and continuous maintenance provisions for the project;

G. Names of all property owners within five hundred (500) feet of the exterior boundaries of the subject property, as determined from the records of the County Treasurer, their mailing addresses, the addresses of the parcels within said area if different from the owner's mailing address, and preaddressed, pre-stamped envelopes for the mailing of notice as required by Section 15.22.060M;

H. A conceptual landscape plan;

I. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the PUD, and to and from existing and programmed thoroughfares; and special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern. (Ord. 92-1041 ' 1)

15.23.070 Preliminary development plan - Staff recommendation to the Hearing Examiner.

After receiving the preliminary development plan, the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee shall route the same to all appropriate City departments, and each department shall submit to the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee comments and recommendations. After receiving such information from the City departments, the Director of Planning and Community Development or his designee shall present recommendations and conclusions before the Hearing Examiner at the public hearing for the preliminary development plan. (Ord. 92-1041 ' 1)

15.23.450 Notice of public hearing.

A. Notice shall be given at least fourteen (14) days in advance of the public hearing by the posting of notices on the property of the PUD application and at SeaTac City Hall. Notice shall be published once in a newspaper of general circulation, and shall be mailed to all owners of property located within five hundred (500) feet of the exterior boundaries of the subject property, as shown on the records of the King County Treasurer, and to at least one (1) resident of each property which is contiguous to the subject property or separated from it by only a public right-of-way at least fourteen (14) days prior to the public hearing. The applicant shall provide the City with a list of the names and addresses of all such persons. The notice shall generally identify the property affected thereby, set forth the action

requested, and the date, hour, place and staff member assigned by the City Manager ~~Director of Planning and Community Development~~ or designee for the hearing thereon. Continued hearings may be held at the discretion of the body considering the application, but no additional notices need be given if the hearing is continued to a specified date. When a subdivision application is being processed concurrently with the planned unit development, the notice requirements shall be met.

B. No person who has received actual notice of a public hearing, to which the notice requirements of this section apply, shall have standing to challenge the legal validity of the action taken at or after said hearing on the basis that the notice requirements of this section were not complied with. (Ord. 92-1041 ' 1)

15.26.060 Recreational vehicle areas.

A. Purpose. To allow the economic use of perimeter areas in mobile home parks; to foster affordable housing options, to create designated areas for recreational vehicles; to allow alternative use of land within mobile home parks, yet protect existing and future mobile home units.

B. Siting Standards of Recreational Vehicles in Existing Mobile/Manufactured Home Parks.

1. A site plan shall be submitted with the following standards for review and approval by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee.

2. Recreational Vehicle Sites. RVs may be located in a perimeter designated area. The designated area shall be a logically geometric shape, which does not encroach significantly into the area for mobile/manufactured home units.

It is provided, however, that once the owner of a mobile home park has given notice of intention to close the mobile home park pursuant to any applicable relocation plans, pending final closure of the mobile home park, and in keeping with the provisions of subsections 3, 4 and 5 of this section, the owner may site recreational vehicles in such mobile home spaces as may become vacant during the closure period without regard to the number of such recreational vehicles or their locations within the mobile home park. The closure period, which shall include the period of time from the date of the notice of the intention to close the mobile home park to the final closure of the mobile home park, shall not exceed one (1) year.

3. Recreational vehicles shall hook-up to the utility hook-ups (under permits) and maintain the minimum standards on those utilities.

4. Recreational vehicles shall not remain on the leased space longer than 180 days a year. The recreational vehicle must be physically detached from the utility hook-ups and out of the park for at least twenty-four (24) hours before hooking-up again.

5. The recreational vehicles shall meet all applicable health and building standards.

6. The recreational vehicle section shall be screened from both the road and the mobile/manufactured home park with Type IV landscaping at a width of five (5) feet. (Ord. 92-1041 ' 1)

15.28.040 Special district overlay - High-density single-family district.

A. The purpose of the high-density single-family overlay (HDS) is to provide areas of higher density in small pockets of the single-family zone classifications. This will help to encourage infill and allow the development of past platted properties that may have restricted development potential due to the shape or topography of the site.

B. The following development standards shall apply to residential development locating in the high-density single-family overlay district:

1. The lot size shall not be decreased below five thousand (5,000) square feet, not including road easements in the lot calculations; and

2. Zero lot lines shall be encouraged, and joint open space areas shall be provided with appropriate maintenance covenants for all property owners; and

3. The development must meet required site-specific SEPA conditions to mitigate project impacts on transportation, utilities, drainage, police and fire protection, schools, parks and environmentally sensitive areas; and

4. Each district area shall be linked in some form to a high-capacity transit mode; and

5. Screening landscaping shall be provided on the boundaries of the sites equal to or greater than the minimum requirements for multi-family dwellings as determined by the City Manager ~~Director of Planning and Community Development~~ or ~~his~~ designee; and

6. At least 10% of all residential units shall be affordable to low income households. "low income" is an income level below 80% of the median household income for King County, adjusted for household size; and

7. Housing required by this section shall be affirmatively marketed to racial minorities and handicapped persons; and

8. A covenant locking in the rent levels for low-income levels for a fifteen (15) year period shall be recorded against the property; and

9. The project will need to be reviewed through the rezone process (See Chapter 15.22); and

10. All HDS areas shall be served with public water and public sewer. No use of on-site sewage disposal systems shall be permitted. The developer of an HDS shall be responsible for the construction of all on-site and off-site improvements and additions to water and sewer facilities required to support the HDS. (Ord. 92-1041 ' 1)

15.29.040 Development standards.

The development standards for adult entertainment uses are the same as the applicable zoning regulations for the zoning district in which they are to be located, except as follows:

A. No electronic readerboards shall be allowed;

B. All parking areas shall be visible from the street fronting the entertainment, and access to the rear of the structure shall be for emergency vehicles only;

C. The parking areas shall be fully illuminated using street light standards; and

D. The exterior color of any building or structure, constructed after the effective date of this subsection, shall be of natural and earth tones. A single accent stripe of any color, no greater than one foot in width, may be permitted, if approved by the City Manager ~~Director of Planning and Community Development~~ or designee.

The development standards in this section shall apply to all buildings, uses and property used for adult entertainment purposes. (Ord. 94-1048 ' 1(D))

15.30.370 Critical recharging areas for aquifers used for potable water.

A. Purpose. Potable water is an essential life sustaining element. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to the public. It is the City's intent, through this section, to recognize the importance of aquifers and to acknowledge a responsibility common to all governmental agencies to ensure, as much as possible through each jurisdiction's powers, the protection of health, safety and welfare of the public, the continued quantity and quality of groundwater supplies through the regulation of land uses which may contribute contamination that may degrade groundwater quality and/or quantity in recharge areas of vulnerability. The extent of regulation shall be based on the degree of vulnerability of an identified recharge area and the contaminant loading potential of the proposed land

use.

B. Where it is determined through special studies or City mapping projects that soil and geologic formation permeability exists such that the presence of a groundwater recharge area is likely, the City Manager ~~Director of the Department of Planning and Community Development~~ or ~~his~~ designee may require further investigation by the applicant of the existence of recharge areas when the proposed land use involved is considered to be of a type or intensity that has a high contamination potential. Such uses may include, but are not limited to, planned unit developments, waste disposal sites, or agriculture activities.

C. Any additional required special studies shall address, but are not limited to, the following:

1. Depth of groundwater;

2. Aquifer properties such as hydraulic conductivity and gradients;

3. Soil texture, permeability, and contaminant attenuation properties;

4. Characteristics of the vadose zone (the unsaturated tip layer of soil and geologic material) including permeability and attenuation properties; or

5. Other relevant factors.

D. Based upon information provided in any required special report or study, the Department of Planning and Community Development shall determine conditions of development which will ensure, to the extent possible, no degradation of groundwater quantity or quality. Such conditions shall be attached to any permit required by the project proposal. (Ord. 92-1041 ' 1)

15.32.010 Authority of the City Manager ~~Director of Public Works~~.

The City Manage or designee ~~Director of the Department of Public Works~~ is authorized to utilize the procedures of this code and adopted ordinances to enforce any and all violations of land use, health and business regulatory ordinances of the City, and shall establish an Office of Code Enforcement in the Building Division of the Public Works Department for those purposes. (Ord. 92-1041 ' 1)

15.40.050 Implementation responsibility.

The City of SeaTac Public Works Department and the designated CTR Administrator shall be responsible for implementing this chapter, the CTR plan, and the City's CTR program for its own employees. The City Manager ~~Public Works Director~~ or designee shall have the authority to issue such rules and administrative procedures as are necessary to implement this chapter. (Ord. 93-1002 ' 1)

15.40.080 Recordkeeping.

Affected employers shall maintain all records required by the City Manager ~~Director of Public Works~~ or designee and the CTR Administrator for the duration of the CTR ordinance. (Ord. 93-1002 ' 1)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 28th day of March, 1995, and signed in authentication

thereof on this 28th day of March, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 5.30.165 of the SeaTac Municipal Code relating to adult entertainment and prohibited conduct of patrons

WHEREAS, the current provisions of the SeaTac Municipal Code provide standards of conduct provisions for adult entertainment businesses, including conduct prohibited by patrons; and,

WHEREAS, although the term "entertainer", as defined in the SeaTac Municipal Code would include other patrons, a recent court decision indicated a greater need for specificity, including specific mention of patrons, rather than just relying upon the entertainer definition in terms of the conduct involving other patrons; and,

WHEREAS, in order to clarify the language of the SeaTac Municipal Code, in light of the court decision, it would be appropriate to specifically mention other patrons to avoid concerns identified by the court.

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

1. That Section 5.30.165 of the SeaTac Municipal Code is amended to read as follows:

5.30.165 Prohibited conduct of patrons.

No patron of any business or place open to the public which offers, conducts, or maintains adult entertainment, adult theater, or adult uses shall touch, fondle or caress any employee or entertainer or himself or herself or any other patron for the purpose of arousing or exciting the sexual desires of either party. (Ord. 91-1056 ' 1)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 9th day of May, 1995, and signed in authentication

thereof on this 9th day of May, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1014

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 5.35.020 of the SeaTac Municipal Code regarding fireworks

WHEREAS, the City Council of the City of SeaTac has adopted Ordinances regulating fireworks within the City, codified as Chapter 5.35 of the SeaTac Municipal Code; and,

WHEREAS, the Washington State Legislature adopted Substitute Senate Bill 5997 as Chapter 61 of the Laws of 1995, affecting fireworks and firework regulations in the State of Washington; and,

WHEREAS, one of the new provisions of the Legislative Act was to provide for an expanded period of time during which fireworks may be sold, purchased, used and discharged, expanding that time to include 6:00 p.m. on December 31st until 1:00 a.m. January 1st of the subsequent year; and,

WHEREAS, the Legislative Act also provided that cities or counties that want to prohibit the sale or discharge of common fireworks during this expanded period of time, and particularly on December 31, 1995, may do so by enacting an Ordinance prohibiting such sale and discharge within 60 days of the effective date of the Act; and,

WHEREAS, because that Act was declared, by the Legislature, to be necessary for immediate preservation of public peace, health or safety, or support of the state government and its existing public institutions, it took effect immediately upon approval by the governor, on April 17, 1995; and,

WHEREAS, accordingly, in order for the City of SeaTac to restrict sale, purchase, use and discharge of fireworks on December 31, 1995, and Ordinance would need to be adopted before June 16, 1995; and,

WHEREAS, because of the time sensitive nature of this provision in the Act and because of the need to protect public peace, health, safety and welfare, it is appropriate that this Ordinance be adopted as an emergency Ordinance, effective immediately upon passage of the Ordinance.

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

1. That Section 5.35.020 of the SeaTac Municipal Code be, and the same hereby is, amended to read follows:

5.35.020 General provisions.

Each of the following are hereby declared to be unlawful within the City:

A. For any person to offer for sale, at retail or wholesale, or to sell, at retail or wholesale, any fireworks without having first obtained a permit or license to do so;

B. For any person to sell, possess, use or explode any fireworks except as provided in this chapter;

C. For any person to sell, at retail or wholesale, or offer for sale, at retail or wholesale, any fireworks to be sold within the City at any time, including on December 31 and January 1, except from 9:00 a.m. to 9:00 p.m. on the 4th of July of any year;

D. For any person to use, discharge or explode any fireworks in a negligent or reckless manner, or during a period other than from 9:00 a.m. to 11:00 p.m. on the 4th of July of any year.

For the purposes of this section, "negligent manner" means in a manner which endangers or is likely to endanger persons or property.

For the purposes of this section "reckless manner" means in a manner with willful and wanton disregard for the safety of persons or property.

E. For the purposes of this section "during a period other than from 9:00 a.m. to 11:00 p.m. on the 4th of July of any year" includes on December 31 and January 1, so as to provide that no fireworks may be sold, purchased, used and/or discharged on December 31 and January 1;

F. For any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, fireworks to any person under the age of sixteen (16) years of age. It shall be the responsibility of any seller of fireworks to obtain and/or require proof of age of any customer at the time of purchase, which proof requirement may be satisfied by inspecting the customer's valid Washington State Photo Driver's License or valid Washington State Photo Identification Card or the equivalent thereof issued by another state or jurisdiction;

~~F~~G. For any person under the age of sixteen (16) years of age to possess or to discharge any fireworks within the City without direct supervision of an adult. (Ord. 93-1020 ' 1)

2. That the City Council finds that the immediacy of this Ordinance is necessary for the preservation of public peace, health, safety and welfare, and declares that this Ordinance is an emergency Ordinance to be in full force and effect immediately upon passage of the Ordinance.

ADOPTED this 13th day of June, 1995, and signed in authentication

thereof on this 13th day of June, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1015

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 9.05.062 of the SeaTac Municipal Code relating to the penalty for violation of disabled parking spaces

WHEREAS, the current provisions of the SeaTac Municipal Code provide for a penalty of fifty dollars ($50.00) per violation for parking in violation of disabled handicap parking space restrictions pursuant to the provisions of RCW 46.16.381; and,

WHEREAS, the penalty was recently changed by the Washington State Legislature in its adoption of ESB 5873, during the 1995 regular legislative session, from fifty dollars ($50.00) per violation to one hundred and seventy-five dollars ($175.00) per violation; and,

WHEREAS, in keeping with the City's adoption of RCW 46.16.381, as a part of the Model Traffic Ordinance, it would be appropriate for the City to amend the language of Section 9.05.062 of the City Code to likewise provide for the penalty indicated in the recent legislative amendment.

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

1. That Section 9.05.062 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

9.05.062 Penalty for violation of disabled parking spaces.

The following provisions are adopted relative to the provisions of RCW 46.16.381, as referenced in the MTO; the penalty for violation of RCW 46.16.381, unauthorized use of disabled parking spaces, shall be ~~fifty~~ one hundred seventy-five dollars (~~$50.00~~ 175.00) per violation. (Ord. 94-1037 ' 1; Ord. 93-1011 ' 2)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 27th day of June, 1995, and signed in authentication

thereof on this 27th day of June, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections: 15.10.120, 15.10.125, 15.10.370, 15.10.380, 15.10.610(609), 15.10.631, 15.10.670(668), 15.10.675, 15.11.040, 15.11.080, 15.12.020, 15.12.030, 15.12.040, 15.12.050, 15.12.060, 15.12.070, 15.13.010, 15.13.030, 15.13.120, 15.14.020, 15.14.060, 15.15.030, 15.16.030, 15.16.040, 15.24.020, 15.24.035, 15.24.040, 15.24.050, and 15.24.070 of the SeaTac Municipal Code, and deleting the existing Section 15.13.110 of the SeaTac Municipal Code, and creating new sections to the SeaTac Municipal Code including Sections 15.10.047, 15.10.083, 15.10.092, 15.10.112, 15.10.247, 15.10.297, 15.10.324, 15.10.362, 15.10.364, 15.10.398, 15.10.556, 15.10.610, 15.10.638, 15.10.660,15.10.669, 15.10.670, 15.11.095, 15.11.115, 15.12.090, 15.13.107, 15.13.110 and 15.15.055 of the SeaTac Municipal Code, relating to updating and amending the zoning code of the City of SeaTac.

WHEREAS, since the adoption of the initial zoning code of the City of SeaTac, through Ordinance No. 92-1041, the City of SeaTac has also adopted a city-wide comprehensive plan, and has further identified zoning issues within the City; and,

WHEREAS, in order to better meet the needs of the City and to provide a zoning code that is responsive to the needs of the City, the zoning code needs to undergo periodic review and amendment; and,

WHEREAS, in connection with the review the zoning code, certain classifications, land uses and standards have been identified as needing definition and greater clarity; and,

WHEREAS, the Planning Commission of the City of SeaTac has completed a thorough review of the zoning code and its amendment needs, and has held public hearings for the purposes of soliciting public comment regarding zoning code changes, and the Planning Commission has recommended certain changes to the City Council for amendment to the City's zoning code.

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

1. That Section 15.10.120 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.10.120 Communication Facility, Major

A communication facility for transmission and reception of UHF and VHF television signals, ~~or~~ FM and AM radio signals, ~~to a regional area for the benefit of many,~~ cellular radio signals, and signals through FM translators or boosters.

2. That Section 15.10.125 of the SeaTac Municipal Code be and the same hereby is amended to read as follows

15.10.125 Communication Facility, Minor

A communication facility for the transmission and reception of~~:~~ Ham radio signals. ~~Ham radio stations;~~

~~Cellular radio signals;~~

~~Signals through FM translators or boosters.~~

3. That Section 15.10.370 of the SeaTac Municipal Code be and the same hereby is amended to read as follows

15.10.370 Lot Area

The total horizontal area within the boundary lines of a lot, including access easements; however, the area contained in ~~access easements,~~ tracts, or panhandles shall not be included in the lot area for any plats over two lots. ~~Within short plats creating only two lots and with a flag lot configuration, the access easement may be included in the Lot Area calculation.~~

4. That Section 15.10.380 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.10.380 Lot Lines

The property lines that establish the boundaries of buildable lots.

(1) Front.

Interior Lot. The boundary that abuts the street right-of-way

Corner Lot. ~~The boundary~~ Those boundaries that abut~~s~~ a public right-of-way. ~~the lowest arterial designation. If there is no designated arterial abutting the property, the Director of Planning and Community Development shall determine the front lot line prior to the time of permit issuance.~~ For properties not abutting any public right-of-ways, the front lot line shall be determined pursuant to Section 15.13.035 of the SMC.

(2) Rear.

The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farthest removed from the front line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

(3) Side. All lot lines which do not qualify as a rear or front lot line.

5. That Section 15.10.610 of the SeaTac Municipal Code is amended and renumbered to be 15.10.609 of the SeaTac Municipal Code, to read as follows:

~~5.10.610~~ 15.10.609 Site.

One or more contiguous legal lots used as the basis upon which the provisions and standards of this code are applied. (Ord. 92-1041 ' 1)

6. That Section 15.10.631 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.10.631 Structure

Anything which is built ~~on~~ or constructed (above or below grade), an edifice of building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner, excluding benches, statuary, utility boxes/lights, light poles, minor utility apertures, planter boxes less than forty-two (42) inches in height, and fences seventy-two (72) inches or under in height.

7. That Section 15.10.675 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.10.675 Wetland edge.

The line delineating the outer edge of a wetland established by using the ~~*Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, January 10, 1989, jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the U.S. Soil Conservation Service~~ *1987 U.S. Army Corps of Engineers Wetlands Delineation Manual* in conjunction with the *Washington Regional Guidance on the 1987 Wetland Delineation Manual* dated May 23, 1994.

8. That Section 15.10.670 of the SeaTac Municipal Code is amended and renumbered to be 15.10.668 of the SeaTac Municipal Code, to read as follows:

~~15.10.670~~ 15.10.668 Use.

An activity or purpose for which land, premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased. (Ord. 92-1041 ' 1)

9. That Section 15.11.040 of the SeaTac Municipal Code be and the same is hereby amended to read as follows:

15.11.040 AIRPORT USE ZONE (AU)

The purpose of this ~~zone is to establish areas for government services, agency facilities (airport and related uses) and related businesses~~ zoning designation is to provide for the Seattle-Tacoma International Airport, and for various airport-related facilities, operations, businesses and activities that support airport operations. (Ord. 92-1041 ' 1)

10. That Section 15.11.080 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.11.080 URBAN HIGH DENSITY ZONE (UH)

The purpose of this zone is to create a high density multi-family housing environment that encourages and, when possible, utilizes High Capacity Transit modes and allows for a limited amount of small resident-oriented businesses, while ensuring an adequate balance of single-family to multi-family housing in the City of SeaTac. This is accomplished by requiring

adequate public facilities and services be in place to support a high density level, encouraging clustering and zero lot-line developments with some neighborhood business support, allowing school and church uses, and establishing incentives for greater open space, recreational facilities, and potential linkage to High Capacity Transit modes.

11. That Section 15.12.020 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

12. That Section 15.12.030 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "B" attached hereto and incorporated herein by this reference.

13. That Section 15.12.040 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "C" attached hereto and incorporated herein by this reference.

14. That Section 15.12.050 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "D" attached hereto and incorporated herein by this reference.

15. That Section 15.12.060 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "E" attached hereto and incorporated herein by this reference.

16. That Section 15.12.070 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "F" attached hereto and incorporated herein by this reference.

17. That Section 15.13.010 of the SeaTac Municipal Code is amended to reflect the language and provisions set forth in Exhibit "G" attached hereto and incorporated herein by this reference.

18. That Section 15.13.030 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.13.030 Yard Setbacks.

A. Front Yard. The front yard shall be that portion of the property fronting a ~~major or minor residential arterial~~ public street. All other lot front yards shall be determined pursuant to Section 15.13.035 of the SMC. ~~by the Director of Planning and Community Development or his~~

~~designee.~~

B. Corner lots shall have a ~~twenty (20) foot~~ front yard setback on all street frontages. ~~All other building setbacks shall be five (5) feet.~~ For corner lots, all yards not fronting a public street shall be considered side yards for purposes of setback and landscaping standards.

C. Side Yard. The side yard setback shall be measured from the lot lines that are parallel to each other and perpendicular to the front and rear lot lines.

D. Rear Yard. The rear yard setback shall be measured from the lot line that is parallel to the front lot lines.

19. That Section 15.13.120 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.13.120 Livestock Standards.

~~All livestock, excluding horse/equine animals, shall be permitted only within the UR (Urban Reserve) Classification with a minimum of a one-half (1/2) acre and in compliance with the health/board checklist (Section 15.28.070E.3) and license pursuant to Section 15.28.070F.~~ Within the UL (Urban Low) land use classification, livestock which are kept as part of a school project or program by a public or private school located within the City shall be allowed on the school property so long as such animals are not kept in such a number or in such a manner as to pose a threat to public health, safety or welfare.

20. That Section 15.14.020 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.14.020 Authority and application.

A. The provisions of this chapter shall apply to:

1. All new developments on vacant land requiring building permits or change of use permit; and

2. When the gross floor area (gfa) of a building/complex expands beyond 20% of the total existing gfa, the current landscape standards shall be applicable and integrated into the redevelopment.

B. The following uses are exempt from the provisions of this chapter.

1. Single family dwellings,

2. Residential accessory uses, and

3. Subdivisions and short subdivisions in regard to perimeter and street landscape proportions only.

C. Where the width of a required landscape strip exceeds the normally required setback of a zone or specific use, the required setback shall be increased to accommodate the full

width of the required landscaping ~~strip~~, with the following exception:

The front yard landscape strip requirement shall not apply to uses in the Urban High-Urban Center Residential (UH-UCR) zoning category, Community Business zoning category in the Urban Center (CB-C), or Office/Commercial Medium (O/CM) zoning category.

If the normal required landscaping is reduced through this exception, fifty (50) percent of said landscaping shall be installed elsewhere on the site and street trees shall be planted within the public right-of-way in locations and amounts to be determined by the City Manager or designee.

D. When an existing building precludes installation of the total width of required landscaping, the landscaping shall be installed to the extent possible and the remaining required landscaping shall be installed elsewhere on the site to provide the best possible screening.

E. Other Standards Applicable - Except as specified in this Section of the Zoning Code, all other relevant standards and requirements in this Code shall apply. (Ord. 92-1041 ' 1)

21. That Section 15.14.060 of the SeaTac Municipal Code is amended to provide that the land use health club shall have street frontage of IV/10 feet, building facade of IV/5 feet, side/rear yards of III/5 feet, side slash rear buffer of I/10 feet (res) and parking landscape -yes; the retail food shop land use shall have street frontage of IV/10 feet, building facade of IV/5 feet, side/rear yards of III/5 feet, side/rear buffer I/10 feet (res) and parking lot landscape - yes; the tavern land use shall have street frontage of IV/10 feet, building facade of IV/5 feet, side/rear yards of III/5 feet, side/ rear buffer for ... I/10 feet (res), and parking lot landscape - yes; and the Laundromat land use shall have street frontage of IV/10 feet, building facade of IV/5 feet, side/rear yards of III/5 feet, side/rear buffer I/10 feet (res) and parking lot landscape - yes; the new land use of commercial marine supplies shall have street frontage of IV/10 feet, building facade of IV/5 feet, side/rear yards of III/V feet, side/rear yards I/10 feet, and parking lot landscape - yes; that the biomedical product facility land use shall have street frontage of II/20 feet, building facade of IV/5 feet, side/rear yards of II/5 feet, side/ rear buffer for ... I/20 feet (res), and parking lot landscape - yes; that the single-family attached dwelling unit land use be added with no landscape requirements in all categories; that the mobile home land use be added with no required landscaping in all categories; that college/university shall have street frontage of IV/10 feet, building facade of IV/5 feet, side/rear yards of IV/10 feet, side/rear buffer, no requirements, and parking landscape - yes; that beauty salon shall have street frontage of III/10 ft., building facade of IV/5 ft., side/rear yards of II/5 ft., side/rear buffer I/10 ft. (res), and parking lot landscape - yes; that other retail uses shall have street frontage of III/10 ft., building facade of IV/5 ft., side/rear yards of II/5 ft., side/rear buffer I/10 ft. (res), and parking lot landscape - yes; that off-site hazardous waste treatment and storage facilities shall have street frontage of IV/10 ft., building facade of IV/5ft., side/rear yards of II/5 ft., side/rear buffer of I/10 ft. and parking lot landscape - yes; and that the landscape standards for "nursing facility" and "government facility" land uses shall be deleted.

22. That Section 15.15.030 of the SeaTac Municipal Code be, and the same hereby is amended to reflect that the minimum number of spaces required for the health club land use shall be 1

per 150 square feet of leasable space; for the retail food shop land use, 1 per the 250 square feet of leasable space: for the tavern land use, 1 per 250 square feet of leasable space: and for the Laundromat land use, 1 per 250 square feet of leasable space. That the Section is also changed to reflect, with respect to auto rental/sales land use No. 93, off-street parking requirements shall be 1 per 300 square feet, plus 1 per employee, plus a minimum of 3,000 square feet of display area, and the parking requirements for the beauty salon land use No. 125 shall be 1 per 200 square feet of gross floor area; and the parking requirements for other retail uses land use No. 126 shall be 1 per 250 square feet of gross floor area, and the parking requirements for the espresso stand land use shall be 1 per 150 square feet of gross square area, plus three (3) stacking spaces with drive-thru and the parking requirements for the commercial marine supply shall be 1 per 1,000 square feet of gross floor area, plus one (1) space per employee, and the parking requirements for the biomedical product facility land use shall be 1 per 500 square feet of gross floor area, plus one (1) space per employee, and that parking requirements for single attached dwelling unit land use No. 001A shall be 2 per dwelling unit and that parking requirements for mobile home land use No. 006A shall be 2 per dwelling unit, and that parking requirements for college/university land use No. 059 shall be 1 per employee, .7 per student, and that parking requirements for off-site hazardous waste treatment and storage facilities land use No. 152 shall be 1 per employee, plus 1 per 500 square feet of building and that parking requirements for warehouse/storage land use No. 089 shall be changed to 1 per 250 square feet of office, plus 1 per 3500 square feet of storage areas, and that the parking requirements for "nursing facility" and "governmental facility" land uses shall be deleted..

23. That Section 15.16.030 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.16.030 Commercial/office/industrial zone classification signs.

A. General.

1. In general, signs should be scaled to the building to which the sign is related. Accordingly, the following sections contain regulations on the area, number and height of signs which are a function of the size of the building to which the sign is related.

2. Each enterprise in a multiple building complex in an applicable business district which is composed of single and/or multiple occupancy buildings shall be permitted the primary signs described in subsections ~~B through~~ C and D of this section, and have the ability to combine their signage needs into a single monument/freestanding sign not to exceed eighty-five (85) square feet in area and fifteen (15) feet in height.

3. Each enterprise shall display and maintain on-premises street address number identification.

4. A multiple occupancy building complex encompassing at least five (5) acres may display one (1) complex identification sign along each right-of-way which provides direct access to the complex.

B. Business District Standards. The following standards regulate signs in the NB, CB, O/CM, I, and AU zones.

1. Monument and Freestanding Signs. Any monument or freestanding sign must be "integrated," that is, all elements of the sign must be incorporated in a single design. Auxiliary projections or

attachments not a part of a single design are prohibited. Monuments and freestanding signs may be illuminated through internal and external illumination. Internal or external illumination shall not create glare on adjacent traffic corridors. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager~~, Director of Planning and Community Development~~ or ~~his~~ designee prior to issuance of a sign permit.

a. Setbacks:

Interior lots

Five (5) feet from the front property line.

Ten (10) feet from the side property lines.

Corner lots

Five (5) feet from all property lines.

Sign projections shall not obstruct any access points as required in Section 15.13.100 of the Code.

b. Maximum Height: Fifteen (15) feet.

c. Maximum Surface Area: Eighty-five (85) feet per face.

2. Building-Mounted Signs, Parapet and Canopy-Mounted Signs. The surface area of any building-mounted sign and parapet or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Surface Area Maximum Sign

of Facade Surface Area

Less than 100 sf 30 sf

100 - 199 sf 35 sf + 11% of facade area over 100 sf

200 - 499 sf 40 sf + 12% of facade area over 200 sf

500 - 999 sf 80 sf + 11% of facade area over 500 sf

1000 - 1499 sf 10% of facade

1500 - 2999 sf 10% of facade

3000 sf or greater 10% of facade

Additionally, the following conditions apply:

a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. The sign displayed by the tenant or user must be located on the facade that was

used to determine the size of the sign, except as provided in this section.

b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building if:

i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area that is directly related to the tenant.

ii. The display of a sign on that facade by the secondary sign user will not create a significant adverse impact on dependent sign users of that facade.

iii. The display of a secondary sign is necessary to reasonably identify and locate the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

c. Sign Height - Parapet Signs. The height of any wall/canopy sign or parapet sign shall not extend above the highest exterior wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.

d. Any building-mounted sign shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

e. Any building-mounted signs shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and principal product and/or service information.

f. All parapet and canopy signs must be manufactured in such a way that they appear to be a part of the building itself.

g. All roof and canopy signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.

C. Number of Primary Signs. A business may not have more than one (1) monument/ freestanding sign and the facade related signs shall be limited by the surface area of the building facade.

D. Buildings on More than One (1) Street. Buildings facing more than one (1) street are entitled to a bonus in primary signing.

Building on Intersecting Streets. When a building is located on intersecting streets, two (2) monument signs are permitted if they are located on two (2) different streets and are separated more than one hundred (100) feet measured in a straight line between signs. Otherwise, only one (1) monument sign is permitted, and must meet the setback limitation under subsection B of this section.

E. Incidental Signs. Incidental signs (Section 15.16.020(11)) are not included in the number of primary signs so long as the individual signs do not exceed nine (9) square feet in surface area.

F. Directional Signs. Directional signs shall not exceed nine (9) square feet in surface area and may be located only on the premises to which the sign is intended to guide or direct pedestrian

or vehicular traffic. Off-premises directional signs may be approved through a variance process described in Section 15.16.160, when the applicant has demonstrated that his premises are located such that on-premises, directional signs are inadequate to reasonably apprise the public of the location of the premises. (Ord. 95-1012 ' 1; Ord. 93-1036 ' 12; Ord. 92-1041 ' 1)

24. That Section 15.16.040 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.16.040 Multi-family residential zone classification signs.

A. General. This section applies to multiple family buildings in the UM and UH zone classifications and commercial/office businesses in the UH zone classification. It additionally encompasses churches and school facilities located within the UL, UM and UH zone classifications.

B. Setback Limitations.

1. The following limits shall apply:

a. Setback. Five (5) feet from the property line.

b. Maximum Sign Height. Fifteen (15) feet.

c. Maximum Surface Area. Thirty-five (35) square feet for multifamily uses. Sixty (60) square feet for commercial/office uses fronting on a minor, or collector arterial street as defined within the City of SeaTac Comprehensive Plan. Eighty-five (85) square feet for commercial/office uses fronting on a primary arterial street as defined in the City of SeaTac Comprehensive Plan.

2. Facade Limitations, Building-Mounted Signs, Canopy-Mounted Signs. The surface area of any building-mounted sign or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Surface Area Maximum Sign

of Facade Surface Area

Below 100 sf 21 sf

100-199 sf 21 sf + 9% of facade area over 100 sf

200-499 sf 30 sf + 10% of facade area over 200 sf

500-999 sf 60 sf + 9% of facade area over 500 sf

1000 sf or greater 10% of facade

In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by the tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same

multiple occupancy building, if:

a. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area.

b. The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade.

c. The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

3. Sign Height - Parapet Signs. The height of any such sign shall not exceed the height of the building to which it is attached.

4. Limitations. Any monument or building-mounted signs located in these zone classifications shall be limited in content and message to identify the building and name of the firm, or the major enterprise, and the principal service or product of the business without references to prices or the characteristics of the product of service offered.

C. Number of Signs. In the UM, UH zone classifications, no more than one (1) primary sign is permitted per street frontage. Buildings or building complexes on street corner locations may utilize monument signs only if they are located on two (2) different streets and are separated more than one hundred (100) feet, measured in a straight line between the signs.

Buildings or building complexes which extend a block to face on two (2) parallel streets are permitted two (2) primary signs on each street, only one (1) of which may be monument for each street.

For purposes of determining the limit on the number of signs for apartments, a single apartment complex, regardless of the number of buildings, shall be considered one (1) building.

D. Types and Placement of Primary Signs. The permissible types of primary signs, their placement and other limitations are as follows:

1. Monument/Freestanding Signs.

a. Monument/freestanding signs shall set back five (5) feet from adjacent property boundaries.

b. Any monument sign must be "integrated (that is, all elements of the sign must be incorporated in a single design). Auxiliary projections or attachments not a part of a single design are prohibited.

2. Building-Mounted Signs.

a. Any building-mounted sign shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

b. Any building-mounted signs shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and principal product and/or service

information. Advertising shall not be permitted.

3. Signs or portions of signs indicating premises for rent (e.g. "Apartment for Rent," "Apartment Available," "Vacancy," "Now Renting," etc.) shall not exceed a surface area of six (6) square feet.

4. The illumination of any sign in these classifications shall be from a source other than the sign itself, and this indirect source of illumination shall be shaded, shielded, directed or reduced so that it is not visible from a public street or adjoining residential property.

5. Incidental Signs. In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in Paragraph E of Section 15.16.030 ~~F~~ of this code. Signs advertising premises for rent are considered primary signs, not incidental (subsection D.3 of this section).

6. Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification. (Ord. 92-1041 ' 1)

25. That Section 15.24.020 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.24.020 Permitted Locations of Residential Density Incentives.

Residential density incentives (RDI) shall be used only on sites served by public sewers and public water and only in the:

A. UL, UM, UH, and MHP zones; or

B. CB, O/CM, and ABC when part of a mixed use development that includes a residential component.

26. That Section 15.24.035 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.24.035 Permitted Locations of Commercial Density Incentives.

Commercial Density Incentives (CDI) shall be used only on sites served by public sewers and public water and only in the:

A. CB and ABC zones; or

B. I and BP zones when part of a mixed use development.

27. That Section 15.24.040 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.24.040 Public Benefits and Density Incentives.

A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection ~~D~~ C. of this Section. For residential developments the density incentive is expressed as bonus dwelling units (or fractions of dwelling units) earned per level of public benefit provided. For commercial or industrial projects, the incentive is expressed as an increase in the allowed lot coverage, or a reduction in the required landscaping/parking.

B. Residential development in the UL, UM, and UH zones with property specific development standards pursuant to Code Chapter 15.18, which require any public benefit enumerated in this chapter, shall be eligible to earn bonus dwelling units set forth in subsection ~~D~~ C. of this Section by complying with the property-specified standards when the public benefits provided exceed the basic development standards of this title. If the basic standards are modified through the application of a special district overlay, bonus points may be earned if the development provides public benefits exceeding corresponding standards of the special district overlay.

C. The following are the public benefits eligible to earn density incentives or reduced development standards through RDI/CDI review:

[No changes to the subsection C tables are suggested, except under ECONOMIC DEVELOPMENT, as shown below:]

BENEFIT		DENSITY INCENTIVE
ECONOMIC DEVELOPMENT		
	A. Creation of a pedestrian-oriented core/frontage that incorporates an element of High Capacity Transit (HCT) or the Personal Regional/Rapid Transit (PRT).	Any one or a combination of the three noted benefits qualifies for: 15% increase in site density/coverage and a 10% reduction in required parking spaces.
	B. Orientation of buildings to street frontage with parking to the rear or side	

	of the development site, <u>if not otherwise required.</u> C. Construction of a HCT/PRT component that will benefit the site and the City's transportation infrastructure.	

28. That Section 15.24.050 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.24.050 Rules for Calculating Total Permitted Dwelling Units/<u>Increased Site Coverage</u>.

A. The total dwelling units permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwelling units permitted by the base density of the site in accordance with Chapter 15.13.

2. Calculate the total number of bonus dwelling units earned by providing public benefits listed in 15.24.040.~~D~~ <u>C</u>.

3. Add the number of bonus dwelling units earned to the number of the dwelling units permitted by the base density.

4. Round fractional dwelling units to the nearest whole number; .49 or fewer dwelling units are rounded down.

5. Notwithstanding the number of bonus units earned, the maximum density of the RDI development site shall not exceed 130% of the site's basic density. On sites with more than one (1) zone or zone density, the maximum density shall be calculated for the site area in each individual zone. Bonus units may be allocated within the zones in the same manner as set forth in base units in 15.13.

B. The formulas for calculating the total number of dwelling units/increased site coverage permitted through RDI/CDI review is as follows:

1. Site Base Density Units + Bonus Density Units = Total Residential Density Units

2. Site Coverage Allowed + Bonus Site Density Coverage = Total % Site Coverage

29. That Section 15.24.070 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.24.070 Tree Retention, Landscaping, and Other Development Standards.

A. Any RDI development in the ~~UL and~~ UM, UH, CB and ABC zones which is made up of 75% or more townhouse and apartment dwellings shall provide perimeter landscaping and tree retention in accordance with the standards of Chapter 15.14 for townhouse and apartment projects.

B. Landscaping standards for apartment dwellings in RDI developments in the UL or UM zones which contain less than 75% townhouse and apartment dwellings shall have the standards in Chapter 15.14 modified as follows:

1. The perimeter and parking area landscaping requirements for townhouses and apartments shall apply only to the portion or portions of the project containing apartment dwellings;

2. Tree retention requirements of Chapter 15.14 for townhouses and apartments shall apply only to lots containing apartments; and

3. The width of the landscaping required around each townhouse or apartment building may be reduced by 80% if the dwellings are in individual buildings of no more than four (4) units, each of which is at least two hundred (200) feet apart and not located on the site perimeter.

C. RDI site shall meet the lot coverage, impervious surface, building height limits, and other dimensional requirements of the zone with the base density most clearly comparable to the total approved density. Fractional densities shall be rounded to the nearest whole number (.49 or less are rounded down) to determine which dimensional requirements apply.

30. That a new Section 15.10.047 of the SeaTac Municipal Code be and the same hereby is created to read as follows:

15.10.047 Airport Terminal Facilities

The complex of buildings, parking garages, and associated structures and improvements which provide access, activities, and facilities for the use, support, and convenience of the traveling public and other airport users and employees. Airport terminal facilities are generally located in proximity to each other, with reasonable pedestrian access among them.

31. That a new Section 15.10.297 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.083 Biomedical Product Facility

An entity, business, or establishment that is involved in the design, development, assembly and/or manufacture of products developed specifically for the diagnosis, treatment or correction of medical disorders. Products produced by a Biomedical Product Facility include pharmaceuticals, implants or prostheses.

32. That a new Section 15.10.092 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.092 Building

A structure that is designed to provide a place of business, residence or shelter to occupants. For the purposes of setback standards, it does not include minor utility structures, light poles, utility boxes, benches, signs, bus shelter, security gatehouses, ticket booths or other similar structures.

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33. That a new Section 15.10.112 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.112 Commercial Marine Supplies

A business that provides for retail/wholesale purchase of supplies related to commercial marine activities, not to include the retail sales of boats.

34. That a new Section 15.10.247 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.247 Espresso Stand

A walk-up or auto-oriented (Drive-Thru) business that dispenses hot and/or cold beverage.

35. That a new Section 15.10.297 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.297 Habitable Space

Is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas alone, are not considered habitable space.

36. That a new Section 15.10.324 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.324 Health Club

Facilities offering the use of exercise equipment for public use, and services such as, but not limited to, expertise and instruction for fitness training and aerobics classes. Does not include massage or other medically related services.

37. That a new Section 15.10.362 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.362 Laundromat

A commercial establishment offering self-serve and assisted laundry facilities for public use.

38. That a new Section 15.10.364 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.364 Livestock

Domesticated animals, such as horse, cows, goats, sheep, swine and fowl.

39. That a new Section 15.10.398 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.398 Maximum Yard Setback

The maximum distance from a property line that the edge of a building may be placed.

40. That a new Section 15.10.556 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.556 Retail Food Shop

Small, resident-oriented food shops selling goods, such as baked goods, coffee, and assorted sundries. Baked goods for sale on premises, but not for wider distribution, can be prepared on-site.

41. That a new Section 15.10.610 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.610 Small, Resident-Oriented Uses

Those commercial uses that are geared to primarily serve local residents within a 1/2 mile radius of its location, do not exceed 2,000 square feet in total gross feet, and will not have any significant impacts, such as excessive traffic or noise, that would negatively impact surrounding residential properties."

42. That a new Section 15.10.638 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.638 Tavern

A commercial establishment licensed to sell alcoholic beverages for consumption on premises. Such establishments also usually offer food for on-site consumption, which may be prepackaged or prepared on premises.

43. That a new Section 15.10.660 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.660 Urban Center

An area of the City of SeaTac that is delineated on the City of SeaTac Official Zoning Map

44. That a new Section 15.10.669 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.669 Utility Use

Facilities serving local areas including power lines, water and sewer lines, storm drainage facilities, transformers, pump stations and hydrants, switching boxes and other structures generally located in public rights-of-way or dedicated easements.

45. That a new Section 15.10.670 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.670 Utility Substation

Moderate to large scale facilities serving a sub-area, entire city or region including power substations, water transmission lines, wireless base stations, sewer collectors and pump stations, switching stations, gas transmission lines, water storage tanks and reservoirs and similar structures.

46. That a new Section 15.11.095 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.11.095 OFFICE/COMMERCIAL MEDIUM (O/CM)

The purpose of this zone is to create a commercial mixed-use medium density designation. This is accomplished by allowing professional offices, a multitude of retailing types, personal

services and smaller hotels, restaurants and coffee shops. Developers will be encouraged to mix uses. Mid-rise apartments or mixed residential-commercial or office- residential developments shall also be encouraged in this designation. Structured parking shall be encouraged where feasible.

47. That a new Section 15.11.115 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.11.115 BUSINESS PARK (BP)

The purpose of this zone is to provide a wide range of non-polluting business activities. The Business Park designation allows for light and high technological industries, such as biotechnology, non-polluting light manufacturing, computer technology and communications equipment establishments. Land uses with any significant adverse impacts (such as excessive noise levels, or emitting significant quantities of dirt, dust, odor, radiation, glare or other pollutants) shall be strictly prohibited. Design and development standards for Business Park areas will be administered to foster high quality developments.

48. That a new Section 15.12.090 of the SeaTac Municipal Code be and the same hereby is created to illustrate the "Free Trade" Zone on Port property which is set forth in Exhibit "H" attached hereto and incorporated herein by this reference.

49. That a new Section 15.13.107 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.13.107 - **MIXED USE IN RESIDENTIAL PROJECTS.**

In order to create a street environment that facilitates pedestrian activity and convenience, ground floor space in residential mixed use projects shall be used for pedestrian-oriented retail, service, or commercial uses such as those specified below.

1. Retail: Retail uses such as retail food shops, groceries, drug stores, florists, apparel and specialty shops, and other retail uses that are not specifically auto oriented in scale or nature.

2. Services: Personal, professional, financial, insurance and real estate services, such as beauty salons, dry cleaners, shoe repair shops, banks, health and social services, libraries, health clubs.

3. Commercial: Hotels, and general offices.

50. That section 15.13.110 of the SeaTac Municipal Code, Aviation Business Center Standards, be and is hereby deleted and a new section 15.13.110 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.13.110 Special Standards for the CB-C, ABC, UH-UCR and O/CM Zones.

The following special standards are intended to promote integrated development and pedestrian-oriented design within the highest intensity/density areas of the City.

A. Standards Common to the CB-C, ABC, UH-UCR and O/CM Zones.

The following standards will apply to properties zoned Community Business that are located in the Urban Center (CB-C) as defined in Section 15.10.660 and delineated on the City of SeaTac Official Zoning Map, and to all properties zoned Aviation Business Center (ABC), Office/Commercial Medium (O/CM), and Urban High - Urban Center Residential (UH-UCR).

1. Sign Standards. In addition to sign standards of Chapter 15.16 for commercial or multi-family residential zones, the following special sign standard shall apply: for buildings with less than a 5' setback, awnings shall be allowed to extend 2' into the sidewalk areas of fully improved street rights-of-way. Awnings shall be constructed at a height that does not hamper pedestrian traffic (minimum height of 8' and a maximum height of 12'.)

2. Maximum Lot Coverage

Lot coverage standards as stated in the zone standards chart (15.13.010), subject to the following restrictions and incentives:

a. Landscaping required by the code may not be counted toward the open space requirement;

b. Land dedicated to the City without compensation for public rights-of-way and public transit may be included in calculating total land area for the purpose of determining maximum lot coverage;

c. Upon finding that the request for lot coverage bonuses meet the purpose of the zone, the Planning Commission shall recommend to the City Council whether or not to accept the benefit option. The benefit options include the following:

1) Park Fund. A lot coverage bonus up to 3% may be granted upon contribution of $5,000 per acre of land developed. For the purpose of this bonus, per acre of land shall be determined as total parcel area minus any portions of the property that may be constrained due to wetlands, steep slopes, etc. Land may be dedicated to the City for the purpose of parks and/or open space in lieu of payment. Payments may be phased over a five (5) year period with a 10% surcharge on all phased payments. Proof of payment or method of payment must be approved prior to the issuance of a building permit. Funds will be administered by the Department of Planning and Community Development and must be spent on projects consistent with an adopted City Parks and Recreation Plan.

2) Child Care. A lot coverage bonus up to 5% may be granted for development which provides child care facilities for employees. The facility shall be available to all employees of the development in conformance with the State Department of Social and Health Services requirements. A cooperatively managed child care facility established and run by employees is allowed.

3) Art Exhibit Area. A lot coverage bonus of 1% may be granted for each one thousand (1,000) square feet designated for an outdoor art exhibit. A minimum of two thousand (2,000) square feet for exhibiting art must be granted in order to use this option. A maximum bonus of 3% may be established upon recommendation by the Planning Commission. The art exhibit areas must be established in building and site plans that are submitted for permits. The art exhibit must be easily accessible to the general public.

4) Transit Center. A lot coverage bonus up to 10% may be granted for property dedicated for a transit center. Land donated shall be transferred to and accepted by the local agency and transit operator who will be responsible for development of the transit center site. Proof of an acceptable site must be furnished at the time of submittal of the permit applications. Land area dedicated may be included to determine the maximum lot coverage for the development.

5) Structured Parking. A lot coverage bonus up to 5% may be granted for projects that include a parking structure with a minimum of 275 stalls.

6) Mobile Home Relocation Assistance. A lot coverage bonus up to 10% shall be granted for redevelopment projects that provide relocation assistance to residents of mobile home parks consistent with an approved relocation plan. The City shall include any lot coverage bonus as part of an approved relocation plan.

3. Urban Design

a. Buildings shall accentuate the natural topography and preserve important view corridors where appropriate;

b. New utility distribution lines shall be located underground, with the exception of high voltage electrical transmission lines.

c. All business signs shall be an integral part of and architecturally similar to the architectural design of the development, and shall be reviewed in the site plan.

d. Circulation

The following circulation standards apply to all parcels in the CB-C, ABC, UH-UCR and O/CM zones, and are especially relevant to large parcels within these zones.

1) Adjacent developments shall link open space;

2) Pedestrian and bicycle pathways shall be integral features of the development. These pathways shall be designed to tie together different businesses. The pedestrian and bicycle pathways shall be separate from the internal roadway system. Where possible, the pedestrian and bicycle pathways shall connect to off-site pedestrian and bicycle systems;

3) Access points to surrounding arterial streets shall be designed and developed to minimize traffic congestion and potentially hazardous turning movements. Access points and street intersections should be designed in such a way as to not inhibit pedestrian activity;

4) An internal circulation plan shall be encouraged to assure smooth pedestrian and vehicular traffic flow in and between developments. Access and internal circulation shall be approved by the Public Works Department;

5) To promote public transit use, paved walkways and adequate lighting shall be provided between buildings and the nearest transit stop. Paved, covered passenger waiting areas with good visibility shall be provided at all transit stop locations. Development should be sited to enhance pedestrian access between buildings and transit service. Efforts shall be made to orient buildings toward transit stops and approaches rather than parking lots.

4. Parking Standards

In addition to the parking standards established under Section 15.15, the following parking standards shall apply:

a. No parking shall be located between the building and the front property line. On corner lots, no parking shall be located between the building and either of the two front property lines. If a parcel abuts more than two streets, no parking shall be located between the building and the front property line abutting the two streets with the highest roadway classification.

b. The joint use of driveways and parking shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between the properties.

5. Additional Development Conditions.

a. In order to reduce the use of Single occupancy vehicles, a Transportation Demand Management (TDM) program shall be created and established based on a transportation study's findings and/or as determined by the City Manager, or designee. At a minimum, the property owner shall provide vanpool/carpool loading and parking facilities contained within the parking and circulation plan.

b. A Solid Waste Management Program to reduce solid waste generation and to recycle waste shall be established prior to development. During site plan review, the program shall be reviewed by the Public Works Department for consistency with City policies and other regulatory requirements. The City, if requested, will provide technical assistance to the applicant in developing such a program. At a minimum, this program shall include:

1) An in-house recycling program;

2) An on-site collection program for recyclable material;

c. Additional development conditions may be imposed as mitigating measures on developments as part of the SEPA, site plan review, and rezone process.

6. Other Standards Applicable

Except as specified in this Section of the Zoning Code, all other relevant standards and requirements in this Code shall apply.

B. Standards Applicable to the CB-C, UH-UCR and O/CM Zones.

Unless otherwise stated, the following standards will apply to properties zoned Community Business that are located in the Urban Center (CB-C) as defined in Section 15.10.660 and delineated on the City of SeaTac Official Zoning Map. and to all properties zoned Office/Commercial Medium (O/CM), and Urban High - Urban Center Residential (UH-UCR).

1. Maximum Front Yard Setback. The following maximum setback standard will apply

to properties zoned CB-C, O/CM and UH-UCR.

a. In addition to the minimum front yard setback specified in Section 15.13.010, a maximum front yard setback of ten feet (10') shall be applied to new development and major redevelopment. A maximum front yard setback of 10' shall mean that the edge of the primary building shall be located no further than 10' from the property line. If a building abuts more than two streets, the setback will apply to two streets only; the setback will apply to the two streets with the highest roadway classification.

b. Exceptions to the maximum building setback shall be granted for:

1) auto sales, and other outdoor sales;

2) site designs, approved by the City Manager or designee, that are intended to enhance pedestrian convenience and activity.

2. Landscaping. Except as otherwise provided in this subsection, landscaping shall be required in conformance with Section 15.14 of the SeaTac Municipal Code.

a. Alternative Landscaping on street frontages in the CB-C, O/CM and UH-UCR zones. In order to create a building-sidewalk relationship that promotes pedestrian access and activity, the following landscaping standard will apply to the street frontages of properties zoned CB-C, O/CM, and UH-UCR. Where the building setback is smaller than the width of the street frontage landscaping normally required for a use per Section 15.14.060:

The width of the street frontage landscaping shall be reduced to correspond with the building setback; and the following alternative landscaping shall be required:

1) 50% of the amount of landscaping normally required along the street frontage shall be placed into plazas, roof-top gardens, and other pedestrian amenities (such as restrooms) accessible to the public during business hours. Additionally, street trees shall be planted within the public right-of-way in locations and amounts to be determined by the City Manager or designee.

2) A percentage of the street frontage landscaping requirements will be waived for placing parking underground. Excluding the requirement for street trees, up to a maximum of 80% of the alternative landscaping will be waived, on a percentage-by-percentage basis, for placing parking underground (e.g. placing 75% of the site's required parking underground would meet 75% of the square footage portion of the alternative landscaping requirement.)

b. Bufferyard Requirements in the ABC zone. Bufferyard requirements shall be as stated in 15.14.060 except as follows:

In the ABC zone, Type III landscaping, fifteen (15) feet wide berm to conceal service areas, backs of buildings, and parking areas from street level view.

3. Parking. The following minimum parking standard will apply to the UH-UCR zone. The minimum parking spaces required for residential units in the UH-UCR zone is one (1) space per dwelling unit. Exceptions to the minimum parking standards for "small, resident-oriented uses" may be granted in accordance with Section 15.15.055 of this code. Visitor parking will be requirement in the amount of one (1) space per every three (3) dwelling units.

4. Uses not Allowed. The following uses will not be allowed on CB-C properties.

023 Golf Course # 087 Truck Terminal

089 Warehouse/Storage # 025 Drive-in Theater

088 Airport Support Facility # 133 Textile Mill

5. Other Standards Applicable

Except as specified in this Section of the Zoning Code, all other relevant standards and requirements in this Code shall apply.

51. That a new Section 15.13.111 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.13.111 - BUSINESS PARK STANDARDS

A. Uses Permitted

Uses permitted in the Business Park zone shall be those uses as listed under Section 15.12 of the Zoning Code under the BP (Business Park) column, provided, that the use conforms with the following requirements, (excluding reasonable construction activity).

1. Does not emit significant quantities of dust, dirt, cinders, smoke, gases, fumes, odors or vapors into the atmosphere.

2. Does not emit any liquid or solid wastes or other matter into any stream, river, or other waterway.

3. Does not emit radiation or discharges glare or heat, or emits electromagnetic, microwave, ultrasonic, laser or other radiation levels over what is considered safe by the FCC.

4. Does not emit radiation or discharges glare or heat, or emits electromagnetic, microwave, ultrasonic, laser or other radiation levels that would adversely impact electronic equipment of residences or businesses outside of the boundaries of the property the business is located.

5. Does not use heavy trucking as a principal use such as truck terminals or heavy truck repair.

6. Does not produce excessive noise or ground vibration perceptible without instruments at any point exterior to any lot.

7. Does not utilize open storage as a major component of the business. Incidental outside storage may be allowed upon approval of the City Manager or designee and shall be screened pursuant with paragraph K.3. of this section.

B. Bufferyard Requirements shall be as follows:

1. Type I landscaping of twenty (20') feet wide when adjacent to residential uses.

2. Type II landscaping of twenty (20') feet wide fronting rights-of-way.

C. Landscaping

Except as required under Paragraph B and Paragraph K. 4. b. of this Section, landscaping shall be required in conformance with the requirements of Section 15.14 of the SeaTac Municipal Code.

D. Building Height

The maximum building height shall be consistent with the Federal Aviation Administration regulations.

E. Minimum Lot Size

To encourage large projects, a minimum lot size of five (5) acres is required.

1. The development shall relate open space and pedestrian facilities to other developments within the same and adjoining street blocks.

2. Projects of less than Five (5) acres may be approved by City Council after review and recommendation by the Planning Commission. Approval shall be based upon a determination that the project is consistent with the purpose of the Zone.

F. Maximum Impervious Surface Coverage

A maximum of 75% impervious surfaces shall be allowed per site. Impervious surfaces are defined as "Roads, streets, sidewalks and other paved areas, buildings (excluding overhangs), decks, terraces, and patios, incidental outside storage or any other material that would prevent water from percolating into the ground as if under natural conditions." Required landscaping may be counted as pervious surfaces.

G. Designs Standards

All new development shall conform with the following design standards.

1. Off-sets of a minimum of 10 feet in the building facade facing a right-of-way if the facade is more than 50 feet in length.

2. Earth tone colors shall be used on all exterior building surfaces.

3. Non-reflective glass shall be used for all development. It shall be the responsibility of the applicant and/or the property owner to provide the City documentation as to the non-reflectibility of the glass.

4. All outdoor lighting fixtures shall be screened to prevent glare from being visible from residential properties and from rights-of-way. It shall be the responsibility of the applicant and/or the property owner to provide the documentation of how the outdoor lighting will be screened.

5. Loading bays shall not be oriented towards or visible from residential properties or adjacent rights-of-way.

6. Roof top mechanical equipment shall be screened with materials in the same architectural character of the structure.

7. Prefabricated pre-engineered metal buildings shall not be permitted. Metal building components may be incorporated as an exterior finish provided that the components fit the overall design concept for the structure.

H. Vehicular Access

1. Shared vehicular access to lots shall be required to reduce impervious surfaces and the number of access points.

2. Access points for each property shall be limited to no more that two (2) locations to public rights-of-way. Corner lots shall be limited to two (2) access points. Additional access points may be permitted by the City Manager or designee upon review of the site and its traffic conditions.

3. Preferential location of vanpool, carpool, or other ride-sharing vehicle parking spaces shall be given in respect to building entries. These spaces shall be identified through appropriate markings and/or signs.

I. Parking Areas - Off street parking shall conform to the requirements of Section 15.16 of the SeaTac Municipal Code.

J. Signs (Project Identification Signs)

1. Signs may be attached to the building or monument signs. No pole or freestanding signs shall be permitted.

2. Tenant identification signs shall be located near entries to the building and shall be in scale with the design of the building and entryway.

3. Only one monument sign per street frontage of the development shall be allowed.

4. Monument signs displaying the tenants names shall be limited to 85 square feet per face and 15' feet in height.

5. All signage shall be setback a minimum of five (5') from any right-of-way with the exception that if the signage is 42" in height or less, a one (1') foot setback will be allowed.

6. Signs may be internally or externally illuminated. If signs are externally illuminated, the applicant and/or property owner shall provide documentation showing that the exterior illumination does not create glare on residential properties, adjacent rights-of-way, or adjacent properties.

K. Screening of Outdoor Storage Areas, Dumpsters, and Loading Bays

1. All Dumpsters shall be screened with material in the same architectural style of the building on the property. Dumpsters shall be screened from all residential areas, rights-of-way or adjacent properties.

2. The applicant and/or property owner shall submit written approval from the sanitation company to the City that any dumpster location provided for any development proposal

is accessible by the sanitation company.

3. The incidental storage of all outside materials shall be screened from all residential properties, rights-of-way, or adjacent property. The type of screening shall be in the same architectural character of the building on the property.

4. Loading bays shall be screened from residential properties or adjacent right-of-ways using one of, or a combination of, the following methods.

a. Using building design and layout to screen the loading bays.

b. A 20' Type I landscaped buffer backed by a decorative fence, approved by the City, of a minimum height of six (6') feet.

52. That a new Section 15.15.055 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.15.055 Exception for Small, Resident-Oriented Uses

The amount of off-street parking required by section 15.15.030 may be reduced by the City Manager or designee, for uses meeting the definition of "small, resident-oriented uses," provided:

A. The amount of the reduction shall not exceed fifty (50) percent of each use.

B. If a use changes to one not meeting the definition of "small, resident-oriented uses," then the affected property owners shall provide the full amount of off-street parking required by section 15.15.030 within sixty (60) days of such change in use.

53. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 11th day of July, 1995, and signed in authentication thereof on this 11th day of July, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

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ORDINANCE NO. 95-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending the zoning map of the City, and providing for the City-wide rezone of property within the City to conform to the City of SeaTac Comprehensive Plan

WHEREAS, after the incorporation of the City of SeaTac, the City of SeaTac developed and implemented, through its zoning code, certain provisions for identification of zoning regulations, zoning districts and development standards to be operative within the City of SeaTac; and,

WHEREAS, in conjunction with the development of the zoning code of the City, a zoning map was likewise developed, and officially adopted by Ordinance, identifying various regions and properties in the City, and identifying the zoning districts into which the property fell; and,

WHEREAS, subsequent to the adoption of the City's zoning code and zoning map, and pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac concluded and in depth study of the various elements of the City and developed a City-wide comprehensive plan, which was likewise adopted by Ordinance; and,

WHEREAS, in light of the provisions of the City of SeaTac Comprehensive Plan, it was appropriate that certain parcels and pieces of property within the City would be re-zoned to conform more closely to the comprehensive plan; and,

WHEREAS, because the re-zone of the properties who sought to take advantage of this opportunity to conform to the comprehensive plan are doing so at the request of the City, was appropriate for the City to work with these property owners to facilitate the rezone of their property and to waive fees that would otherwise be involved in annexation requests; and,

WHEREAS, in connection with the City-wide rezone program, public hearings were held by the City of SeaTac Planning Commission at which hearings all members of the public, including property owners seeking rezones were permitted to speak and address the issue of rezones; and,

WHEREAS, after the public hearings and further study by the Planning Commission, a list property subject of the City-wide rezone has been compiled, identifying the property to be rezoned and the change of zoning which is being requested.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN, as a non-codified ordinance, as follows:

1. That the parcels of property shown on the map attached hereto, marked as Exhibit "A", incorporated herein by this reference, be and the same hereby are re-zoned as indicated on said attached Exhibit "A", the original of which shall be on file with the office of the City Clerk.

2. That the zoning map of the City is amended to reflect the changes provided in paragraph 1 hereof, so that the zoning map of the City is as shown on the map attached hereto, marked as Exhibit "B" and incorporated herein by this reference, the original of which shall be on file with the office of the City Clerk.

3. That any person who applied for a rezone of his/her property and whose rezone request was not approved shall not have to pay a fee in connection with another request to rezone the same property if that rezone request is received by the City within twelve (12) months of the date of this Ordinance.

4. That a copy of this Ordinance shall be filed with County Assessor's Office, King County, State of Washington.

5. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 11th day of July, 1995, and signed in authentication thereof on this 11th day of July, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

OORDINANCE NO. 95-1018

AN ORDINANCE of the City Council of the City of SeaTac, Washington creating a new Chapter 5.40 of the SeaTac Municipal Code, relating to the regulations of sexually-oriented businesses as defined herein, providing for the licensing of such businesses, further providing standards of conduct and operation, including the regulation of certain physical features of adult cabarets, and establishing misdemeanors offenses and penalties for the violation of such regulations, as more particularly set forth herein, and repealing Sections 5.30.070, 5.30.080, 5.30.090, 5.30.100, 5.30.110, 5.30.120, 5.30.130, 5.30.140, 5.30.150, 5.30.160, 5.30.165, 5.30.170, 5.30.180, 5.30.190, 5.30.200 and 5.30.900 of the SeaTac Municipal Code

WHEREAS, the City of SeaTac is an urban residential community and a non-charter code city under the constitution and statutes of the State of Washington, incorporated February 28, 1990, with a population of approximately 22,800 residents living in approximately nine square miles; and,

WHEREAS, the Seattle-Tacoma International, the largest airport in the Pacific Northwest, is located in the middle of the City, with the airport and the commercial and industrial airport related properties adjacent to the airport being in close proximity to and surrounding the City's residential properties; and,

WHEREAS, since the City's incorporation, it struggled with the dilemma of addressing the adult entertainment influences and the need to protect and preserve the community standards of its residents, particularly in light of the unique circumstances existing in the City of having an airport and airport related commercial and industrial property surrounded by residential properties; and,

WHEREAS, in order to determine the appropriate method of addressing adult entertainment in the City, and to incorporate the adult entertainment land use in the City's zoning ordinances, and in a city-wide comprehensive plan, the City Council directed its Planning Commission to hold Public Hearings, and study these issues; and,

WHEREAS, in an effort to develop a comprehensive plan, identifying appropriate locations for adult entertainment businesses, and to fully and fairly recognize the factors and interests involved, the Planning Commission held numerous public meetings and/or public hearings on 1/11/93, 1/25/93, 2/8/93, 2/22/93, 4/5/93, 4/19/93, 5/3/93, 11/15/93, 10/10/94, 10/26/94, 11/2/94, 11/14/94, 11/30/94 and 12/7/94 to receive information, consider and hear comments and testimony on adult entertainment issues, hearing from members of the City police services and legal/prosecution staff, and from members of the public, including representatives from the business community and residents of the residential neighborhoods of the City, with the public hearing of 11/30/94 being specifically for the purpose of receiving comments, statements and input from police, prosecutors and members of the public on adult entertainment; and,

WHEREAS, included in the information received at the 11/30/94 public hearing, were descriptions of police and prosecution experiences in the City of SeaTac related to adult entertainment; and,

WHEREAS, the City further takes notice of and specifically relies upon the experiences of and studies utilized by other cities and counties in combating the specific adverse impacts of sexually-oriented businesses including nude and semi-nude dancing; and,

WHEREAS, the City of SeaTac City Council finds that sexually-oriented businesses have historically led to an increase in prostitution, sexually transmitted disease, drug and alcohol offenses and other criminal activity; and,

WHEREAS, the City finds a compelling need to protect all citizens, but especially minors from criminal and unlawful activities and impacts associated with sexually oriented businesses; and,

WHEREAS, sexually-oriented businesses sometimes are fronts for criminal activity and for or operated by persons associated with organized criminal activities and the need to scrutinize such businesses and their operators is thereby enhanced; and,

WHEREAS, the law enforcement resources available for responding to problems associated with or created by sexually-oriented businesses are limited and are best conserved by regulating and licensing sexually-oriented businesses and those associated with them; and,

WHEREAS, based on public comment and testimony, and on other information presented on this subject to the Planning Commission and to the City Council Committees and to the City Council, the City Council has determined that there are deleterious secondary effects of sexually-oriented businesses that can be minimized through the adoption of specific licensing and premises operational requirements that are narrowly tailored to alleviate those harmful effects; and,

WHEREAS, based upon the information gathered by the Planning Commission, and the City Council, including studies testimonial information presented to the City Council, the City Council finds the adoption of licensing and operational regulations on sexually-oriented business land uses to be necessary to minimize contact with children, and thus minimize contact with churches, parks, schools, libraries, day care facilities, community youth centers and residential areas for the preservation and protection of the quality of life and neighborhoods, commercial districts and for the health, safety and welfare of its citizens; and

WHEREAS, the activities defined herein are detrimental to the public health, safety, morals, and general welfare of the citizens of SeaTac, and therefore such activities must be regulated as provided herein; and,

WHEREAS, there are sufficient important and substantial government interests to provide a constitutional basis for reasonable regulation of time, place, and manner under which sexually-oriented businesses can operate; and,

WHEREAS, it is appropriate and necessary for the City Council to adopt comprehensive regulations of sexually-oriented businesses, so as to substantially enhance its ability to protect its citizens from the public nuisance resulting from the identified public health and safety dangers created and exacerbated by sexually-oriented businesses; and,

WHEREAS, regulation of sexually-oriented business through permitting and or/licensing is further necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred; and,

WHEREAS, the history of criminal activity in sexually-oriented business has included prostitution, narcotics and liquor law violations, breaches of the peace, and the presence within the industry of organized crime through individuals with hidden ownership interests and outstanding arrest warrants; and,

WHEREAS, it is necessary to have a licensed manager on the premises of sexually-oriented businesses so there will, at all necessary times, be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees; and,

WHEREAS, the evidence supporting the need to protect minors from the criminal and other unlawful activities associated with the operation of sexually-oriented businesses is compelling; and,

WHEREAS, the provisions of this ordinance are necessary to ensure that sexually-oriented uses in SeaTac are conducted in a manner consistent with the legitimate governmental interests of the City, and conducted at a reasonable distance away from residential neighborhoods and from places where minors regularly gather; and,

WHEREAS, it is not the intent of this ordinance to unreasonably suppress any speech activities protected by the First Amendment or Article 1, Section 5 of the Washington State Constitution, but to enact regulations which address the secondary effects of sexually-oriented businesses, as well as the health problems associated with such businesses; and,

WHEREAS, the concern over sexually-transmitted diseases is a legitimate health concern of the City which further demands reasonable regulation of sexually-oriented businesses in order to protect the health and well-being of the citizens; and,

WHEREAS, on the 11th day of July, 1995, the City Council heard public comment from any and all persons wishing

to speak to matters relating to the subject matter of this ordinance; and,

WHEREAS, because of the significant and important concerns for public peace, health, safety and welfare addressed in this Ordinance, this Ordinance should be an emergency Ordinance, becoming effective immediately upon adoption.

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

1. That a new Chapter 5.40 of the SeaTac Municipal Code is created to read as follows:

Chapter 5.40

ADULT ENTERTAINMENT

5.40.010 Purpose and Intent.

It is the purpose of this chapter to regulate sexually-oriented businesses and related activities to promote health, safety, morals, and general welfare of the citizens of the City of SeaTac, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually-oriented businesses within the City. It is not the intent of the City that it should be the purpose or effect of this Chapter to impose a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent of the City that it should be the effect of this Chapter to restrict or deny access by adults to sexually-oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually-oriented material to their intended market. Neither is it the intent of the City that it should be the purpose or effect of this Chapter to condone or legitimize the distribution of obscene materials.

5.40.020 Findings.

Based upon a wide range of evidence presented to the SeaTac City Council and to other jurisdictions, including but not limited to the testimony of law enforcement officers and members of public, and on other evidence, information, publications, articles, studies, documents, case law and material submitted to and reviewed and considered by the City Council and staff, the councils of other cities within the region and in other jurisdictions, nonprofit organizations and other legislative bodies, the City Council makes the following findings:

A. Certain conduct occurring on premises offering sexually-oriented business creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the City, and therefore such conduct must be regulated as provided herein.

B. Regulation of the sexually-oriented business industry through permitting and/or licensing is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred.

C. It is necessary to license entertainers in the sexually-oriented industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

D. The evidence supporting the need to protect minors and families from the criminal and other unlawful activities associated with the operation of sexually-oriented businesses is compelling. The provisions of this Chapter are necessary to ensure that sexually-oriented uses in SeaTac are conducted a reasonable distance away from places where minors regularly gather, often in large numbers.

E. It is necessary to have a licensed manager on the premises of sexually-oriented businesses at such times as such establishments are offering sexually-oriented business so there will, at all necessary times, be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.

F. The license fees required herein are nominal fees imposed as necessary cost recoupment measures designed to help defray the substantial expenses incurred by the City in regulating the sexually-oriented businesses, and in increased police costs in enforcement.

G. Enterprises providing sexually-oriented businesses are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity. Such businesses are currently not subject to effective regulation and constitute an immediate threat to the public peace, health and safety. The hours of operation of such businesses have a significant impact on the occurrence of illegal drug transactions, and other criminal activities.

H. Due to the information presented regarding the connection of prostitution with sexually-oriented businesses, there is concern over sexually-transmitted diseases which is a legitimate health concern of the City and thus requires regulation of sexually-oriented businesses in order to protect the health, safety and well-being of the public.

I. Many cities, including Seattle and Tacoma, have experienced negative secondary impacts from sexually-oriented business land uses. The skid row effect is one of these secondary impacts and is evident in certain parts of Seattle. Such an effect would be significantly magnified in SeaTac due to the difference in size and characteristics of the City.

J. The City of SeaTac may rely on the experiences and studies of other cities, counties and organizations in assessing the need for regulation of sexually-oriented business use, operations and licensing.

K. The City takes notice of studies and experiences of other cities and counties in combating the specific adverse impacts of sexually-oriented businesses.

L. Regulation of sexually-oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than in response to an existing problem.

M. Increased levels of criminal activities occur in the vicinity of sexually-oriented businesses. Additionally, hidden ownership interests for the purpose of skimming profits, avoiding payment of taxes, and racketeering have historically occurred in sexually oriented businesses, in the absence of regulations.

N. The City Council therefore finds that the protection and the preservation of the public health, safety and welfare requires establishment of this Chapter.

O. There are sufficient important and substantial government interests to provide a constitutional basis for reasonable regulation of time, place, and manner under which sexually-oriented businesses can operate.

P. It is not the intent of this Chapter to unconstitutionally suppress any speech activities protected by the First Amendment of the United States Constitution nor Article 1, Section 5 of the Washington State Constitution, but to enact content neutral ordinances which address the secondary effects of sexually-oriented businesses, as well as the health problems associated with such businesses.

Q. In a family community, sexually-oriented businesses are not uniformly compatible with community standards, as defined during the numerous public hearings.

R. The law enforcement resources available for responding to problems associated with or created by sexually-oriented businesses are limited and are best conserved by regulating and licensing sexually-oriented businesses and those associated with them.

S. In order to assure that all conditions, regulations, etc. are met, the City has established a reasonable time period for review of license applications.

5.40.030 Definitions.

For the purposes of this Chapter, certain terms and words are defined as follows:

A. "Sexually-oriented business" shall mean those businesses defined as follows:

1. ADULT ARCADE: "Adult Arcade" shall mean an establishment containing any individual viewing areas or booths, where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of specified sexual activities or specified anatomical areas.

2. ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: "Adult bookstore", "adult novelty store", or "adult video store" shall mean a commercial establishment which has 30% or more of its inventory or floor space used for the sale or rental, for any form of consideration, any one or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations or sexually oriented paraphernalia or novelty items, which are characterized by the depiction, description or reproduction of specified sexual activities or specified anatomical areas; or

b. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting, describing or reproducing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as 30% or more of its inventory or floor space is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

c. Video stores that sell and/or rent video tapes or other photographic reproductions and associated equipment shall come within this definition if 30% or more of the inventory or floor space includes the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction, description or reproduction of specified sexual activities or specified anatomical areas.

3. ADULT CABARET: "Adult cabaret" shall mean a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features: 1) persons who appear semi-nude or nude; or 2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

4. ADULT MOTEL: means a hotel, motel, or similar commercial establishment:

a. Which offers sleeping accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

b. Which offers a sleeping room for rent for a rental fee period of time that is less than twenty (20) hours; or

c. Which allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty (20) hours.

5. ADULT MOTION PICTURE THEATER: "Adult motion picture theater" shall mean a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are shown for any form of consideration.

6. ADULT THEATER: "Adult theater" shall mean a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, features persons who appear live in a semi-nude or nude state, or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

7. ESCORT AGENCY: "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as its business purpose for a fee, tip, or other consideration. This shall not include any escort service offered by a charity or non-profit organization for medical assistance or assistance to the elderly or infirm.

8. NUDE OR SEMI-NUDE MODEL STUDIO: "Nude or semi-nude model studio" shall mean any place where a person, who appears nude or semi-nude, or displays specified anatomical areas, is provided for money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

B. BARKER: "Barker" shall mean any person who is located at the entrance of or outside of a sexually oriented business, and attempts to solicit business for the same by using voice, or gestures.

C. CITY: "City" means the City of SeaTac, Washington.

D. DIRECTOR: "Director" means the City Manager, or designee.

E. EMPLOYEE: "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any sexually-oriented business of live entertainment, adult theater, or adult use establishments, whether or not such person is paid compensation by the operator of said business.

F. ENTERTAINER: "Entertainer" means any person who provides sexually-oriented live entertainment in an adult cabaret or adult theater, whether or not they are an employee of the business and whether or not a fee is charged or accepted for such entertainment, and whether or not nude, semi-nude or clothed.

G. MANAGER:, "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of a sexually oriented business.

H. ESCORT: "Escort" means a person who, provides services for an escort service as defined herein, who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person

I. ESTABLISHMENT: "Establishment" shall mean and include any of the following:

1. The opening or commencement of any sexually-oriented business as a new business; or

2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented businesses defined herein; or

3. The addition of any of the sexually-oriented businesses defined herein to any other existing sexually-oriented business; or

4. The relocation of any such sexually-oriented business; or

5. An existing sexually-oriented business.

J. NUDE OR STATE OF NUDITY: "Nude or State of Nudity" shall mean the appearance or less than complete and opaque covering of the human anus, male genitals, female genitals, or the areola or nipple of the female breast.

K. OPERATOR: "Operator" shall mean and include the owner, significant stockholder or significant owner of interest, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

L. PERMITTED OR LICENSED PREMISES: "Permitted and/or Licensed Premises" shall mean any premises that requires a license and/or permit and that is classified as a sexually-oriented business.

M. PERMITTEE AND/OR LICENSEE: "Permittee and/or Licensee" shall mean a person in whose name a permit and/or license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

N. PERSON: "Person" shall mean any individual, firm, joint venture, co-partnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

O. SEMI-NUDE: "Semi-Nude" shall mean a state of dress in which clothing completely and opaquely covers no more than the genitals, pubic region, and areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

P. SPECIFIED ANATOMICAL AREAS: "Specified anatomical areas" shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, anus, or areola of the female breasts or any artificial depiction of the same; or

2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Q. SPECIFIED CRIMINAL ACTIVITIES: "Specified criminal activities" shall mean any conviction for acts which are sexual crimes against children, sexual abuse, rape, or distribution of obscenity or erotic material to minors, prostitution, pandering, or racketeering.

R. SPECIFIED SEXUAL ACTIVITY: "Specified sexual activity" shall mean and include any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

3. Masturbation, actual or simulated; or

4. Human genitals or artificial depictions of the same in a state of sexual stimulation, arousal or tumescence; or

5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this subsection.

S. SEXUALLY-ORIENTED LIVE ENTERTAINMENT: "Sexually-oriented live entertainment" means a live performance which is characterized by the performer's exposure of specified anatomical areas or performance of specified sexual activities.

T. OBSCENITY: "Obscenity" shall mean the definition of lewd material provided by RCW 7.48.050, including any matter:

1. which the average person applying contemporary community standards would find when considered as a whole, appeals to the prurient interests in sex; or

2. which explicitly depicts or describes patently-offensive representations or descriptions of:

a. ultimate sexual acts, normal or perverted, actual or simulated; or

b. masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibitions of the genital or genital areas; or

c. violent or destructive sexual acts, including, but not limited to, human and or animal mutilation, dismemberment, rape and or torture; or

d. has a dominant theme which appeals to the prurient interests of minors and sex; which is patently offensive because it affronts contemporary community standards relating the description of representation of sexual matters or sadomasochistic abuse; and

3. which when considered as a whole lacks serious, literary, artistic, political or scientific value.

U. TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY-ORIENTED BUSINESS: "Transfer of Ownership or Control" of a sexually-oriented business" shall mean and include any of the following:

1. The sale, lease, or sublease of the business; or

2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

3 The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

5.40.040 Prohibition.

For the reasons stated in the recitals and in Section 5.40.010 and 5.40.020 of the Code, a person shall not use any property or premises for a sexually-oriented business within the City of SeaTac, except as permitted in this Chapter.

5.40.050 Regulated uses.

All sexually-oriented businesses are subject to the provisions of Section 5.40.040 of the Code and the regulations contained in this Chapter.

5.40.060 Sexually-oriented business permit required.

A. No sexually-oriented business shall be permitted to operate without a valid sexually-oriented business permit, issued by the City for the particular type of business. It shall be unlawful and a person commits a misdemeanor if he/she operates, knowingly allows or causes to be operated a sexually-oriented business without said permit.

B. The City Manager or designee, is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually-oriented business permits and related licenses. The City Manager, along with the Building Official and/or his/her/their designee(s) are responsible for ascertaining whether a proposed sexually-oriented business for which a permit and/or license is being applied for complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this Chapter.

C. An application for a sexually-oriented business permit shall be made on a form provided by the City. Each person desiring to operate a sexually-oriented business shall file with the City Director of Finance or designee an application supplied by the City.

D. The completed application shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:

a. An individual/sole proprietor, the individual/owner shall state his/her legal name and any aliases, stage names, or previous names, date of birth, social security number and submit satisfactory proof that he/she is eighteen (18) years of age or older.

b. A partnership, the partnership shall state its complete name, and the legal names of all partners, including their dates of birth, social security numbers, and submit satisfactory proof that each is eighteen (18) years of age and whether the partnership is general or limited, and a copy of the partnership agreement, if any.

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of Washington, the legal names, dates of birth, social security numbers, proof that each is eighteen (18) years of age or older and the capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, and the address of the registered office for service of process.

d. As a part of the application process, each officer, director, or principal stockholder, as defined above, shall provide the City Director of Finance or designee with an affidavit attesting to their identity and relationship to the corporation. Principal stockholder shall mean those persons who own ten percent (10%) or greater interest in the sexually-oriented business.

2. Whether the applicant or any other individuals listed pursuant to Subsections D1, (a), (b) and (c) of this Section within a four (4) year period immediately preceding the date of the application has been convicted of a specified criminal activity and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

3. Whether the applicant or any of the other individuals listed pursuant to this Section has, within the last four (4) years, had a previous permit or license under this Chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually-oriented business for which the permit or license was denied, suspended, or revoked, the entity denying the same, as well as the date of the denial, suspension, or revocation.

4. Whether the applicant or any other entity listed pursuant to this Section holds any other permits and/or licenses under this Chapter or any other Chapter of the City Code, or other similar sexually-oriented business license from another city or county, and, if so, the names and locations of such other permitted businesses.

5. The single classification of permit for which the applicant is filing.

6. The location of the proposed sexually-oriented business, including a legal description of the property, street address, and telephone number(s), if any.

7. The applicant's mailing address and residential address.

8. The applicant or each corporate applicant's driver's license number, Social Security Number, and or his/her state or federally issued tax identification number.

9. Each application shall be accompanied by a complete set of fingerprints of each person required to be a party to the application, including all corporate applicants as defined above, utilizing fingerprint forms as prescribed by the Chief of Police or his/her designee.

10. In the case of all sexually-oriented businesses, a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be professionally prepared and accepted by the City, and it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

11. Applicants for a permit and/or license under this Chapter shall have a continuing duty to promptly supplement application information required in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change by supplementing the application on file with the City Finance Department, shall be grounds for suspension of a permit and/or license.

12. In the event the City Manager or designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually-oriented business permit or license, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application).

13. The applicant must be qualified according to the provisions of this Section, must have a current City business license, and the premises must be inspected and found to be in compliance with all health, fire, and building codes applicable in the City.

14. The applicant shall be required to pay a preliminary non-refundable processing fee established by resolution at the time of filing an application under this Section. Note: This is a processing fee. License fees shall also be required in the event the application is approved.

15. The fact that a person possesses other types of State or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually-oriented business permit.

16. The application form for licenses and permits issued under this Chapter shall contain a provision providing that under penalty of perjury the applicant verifies that the information contained therein is true to the best of his/her knowledge.

17. Attached to the license shall be a one and one half inch by two inch (12" x 2") color photographs of the

applicant, including corporate applicants, showing the full face of the same, taken by the City, at a charge of two dollars ($2.00), to be paid by the applicant at the time of the application. The license, when issued, shall have affixed to it the photograph of the applicant.

5.40.070 Investigation and application.

A. Upon receipt of an application properly filed with the City Director of Finance or designee, and upon payment of the non-refundable processing fee, the City Manager or designee shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the various departments of the City or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the application and the proposed sexually-oriented business. Said Investigation shall be completed within twenty (20) working days of receipt of the application by the City Director of Finance or designee, unless circumstances support extending the same. If so, the City shall inform the applicant of the same and why. At the conclusion of its investigation, an appropriate representative of each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, forward it to the City Director of Finance or designee, and in the event that the department or agency recommendation is for disapproval, the specific reasons for the recommendation shall be stated, citing applicable laws, regulations and reasons.

B. A department or agency shall recommend disapproval of an application if it finds that the proposed sexually-oriented business will be in violation of any provision of any statute, code, ordinance, regulation, or other law in effect in the City, or if the applicant does not meet the conditions as specified in this Chapter. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the City Director of Finance or designee.

5.40.080 Issuance of permit.

A. The City Manager or designee shall grant or deny an application for a permit within thirty (30) days from the date of its proper filing unless the City or applicant establishes a good reason for an extension.

B. Grant of Application for Permit:

1. The City Manager or designee shall grant the application unless one or more of the criteria set forth in Subsection C below (Denial of Application for Permit) is present.

2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit shall be posted in a conspicuous place, at or near the entrance to the sexually-oriented business so that it can be easily read at any time. It shall be valid for the period of time provided in this chapter.

C. Denial of Application for Permit: The City Manager or designee shall deny the application for any of the following reasons:

1. An applicant is under eighteen (18) years of age or will be employing a person under eighteen (18) years of age.

2. An applicant is overdue on his/her payment to the City of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually-oriented business.

3. An applicant has failed to provide information required by this Chapter, Section 5.40.060 or the application for the issuance of the permit, or has falsely answered a question or request for information on the application form.

4. The applicant has failed to comply with any provision or requirement of this Chapter.

5. The applicant has failed to comply with any City codes or other state or federal regulations or court order.

6. The applicant has been convicted, forfeited bail or otherwise had an adverse finding against him or her for a specified criminal activity within the four years prior to the application date.

5.40.090 Licenses required for sexually oriented businesses - Fees.

A. No sexually-oriented business shall be operated or maintained in the City of SeaTac unless the owner or operator has obtained a sexually-oriented business permit as set forth in this chapter, and the applicable licenses from the City Director of Finance or designee. For adult cabarets the required license shall be the adult cabaret license set forth in subsection B below. It is unlawful for any entertainer, employee, or operator to knowingly work in or about or knowingly perform any service directly related to the operation of an unlicensed adult cabaret business. Any adult cabaret must meet all of the requirements for a sexually-oriented business license as set forth above.

B. The annual fee for an adult cabaret business license shall be established in resolution, in the amount provided as the annual fee for an Adult Entertainment Business License. The amount shall be used for the cost of administration and enforcement of this Chapter.

C. The annual license fee for all other sexually-oriented businesses described in Subsection B above shall be established by resolution, in the amount provided as the annual fee for an Adult Entertainment Business License. The amount shall be used for the cost of administration and enforcement of this Chapter.

D. The above-referenced licenses expire on December 31 of the year of issuance or renewal, and must be renewed by January 1 of the next year.

E. The applicant must be 18 years of age or older.

5.40.100 License for managers and entertainers of sexually-oriented business required - Fee.

A. No person shall work as a manager or entertainer at any sexually-oriented business without having first obtained the appropriate entertainer's or manager's license from the City, as described above. Each such applicant shall not be required to obtain a sexually-oriented business permit, but shall complete an application containing the information identified in Paragraph D, Section 5.40.060 above and the same procedures shall be followed as set forth in Sections 5.40.050, 5.40.060, 5.40.070 and 5.40.080. A non-refundable processing fee established by resolution shall accompany the application.

B. The annual fee for such a license shall be established by resolution, in the amount provided as the annual fee for an Adult Entertainer/Manager License. The amount shall be used for the cost of administration and enforcement of this Chapter.

C. The above-referenced licenses expire one year after the date of issuance or renewal, and must be renewed by the anniversary date of such issuance or renewal.

D. The applicant must be 18 years of age or older and not qualify for denial as set out in Paragraph (B) and (C) of Section 5.40.080 herein.

5.40.110 Licenses for models and escorts.

No person shall work as a model at a nude or semi-nude model studio or as an escort as defined herein without having first obtained a model or escort license from the City Director of Finance or designee.

A. Each such applicant shall not be required to obtain a sexually-oriented business permit, but shall complete an application containing the information identified in Paragraph D, Section 5.40.060 above and the same procedures shall

be followed as set forth in Sections 5.40.050, 5.40.060, 5.40.070 and 5.40.080. A non-refundable processing fee established in resolution shall accompany the application.

B. The annual fee for such a license shall be established in resolution, in the amount provided as the annual fee for an Adult Entertainer/Manager License. The amount shall be used for the cost of administration and enforcement of this Chapter.

C. The above-referenced licenses expire one year after the date of issuance or renewal, and must be renewed by the anniversary date of such issuance or renewal.

D. The applicant must be 18 years of age or older and not qualify for denial pursuant to Section 5.40.080 hereof.

5.40.120 Due date for license fees.

All licenses required in this Chapter must be issued and the applicable fees paid to the City Director of Finance or designee at least fourteen (14) calendar days before commencing work at a sexually-oriented business, and on an annual basis as described above. The sexually-oriented business permit required by Section 5.40.060 above must be renewed/reapplied for yearly and whenever there are changed circumstances as set forth in Subsection (D) (12) of Section 5.40.060. The fee structure for all fees and fines in this Chapter shall be reviewed annually after a renewal has been applied for, to assure that the fees accurately reflect the cost of enforcement and administration of this Chapter.

5.40.130 Manager on premises.

A. A licensed manager shall be on duty at all sexually-oriented business premises at all times, whether the business provides live or other performances.

B. The licensed manager on duty shall not be an entertainer.

C. It shall be the responsibility of the manager to verify that any entertainer who works or appears within the premises possesses a current and valid entertainer's license posted in the manner required by this Chapter.

D. The manager shall not knowingly allow a violation of this code to continue or exist at the facility.

5.40.140 License nontransferable.

No license or permit issued pursuant to this Chapter shall be transferable.

5.40.150 License - Posting and display.

A. Every entertainer, manager, escort or model shall post his/her license in his/her work area so that it is readily available for public inspection.

B. Every person, corporation, partnership, or association licensed under this Chapter shall display its license in a prominent place within the establishment. In the case of adult cabarets, the name of the manager on duty shall be prominently posted during business hours.

5.40.160 Specifications - adult cabarets and adult theaters.

A. SEPARATION OF SEXUALLY-ORIENTED LIVE ENTERTAINMENT PERFORMANCE AREA: The portion of adult cabaret, adult theater or any other premises in which sexually-oriented business live entertainment is performed shall be a stage or platform at least twenty-four (24) inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least six (6) feet from all areas of the premises to which patrons have access. A continuous railing at least three (3) feet in height and located at least six (6) feet from all points of the sexually-oriented live entertainment performance area shall separate the performance area and the patron areas.

B. LIGHTING: Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and so that on any part of the premises which are open to and used by patrons a program, menu, or list printed in 8 point type will be readable by the human eye with 20/20 vision from two feet away.

C. SUBMITTAL OF PLANS: Building plans and lighting calculations showing conformance with the requirements of this Section shall be included with any application for an adult cabaret or adult theater business license. Building plans must be in compliance with all building, planning and other applicable state, local and federal regulations.

5.40.170 Standards of conduct and operation applicable to adult cabarets.

A. STANDARDS FOR PATRONS, EMPLOYEES AND ENTERTAINERS: The following standards of conduct must be adhered to by patrons, entertainers and/or employees of adult cabarets at all times live performances are provided.

1. No employee or entertainer may appear nude on any part of the premises open to view of members of the public, except in the entertainment performance area described in Paragraph A of Section 5.40.160 above. No entertainer may perform anywhere on the premises except in said entertainment performance area.

2. No patron or customer shall go into or upon the sexually-oriented live performance area described in Paragraph A of Section 5.40.160 above.

3. No member of the public, employee or entertainer shall allow, encourage, or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of themselves or another.

4. No member of the public, employee or entertainer shall touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of themselves or another for the purpose of arousing or exciting the sexual desires of either party.

5. No member of the public, employee or entertainer shall allow, encourage, or permit physical contact between an employee or entertainer and any member of the public for the purpose of arousing or exciting the sexual desires of either party.

6. No employee or entertainer shall perform acts of or acts which simulate:

a. Sexual intercourse, masturbation, bestiality, sodomy, oral copulation, flagellation, or any sexual acts the performance of which are prohibited by law; or

b. The touching, caressing, or fondling of the breasts, buttocks, pubic area, or genitals

7. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

8. No entertainer shall be visible from any public place outside the premises during the actual or apparent hours of his/her employment or performance on the premises.

9. No entertainer or other employee employed or otherwise working at an adult cabaret or adult theater shall solicit, demand, accept, or receive any gratuity or other payment directly from a patron, customer, or member of the public. It is provided, however, that gratuities or other payments may be indirectly made to

entertainers or other employees only if such gratuities or other payments are deposited into a common container or receptacle into which all such gratuities on payments are made. Such payments shall be for gratuities only, and not payment for any other services, performances, products, function or items for which a charge or cost is attached.

10. It is unlawful for any entertainer, employee, manager, or wait person to perform more than one such function at an adult cabaret on the same business day.

11. Except as provided in Paragraph A.8, of Section 5.40.170 hereof, no customer or patron of an adult cabaret shall give to an entertainer, either directly or indirectly, or otherwise provide an entertainer with, a gratuity or other payment, except an initial entrance fee or similar fee set out by the premises, and no entertainer shall accept, either directly or indirectly, any gratuity or other payment from a customer or patron of an adult cabaret, except as provided in Paragraph A.8, of Section 5.40.170 hereof.

12. When not performing, entertainers are prohibited from being present in areas of the establishment that are open to the patrons of the establishment. Entertainers are required to use separate restroom facilities.

13. At least two signs, in English, of sufficient size to be readable at twenty (20) feet shall be conspicuously displayed in the public area of the establishment stating the following:

THIS ADULT CABARET OR ADULT THEATER IS REGULATED BY THE CITY OF SEATAC. ENTERTAINERS ARE:

(a) Not permitted to engage in any type of specified sexual activity;

(b) Not permitted to appear nude except on stage;

(c) Not permitted to appear semi-nude or clothed and dance or model, except on stage;

(d) Not permitted to dance or model except on stage;

(e) Not permitted to solicit, demand, accept, or receive directly or indirectly any gratuity or other payment from a patron, except as provided in Paragraph A.8, of Section 5.40.170 hereof.

14. There must be at least one employee not an entertainer on duty and situated in any public area at all times that any patron, member or customer is present inside the premises.

15. Doors to areas on the premises which are available for use by persons other than the owner, manager, operator or their agents or employees may not be locked during business hours.

16. No person may operate or maintain any warning system or device, of any nature or kind, for the purpose of warning or aiding and abetting the warning of patrons, members, customers or any other persons that police officers or health, fire or building inspectors are approaching or have entered the premises.

B. STANDARDS FOR OWNER OR OPERATOR OF ADULT CABARETS OR ADULT THEATERS: At any adult cabaret or adult theater where live performances are provided:

1. Admission must be restricted to persons of the age of eighteen (18) years or more pursuant to RCW 9.68A.150; and the identification of all patrons must be checked by the employees of the premises.

2. Sufficient lighting shall be provided in or about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times, and allows for the reading of a program, menu, or list printed in 8-point type by the human eye with 20/20 vision from two feet away.

3. It is unlawful for any manager to perform more than one such function at an adult cabaret on the same business day, and it is unlawful for any manager to allow or permit any entertainer, employee, manager, or wait person to perform more than one such function at an adult cabaret on the same business day.

4. All prices, costs, charges of any services, performances, products, function or items for which a charge or cost is to be paid shall be listed and identified, in English, on a chart, sign or similar board, of sufficient size to be readable at twenty (20) feet, conspicuously displayed and visible from the entrance area of the establishment.

5. Other than non-obligated gratuities made in accordance with Paragraph A.8, of Section 5.40.170 hereof, all payments made by customers or patrons for any services, performances, products, functions or items provided in the establishment shall be income of the business, and shall be appropriately reflected in the records and books of the business, and shall be subject to sales tax and other applicable taxes of the business.

5.40.180 Regulations

All adult bookstores, adult novelty stores, adult arcades, or adult video stores having facilities for customers' viewing of depictions of human nudity and/or specified sexual activity of any nature, including depictions of specified sexual activities, shall comply with the following regulations:

A. CONSTRUCTION/MAINTENANCE:

1. The viewing areas within the sexually-oriented adult arcade premises shall each be visible from the entrance of the establishment and from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure. As used in this section "viewing area" means the area where a patron or customer would be positioned while watching a film, video or other viewing device.

2. All areas shall be maintained in a clean and sanitary condition at all times with sufficient lighting so that all objects are plainly visible at all times or listed print in 8point type will be readable by the human eye with 20/20 vision from two (2) feet away.

3. Restrooms may not contain video reproduction equipment.

4. No steps or risers are allowed in any adult arcade booth or station.

5. No adult arcade station or booth shall have more than one stool type seat. In order to prevent obscuring the occupant of an adult arcade station or booth from view, no stool for seating within an adult arcade station or booth shall have any seat back or sides.

6. All ventilation devices between the adult arcade booths must be covered by a permanently affixed ventilation cover. Ventilation holes may only be located one foot from the top of the booth walls or one foot from the bottom of the booth walls. There may not be any other holes or openings ("Glory Holes," etc.) in the booths.

7. No person may operate any kind of warning device or system for the purpose of warning or aiding or abetting the warning of any patron, employee or other persons that the police, health, fire or building inspector or other public officials are approaching or entering the premises.

8. The licensee shall not permit any doors to public areas on the premises to be locked during business hours, in violation of the applicable provisions of the SeaTac Building Code, Uniform Fire Code, and National Fire Protection Association Code, or other applicable codes.

9. No person under 18 years of age shall be permitted in such premises. The employees shall check identification of all who enter.

B. UNLAWFUL CONDUCT: The following conduct or activity is unlawful:

1. Masturbation or sexual activity of any kind in viewing booths

2. Two (2) or more customers in a viewing booth at the same time

3. For the owner or manager to knowingly allow any of the disallowed conduct.

4. Non-compliance with any other regulations set forth in this chapter.

C. SIGNS:

1. At least two signs shall be conspicuously and permanently posted on the premises in readable English type from 10 feet away, advising customers using viewing booths that:

a. Masturbation in such booths is prohibited and unlawful.

b. That it is unlawful for more than one (1) customer to occupy a viewing booth at any time.

c. Violations are subject to criminal prosecution.

5.40.190 Other video store regulations.

Video stores that do not fit the definition of a sexually-oriented business as provided above but that sell or otherwise distribute films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and less than 30% of their revenues inventory or floor space includes such items, shall be subject to state regulations, and the following:

A. All such items as are described above shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.

B. No advertising for such items shall be posted or otherwise visible, except where such items are authorized by law for display.

C. Signs, in English, readable at a distance of 20 feet shall be posted at the entrance to the area where such items are displayed stating that persons under the age of eighteen (18) are not allowed access to the area where "erotic" items as defined by state statute and/or court order are displayed.

D. The manager or attendant shall take reasonable steps to monitor the area where such "erotic" items are displayed to ensure that persons under eighteen (18) years of age do not access the age-restricted area.

E. Rental or sale of obscene material (as defined herein) shall be considered a moral nuisance, and subject to abatement pursuant to this Chapter and RCW 7.48.058.

F. Employees of such video stores shall check identification for the age of all persons renting or purchasing such "erotic" items.

G. The store shall not employ anyone under eighteen (18) if the store sells or otherwise distributes films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

5.40.200 Exemptions.

This Chapter shall not be construed to prohibit:

A. A person appearing in a state of nudity or semi-nudity, modeling in a class operated by: a proprietary school, licensed by the State of Washington; a college, junior college, or university supported entirely or partly by taxation; a private college university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or the modeling of clothing or lingerie in a full-service restaurant where no consideration is charged, whether directly or indirectly, specified anatomical areas are opaquely covered and not exposed by the model and the models are not within six (6) feet of any patron of the restaurant.

B. Plays, operas, musicals, or other dramatic works that are not obscene;

C. Classes, seminars, and lectures held for serious scientific or educational purposes that are not obscene; or

D. Exhibitions, performances, expression or dances that are not obscene.

5.40.210 License - Name of business and place of business.

No person granted a permit and/or license pursuant to this Chapter shall operate a sexuallyoriented business under a name not specified in his/her license, nor shall he/she conduct business under any designation or at a location not specified in his/her permit and/or license.

5.40.220 Inspections.

A. All books and records required to be kept pursuant to this Chapter shall be open to inspection by the Chief of Police or designee of the City of SeaTac during the hours when the licensed premises is open for business. The purpose of such inspection shall be to determine if the books and records meet the requirements of this Chapter.

B. The licensed premises shall be (as an implied condition of receiving a sexually-oriented business permit and/or license) open to inspection by the City's Chief of Police, fire or health officials, or their designees during the hours when the sexually-oriented business premises is open for business. The purpose of such inspection shall be to determine if the licensed premises is operated in accordance with the requirements of this Chapter. It is hereby expressly declared that unannounced inspections are necessary to ensure compliance with this Chapter.

5.40.230 Hours of operation.

It is unlawful for any sexually-oriented business premises, except adult motels, to be conducted, operated, or otherwise open to the public between the hours of one a.m. (1:00 a.m.) and four p.m. (4:00 p.m.).

5.40.240 Alcohol prohibited.

Alcoholic beverages are prohibited from being served or present at any business subject to regulation under this Chapter.

5.40.250 Barkers prohibited.

The use of "Barkers" as defined herein by any sexually oriented business, or business offering sexually oriented material, shall be prohibited.

5.40.260 Record keeping requirements.

A. Within thirty (30) days following each calendar quarter, each sexually-oriented business licensee shall file with the City Director of Finance or designee a verified report showing the licensee's gross receipts and amounts paid to entertainers, models, or escorts, if applicable, by quarter for the preceding calendar year.

B. Each sexually-oriented business licensee shall maintain and retain for a period of two (2) years from the date of termination of employment, the names, addresses, social security numbers and ages of all persons employed or otherwise retained as entertainers, models, and escorts by the licensee.

5.40.270 Denial, suspension or revocation of license or permit procedures - Appeal.

A. When the City Manager or designee refuses to grant a license or permit, or revokes the same, the applicant shall be notified in writing of the same, describing the reasons therefore, and shall inform the applicant of his right to appeal to the City Council within ten (10) days of the date of the written notice by filing a written notice of appeal with the City Clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested.

B. Whenever the City Manager or designee has found or determined that any violation or change in circumstances of this Chapter has occurred, s/he shall issue a Notice of Violation and Suspension or Revocation ("Notice") to the licensee or permit holder.

The Notice shall include the following:

1. Name(s) of person(s) involved.

2. Description of the violation(s), including date and Section of this Chapter violated.

3. Description of the administrative action taken.

4. Rights of appeal as set forth above.

The Notice shall be served either personally or by mailing a copy of the Notice by certified mail, postage prepaid, return receipt requested, to the licensee at his or her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting the service, declaring the time, date, and the manner by which service was made. The decision may be appealed to the City Council if request for appeal is filed with the City Clerk within 10 days of receipt of the notice. Said request shall be in writing, state specific reasons for the appeal, and the relief requested.

C. The suspension or revocation of a license shall be immediately effective unless a stay thereof is specifically requested in the written request for an appeal.

D. Within ten (10) days of receiving a timely appeal, the City Clerk shall forward the administrative record of the licensing decision to the City Council.

E. When an applicant has appealed the City Manager's or designee's decision according to the provisions hereof, the City Council shall review the administrative record at the next regularly scheduled meeting for which proper notice can be given. Written notice of the date and time of the scheduled meeting will be given to the applicant by the City Clerk by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.

F. If the licensee appeals the Notice to the City Council, the licensee shall be afforded a reasonable opportunity to be heard as to the violation and action taken. The applicant and City Manager or designee shall be given an opportunity to argue the merits of the issues of the appeal before the City Council. Oral argument by each party shall not exceed ten (10) minutes and shall be limited to the administrative record before the Council.

G. The City Council shall uphold the City Manager's or designee's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The City Manager or designee shall have the initial burden of proof.

H. The City Council shall issue a written decision within ten (10) days of hearing the appeal, The Council may uphold

the City Manager's or designee's decision and deny the permit, overrule the City Manager's or designee's decision and grant the permit, or remand the matter to the City Manager or designee for further review and action. The City Manager or designee shall complete further action or review within thirty (30) days of receiving the remand.

I. The decision by the City Council shall constitute final administrative review. Applicant shall be responsible for the cost of any preparation of record for appeal.

J. Either party may seek judicial review of a final decision of tile City Council as provided by law.

K. The applicant shall be responsible for the cost of any preparation of record for appeal.

5.40.270 Suspension or revocation of license/permit - Duration.

A. The City shall suspend any license as required by this Chapter for a period of ninety (90) days upon the licensee's first violation of this Chapter.

B. The City shall suspend any license required by this Chapter for a period of one hundred eighty (180) days upon the licensee's second violation of this Chapter.

C. The City shall revoke any license required by this Chapter for a period of two (2) years upon the licensee's third, or any subsequent, violation of this Chapter.

D. Notwithstanding the other provisions of this Chapter, the City shall revoke or deny the renewal of any license required by this Chapter for two (2) years if the licensee has made any false or misleading statements or misrepresentations to the City.

E. Application for a new license may be made following the expiration of the applicable revocation period.

5.40.280 Applicability to currently operating businesses.

Any sexually-oriented business legally operating upon the effective date of this Chapter shall be exempted from the permit and application requirements of Sections 5.40.060, 5.40.070 and 5.40.080, above for the remainder of 1995. This Section shall not be construed to exempt any legally operating adult bookstore from ceasing to operate portions of such business as an adult arcade pursuant to other regulations.

5.40.290 Limitations of liability.

None of the provisions of this Chapter are intended to create a cause of action or provide the basis for a claim against the City, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

5.40.300 Penalties for violation.

Any person violating any provision(s) of this Chapter shall be guilty of a misdemeanor. Any person convicted of such a violation shall be punished by a fine of not more than one thousand dollars ($1,000) or a jail term of not more than ninety (90) days, or both. Each such person is guilty of a separate misdemeanor for each and every day which any violation of this Chapter is committed, continued, or permitted by any such person and said person shall be punished accordingly. Any persons violating any of the provisions of this Chapter shall also be subject to license suspension or revocation and nuisance abatement as set forth herein.

5.40.310 Public nuisance/injunctions.

Any sexually-oriented businesses in violation of this Chapter shall be deemed a public nuisance, which, in addition to all

other remedies, may be abated by injunctive relief.

2. That Portion II, Adult Entertainment, Adult Theater and Adult Use Establishments, in Chapter 5.30 of the SeaTac Municipal Code, including Sections 5.30.070, 5.30.080, 5.30.090, 5.30.100, 5.30.110, 5.30.120, 5.30.130, 5.30.140, 5.30.150, 5.30.160, 5.30.165, 5.30.170, 5.30.180, 5.30.190, 5.30.200 and 5.30.900 of the SeaTac Municipal Code, is hereby repealed contemporaneous with the provisions of Section 1 this Ordinance becoming in full force and effect.

3. If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstance is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected. In the case of a conflict between this Ordinance and any other ordinance or regulation of the City, this Ordinance shall prevail.

4. That the City Council finds that this Ordinance is immediately necessary for the preservation of public peace, health, safety and welfare, and declares that this Ordinance is an emergency Ordinance to be in full force and effect immediately upon adoption of the Ordinance.

ADOPTED this 11th day of July, 1995, and signed in authentication thereof on this 11th day of July, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 5.05.050 of the SeaTac Municipal Code, relating to business license exemptions

WHEREAS, the current language of the SeaTac Municipal Code provides for certain exemptions from the requirement that a business operating in the City obtain a business license; and,

WHEREAS, those exemptions do not provide for charitable, non-profit and community events, so that, currently, a business license would have to be obtained for such an event, even though the event would be beneficial to the community or to charitable programs in the City; and,

WHEREAS, in light of the public benefit of such events, it would be appropriate for the SeaTac Municipal Code to be amended to provide for an exemption from the business license requirements for charitable, non-profit and community events.

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

1. That Section 5.05.050 of the SeaTac Municipal Code be, and the same is amended to read as follows:

5.05.050 Exemptions.

Notwithstanding the requirement of Section 5.05.020, above, the following shall be exempted from the requirement to apply for and obtain a business license:

A. Casual or isolated sales made by persons who are not engaged in the business of selling the type of property involved, providing that not more than four (4) such sales are made during any tax year.

B. Sales, delivery, or peddling of any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by any farmer, gardener, or other person; provided, that this exemption shall not apply to any person selling, delivering, or peddling any dairy product, meat, poultry, eel, fish, mollusk, or shellfish.

C. Persons engaged in any business within the City which is licensed and regulated by King County pursuant to Interlocal Agreement, including the following:

1. Persons engaged in the business of operating taxi cabs and for-hire vehicles within the City, which are subject to SeaTac Ordinance No. 90-1014 codified in Chapter 5.15, and the "For-Hire Interlocal Agreement" between King County and the City.

2. Deleted by Ord. 91-1057.

D. Minors engaged in baby-sitting or delivery of newspapers.

E. Any person holding a valid King County license authorizing the conduct of business within the City, on the effective date of the ordinance codified in this chapter, shall be exempt from the requirement to pay the fee for and to obtain a City business license, until the termination date of the County license so held, but only so long as the business is in full compliance with all County and City regulations and requirements pertaining to such business.

F. Service oriented clubs and organizations such as Rotary, Kiwanis, Soroptimist, Lions, Jaycees, Boy Scouts, Girl Scouts and Campfire, or school sponsored clubs, such as DECA, FBLA, FFA and Key Club involved in special charitable fund raising events, provided that in order for this exemption to apply, the

club must be organized in and regularly meet within the corporate limits of the City, or within the corporate limits of a city immediately adjacent thereto. If requests are received for this exemption for clubs or organizations not specifically listed above, the City Manager or designee shall have the discretion to determine whether or not the exemption applies.

G. Community associations and non-profit organizations organized within the corporate limits of the City and involved in fund raising events to benefit charitable functions, programs and/or purposes within the City, provided that in order for this exemption to apply, the charitable fund raising events must be held within the corporate limits of the City, and shall last for not more than three consecutive days. If all other provisions of this paragraph are met, the exemption shall apply even if private individuals and organizations, and "for-profit" companies and entities are participating as long as the gross revenue produced thereby is donated and applied to the charitable functions, programs and/or purposes. If requests are received for this exemption, and there are questions as to whether the association, club or organization, or the activity, event, charitable purpose or relation to the community meets the requirements for the exemption, the City Manager or designee shall have the discretion to determine whether or not the exemption applies. (Ord. 91-1057 ' 1: Ord. 90-1039 ' 5)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 11th day of July, 1995, and signed in authentication thereof on this 11th day of July, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1020

AN ORDINANCE of the City Council of the City of SeaTac, Washington establishing a moratorium on the acceptance of applications for, and issuance of, permits for land use development in the City, as an emergency ordinance

WHEREAS, in the 1995 Washington legislative session, the legislature adopted as Chapter 98 of the Laws of 1995 Initiative 164, the "Private Property Regulatory Fairness Act"; and,

WHEREAS, that Act sets forth and identifies certain responsibilities and obligations imposed on governmental entities in connection with implementing and enforcing certain regulations on use of property; and,

WHEREAS, subsequent to the adoption of the Act, Referendum 48 was developed to suspend or prevent the implementation of Initiative 164 until and unless that Initiative is approved by the voters of the State of Washington; and,

WHEREAS, in order for Referendum 48 to suspend the implementation of Initiative 164, over 90,000 validated signatures were needed to be filed prior to the slated July 23, 1995 effective date for Initiative 164; and,

WHEREAS, the supporters of Referendum 48 have, in fact, obtained and filed petitions containing over 120,000 signatures, however, those signatures may not be able to be validated prior to the July 23, 1995 effective date of Initiative 164; and,

WHEREAS, the resulting conflict between the filing of signatures on Referendum 48, the validation of those signatures and the July 23, 1995 implementation date for Initiative 164 results in confusion as to the potential implementation and suspension of Initiative 164; and,

WHEREAS, in order to avoid the consequences of that confusion (including the potential implementation and effectiveness of 164 and a subsequent suspension of that implementation and effectiveness), and in order to avoid the inconsistency and the uncertainty regarding duties, obligations and responsibilities of the City with respect to potential enforcement of land use regulations, it would be appropriate for the City Council to adopt an Ordinance imposing a moratorium on land use development, pending the determination of whether sufficient validated signatures have been received on Referendum 48 to suspend the implementation and effectiveness of Initiative 164; and,

WHEREAS, because of the significant and important concerns regarding the impacts of Initiative 164 and the potential obligations and responsibilities that would fall on the City in connection with land use regulation and enforcement, and its impacts on public peace, health, safety and welfare, this ordinance should be an emergency ordinance, becoming effective immediately upon adoption.

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

1. That effective July 23, 1995, there is hereby established, in the City of SeaTac a moratorium on new land use development actions, including a moratorium on the acceptance of applications for and issuance of land use permits, building permits and any other development permits involving regulation of private property or restraint of land use, until such time as a determination has been made on the sufficiency and validity of signatures filed with the State in connection with Referendum 48.

2. That the City Council finds that this Ordinance is immediately necessary for the preservation of public peace, health, safety and welfare, and declares this Ordinance to be an emergency Ordinance to be in full force and effect immediately upon adoption of the Ordinance.

ADOPTED this 18th day of July, 1995, and signed in authentication thereof on this 18th day of July, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1021

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring public use and necessity regarding the International Boulevard Improvement Project, Phase I, and authorizing condemnation

WHEREAS, the City of SeaTac is involved in a project to make certain improvements to International Boulevard; and,

WHEREAS, Phase I of that total project is currently underway, and efforts have been made to have properties which need to be acquired in connection with Phase I of the project appraised and negotiate reasonable amounts of compensation to be paid for the property to be acquired; and,

WHEREAS, those efforts have not been successful in securing the acquisition of all of the property necessary for Phase I of the International Boulevard Improvement Project; and,

WHEREAS, because of the importance of International Boulevard as a part of the City's infrastructure system, and because the improvements are necessary to complete this phase of the project, and because of the importance of these improvements to be made, the property to be acquired is necessary for the project and for completion of the public uses of the project.

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

1. That the properties identified on the list attached hereto, marked as Exhibit "A" and incorporated herein by this reference, are necessary for the International Boulevard Project, and have a public use in connection with the improvements to be made to the International Boulevard Project.

2. That the City Manager and his designees are authorized to commence condemnation action to acquire the property identified on the Exhibit "A".

3. That the compensation to be paid to the owners of the property to be acquired by the condemnation action shall be paid from Fund 307 - Transportation CIP Fund of the City.

4. That because of the exigence of the International Boulevard Project and the need for this property, as well as recognition that time is critical in terms of avoiding delay in proceeding with the necessary condemnation, the City Council finds that this Ordinance is immediately necessary for preservation of public peace, health, safety and welfare, and declares this Ordinance to be an emergency Ordinance to be in full force and effect immediately upon adoption of the Ordinance.

ADOPTED this 18th day of July, 1995, and signed in authentication thereof on this 18th day of July, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO.95-1022

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 13.10.010, 13.10.030, 13.06.010, 13.06.030, 13.08.010, 13.08.030, 13.09.010, 13.14.010, 13.14.030, 13.19.010, 13.21.010, 13.22.010, 13.40.010, 13.45.010 and 13.50.010 of the SeaTac Municipal Code relating to adoption of the Uniform Building and Fire Codes

WHEREAS, The City Council of the City of SeaTac, has, pursuant to its municipal authority, adopted certain codes as the building and fire codes of the City, utilizing the Uniform Building Codes and standards published by the International Conference of Building Officials in the Uniform Fire Code published by the Western Fire Chiefs Association; and,

WHEREAS, those uniform codes are, generally, updated and revised every three years, with the edition adopted in the City Code currently being the 1991 version; and,

WHEREAS, since the adoption of the current provisions of the City Code, the uniform codes have been updated, and pursuant to the provisions of Chapter 19.27, it would be appropriate for the City to likewise update its adoption of the uniform codes, even though the City does have the opportunity to maintain certain distinctions and choose some options over others; and,

WHEREAS, in addition to some of the changes which are more technical, other changes are formatting differences which also prompt a need for conformity to ensure consistent interpretation and application; and,

WHEREAS, even though most of the fees provided for the uniform codes have not changed, there were some changes in connection with Table 3A of the 1994 Uniform Building Code, however the City Council desires to separately review and consider any changes in the Table 3A fees from the 1991 amounts, and to address those changes, if at all, in a separate Ordinance.

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

1. That Section 13.10.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.10.010 Adoption of the National Electrical Code.

The National Electrical Code, ~~1990~~ 1993 Edition, published by the National Fire Protection Association, and as may subsequently be amended, is hereby adopted by reference.

2. That Section 13.10.030 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.10.030 Safety standards - Installing electric wires and equipment - Administrative rules.

Chapter ~~296-45~~ 296-46 WAC as now in effect, and as may subsequently be amended, is hereby adopted by reference to establish safety standards in installing electric wires and equipment and to provide administrative rules.

3. That Section 13.06.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.06.010 Uniform Building Code.

The ~~1991~~ 1994 Edition of the Uniform Building Code and the Uniform Building Code Standards, published by the International Conference of Building Officials as amended by the Washington State Building Code Council on ~~November 9th, 1991~~ November 18, 1994 and as published as ~~Chapters 51-20 and 51-21~~ Chapter 51.30 of the Washington Administrative Code are adopted, except for the fees of Table 3A, with the 1991 fees being retained unless and until amended hereafter.

4. That Section 13.06.030 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.06.030 Additional tables and footnotes adopted.

A. Table 3A of the Uniform Building Code is amended, adding the following footnotes:

TABLE 3A

1. Table 3A shall apply to permits for the installation of underground fuel storage tanks, fuel tank piping and vapor extraction systems. In addition to the permit fee, a plan review fee of 65% of the permit fee shall be required.

2. The permit fee for the removal of an underground fuel storage tank shall be $250 for the first tank and $100 for each additional tank if inspected at the same time.

3. The permit fee for installing a moved residential structure onto a new site shall be $250.00, which will include the foundation, water hook-up and the building drain connection.

4. For the purpose of determining permit fees, buildings shall be assigned a minimum valuation based upon Table 3C.

5. Permits issued under the provisions of this code for new single family residential construction, additions, remodels, carports and garages or other uses associated with single family structures shall expire one year from the date of issue. The fee for renewal of said permits shall be one half the original permit fee.

6. Permit Expiration.

Single family residential building permits shall expire one year from the date of issue. A six month extension may be granted by the building official. The fee for renewal, beyond the extension that may have been granted, shall be equal to one half the original building permit fee.

Commercial building permits shall expire two years from the date of issue. No extension will be authorized. Renewal of a commercial permit will revise a fee equal to one half the original permit fee. (Ord. 92-1033 ' 3)

D. Amendment of Section ~~408~~ 208 of the 1994 Edition of the Uniform Building Code.

The following definition shall replace the existing definition of the term "grade" contained in Section ~~408~~ 208 of the Uniform Building Code:

Grade (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 15 feet from the building, between the building and line 15 feet from the building.

E. Amendment of Section ~~413~~ 213 of the 1994 Edition of the Uniform Building Code.

The following definition of the term "level" shall be added to Section ~~413~~ 213 of the Uniform Building Code:

Level shall mean the finished floor surface of any story or portion of a story, or the finished floor surface of any basement as defined in the Uniform Building Code.

F. Addition to Section ~~1807 (g)~~ 403.7 of the Uniform Building Code.

There is hereby added to the ~~1991~~ 1994 edition of the Uniform Building Code an additional requirement under Section ~~1807 (g)~~ 403.7 to read as follows:

4. All elevator shafts shall be pressurized with a supply of air from the outdoors to a minimum of 0.15 inch of water column in a fire alarm mode.

G. Amendment of Section ~~1907~~ 403.1 of the Uniform Building Code.

Section ~~1907~~ 403.1 of the ~~1991~~ 1994 edition of the Uniform Building Code is hereby amended to read as follows:

~~Group B, Division 2 office buildings and Group R, Division 1 occupancies of type II F.R. construction, having floors used for human occupancy located more than 65 feet above the lowest level of approved Fire Department Vehicle access, shall comply with the special provisions on high rise buildings in Section 1807.~~ 403.1 Scope. This section applies to all Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 65 feet (mm) above the lowest level of fire department vehicle access. Such buildings shall be of Type 1 or 2 - F.R. construction and shall be provided with an approved automatic sprinkler system in accordance with Section 403.2.

H. Section ~~3802 (a)~~ 904.2.1 of the Uniform Building Code is hereby amended to read as follows:

Section ~~3802 (a)~~ 904.2.1 where required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in this section.

In addition to the requirements of the Uniform Building Code and the Uniform Fire Code, ~~1991~~ 1994 Editions, there is hereby established a minimum requirement for the installation of fire sprinkler systems. All structures, excluding single family residential buildings, shall have a fire sprinkler system installed, which meets or exceeds all of the parameters contained within this Ordinance, the Uniform Building Code and the Uniform Fire Code when the gross floor area is 6000 square feet or more. For purposes of determining gross floor area, the installation of area separation walls will not be considered as creating separate buildings. It is provided however that the existing structures are exempt from this provision provided:

a) There is no increase in floor area or,

b) The area to be improved does not exceed 50% of the total floor area including mezzanines or,

c) There is no change of occupancy or use and,

d) A fire alarm system, meeting all applicable requirements for the occupancy, is installed.

I. Amendment of Section ~~3802 (h)~~ 904.2.8 of the Uniform Building Code.

Section ~~3802 (h)~~ 904.2.8 of the Uniform Building Code is hereby amended to read as follows:

Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout apartment houses three or more levels in height or containing 5 or more dwelling units, in congregate residences three or more stories in height and having an occupant load of 50 or more and in hotels three or more levels in height or containing 10 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building. The sprinkler system shall comply with the requirements of ~~Washington State~~ Uniform Building Code Standard ~~No. 38-3W~~ Numbers 9-1 and 9-3.

J. ~~Section 3803 of the Uniform Building Code is not adopted and the following amended section is adopted.~~

Section ~~3803~~ 904.3.1 of the ~~1991~~ 1994 Edition of the Uniform Building Code is hereby amended to read as follows:

Automatic sprinkler systems shall be supervised by the City of SeaTac Fire Department. The fee for supervision shall be as established within this Ordinance for maintenance of the Fire Department system.

The fee schedule for the supervision of automatic sprinkler systems shall be as follows:

1. The monthly fee for each single zone within a system shall be two dollars ($2.00).

2. The minimum monthly fee shall be not less than twenty dollars ($20.00) in all cases.

K. Section 1006.3 of the 1994 Edition of the Uniform Building Code is hereby adopted as contained therein and the amended Section 1006.3 of the Washington State Building Code is not adopted. (Ord. 92-1033 ' 3)

5. That Section 13.08.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.08.010 Uniform Mechanical Code.

The ~~1991~~ 1994 Edition of the Uniform Mechanical Code, as published by the International Conference of Building ~~Code~~ Officials, ~~the Western Fire Chiefs Association, and the International Association of Plumbing and Mechanical Officials~~ as amended by the Washington State Building Code Council on November 18, 1994 and published as Chapter 51-32 WAC is adopted, ~~including Chapter 22, Fuel Gas Piping, appendix B,~~ except as amended and/or ~~accepted~~ excepted in Section 13.08.030 of the Code.

6. That Section 13.08.030 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.08.030 Amendments and Exceptions to the Mechanical Code.

Table 3A of the Uniform Mechanical Code is ~~accepted~~ excepted from the Code adopted in this Chapter. Instead, the following Mechanical Permit fee is adopted:

MECHANICAL PERMIT FEE SCHEDULE

For issuance of each permit $15.00

For supplemental permits 5.00

SINGLE FAMILY DWELLINGS

Less than 3000 square feet* $135.00

Over 3000 square feet* 160.00

ADDITIONS AND REMODELS TO SINGLE FAMILY DWELLINGS

New furnace* or change out $25.00

New water heater* or change out 25.00

One ventilation fan or residential hood 20.00

Two mechanical equipment/appliance items 30.00

Three to five mechanical equipment/appliance items* 60.00

Six or more mechanical equipment/appliance items* 90.00

Gas piping (no equipment or appliances) 30.00

*Gas piping included under these permits.

MULTI-FAMILY AND COMMERCIAL

Contract amount:

$250 or less $30.00

251 - 1,001 $30 plus 4% of cost over $251

1,001 - 5,000 $60 plus 1.5% of cost over $1,001

5,001 - 50,000 $120 plus 1.4% cost over $5,001

50,001 - 250,000 $750 plus 1% of cost over $50,001

250,001 - 1,000,000 $2,750 plus .8% of cost over $250,001

1,000,001 and up $8,750 plus .4% of cost over $1,000,001

Permit costs include the normal plan review associated with the application.

Plan review for revisions or modifications $50/hr.

7. That Section 13.09.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.09.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.

The 1991 Editions of the Uniform Plumbing Code and the Uniform Plumbing Code Standards as published by the International Conference of Building Officials, ~~the Western Fire Chiefs Association,~~ and the International Association of Plumbing and Mechanical Officials as amended by the Washington State Building Code Council on November 18, 1994 and as published as Chapters 51-26 and 51-27 WAC, are adopted, except as amended and/or excepted in Section 13.09.030 of the Code.

8. That Section 13.14.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.14.010 Uniform Fire Code adopted by reference.

The ~~1991~~ 1994 Editions of the Uniform Fire Code and the Uniform Fire Code standards as amended by the Washington State Building Code Council be, and they hereby are adopted as the Uniform Fire Code provisions of the SeaTac Municipal Code. ~~That a copy of the Uniform Fire Code and Uniform Fire Code standards, together with the following appendices: appendix I-A, appendix I-B, appendix I-C, appendix II-B, appendix II-E, appendix III-A, appendix III-B appendix III-B-1, appendix III-C, appendix III-D, appendix IV-A, appendix IV-B, appendix VI-A, appendix VI-B, appendix VI-D, appendix VI-E, and appendix VI-F.~~

9. That Section 13.14.030 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.14.030 Additional provisions in the Uniform Fire Code.

In addition to the provisions adopted by reference and set forth in Section 13.14.010 of the SeaTac Municipal Code, the following provisions shall be adopted, supplemented and added to the City's Uniform Fire Code.

A. Article 2 Section 220-S is amended to provide the definition as follows: ~~Definitions:~~ The word "shall", as used in the Code, shall mean "mandatory".

B. Article 10, Section 1003.2.8 is amended to provide for Group R Division 1 occupancies as follows: An approved automatic sprinkler system shall be installed throughout every apartment house three or more levels in height or containing five or more dwelling units and every hotel three or more levels in height or containing ten or more guest rooms. Residential or quick response sprinkler heads shall be used in the dwelling unit and guest room portions of the buildings. The sprinkler system shall comply with the requirements of the ~~Washington~~ Uniform Building Code ~~standard No. 38-3W~~ standard numbers 9-1 or 9-3.

All automatic sprinkler systems shall be supervised by the City of SeaTac Fire Department.

C. Article 10, Section 1007.2. Fire alarm systems is amended to read as follows: All occupancies exceeding three thousand (3,000) square feet gross floor area shall be required to provide an approved automatic fire detection system. Area separation walls as noted in Section ~~505(f)~~ 504.6 of the Uniform Building Code shall not be considered to separate a building to enable ~~detention~~ deletion of the required fire detection system except in the following instances:

(1) Group U or R, Division 3 occupancies.

(2) Occupancies protected throughout by an approved monitored automatic sprinkler system may, in the judgement of the Fire Chief, allow for deletion of heat detectors from the system.

The provisions of this subsection shall apply to all buildings whose assessed valuation, according to county records, has increased by more than fifty (50%) percent within a five year period due to the added value of additions, alterations and repairs. When the first permit application is submitted to add, to alter or to repair an existing building, the assessed valuation of the building at the time of the complete application is submitted shall be considered the base figure for assessed valuation for the following five (5) year period. The increased assessed valuation shall be determined by comparing that base figure with the cumulative total permit fees valuations for the addition, alteration and repair projects undertaken during the five (5) year period.

Any additions to an existing structure shall be considered new construction and shall be subject to the provisions of this subsection.

D. Article 10, Section 1007.3.3.6.1, Alarm system supervision is amended as follows: ~~Fire alarm systems in Group R Division one occupancies and all other~~ All occupancies where automatic fire alarm systems are required shall be supervised by the City of SeaTac Fire Department.

10. That Section 13.19.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.19.010 Washington State Energy Code.

The Washington State Energy Code, ~~1991~~ 1994 Edition, as amended by the Washington State Building Code Council on November ~~8, 1991~~ 18, 1994, and filed as Chapter 51-11 of the Washington Administrative Code is adopted.

11. That Section 13.21.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.21.010 Washington State Ventilation & Indoor Air Quality Code.

The Washington State Ventilation and Indoor Air Quality Code, as adopted by the Washington State Building Code Council on November ~~9, 1990~~ 18, 1994, and filed as Chapter 51-13 of the Washington Administrative Code is adopted.

12. That Section 13.22.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.22.010 Uniform Administrative Code.

The ~~1991~~ 1994 Edition of the Uniform Administrative Code, as published by the International Conference of Building Officials is hereby adopted, except as amended and/or accepted in Section 13.22.030 of the Code.

13. That Section 13.40.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.40.010 Uniform Code for the Abatement of Dangerous Buildings.

The ~~1991~~ 1994 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, the Western Fire Chiefs Association, and the International Association of Plumbing and Mechanical Officials is adopted.

14. That Section 13.45.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.45.010 Uniform Housing Code.

The ~~1991~~ 1994 Edition of the Uniform Housing Code, as published by the International Conference of Building Officials, the Western Fire Chiefs Association, and the International Association of Plumbing and Mechanical Officials is adopted.

15. That Section 13.50.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

13.50.010 Uniform Swimming Pool, Spa and Hot Tub Code.

The ~~1991~~ 1994 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code, as published by the International Conference of Building Officials, the Western Fire Chiefs Association and the International Association of Plumbing and Mechanical Officials is adopted.

16. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 25th day of July, 1995, and signed in authentication thereof on this 25th day of July, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1023

AN ORDINANCE of the City Council of the City of SeaTac, Washington creating a new section 8.05.740 of the SeaTac Municipal Code, relating to aggressive begging

WHEREAS, although the City Council is mindful of the legitimate need for individuals who are disadvantaged by economic or temporary circumstances from requesting aid from others, there are occasions when individuals have exercised a level of monetary solicitation in a way to intimidate or to take advantage of others; and,

WHEREAS, because that type of conduct imposes on society an interference with the peace and enjoyment of citizens who are accosted in that manner, as well as a restriction on the sense of freedom to move about in the community, it is appropriate that reasonable limits be imposed so as to prevent inappropriate, aggressive begging in public; and,

WHEREAS, consistent with ordinances and regulations in place in other cities in the state, this ordinance establishes an offense of aggressive begging, defining the offense and providing for penalties for violation of the offense.

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

1. That a new Section 8.05.740 of the SeaTac Municipal Code be, and the same hereby is, created to read as follows:

8.05.740 Aggressive Begging.

A. It is unlawful for any person to engage in aggressive begging in any public place in the City, as those terms are defined by this section.

B. As used in this section:

(1) Aggressive Begging shall mean: (a) begging with intent to intimidate another person into giving money or goods; (b) begging with use of false, misleading information; (c) begging with or involving activities that are unsafe or dangerous to any person or property; (d) begging in a manner that exploits children; or (e) wilfully providing or delivering, or attempting to provide or deliver unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.

(2) Begging shall mean asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

(3) To intimidate shall mean to coerce or frighten into submission or obedience, or to engage in conduct which would make a reasonable person fearful or feel compelled.

(4) Public place shall mean: (a) any public road, alley, lane, parking area, sidewalk, or other publicly owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or rights-of-way open to the use of the public; or (c) any privately owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners; and .

(5) Exploit shall mean using in an unethical, selfish or abusive manner or in any

other manner that gives an unfair advantage.

C. Violation of this section shall be a misdemeanor, punishable by a fine up to $1000 or by a jail sentence of up to 90 days, or by both such fine and jail time.

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 12th day of September, 1995, and signed in authentication thereof on this 12th day of September, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1024

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 7.15.020 of the SeaTac Municipal Code relating to Maintenance of Property

WHEREAS, the current provisions of the SeaTac Municipal Code provide that property owners have an obligation to maintain their property so as prevent certain nuisances and unsightly collections of litter, debris, weeds and attractive nuisances which are visible by any public street or alley; and,

WHEREAS, particularly where that section seeks to control and prevent attractive nuisances which are dangerous to children, including abandoned, broken or neglected equipment, machinery, refrigerators, freezers, excavations, wells or shafts, it is important property owners eliminate and correct (make safe for children) such conditions on private property even if they are only visible from other private property; and,

WHEREAS, as the accumulation of debris, weeds and other matters could also have a potential danger for private property, from fire or other health considerations, even if not visible from City streets or alleys, it is appropriate that the obligation and duty to maintain one's property should extend to more than just the extent that the problem is visible from City streets or alleys; and,

WHEREAS, it is appropriate that the City Code be amended to provide the same duties and responsibilities for maintaining property from the problems identified in the City Code not only from just those problems visible from City streets or alleys, but also visible from any other private property in the City.

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

1. That Section 7.15.020 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

7.15.020 Duty to maintain property.

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

A. Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

B. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

C. Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

D. Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;

E. Dead, decayed, diseased or hazardous trees, or any other vegetation to include a majority of vegetation (other than vegetation located in flower beds, or trees or shrubbery) which exceeds twelve (12) inches in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;

F. Graffiti or signs, not in compliance with the City zoning code, on the exterior of any building, fence or other structure in any front yard, side yard or rear yard or vacant lot;

G. Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

H. ~~Utility trailers or unmounted camper tops located in any front yard except in the driveway;~~

~~I~~. Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of three (3) feet, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health or safety hazard;

~~J~~I. Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents. (Ord. 91-1014 ' 2)

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 12th day of September, 1995, and signed in authentication thereof on this 12th day of September, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1025

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring public use and necessity regarding the International Boulevard Improvement Project, Phase I, and authorizing additional condemnation proceedings

WHEREAS, the City of SeaTac is involved in a project to make certain improvements to International Boulevard; and,

WHEREAS, Phase I of that total project is currently underway, and efforts have been made to have properties which need to be acquired in connection with Phase I of the project appraised and negotiate reasonable amounts of compensation to be paid for the property to be acquired; and,

WHEREAS, those efforts have not been successful in securing the acquisition of all of the property necessary for Phase I of the International Boulevard Improvement Project; and,

WHEREAS, although the City Council authorized some condemnation proceedings through its adoption of Ordinance No. 95-1021, other additional properties are also needed for the project that were expected to be acquired through the negotiation process, but that process has not been successful to this point in time, and the City does not have the luxury of additional time before these acquisitions become critical to the orderly continuation of the project; and,

WHEREAS, because of the importance of International Boulevard as a part of the City's infrastructure system, and because the improvements are necessary to complete this phase of the project, and because of the importance of these improvements to be made, the property to be acquired is necessary for the project and for completion of the public uses of the project.

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

1. That the additional properties identified on the list attached hereto, marked as Exhibit "A" and incorporated herein by this reference, are necessary for the International Boulevard Project, and have a public use in connection with the improvements to be made to the International Boulevard Project.

2. That the City Manager and his designees are authorized to commence condemnation action to acquire the property identified on the Exhibit "A".

3. That the compensation to be paid to the owners of the property to be acquired by the condemnation action shall be paid from Fund 307 - Transportation CIP Fund of the City.

4. That because of the exigence of the International Boulevard Project and the need for this property, as well as recognition that time is critical in terms of avoiding delay in proceeding with the necessary condemnation, the City Council finds that this Ordinance is immediately necessary for preservation of public peace, health, safety and welfare, and declares this Ordinance to be an emergency Ordinance to be in full force and effect immediately upon adoption of the Ordinance.

ADOPTED this 19th day of September, 1995, and signed in authentication thereof on this 19th day of September, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

EXHIBIT "A"

(TO BE PROVIDED BY PUBLIC WORKS DEPARTMENT)

SHALL INCLUDE A LIST OF THE LEGAL DESCRIPTIONS

OF THE PROPERTIES TO BE ACQUIRED

ORDINANCE NO. 95-1026

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring public use and necessity regarding the South 176th Street Improvement Project, and authorizing condemnation

WHEREAS, the City of SeaTac is involved in a project to make certain improvements to South 176th Street, within the City; and,

WHEREAS, that total project is currently underway, and efforts have been made to have properties which need to be acquired in connection with the project appraised and negotiate reasonable amounts of compensation to be paid for the property to be acquired; and,

WHEREAS, those efforts have not been successful in securing the acquisition of all of the property necessary for the South 176th Street Improvement Project; and,

WHEREAS, because of the importance of South 176th Street as a part of the City's infrastructure system, and because the improvements are necessary to complete this project, and because of the importance of these improvements to be made, the property to be acquired is necessary for the project and for completion of the public uses of the project.

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

1. That the properties identified on the list attached hereto, marked as Exhibit "A" and incorporated herein by this reference, are necessary for the South 176th Street Improvement Project, and have a public use in connection with the improvements to be made to the Project.

2. That the City Manager and his designees are authorized to commence condemnation action to acquire the properties identified on the Exhibit "A".

3. That the compensation to be paid to the owners of the property to be acquired by the condemnation action shall be paid from Fund 307 - Transportation CIP Fund of the City.

4. That because of the exigence of the South 176th Street Improvement Project and the need for this property, as well as recognition that time is critical in terms of avoiding delay in proceeding with the necessary condemnation, the City Council finds that this Ordinance is immediately necessary for preservation of public peace, health, safety and welfare, and declares this Ordinance to be an emergency Ordinance to be in full force and effect immediately upon adoption of the Ordinance.

ADOPTED this 19th day of September, 1995, and signed in authentication thereof on this 19th day of September, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

EXHIBIT "A"

1. The East 20 feet of the North 143 feet of the South 185 feet of the Southeast quarter of the Southeast quarter of Section 28, Township 23 North, Range 4 East, Willamette Meridian in King County, Washington.

2. That portion of the Southeast quarter of the Southeast quarter of Section 28, Township 23 North, Range 4 East, Willamette Meridian in King County, Washington described as follows:

BEGINNING at the intersection of the North right-of-way line of South 176th Street with the West right-of-way line of 32nd Avenue South, said point lying 42 feet North of and 20 feet West of the centerline of said streets as measured perpendicular to said center lines respectively;

THENCE Westerly along the North right-of-way line of said South 176th Street a distance of 20 feet;

THENCE Northeasterly a distance of 35 feet more or less to the West right-of-way line of 32nd Avenue South at a point which is 29 feet North of the point of beginning as measured along the West right-of-way line of 32nd Avenue South;

THENCE South along said West right-of-way of 32nd Avenue South a distance of 29 feet more or less to the POINT OF BEGINNING.

3. The East 20 feet of the North 105 feet of the South 290 feet of the Southeast quarter of the Southeast quarter of Section 28, Township 23 North, Range 4 East, Willamette Meridian.

4. The East 20 feet of the North two feet of the South 292 feet of the Southeast quarter of the Southeast quarter of Section 28, Township 23 North, Range 4 East, Willamette Meridian.

ORDINANCE NO. 95-1027

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending sections 2.15.040, 2.20.040, 2.22.040, 2.24.040, 2.26.040, 2.27.040, 2.35.060, 2.40.080, 2.44.040, and 2.47.040 relating to terms of offices of Boards and Commissions, providing for extended excused absences and members pro tempore.

WHEREAS, by State statute, and specifically RCW 35A.12.065, in the event of an extended excused absence or disability of a member of the City Council, the remaining members may, a majority vote, appoint a Council member "pro tempore" to serve during the absence or disability of that excused or disabled Council member;

WHEREAS, those same circumstances could come in to play in connection with the various advisory boards and commissions of the City, and it would be helpful to have in place a mechanism for replacement of such an excused or disabled advisory board or commission member to serve during the period of absence or disability;

WHEREAS, there by addressing concerns regarding meeting quorum requirements and assuring continued ability of the advisory board or commission to function.

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

1. That Section 2.15.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.15.040 Term of office.

Members of the Planning Commission shall serve for a term of five years, or until appointment of a successor member, whichever is later. However, the initial members shall be appointed to serve for the following terms: Two members shall serve a two year term, or until appointment of a successor member, whichever is later; two members shall serve a three year term, or until appointment of a successor member, whichever is later; two members shall serve a four year term, or until appointment of a successor member, whichever is later; and one member shall serve a five year term, or until appointment of a successor member, whichever is later. If a member of the Planning Commission shall be absent, without prior notification and excuse, from three consecutive regularly scheduled meetings of the Commission, the Chairperson of the Planning Commission may declare the position held by that member vacant and a new member may be appointed in the manner set forth at Section 2.15.030. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Planning Commission applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 1; Ord. 94-1033 ' 1; Ord. 90-1047 ' 4)

2. That Section 2.20.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.20.040 Terms of office.

Members of the Human Services Commission shall serve for a term of three years, or until appointment of a successor

member, whichever is later. However, the initial members shall be appointed to serve the following terms: two members shall serve a one year term, or until appointment of a successor member, whichever is later; two members shall serve a two year term, or until appointment of a successor member, whichever is later; and one member shall serve a three year term, or until appointment of a successor member, whichever is later. If a member of the Human Services Commission shall be absent, without prior notification or excuse, from three consecutive, regularly scheduled meetings of the Commission, the Chairperson of the Human Services Commission may declare the position held by that member vacant and a new member may be appointed in the manner set forth at Section 2.20.030 of this chapter. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Human Services Commission applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 2; Ord. 94-1033 ' 2; Ord. 91-1026 ' 4)

3. That Section 2.22.040 of SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.22.040 Term of office.

The members of the Human Relations Commission shall serve for a term of three (3) years, or until appointment of a successor member, whichever is later. If a member of the Human Relations Commission shall be absent without prior notification or excuse from three (3) consecutive, regularly scheduled meetings of the commission, the chairperson of the Human Relations Commission may declare the position held by that member vacant and a new member may be appointed pursuant to Section 2.22.030. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Human Relations Commission applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two (2) board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 4; Ord. 94-1033 ' 4; Ord. 92-1024 ' 1)

4. That Section 2.24.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.24.040 Terms of office.

Members of the ADA Citizens' Access Committee shall serve for a term of three (3) years, or until appointment of a successor member, whichever is later. However, the initial members shall be appointed to serve for the following terms: two (2) members shall be appointed to serve initial terms of one (1) year, or until appointment of a successor member, whichever is later; two (2) members shall be appointed to serve initial terms of two (2) years, or until appointment of a

successor member, whichever is later; and three (3) members shall be appointed to serve initial terms of three (3) years, or until appointment of a successor member, whichever is later. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the ADA Citizens' Access Committee applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two (2) board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 5; Ord. 94-1033 ' 5; Ord. 92-1030 ' 1)

5. That Section 2.26.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.26.040 Term of office.

The members of the Youth Advisory Board shall serve for a term of approximately two (2) years, expiring December 31 of the year following initial appointment or until appointment of a successor member, whichever is later. The appointment of members shall, to the extent reasonably possible, be made so as to provide for staggered terms, resulting in approximately half of the terms expiring one year, and the other half expiring the following year. If a member of the Youth Advisory Board shall be absent without prior notification or excuse from three (3) consecutive regularly scheduled meetings of the Advisory Board, the Chairperson of the Youth Advisory Board, with the concurrence of the Staff Advisor may declare the position held by that member vacant and a new member may be appointed pursuant to Section 2.26.030. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Youth Advisory Board applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two (2) board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 95-1011 ' 1: Ord. 94-1044 ' 6; Ord. 94-1033 ' 6; Ord. 93-1003 ' 1)

6. That Section 2.27.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.27.040 Term of office.

The members of the Senior Citizen Commission shall serve for a term of three (3) years, or until appointment of a successor member, whichever is later, provided that the initial appointment of members to the Commission shall be as follows: two (2) members shall be appointed to serve a one (1) year term, or until appointment of a successor member, whichever is later, two (2) members shall be appointed to serve a two (2) year term, or until appointment of a successor member, whichever is later, and three (3) members shall be appointed to serve a three (3) year term, or until appointment of a successor member, whichever is later, with subsequent appointments and/or reappointments being for

three (3) year terms, or until appointment of a successor member, whichever is later. If a member of the Senior Citizen Commission shall be absent without prior notification or excuse from three (3) consecutive regularly scheduled meetings of the Commission, the Chairperson of the Senior Citizen Commission may declare the position held by that member vacant and a new member may be appointed pursuant to Section 2.27.030. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Senior Citizen Commission applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two (2) board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 7; Ord. 94-1036 ' 1)

7. That Section 2.35.060 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.35.060 Public Safety Civil Service Commission - Term of office of commissioners.

The first three members of the Public Safety Civil Service Commission shall be appointed to terms as follows: one to serve for a period of two years from the date of appointment, or until appointment of a successor member, whichever is later; one to serve for a period of four years from the date of appointment, or until appointment of a successor member, whichever is later; and one to serve for a period of six years from the date of appointment, or until appointment of a successor member, whichever is later. Thereafter, the term of office of each Commissioner shall be for six years, or until appointment of a successor member, whichever is later. In event of resignation or removal of a Commissioner during his or her term of office, the City Manager shall appoint a new member to serve during the remaining term of the resigned or removed Commissioner. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Public Safety Civil Service Commission applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee. In the event of the extended excused absence or disability of a member, the City Manager may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Manager. Ord. 94-1044 ' 8; Ord. 94-1033 ' 7; Ord. 90-1038 ' 5)

8. That Section 2.40.080 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.40.080 Terms of office.

Members of the Library Board shall serve for a term of three years, or until appointment of a successor member, whichever is later. However, the members initially appointed shall serve for a term of only two years, or until appointment of a successor member, whichever is later. At the expiration of the said initial term of the Board, members shall be appointed to serve for the following terms: Two members shall serve a two-year term, or until appointment of a successor member, whichever is later; and three members shall serve a three-year term, or until appointment of a successor member, whichever is later. Thereafter, all further appointments shall be for the regular three-year term, or until appointment of a successor member, whichever is later. If a member of the Library Board shall be absent, without

prior notification and excuse, from three consecutive, regularly scheduled meetings of the Board, the Chairperson of the Library Board may declare the position held by that member vacant and a new member may be appointed in the manner set forth at Section 2.40.070. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Library Board applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 9; Ord. 94-1033 ' 8; Ord. 90-1050 ' 5)

9. That Section 2.44.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.44.040 Terms and vacancies.

Members of the Arts and Recreation Advisory Board shall serve for a term of four (4) years or until appointment of a successor member, whichever is later, unless otherwise replaced. It is provided, however, that for the initial appointment, two (2) members shall be initially appointed for four (4) year terms, or until appointment of a successor member, whichever is later, unless otherwise replaced; two (2) members shall be initially appointed for three (3) year terms, or until appointment of a successor member, whichever is later, unless otherwise replaced; and two (2) members shall be initially appointed for two (2) year terms, or until appointment of a successor member, whichever is later, unless otherwise replaced; and one (1) member shall be initially appointed for a one (1) year term, or until appointment of a successor member, whichever is later, unless otherwise replaced. In case of any vacancies on the commission, vacancies shall be filled consistent with the procedures set forth in Section 2.44.020, for the unexpired terms for which such vacancies are filled. It is provided, however, that if there has been a difficulty in filling appointments to city boards, commission or advisory committees established by the City Council, and if a member of the Arts and Recreation Advisory Board applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" on the board, commission or advisory committee, to serve for the remainder of the initial member's term, unless otherwise replaced. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 95-1003 ' 1)

10. That Section 2.47.040 of the SeaTac Municipal Code be, and the same hereby is, amended to read as follows:

2.47.040 Terms of office.

The members of the Solid Waste Advisory Board shall serve for terms of three (3) years, or until appointment of a successor member, whichever is later, provided, however, that the terms of the members who shall be initially appointed to the Board shall include the following: two (2) members of the Board shall be appointed for a term of one (1) year, or until appointment of a successor member, whichever is later; two (2) members of the Board shall serve for a period of two (2) years, or until appointment of a successor member, whichever is later; and three (3) members of the Board shall

serve for terms of three (3) years, or until appointment of a successor member, whichever is later. All subsequent appointments of members to the Board shall be for periods of three (3) years, or until appointment of a successor member, whichever is later. If a member of the Solid Waste Advisory Board shall be absent, without prior notification or excuse, from three (3) consecutive, regularly scheduled meetings of the Board, the Chairperson of the Solid Waste Advisory Board may declare the position held by that member vacant and a new member may be appointed in the manner set forth in Section 2.47.030 of the City Code. It is provided, however, that if there has been a difficulty in filling appointments to City boards, commissions or advisory committees established by the City Council, and if a member of the Solid Waste Advisory Board applies to serve on another such board, commission or advisory committee, prior to appointment of the member to the other board, commission or committee, the member shall indicate which of the two (2) board(s), commission(s) or committee(s) shall be the member's "first" and "second" preferences. Thereafter, the member's appointment and/or membership on the board, commission or committee of "second preference" shall be conditional, so that the Mayor and City Council may replace the conditional member with another regular member, as other qualified applicants request membership on the "second preference" board, commission or advisory committee to serve for the remainder of the initial member's term. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; Provided that such pro tempore appointments or re-appointments shall be for a period of time not to exceed eight months, with any appointments, re-appointments or extensions of appointments thereafter being reviewed and considered by the City Council. (Ord. 94-1044 ' 11; Ord. 94-1033 ' 10; Ord. 92-1055 ' 1: Ord. 92-1042 ' 1)

11. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 26th day of September, 1995, and signed in authentication thereof on this 26th day of September, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

_____

Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1028

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections: 15.10.380, 15.10.396~~-~~15.10.397, 15.10.660, 15.11.010, 15.11.080, 15.11.100, 15.13.010, 15.13.030, 15.13.110, and 15.14.020 of the SeaTac Municipal Code, and deleting the existing Section 15.11.050 of the SeaTac Municipal Code, and creating a new section to the SeaTac Municipal Code, Section 15.10.396.

WHEREAS, since the adoption of the initial zoning code of the City of SeaTac, through Ordinance No. 92-1041, the City of SeaTac has also adopted a city-wide comprehensive plan, and has further identified zoning issues within the City; and,

WHEREAS, in order to better meet the needs of the City and to provide a zoning code that is responsive to the needs of the City, the zoning code needs to undergo periodic review and amendment; and,

WHEREAS, in connection with the review of the zoning code, certain classifications, land uses and standards have been identified as needing definition and greater clarity; and,

WHEREAS, the Planning Commission of the City of SeaTac has completed a thorough review of the zoning code and its amendment needs, and has held public hearings for the purposes of soliciting public comment regarding zoning code changes, and the Planning Commission has recommended certain changes to the City Council for amendment to the City's zoning code.

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

1. That Section 15.10.380 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.10.380 Lot Lines

The property lines that establish the boundaries of buildable lots.

(1) Front.

≤ Interior Lot. The boundary that abuts the street right-of-way

≤ Corner Lot. Those boundaries that abut a public right-of-way.

≤ Through Lot. The boundary that abuts the public right-of-way with the highest street or arterial classification according to the City of SeaTac Comprehensive Plan. If the two streets have the same classification, then the property owner shall choose which is the front lot line.

≤ Other Lots. For properties not abutting any public right-of-ways, the front lot line shall be determined pursuant to Section 15.13.035 of the SMC.

(2) Rear.

The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farthest removed from the front line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

(3) Side. All lot lines which do not qualify as a rear or front lot line.

2. That Section 15.10.396 of the SeaTac Municipal Code be and the same hereby is amended and re-numbered as Section 15.10.397 to read as follows:

15.10.39~~6~~7 Massage Business

A commercial establishment in which massage or other touching (considered medically necessary) of the human body is provided for a fee. Any physical activities beyond the stated purpose of the use shall be dealt with in the same manner as any activities considered illegal by the applicable legal codes.

3. That Section 15.10.660 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.10.660 Urban Center

An area of the City of SeaTac that is delineated on the City of SeaTac Official Zoning Map where urban densities and design standards are required, specifically within the UH-UCR, CB-C, O/CM, and ABC zones.

4. That Section 15.11.010 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.11.010 Zones and Map Designations Established

	ZONE MAP SYMBOL
Park	P
Airport Use	AU
~~Urban Reserve~~	~~UR~~
Urban Low Density	UL
Urban Medium Density	UM
Urban High Density	UH
Neighborhood Business	NB
Community Business	CB
Office/Commercial Medium	O\CM
Aviation Business Center	ABC
Business Park	BP
Industrial	I
Mobile Home Park	MHP

5. That Section 15.11.080 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.11.080 URBAN HIGH DENSITY ZONE (UH)

The purpose of this zone is to create a high density multi-family housing environment that encourages and, when possible, utilizes High Capacity Transit modes and allows for a limited amount of small resident-oriented businesses, while ensuring an adequate balance of single-family to multi-family housing in the City of SeaTac. This is accomplished by requiring adequate public facilities and services be in place to support a high density level, encouraging clustering and zero lot-line developments with some neighborhood business support, allowing school and church uses, and establishing incentives for greater open space, recreational facilities, and potential linkage to High Capacity Transit modes. The UH-UCR zone, within the Urban Center, specifically provides for special urban densities and design standards.

6. That Section 15.11.100 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.11.100 Community Business Zone (CB)

The purpose of this zone is to provide retail/personal services for a local service area which exceeds the needs of adjacent neighborhood or commercial areas, and to provide retail and personal services on a community oriented basis. This is accomplished by providing for professional offices, a wide range of retail and personal services, ~~and~~ sale of commodities, ~~and providing incentives for~~ mixed use development, and the potential integration of High Capacity Transit Stations or lines. In the CB-C zone, located within the Urban Center, special design standards apply.

7. That footnote number 4 of Section 15.13.010 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.13.010 Standards Chart (footnote)

(4) See Section 15.13.110 or Section 15.13.111 for additional development standands.

All other provisions of Section 15.13.010 of the SeaTac Muncipal Code shall remain the same.

8. That Section 15.13.030 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.13.030 Yard Setbacks.

A. Front Yard. The front yard shall be that portion of the property fronting a public street. All other lot front yards shall be determined pursuant to Section 15.13.035 of the SMC.

B. Corner lots shall have a front yard setback on all street frontages. For corner lots, all yards not fronting a public street shall be considered side yards for purposes of setback and landscaping standards. If a lot abuts three or more streets, the lot shall have a front yard setback only on the two streets with the highest roadway classification. If a determination cannot be made as to which streets have higher classifications, the property owner shall pick which yards shall have front yard setbacks.

C. Through lots shall have a front yard setback on the street with the highest road classification as determined in the City of SeaTac Comprehensive Plan. If two streets have the same classification, then the property owner shall choose which yard shall have a front yard setback.

~~C.~~ D. Side Yard. The side yard setback shall be measured from the lot lines that are parallel to each other and perpendicular to the front and rear lot lines.

~~D.~~ E. Rear Yard. The rear yard setback shall be measured from the lot line that is parallel to the front lot lines.

9. That Section 15.13.110 (B) of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.13.110 Standards Applicable to the CB-C, UH-UCR, and O/CM Zones

B. Standards Applicable to the CB-C, UH-UCR and O/CM Zones.

Unless otherwise stated, the following standards will apply to properties zoned Community Business that are located in the Urban Center (CB-C) as defined in Section 15.10.660 and delineated on the City of SeaTac Official Zoning Map and to all properties zoned Office/Commercial Medium (O/CM), and Urban High - Urban Center Residential (UH-UCR).

1. Maximum Front Yard Setback. The following maximum setback standard will apply to properties zoned CB-C, O/CM and UH-

UCR.

a. In addition to the minimum front yard setback specified in Section 15.13.010, a maximum front yard setback of ten feet (10') shall be applied to new development and major redevelopment. A maximum front yard setback of 10' shall mean that the edge of the primary building shall be located no further than 10' from the property line.

b. If a building is on a corner lot and abuts more than two streets, the maximum front yard setback will apply to two streets only; the setback will apply to the two streets with the highest roadway classification as defined by the SeaTac Comprehensive Plan. If three or more streets have the same roadway classification, then the property owner shall select the two streets to which the maximum front yard setback shall be applied.

c. For through lots, the maximum front yard setback requirements shall apply to the street with the highest roadway classification as defined by the SeaTac Comprehensive Plan. If both streets have the same roadway classification, then the property owner shall determine the location of the front yard.

~~b~~d. Exceptions to the maximum building setback shall be granted for:

1) auto sales, and other outdoor sales;

2) site designs, approved by the City Manager or designee, that are intended to enhance pedestrian convenience and activity.

e. The 10' maximum front yard setback may be waived for major redevelopment, if the property owner/applicant demonstrates to the City Manager or his designee that this requirement is not feasible due to existing buildings/improvements on-site or the property's unique configuration. If the waiver is granted, the property owner/applicant shall incorporate pedestrian amenities that create a physical and design linkage between the building and the sidewalk/street. Examples of such amenities are plazas and covered/landscaped walkways from the sidewalk to the main entrance.

2. Landscaping. Except as otherwise provided in this subsection, landscaping shall be required in conformance with Section 15.14 of the SeaTac Municipal Code.

a. Alternative Landscaping on street frontages in the CB-C, O/CM and UH-UCR zones. In order to create a building-sidewalk relationship that promotes pedestrian access and activity, the following landscaping standard will apply to the street frontages of properties zoned CB-C, O/CM, and UH-UCR. Where the building setback is smaller than the width of the street frontage landscaping normally required for a use per Section 15.14.060,

the width of the street frontage landscaping shall be reduced to correspond with the building setback~~;~~ and the following alternative landscaping shall be required:

1) 50% of the amount of landscaping normally required along the street frontage shall be placed into plazas, roof-top gardens, and other pedestrian amenities (such as restrooms) accessible to the public during business hours. Additionally, street trees shall be planted within the public right-of-way in locations and amounts to be determined by the City Manager or designee.

2) A percentage of the street frontage landscaping requirements will be waived for placing parking underground. Excluding the requirement for street trees, up to a maximum of 80% of the alternative landscaping will be waived, on a percentage-by-percentage basis, for placing parking underground (e.g. placing 75% of the site's required parking underground would meet 75% of the square footage portion of the alternative landscaping requirement.)

b. Bufferyard Requirements in the ABC zone. Bufferyard requirements shall be as stated in 15.14.060 except as follows:

In the ABC zone, Type III landscaping, fifteen (15) feet wide berm to conceal service areas, backs of buildings, and parking areas from street level view.

3. Parking. The following minimum parking standard will apply to the UH-UCR zone. The minimum parking spaces required for residential units in the UH-UCR zone is one (1) space per dwelling unit. Exceptions to the minimum parking standards for "small, resident-oriented uses" may be granted in accordance with Section 15.15.055 of this code. Visitor parking will be required in the amount of one (1) space per every

three (3) dwelling units.

4. Uses not Allowed. The following uses will not be allowed on CB-C properties.

023 Golf Course # 087 Truck Terminal

089 Warehouse/Storage # 025 Drive-in Theater

088 Airport Support Facility # 133 Textile Mill

5. Building Placement. For properties where the front property line is equal to or wider than the property's depth, then the longest building facade shall be oriented toward the front property line and the main pedestrian entrance shall be located on this facade. For all properties, where the depth is greater than the front property line, the front of the building shall be oriented toward the front property line,to the maximum extent possible or as otherwise approved by the City Manager or his/her designee.

~~5~~6. Other Standards Applicable

Except as specified in this Section of the Zoning Code, all other relevant standards and requirements in this Code shall apply.

10. That Section 15.14.020 of the SeaTac Municipal Code be and the same hereby is amended to read as follows:

15.14.020 Authority and application.

A. The provisions of this chapter shall apply to:

1. All new developments on vacant land requiring building permits or change of use permit; and

2. When the gross floor area (gfa) of a building/complex expands beyond 20% of the total existing gfa, the current landscape standards shall be applicable and integrated into the redevelopment.

B. The following uses are exempt from the provisions of this chapter.

1. Single family dwellings,

2. Residential accessory uses, and

3. Subdivisions and short subdivisions in regard to perimeter and street landscape proportions only.

C. Where the width of a required landscape strip exceeds the normally required setback of a zone or specific use, the required setback shall be increased to accommodate the full width of the required landscaping, with the following exception:

The front yard landscape strip requirement shall not apply to uses in the Urban High-Urban Center Residential (UH-UCR) zoning category, Community Business zoning category in the Urban Center (CB-C), or Office/Commercial Medium (O/CM) zoning category.

If the normal required landscaping is reduced through this exception, fifty (50) percent of said landscaping shall be placed into plazas, roof-top gardens and other pedestrian amenities, and street trees shall be planted within the public right-of-way in locations and amounts to be determined by the City Manager or designee.

D. When an existing building precludes installation of the total width of required landscaping, the landscaping shall be installed to the extent possible and the remaining required landscaping shall be installed elsewhere on the site to provide the best possible screening.

E. Other Standards Applicable - Except as specified in this Section of the Zoning Code, all other relevant standards and requirements in this Code shall apply. (Ord. 92-1041 ' 1)

11. That a new Section 15.10.396 of the SeaTac Municipal Code be and the same is hereby created to read as follows:

15.10.396 Major Redevelopment

Redevelopment or additions to a building totalling 50% or more of the gross floor area of the existing building.

12. That Section 15.11.050 Urban Reserve Zone (UR) of the SeaTac Municipal Code be and the same is hereby deleted:

13. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 10th day of October, 1995, and signed in authentication thereof on this 10th day of October, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

ORDINANCE NO. 95-1029

AN ORDINANCE of the City Council of the City of SeaTac, Washington adopting the 1996 Budget with Revenues and Appropriations

WHEREAS, State law, Chapter 35A.33 RCW requires the City to adopt an annual budget and provides procedures for the filing of estimates, a preliminary budget, deliberations, public hearings, and final fixing of the budget; and,

WHEREAS, a preliminary budget for the fiscal year 1996 has been prepared and filed; a public hearing has been held for the purposes of fixing the final budget; and the City Council has deliberated and has made adjustments and changes deemed necessary and proper.

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

Section 1. Adoption By Reference.

The 1996 budget for the City of SeaTac, covering the period from January 01, 1996 through December 31, 1996, with revenues and estimated beginning fund balances of $54,550,551 and with appropriations and estimated ending fund balances of $54,550,551 is hereby adopted.

Section 2. Summary of Revenues and Appropriations.

The budget sets forth totals of estimated revenues and estimated appropriations of each separate fund, and the aggregate totals for all such funds, a copy of which is attached hereto, marked as exhibit "A" and incorporated herein by this reference, be and the same hereby is, approved and adopted, and funds appropriated as provided therein, with allocations being approved and appropriated for employee salaries, wages and benefits as shown in the estimate summary attached hereto, marked as exhibit "B" and incorporated herein by this reference.

Section 3. Copies of Budget to be Filed.

A complete copy of the final budget as adopted herein shall be transmitted to the Division of Municipal Corporations in the Office of the State Auditor, and to the Associations of Washington Cities. Three complete copies of the final budget as adopted herein shall be filed with the City Clerk and shall be available for use by the public.

Section 4. Effective Date.

That this Ordinance shall be in full force and effect for the fiscal year 1996 five (5) days after publication as required by law.

ADOPTED this 14th day of November, 1995, and signed in authentication thereof on this 14th day of November, 1995.

CITY OF SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Mary E. Mirante, Acting City Attorney

ORDINANCE NO. 95-1030

AN ORDINANCE of the City Council of the City of SeaTac,

Washington, amending portions of the City of SeaTac

Comprehensive Plan

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt a Comprehensive Land Use Plan which plan is required to include various elements, including land use, housing, transportation, capital facilities, utilities, community image, economic vitality, environmental management, parks recreation and open space, and human services; and,

WHEREAS, pursuant to substantial study by the City of SeaTac Planning Department, the City of SeaTac Planning Commission and by consultants whose services were secured by the City to assist in development of the Comprehensive Plan, a Comprehensive Plan was developed to address the goals of the State Growth Management Act and to provide for continuity and consistency among the various regulations affecting the City of SeaTac; and,

WHEREAS, the State Growth Management Act provides for amendments to the Comprehensive Plan once per year.

WHEREAS, after a public hearing to consider proposed amendments to the Comprehensive Plan the Planning Commission of the City of SeaTac has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY ORDAINS as follows:

1. That the City of SeaTac Comprehensive Plan, adopted December 20, 1994, is hereby amended as set forth in Exhibits A, B, and C (attached), and that a copy of the Plan amendments be kept on file with the Office of the City Clerk.

2. That this Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 12th day of December, 1995 and signed in authentication thereof this 12th day of December, 1995.

CITY
OF
SEATAC

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Mary Mirante, Acting City Attorney

ORDINANCE NO. 95-1031

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to ad valorem property taxes; establishing the amount to be raised in 1996 by taxation on the assessed valuation of the property of the City; and setting the levy rate for the year 1996

WHEREAS, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be raised by ad valorem taxes; and,

WHEREAS, the said statute further requires that, upon fixing of the amount to be so raised, the City Clerk shall certify the same to the Clerk of the King County Council; and,

WHEREAS, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has now certified the assessed valuation of all taxable property situated within the boundaries of the City at $ 2,190,365,771.

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

SECTION 1. Levy Rate Fixed.

The regular ad valorem levy for the fiscal year of 1996 is hereby set at $2.90 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

SECTION 2. Estimated Amount to be Raised by Ad Valorem Taxation.

The amount of revenue to be raised by the City in the fiscal year 1996 by taxation on theassessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of $6,352,061.

SECTION 3. Effective Date.

That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance as required by law.

ADOPTED this 12th day of December, 1995, and signed in authentication thereof on this12th day of December, 1995.

CITY OF SEATAC

_____

Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Mary E. Mirante, Acting City Attorney