

ORDINANCE NO. 90-1011

AN ORDINANCE of the City of SeaTac adopting the 1990 budget.

WHEREAS, state law, RCW 35.02.130, authorizes the City Council to adopt ordinances, to become effective on or after the official date of incorporation, and to enter into contracts and agreements to ensure continuation of governmental services after the official date of incorporation, but is silent as to budget matters; and

WHEREAS, the City Council has determined to follow the budget procedures set forth in Chapter 35A.33 RCW, to the extent possible in view of the new incorporation; and

WHEREAS, a preliminary budget for the fiscal year 1990 has been prepared and filed; a public hearing has been held for the purpose 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 DO ORDAIN AS FOLLOWS:

SECTION 1. Adoption By Reference.

The 1990 budget for the City of SeaTac, covering the period from the official date of incorporation, February 28, 1990, to December 31, 1990, with revenues and unencumbered fund balances of \$8,752,687 and expenditures of \$7,564,072, is hereby adopted.

SECTION 2. Summary of Revenues and Appropriations

The budget sets forth totals of estimated revenues and expenditures for each separate fund, and the aggregate totals for all such funds, as summarized below:

BEGINNING ENDING

FUND BALANCE REVENUES EXPENDITURES LOANS TRANSFERS BALANCE

Current	1,300,000	3,428,000	(4,466,450)	1,800,000	(1,893,000)	168,550
Expense						
Street	0	2,833,687	(767,622)	(1,800,000)	0	266,065
Arterial						
Street	0	162,000	(150,000)	0	0	12,000
Contin-						
gency	0	200,000	0	355,000	555,000	
TAN Repay						

ment | 0 | 0 | (1,538,000) | | 1,538,000 | 0

| | | | |

Capital | | | | |

Projects | 0 | 295,000 | (230,000) | 0 | 0 | 65,000

| | | | |

Surface | | | | |

Water | 0 | 534,000 | (412,000) | 0 | 0 | 122,000

_____ | _____ | _____ | _____ | _____ | _____ | _____

TOTAL 1,300,000 7,452,687 (7,564,072) 0 0 1,188,650

SECTION 3. Departmental Reports Required.

Except with approval of the Council, departmental expenditures shall not be made, despite the appropriations contained in the 1990 budget, until the Director of each respective Department is hired and presents to the Council a proposed work program and personnel requirements to accomplish such work during the year 1990. The Council reserves the right to amend the 1990 budget in accordance with the work programs and personnel requirements presented by the Directors of the City's departments.

SECTION 4. 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 Association 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 5. Effective Date.

This Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 27th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1012

AN ORDINANCE of the City of SeaTac adopting animal control regulations.

WHEREAS, by Resolution 90-43, the City Council authorized entry into an Interlocal Agreement whereby King County provides animal control services to the City; and

WHEREAS, the said Interlocal Agreement requires that the City adopt animal control regulations substantially conforming to those of King County to facilitate the services contemplated; and **WHEREAS**, the City Council finds that regulation of animals is in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of Animal Control Authority.

Pursuant to Interlocal Agreement, the King County Animal Control Section, Division of General Services, is hereby designated as the Animal Control Authority of the City. A copy of the said Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public.

SECTION 2. General Provisions and Licensing.

The following sections of Chapter 11.04 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

11.04.010 Purpose

11.04.020 Definitions

11.04.030 Dog and cat licenses required.

11.04.035 Dog and cat license fees and penalties

11.04.040 Animal shelter, kennel, and pet shop

license - Required

11.04.050 Animal shelter and kennel license -

Information required

11.04.060 Hobby kennel license - Required

11.04.070 Animal shelters, kennels and pet shops - Reporting required

11.04.080 Animal shelters, kennels and pet shops

- Inspections

11.04.090 Animal shelters, kennels and pet shops

- Conditions

- 11.04.100 Animal shelters, kennels and pet shops
 - Indoor facilities
- 11.04.110 Animal shelters, kennels and pet shops
 - Outdoor facilities
- 11.04.120 Grooming parlors - License required
- 11.04.130 Grooming parlors - Conditions
- 11.04.140 Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners - Additional conditions
- 11.04.150 Licenses, registrations - Revocation, suspension or refusal to renew
- 11.04.160 Licenses, registration - Revocation or refusal waiting period

SECTION 3. Enforcement and Procedures.

The following sections of Chapter 11.04 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be reference to violations of City ordinances:

- 11.04.170 Enforcement power
- 11.04.180 Violations - Deemed nuisance - Abatement
- 11.04.200 Violations - Civil penalty
- 11.04.210 Impounding
- 11.04.220 Additional enforcement
- 11.04.230 Nuisances defined
- 11.04.240A Unlawful acts against police department dogs
- 11.04.250 Cruelty to animals - Unlawful acts designated
- 11.04.260 Violations - Notice and order
- 11.04.270 Appeals
- 11.04.280 Redemption procedures
- 11.04.290 Corrective action - Vicious animals

- 11.04.300 Civil penalty and abatement costs -
Liability of owner
- 11.04.310 Costs of additional enforcement
- 11.04.320 Miscellaneous Service Charges
- 11.04.330 Additional Rules and Regulations
- 11.04.335 Waiver of fees and penalties
- 11.04.340 Severability

SECTION 4. Appeals.

The King County Board of Appeals is hereby designated to hear appeals and to review determinations relating to licensing and to violations of City animal control ordinances, in accordance with King County Code 11.04.270.

SECTION 5. Dog Lease Law.

The entire City is hereby designated a dog control zone and the following sections of Chapter 11.08 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

- 11.08.010 Purpose
- 11.08.020 Definitions
- 11.08.030 Dogs at large prohibited in dog control
zones
- 11.08.060 Violations - Civil penalty
- 11.08.070 Severability

SECTION 6. Rabies Control.

The following sections of Chapter 11.12 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

- 11.12.010 Quarantine order
- 11.12.020 Notice of rabies hazard - Quarantine
period
- 11.12.030 Violation of quarantine
- 11.12.040 Destruction of infected animals
- 11.12.050 Vaccination order

11.12.060 Enforcement

SECTION 7. Disposition of Fowl and Rabbits.

The following sections of Chapter 11.20 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

11.20.010 Age restriction for disposition or coloration

11.20.020 Penalty for violations

SECTION 8. Stock Restricted Area.

The following sections of Chapter 11.24 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

11.24.010 Stock restricted area

11.24.020 Severability

SECTION 9. Exotic Animals.

The following sections of Chapter 11.28 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 word "county" and words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

11.28.010 Chapter intent

11.28.020 Definitions

11.28.030 Possession unlawful - Exception - Rules and regulations compliance.

11.28.040 License - Issuance generally - Fees

11.28.050 License - Application - Content

11.28.060 License - Issuance - Premises inspection

11.28.070 Periodic inspection of premises

11.28.080 License revocation - Notice - Hearing

11.28.100 Euthanasia in exigent circumstances

11.28.110 Chapter limitations

11.28.120 Severability

SECTION 10. Guard Dogs.

The following sections of Chapter 11.32 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

11.32.010 Intent

11.32.020 Definitions

11.32.030 Guard dog purveyor - License - Fees

11.32.040 Guard dog purveyor - License - Application -

Contents

11.32.050 Guard dog trainer - License - Fees

11.32.060 Guard dog trainer - License - Application -

Contents

11.32.070 Guard dog - Registration

11.32.080 Guard dog - Registration - Application -

Contents

11.32.090 Inspections

11.32.100 Authorization

11.32.110 Limitations

11.32.120 Severability

SECTION 11. Violations of City Ordinances - Penalty.

Any person who allows an animal to be maintained in violation of this Ordinance, or otherwise violates or fails to comply with any requirement of this Ordinance, shall be guilty of a violation of a City ordinance and shall be subject to punishment by fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

SECTION 12. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 13. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 13th day of February, 1990, and signed in authentication of its passage this 13th day of

February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/18/90

ORDINANCE NO. 90-1013

AN ORDINANCE of the City of SeaTac adopting road standards.

WHEREAS, by Resolution 90-50, the City Council authorized entry into an Interlocal Agreement whereby King County provides road maintenance services to the City; and **WHEREAS**, the said Interlocal Agreement requires that the City adopt road standards substantially conforming to those of King County to facilitate the services contemplated; and

WHEREAS, the City Council finds that regulation of road standards are in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of King County as Agent for Roads Maintenance Services.

Pursuant to Interlocal Agreement, King County is hereby designated as agent for the City with full authority to perform roads and traffic maintenance services within the City limits. A copy of the said Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public.

SECTION 2. Load Restrictions on Roads.

The following sections of Chapter 14.12 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 word "county" and the words "King County" shall refer to the City:

14.12.010 Road closure policy.

14.12.020 Winter and emergency load restrictions.

SECTION 3. Load Limits On Bridges.

The following sections of Chapter 14.16 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 word "county" and the words "King County" shall refer to the City:

14.16.010 Gross weight allowed and notification

14.16.020 Maximum gross vehicle weight

14.16.180 Severability

SECTION 4. Standard Specifications For Road and Bridge Construction.

The following sections of Chapter 14.20 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 word "county" and the words "King County" shall refer to the City:

14.20.010 1988 Standard specifications adopted

14.20.020 Department of public works to comply

with standards

SECTION 5. Road Construction Rules.

The following sections of Chapter 14.24 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 word "county" and the words "King County" shall refer to the City:

14.24.010 Rules adopted.

SECTION 6. Rights-Of Way.

The following sections of Chapter 14.28 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 word "county" and the words "King County" shall refer to the City:

14.28.010 Definitions

14.28.020 Permit required for improvement or use

- Application processing.

14.28.030 Permit - Additional requirements.

14.28.050 Permit - Limited.

14.28.060 Permit - Extended.

14.28.070 Permit - Interpretation.

14.28.080 Compliance required for driveway

connections or other access to county

road rights-of-way.

14.28.100 Retroactivity.

SECTION 7. Permit Systems for City Property.

The following sections of Chapter 14.30 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 word "county" and the words "King County" shall refer to the City:

14.30.010 Definitions

14.30.020 Permit requirement.

14.30.025 Inspection fee.

14.30.030 Permit issuance.

14.30.040 Liability.

14.30.050 Additional requirements.

14.30.060 Fee.

14.30.070 Interpretation

14.30.090 Severability.

SECTION 8. Installation of Public Benches.

The following sections of Chapter 14.32 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 word "county" and the words "King County" shall refer to the City:

14.32.010 Definitions

14.32.020 Permit - Required for each bench.

14.32.030 Permit - Application - Bench plans.

14.32.040 Consent of property owner.

14.32.050 Bench owner to sign permit application

- Inspection fee.

14.32.060 Permit - Fee payment.

14.32.070 Permit - Expiration - Renewal application
and fee.

14.32.080 Transfer of bench ownership or title.

14.32.090 Permit - Grounds for denial.

14.32.100 Permit - Withdrawal of consent by property
owner.

14.32.110 Permit - Time limit for acceptance and
fee payment.

14.32.120 Permit - Cancellation after installation
delay.

14.32.130 Permit - Protest of nearby property owner.

14.32.140 Distance of bench from curb.

14.32.150 Height and length of bench.

14.32.160 Bench to display name and permit number of
permittee.

14.32.170 Maintenance of bench by permittee.

14.32.180 Location and space permitted advertising.

14.32.190 Use of words misleading to traffic.

14.32.200 Disposition of bench on revocation of permit
- Recovery by permittee.

14.32.210 Refund of fees on revocation of permit.

14.32.230 Bond.

14.32.240 Schedule of liability limits for bonds and insurance policies.

SECTION 9. Road Vacation.

The following sections of Chapter 14.40 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 word "county" and the words "King County" shall refer to the City:

- 14.40.010 Authority.
- 14.40.015 Procedure.
- 14.40.020 Amount.
- 14.40.030 Condition precedent.
- 14.40.040 Deposit.
- 14.40.050 Manner of payment.
- 14.40.060 Road classification.

SECTION 10. City Road Standards.

The following sections of Chapter 14.42 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 word "county" and the words "King County" shall refer to the City:

- 14.42.010 Adoption.
- 14.42.020 Terms.
- 14.42.030 Applicability.
- 14.42.040 Developments.
- 14.42.050 References.
- 14.42.060 Variances.
- 14.42.062 Appeals from decisions on variances.
- 14.42.070 Penalties.
- 14.42.080 Severability.

SECTION 11. Utilities on City Rights-Of-Way.

The following sections of Chapter 14.44 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 word "county" and the words "King County" shall refer to the City:

- 14.44.010 Purpose.
- 14.44.020 Construction permit - Required

14.44.030 Construction permit - Application -

Generally

14.44.040 Construction permit - Application - Fees.

14.44.045 Inspection fee.

14.44.050 Construction permit - Application - Review.

14.44.060 Policy on accommodation of utilities.

14.44.070 Coordination of right-of-way construction.

14.44.080 Performance bond required.

14.44.090 Construction permit - Form.

14.44.100 Notification by permittee of
construction commenced.

14.44.120 Severability.

SECTION 12. Public and Private Utilities on City Real Property.

The following sections of Chapter 14.46 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 word "county" and the words "King County" shall refer to the City:

14.46.010 Purpose.

14.46.020 Permit - Required - Exceptions.

14.46.030 Permit - Issuance authority - Use.

14.46.040 Permit - Privilege limitations.

14.46.050 Permit - Compliance with applicable
provisions.

14.46.060 Permit - Terms and conditions

14.46.070 Permit - Application - Required
information.

14.46.080 Permit - Application and inspection fee.

14.46.090 Review and certification by agencies.

14.46.100 Bond requirements.

14.46.110 Notice of proposed use and commencement -
Departmental coordination of permit
approval.

14.46.120 Notice to agencies of construction date.

14.46.130 Permit revocation.

14.46.140 Termination of privileges - Assessment.

14.46.160 Rights reserved to county - Conformance
and payment of cost required.

14.46.170 Rules and regulations promulgation.

14.46.180 Severability.

SECTION 13. Snow Emergency Routes. The following sections of Chapter 14.48 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 word "county" and the words "King County" shall refer to the City:

14.48.010 Designation.

14.48.020 Publication.

14.48.030 Snow emergency - Declaration authority -
News bulletin.

14.48.040 Coordination of snow removal activities
with other jurisdiction.

SECTION 14. Sidewalks, Planting Strips and Street Trees.

The following sections of Chapter 14.52 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 word "county" and the words "King County" shall refer to the City:

14.52.010 Definitions.

14.52.020 Sidewalk - Repair determination -
Responsibility and costs.

14.52.030 Sidewalk - Notice to repair - Cost
assessment.

14.52.040 Planting strip maintenance.

14.52.050 Sidewalk - Snow, ice and trash removal
required when.

14.52.070 Exemption from Sections 14.52.040 and
14.52.050 permitted when.

14.52.080 Street trees and plantings - Trimming
limitations - Removal prohibited.

SECTION 15. Non-Motorized Vehicle Program.

The following sections of Chapter 14.56 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 word "county" and the words "King County" shall refer to the City:

14.56.010 Findings and declaration of purpose.

14.56.020 Program established.

14.56.030 Coordinator - duties and responsibilities.

14.56.040 Non-motorized vehicle advisory committee.

SECTION 16. Enforcement.

When King County provides engineering and administrative services for the City, pursuant to Interlocal Agreement, the County Road Engineer may exercise all of the powers and perform all of the duties vested by law or by resolution in the City Engineer or other officer or department charged with street administration and maintenance. In addition, the City Manager, City Police and the County Department of Public Safety are authorized to enforce all provisions of this Ordinance and any rules and regulations promulgated thereunder. The City Manager is authorized to delegate enforcement authority to the County Director of the Department of Public Works, and Director of the Department of Planning and Community Development as may be appropriate.

SECTION 17. Violations of City Ordinances - Penalty.

Any person who violates or fails to comply with any requirement of this Ordinance, shall be guilty of a violation of a City ordinance and shall be subject to punishment by fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

SECTION 18. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 19. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 13th day of February, 1990, and signed in authentication of its passage this 13th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/18/90

ORDINANCE NO. 90-1014

AN ORDINANCE of the City of SeaTac adopting for-hire regulations.

WHEREAS, by Resolution 90-52, the City Council authorized entry into an Interlocal Agreement whereby King County provides licensing and enforcement services relating to the conduct of taxicab and for-hire vehicle businesses; and

WHEREAS, the said Interlocal Agreement requires that the City adopt for-hire licensing regulations substantially conforming to those of King County to facilitate the services contemplated; and

WHEREAS, the City Council finds that regulation of taxi-cab and for-hire vehicle businesses is in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of Licensing and Enforcement Authority.

Pursuant to Interlocal Agreement, the Director of the King County Department of Executive Administration, and his or her authorized representatives, are hereby delegated the power to determine eligibility for licenses and the power to deny, suspend, or revoke licenses, pursuant to terms of this Ordinance. A copy of the said Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public.

SECTION 2. Licensing and Regulation of Taxicab and For-Hire Vehicles.

The following sections of Chapter 6.64 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

6.64.010 Definitions.

6.64.020 Taxicabs and for-hire license - Applications.

6.64.030 Taxicabs, maximum number.

6.64.040 Color scheme.

6.64.050 Expiration of licenses and license fees.

6.64.060 Unlawful to operate taxicab or for-hire vehicles without liability insurance.

6.64.070 King county taxicab or for-hire license plates.

6.64.080 Duplicate license plates.

6.64.090 Rates.

6.64.100 Display of taxicab or for-hire vehicle number.

- 6.64.110 Taximeter.
- 6.64.120 Installation of taximeters.
- 6.64.130 Flag to be proper position.
- 6.64.140 Classification and capacity.
- 6.64.150 Driver's license.
- 6.64.160 Trip sheets.
- 6.64.170 Display of license.
- 6.64.180 Inspection of taxicab or for-hire vehicles.
- 6.64.190 Direct route of travel.
- 6.64.200 Unlawful not to pay fare.
- 6.64.210 Leaving taxicab or for-hire vehicle unattended.
- 6.64.220 Baggage.
- 6.64.230 Two-way radio dispatch.
- 6.64.240 Discontinued use as taxicab or for-hire vehicle.
- 6.64.250 Solicitation of fares or carrying non-paying passengers or pets of driver.
- 6.64.260 Condition of driver.
- 6.64.270 Suspension - Revocation of for-hire driver's license.
- 6.64.280 Licensing fees.
- 6.64.290 For-hire driver's license required - Application.
- 6.64.300 Qualifications for a for-hire driver's license.
- 6.64.310 Seattle-King County Health Department.
- 6.64.320 Fingerprints and photographs to accompany application.
- 6.64.330 Investigation of applicants for driver's license.
- 6.64.340 Temporary permit.
- 6.64.345 Required training.
- 6.64.350 Issuance of for-hire driver's license.

- 6.64.360 Expiration and renewals of for-hire driver's license.
- 6.64.370 For-hire driver's license fee.
- 6.64.380 Damages or worn-out for-hire driver's licenses to be replaced.
- 6.64.390 Identification of drivers.
- 6.64.400 Renewal of license, registration or permit - Late penalty.
- 6.64.420 Civil penalty.
- 6.64.430 Additional enforcement.
- 6.64.440 Scope of authority.
- 6.64.470 Moratorium.
- 6.64.480 Transfer of permit.
- 6.64.490 Driving record.
- 6.64.500 Passenger complaints process.
- 6.64.510 Industry reporting.
- 6.64.520 Response times.
- 6.64.530 Annual report.
- 6.64.540 Annual determination of fares and number of licenses.
- 6.64.550 Interlocal agreement.
- 6.64.560 Severability.
- 6.64.570 Taxicab Commission.

SECTION 3. Violations of City Ordinances - Penalty.

Any person who violates or fails to comply with any requirement of this Ordinance, shall be guilty of a violation of a City ordinance and shall be subject to punishment by fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

SECTION 4. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 5. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 13th day of February, 1990, and signed in authentication of its passage this 13th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/18/90

ORDINANCE NO. 90-1015

AN ORDINANCE of the City of SeaTac adopting private security business regulations.

WHEREAS, by Resolution 90-51, the City Council authorized entry into an Interlocal Agreement whereby King County provides licensing and enforcement services relating to the conduct of private security businesses; and

WHEREAS, the said Interlocal Agreement requires that the City adopt private security business regulations substantially conforming to those of King County to facilitate the services contemplated; and

WHEREAS, the City Council finds that regulation of private security businesses is in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of Licensing and Enforcement Authority.

Pursuant to Interlocal Agreement, the Director of the King County Department of Executive Administration, and his or her authorized representatives, are hereby delegated the power to determine eligibility for licenses and the power to deny, suspend, or revoke licenses, pursuant to terms of this Ordinance. A copy of the said Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public.

SECTION 2. Licensing and Regulation of Private Security Businesses.

The following sections of Chapter 6.24 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 word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances:

- 6.24.010 Definitions.
- 6.24.020 License required.
- 6.24.030 Exemptions.
- 6.24.040 License - Application.
- 6.24.050 Procedures required of licensees.
- 6.24.060 Background check.
- 6.24.070 Licenses - Scope and classification.
- 6.24.080 License - Fees.
- 6.24.090 License - Denial.
- 6.24.100 License - Revocation or suspension.
- 6.24.110 License - Transferability.
- 6.24.120 New officers.
- 6.24.130 Licensee responsibility for conduct of

employee.

6.24.140 Emergency equipment.

6.24.150 Certain practices prohibited.

6.24.160 Uniforms - Approval required.

6.24.170 Divulgence of information.

6.24.180 Advertisements - Solicitation of business.

6.24.190 Surety bond required.

6.24.200 Insurance coverage required.

6.24.210 Bond and insurance - License suspension or denial for failure to file.

6.24.220 Branch offices.

6.24.230 Registration of employees.

6.24.240 Licensees and registrants - Knowledge and ability to use firearms.

6.24.250 Registration - Exempt employees.

6.24.260 Registration - Denial, suspension or revocation.

6.24.270 Registration - Issuance.

6.24.280 Termination of registrant with licensee.

6.24.290 Registration - Fee.

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

6.24.320 Civil penalty.

6.24.330 Additional enforcement.

SECTION 3. Appeals.

The King County Board of Appeals is hereby designated to hear appeals and to review determinations relating to licensing and to violations of the City security business regulations adopted by this Ordinance.

SECTION 4. Violations of City Ordinances - Penalty.

Any person who violates or fails to comply with any requirement of this Ordinance, shall be guilty of a violation of a City ordinance and shall be subject to punishment by fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not in excess of one (1)

year, or both.

SECTION 5. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 6. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 13th day of February, 1990, and signed in authentication of its passage this 13th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/18/90

ORDINANCE NO. 90-1016

AN ORDINANCE of the City of SeaTac adopting a surface water management program and service charges.

WHEREAS, by Resolution 90-48, the City Council authorized entry into an Interlocal Agreement whereby King County provides comprehensive surface water management services and collection of revenue to support those services within the City; and

WHEREAS, the said Interlocal Agreement requires that the City adopt a surface water management program and rate structure substantially conforming to those of King County to facilitate the services contemplated; and

WHEREAS, the City Council finds that a surface water management program and collection of revenue to support the program is in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of King County As Surface Water Management Authority.

Pursuant to Interlocal Agreement, King County and its Department of Public Works, is hereby designated as the City's agent for providing drainage services under the Surface Water Management Program to the residents and property owners of the City and for the purpose of collecting surface water service charges from City property owners. A copy of the said Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public.

SECTION 2. Surface Water Management Program.

The following sections of Chapter 9.08 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 word "county" and the words "King County" shall refer to the City:

9.08.010 Definitions

9.08.020 Authority.

9.08.040 Purpose.

9.08.050 Applicability.

9.08.060 Policy.

9.08.070 Rate structure.

9.08.080 Rate adjustments and appeals.

9.08.090 Billing procedure.

9.08.120 Administrative procedures.

9.08.130 Termination.

9.08.140 Severability.

SECTION 3. Delinquencies and Foreclosures.

Delinquent service charges shall bear interest at the rate of eight percent (8%) per annum from the date of delinquency until paid. The City shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed pursuant to Chapter 35.67 RCW.

SECTION 4. Additional Use of Revenues.

The City may use revenues received from collection of service charges for the purpose of maintaining road drainage systems.

SECTION 5. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 6. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 13th day of February, 1990, and signed in authentication of its passage this 13th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/18/90

ORDINANCE NO. 90-1017

AN ORDINANCE of the City of SeaTac designating the King County solid waste disposal system as agency for disposal of solid waste collected within the City; authorizing King County to prepare the City's Comprehensive Solid Waste Management Plan; and adopting solid waste regulations.

WHEREAS, by Resolution 90-49, the City Council authorized entry into an Interlocal Agreement whereby King County provides solid waste planning and management services, support and technical assistance, and disposal facilities to the City; and **WHEREAS**, the City Council finds that a Comprehensive Solid Waste Management Plan and access to a system of solid waste transfer stations, landfills and energy/resource recovery and processing facilities are in the best interest of public health, safety and welfare;

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

SECTION 1. Designation of the King County Disposal System as City Agency.

The King County solid waste disposal system, operated by the Department of Public Works, Solid Waste Division, is hereby designated as the agency for disposal of all solid waste, including moderate risk waste, generated or collected within the corporate limits of the City and the County is hereby authorized to designate disposal sites for the disposal of all such solid waste, except for solid waste which is eliminated through waste reduction or waste recycling activities.

SECTION 2. Comprehensive Solid Waste Management Plan.

King County is hereby designated to prepare a Comprehensive Solid Waste Management Plan which shall include the City's Plan, pursuant to RCW 70.95.080(3). The City declares that it is a member of the Designated Interlocal Forum for the purpose of resolving solid waste issues and facilitating regional cooperation in solid waste management.

SECTION 3. Solid Waste Code.

The following sections of Chapter 10.04 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 word "county" and the words "King County" shall refer to the City:

10.04.010 Title of chapter.

10.04.020 Definitions.

10.04.030 Keeping and use of solid waste containers.

10.04.040 Construction, maintenance and placement

of solid waste containers.

10.04.060 Separation of solid waste.

10.04.070 Removal or storage of swill.

10.04.080 Littering and unlawful dumping.

SECTION 3. Solid Waste Site Disposal Fees.

Fees charged at solid waste disposal sites shall be as set by King

County for users of each established class of service.

SECTION 4. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 5. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 13th day of February, 1990, and signed in authentication of its passage this 13th day of February, 1990.

CITY OF SEATAC

ATTEST: FRANK HANSEN, Mayor

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/18/90

ORDINANCE NO. 90-1018

AN ORDINANCE of the City of SeaTac adopting the King County Comprehensive Plan, the Highline Communities Plan, the Sea-Tac Communities Plan and the Sea-Tac Area Update as the interim comprehensive plan of the City; retaining that portion of the King County zoning map applicable to the area of the City; directing the City Planning Agency to draft a comprehensive plan and zoning map for the City; and declaring an emergency.

WHEREAS, the City Council finds that adoption of a comprehensive land use plan and zoning regulations are essential to the public health, safety and welfare; and

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County provides land use application and building permit and inspection services to the City subject to adoption by the City of applicable King County land use plans and regulations, including zoning and uniform codes; and

WHEREAS, all of the land now within the City is included in the King County Comprehensive Plan, the Highline Communities Plan, the Sea-Tac Communities Plan, and the Sea-Tac Area Update, and the King County zoning map, and has been subject to King County zoning regulations; and

WHEREAS, notice was given and a public hearing was held, as required by law; and

WHEREAS, the City Council finds that adoption by reference of the King County Comprehensive Plan, the Highline Communities Plan, the Sea-Tac Communities Plan, and the Sea-Tac Area Update, and retention of the zoning classifications imposed by the King County zoning map on land now within the City, will promote certainty, understanding and proper regulation of land use until such time as the City can prepare and implement its own comprehensive plan, zoning map and regulations thereunder;

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

SECTION 1. Adoption by Reference of Interim Comprehensive Plan.

The King County Comprehensive Plan - 1985 as adopted by King County Ordinance No. 7178, the Highline Communities Plan, the Sea-Tac Communities Plan, and the Sea-Tac Area Update and Area Zoning as identified in Section 20.12.240 of the King County Code, as now in effect, and as may subsequently be changed and amended, are hereby adopted by reference, as the interim Comprehensive Plan of the City of SeaTac, to be effective until the City adopts another Comprehensive Plan pursuant to this Ordinance.

SECTION 2. Adoption by Reference of Zoning Map.

The zoning map and assignment of specific land use zones to the geographic area now within the corporate limits of the City, as adopted by King County Ordinances identified in Section 20.12.240 of the King County Code, as now in effect, and as may subsequently be changed and amended, are hereby adopted by reference as the zoning map of the City and the existing assignment of land use zones to land within the City is hereby retained until amended by the City or until adoption by the City of a Comprehensive Plan and ordinances thereunder pursuant to this Ordinance.

SECTION 3. Preparation of Comprehensive Plan by City Planning Agency.

The City Planning Agency is directed to prepare a Comprehensive Plan, within six (6) months after the City's official date of incorporation, for the purpose of anticipating and influencing the orderly and coordinated development of land and building uses within the City and its environs. The Planning Agency may develop the Comprehensive Plan as a whole or in successive parts.

SECTION 4. Required Elements of the Comprehensive Plan.

The Comprehensive Plan shall consist of reports and descriptive and explanatory text, together with a zoning map or maps, and such diagrams and charts as may be appropriate, together with any other devices and materials to express, explain and depict the elements of the land use plan. The Comprehensive Plan shall include a specific recommended plan, scheme, or design for each of the following elements:

(a) A land-use element that designates the proposed general distribution, general location, and extent of the uses of land. These uses may include, but are not limited to, agricultural, residential, commercial, industrial, recreational, educational, public, and other categories of public and private uses of land. The land-use element shall also include estimates of future population growth in, and statements of recommended standards of population density and building intensity for, the area covered by the Comprehensive Plan. The land use element shall also provide for protection of the quality and quantity of ground water used for public water supplies and shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound, or other bodies of water.

(b) A circulation element consisting of the general location, alignment, and extent of existing and proposed major thoroughfares, major transportation routes, and major terminal facilities, all of which shall be correlated with the land-use element of the comprehensive plan.

SECTION 5. Optional Elements of the Comprehensive Plan.

The Planning Agency is directed to consider the following optional elements of the Comprehensive Plan and to include such elements as may be needful and desirable:

(a) A conservation element for the conservation, development, and utilization of natural resources.

(b) An open space, park, and recreation element.

(c) A transportation element showing a comprehensive system of surface, air, and water transportation routes and facilities.

(d) A public-use element showing general locations, designs, and arrangements of public buildings and uses.

(e) A public utilities element showing general plans for public and franchised services and facilities.

(f) A redevelopment or renewal element showing plans for the redevelopment or renewal of slum and blighted areas.

(g) An urban design element for general organization of the physical parts of the urban landscape.

(h) Other elements dealing with subjects that may be found to relate to the development of the municipality, or are essential or desirable to coordinate public services and programs with such development.

(i) A solar energy element for encouragement and protection of access to direct sunlight for solar energy systems.

SECTION 6. Effect of the Comprehensive Plan.

The Comprehensive Plan, its parts and modifications thereof, shall serve as a basic source of reference for future legislative and administrative action: Provided, that the Comprehensive Plan shall not be construed as a regulation of property rights or land uses: and Provided, further, that no procedural irregularity or informality in the consideration, hearing, and development of the Comprehensive Plan or a part thereof, or any of its elements, shall affect the validity of any zoning ordinance or amendment thereto enacted by the City after the approval of the Comprehensive Plan. The Comprehensive Plan shall be consulted as a preliminary to the establishment, improvement, abandonment, or vacation of any street, park, public way, public building, or public structure, and no dedication of any street or other area for public use shall be accepted by the City until the location, character, extent, and effect thereof shall have been considered by the Planning Agency with reference to the Comprehensive Plan. The Planning Agency shall report and make a recommendation with respect thereto within thirty (30) days following receipt of any such request. Recommendations of the Planning Agency shall be advisory only.

SECTION 7. Copies to be Available.

A copy of the King County Comprehensive Plan, Highline Communities Plan, the Sea-Tac Communities Plan, and the Sea-Tac Area Update, and applicable portions of the King County zoning map adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 8. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 27th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1019

AN ORDINANCE of the City of SeaTac establishing zoning standards, requirements and conditions for regulating the use of public and private land, buildings and structures; and declaring an emergency.

WHEREAS, the City Council finds that adoption of a comprehensive land use plan and zoning regulations are essential to the public health, safety and welfare; and

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County provides land use application and building permit and inspection services to the City subject to adoption by the City of applicable King County land use plans and regulations, including zoning and uniform codes; and

WHEREAS, all of the land now within the City is included in the King County Comprehensive Plan, the Highline Communities Plan, the Sea-Tac Communities Plan, and the Sea-Tac Area Update and has been subject to King County zoning regulations; and

WHEREAS, notice was given and a public hearing was held, as required by law; and

WHEREAS, the City Council finds that adoption by reference of the King County zoning regulations will promote certainty, understanding and proper regulation of land use until such time as the City can prepare and implement its own comprehensive plan and regulations thereunder;

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

SECTION 1. Appointment of Land Use Authority.

Pursuant to Interlocal Agreement, King County and the Division of Building and Land Development are hereby designated as agent for the City with full authority to receive and process land use applications and authorizations, including reclassifications, conditional uses and variances, and to make reports and recommendations to the City for final decisions, and to receive and process building permits, including review, approval or disapproval, inspections and enforcement of conditions of approval, and to collect from applicants the filing and other fees, together with handling fees, imposed by King County.

SECTION 2. Zoning Code.

Title 21 of King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference as the Zoning Code of the City of SeaTac. Except as to actions taken by King County as agent of the City, and unless the context indicates otherwise, the word "county" and the words "King County" shall refer to the City and references to county departments or officials shall be references to the City departments or officials having similar responsibility and authority.

SECTION 3. Enforcement.

The following sections of Chapter 23.08 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference, and except as to actions taken by King County as agent of the City, and unless the context indicates otherwise, the word "county" and the words "King County" shall refer to the City and references to county departments or officials shall be references to the City departments or officials having similar responsibility and authority:

23.08.010 Administration.

23.08.020 Definitions.

23.08.030 Declaration of nuisance.

23.08.040 Right of entry.

23.08.050 Abatement proceedings - Authorized.

23.08.060 Abatement proceedings - Legal relief.

23.08.070 Technical review committee.

23.08.090 Civil penalties - Procedures.

23.08.100 Civil penalties - General requirements.

23.08.110 Civil penalties - Schedules.

SECTION 4. Violations of City Ordinances - Penalties.

The City shall also have full authority to enforce all provisions of the zoning code and as an alternative to any other judicial or administrative remedy provided in this or any other Ordinance, any person who wilfully or knowingly violates any land use or public health ordinance, or rule and regulation adopted thereunder, or any order issued pursuant to this Ordinance, or by any act of commission or omission procures, aids, or abets such violation, shall be guilty of a violation of a City ordinance and upon conviction shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisonment for a term not to exceed one (1) year, or both, and each day during which such violation continues shall be considered an additional violation.

SECTION 5. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 6. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its

passage this 27th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1020

AN ORDINANCE of the City of SeaTac relating to subdivisions; appointing King County as agent for processing applications; providing definitions; establishing principles of acceptability; adopting dimension and layout standards; establishing requirements of site approval; providing for private street plats; establishing procedures for short subdivisions, preliminary plats and final plats; adopting a process relating to condominium site development; establishing a subdividing procedure; providing for parks and open space or fee-in-lieu; and establishing violations and penalties.

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County and the Division of Building and Land Development provide services to the City with respect to accepting and processing applications for subdivisions and short subdivisions; and

WHEREAS, the City Council finds that adoption of a comprehensive land use plan, zoning regulations, and land use regulations, including the regulation of subdivisions, is in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of Subdivision Authority.

Pursuant to Interlocal Agreement, King County and the Division of Building and Land Development are hereby designated as agent for the City with full authority to receive and process applications for subdivisions and short subdivisions, private street plats, condominium site developments, and related applications, and to collect from applicants the filing and other fees, together with handling fees, imposed by King County.

SECTION 2. Definitions.

Chapter 19.04 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 3. General Principles of Acceptability.

Chapter 19.08 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 4. Dimension and Layout Standards.

Chapter 19.12 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 5. Site Improvement.

Chapter 19.16 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 6. Private Street Plats.

Chapter 19.24 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 7. Short Subdivision.

Chapter 19.26 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 8. Preliminary Plat.

Chapter 19.28 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 9. Final Plat.

Chapter 19.32 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 10. Residential Condominium Binding Site Plan Review Process.

Chapter 19.34 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 11. Subdividing Procedure.

Chapter 19.36 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 12. Land Dedication or Reservation for Parks and Open Space or Fee-in-lieu thereof.

Chapter 19.38 of the King County Code as now ineffect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 13. Violations and Penalties.

Chapter 19.40 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference, except that any violation of this Ordinance, of Title 19 of the King County Code adopted by reference, or of any rules and regulations promulgated thereunder, shall, in addition to civil penalties, remedies and injunctions, be a violation of a City ordinance and any person found guilty thereof shall be subject to punishment by fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

SECTION 14. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 15. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 20th day of February, 1990, and signed in authentication of its passage this 22nd day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/25/90

ORDINANCE NO. 90-1021

AN ORDINANCE of the City of SeaTac relating to building and construction standards; appointing King County as agent for processing building permits, performing inspections and enforcing standards; adopting building codes; providing for road names and addressing of buildings; adopting a plumbing code; adopting construction standards for private swimming pools, providing for off- street parking facilities; providing for ornamental pools; restricting grading; and adopting minimum security standards.

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County and the Division of Building and Land Development provide services to the City with respect to accepting and processing applications for subdivisions and short subdivisions; and

WHEREAS, the City Council finds that adoption of a comprehensive land use plan, zoning regulations, and land use regulations, including the adopting of building and construction standards, are in the best interest of public health, safety and welfare;

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

SECTION 1. Appointment of King County as Agent.

As provided by Ordinance 90-1019, and pursuant to Interlocal Agreement, King County and the Division of Building and Land Development are hereby designated as agent for the City with full authority to receive and process building permits, including review, approval or disapproval, inspections and enforcement of conditions of approval, and to collect from applicants the filing and other fees, together with handling fees, imposed by King County.

SECTION 2. Building Codes.

Chapter 16.04 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference, with the exception of Section 16.04.020.

SECTION 3. Road Names and Addressing of Buildings.

Chapter 16.08 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference, except that the words "county council" and the word "council" in Section 16.08.060 shall refer to the City Council.

SECTION 4. Plumbing Code.

Chapter 16.32 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 5. Private Swimming Pool Construction Standards.

Chapter 16.70 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 6. Ornamental Pools.

Chapter 16.78 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 7. Grading.

Chapter 16.82 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 8. Minimum Security Standards.

Chapter 16.86 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference.

SECTION 9. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 10. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 20th day of February, 1990, and signed in authentication of its passage this 22nd day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/25/90

ORDINANCE NO. 90-1022

AN ORDINANCE of the City of SeaTac relating to building and construction standards; and adopting a fire code.

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County provides land use application and building permit and inspection services to the City subject to adoption by the City of applicable King County land use plans and regulations, including zoning and uniform codes; and

WHEREAS, the City Council finds that adoption by reference of the King County fire code will promote certainty, understanding and proper regulation of land use and building and construction standards;

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

SECTION 1. Uniform Fire Code Adopted.

The following sections of Chapter 17.04 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to the fire marshal, fire chief, or fire department of King County shall also refer to the City's fire department, fire chief and similar personnel:

- 17.04.010 Adoption.
- 17.04.020 Term amendments.
- 17.04.030 Section 10.309.
- 17.04.040 Section 79.403
- 17.04.070 Fire lanes - Establishment - Vehicle obstruction and impoundment.
- 17.04.090 Severability.

SECTION 2. Fire Regulations For High Rise Buildings.

The following sections of Chapter 17.06 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to the fire marshal, fire chief, or fire department of King County shall also refer to the City's fire department, fire chief and similar personnel:

- 17.06.010 Existing structures - Applications.
- 17.06.020 Sprinkler system.
- 17.06.030 Doors and openings.
- 17.06.040 Pressurized stairwells.
- 17.06.050 Stairwell door locks.
- 17.06.060 Stairwell hatches.
- 17.06.070 Elevators.
- 17.06.080 Fire alarm system.

17.06.090 Emergency power.

17.06.100 Emergency plan.

17.06.110 Alternate.

17.06.120 Compliance schedule.

17.06.130 Appeals.

17.06.140 Severability.

SECTION 3. Fire Hydrants and Water Mains.

The following sections of Chapter 17.08 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to the fire marshal, fire chief, or fire department of King County shall also refer to the City's fire department, fire chief and similar personnel:

17.08.010 Definitions.

17.08.020 Application.

17.08.030 Exemptions.

17.08.040 Watermain requirements.

17.08.050 Fire hydrants - Single family.,

17.08.060 Fire hydrants - Other uses.

17.08.070 Minimum water flow requirements.

17.08.080 Fire hydrants.

17.08.090 Variances.

17.08.100 Water authority responsibility.

17.08.120 Severability.

17.08.130 Water purveyor authority.

17.08.140 Individual service connections.

17.08.160 Appeals.

SECTION 4. Additional Fire Protection Requirements. The following sections of Chapter 17.10 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that references to the fire marshal, fire chief, or fire department of King County shall also refer to the City's fire department, fire chief and similar personnel:

17.10.010 Definitions.

17.10.020 Application.

17.10.030 Regulative authority.

17.10.040 Deviations/appeals.

17.10.050 Additional conditions.

17.10.070 Liability.

17.10.090 Severability.

SECTION 5. Enforcement.

The King County fire marshal, or his authorized designee, is authorized to enforce the provisions of this Ordinance, and any rules and regulations adopted hereunder, and the City fire chief, or his authorized designee, shall have concurrent enforcement authority and any person who violates any provision of this Ordinance shall be guilty of a violation of a City Ordinance and shall be subject to punishment by fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

SECTION 6. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 7. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 20th day of February, 1990, and signed in authentication of its passage this 22nd day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/25/90

ORDINANCE NO. 90-1023

AN ORDINANCE of the City of SeaTac relating to development permit fees; and establishing fees for building permits, grading permits, right-of-way use permits, shoreline management permits, special reviews, subdivision permits, uniform fire code permits, and zoning and land use permits.

WHEREAS, the City Council finds that adoption of a comprehensive land use plan and zoning regulations are essential to the public health, safety and welfare; and

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County provides land use application, building permit and inspection, and subdivision and short subdivision services to the City for which services King County shall collect filing and other fees, together with handling fees, in the amounts usually imposed by King County; and

WHEREAS, the City Council finds that adoption by reference of the King County development permit fees is essential to the Interlocal Agreement and to proper regulation of land uses until such time as the City has a planning staff capable of providing all such services;

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

SECTION 1. Definitions.

The following sections of Chapter 27.04 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

27.04.010 Development permits.

27.04.020 Division.

27.04.030 Manager.

SECTION 2. Building Permit Fees.

The following sections of Chapter 27.08 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

27.08.010 Building permit fees.

27.08.020 Building permit base fees.

27.08.030 Structural - valuation of construction fees.

27.08.040 Structural - gross area fees.

27.08.050 Structural - mechanical review fees.

27.08.060 Structural - fire protection plan review fees.

27.08.070 Site development fees.

27.08.080 Site development - construction inspection.

27.08.090 Building permit general fees.

SECTION 3. Grading Permit Fees.

The following sections of Chapter 27.12 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

- 27.12.010 Grading permit fee.
- 17.12.020 Grading permit plan review fees.
- 27.12.030 Grading permit operation monitoring fees.
- 27.12.040 Grading permit general provisions.

SECTION 4. Right-Of-Way Use Permits.

The following sections of Chapter 27.16 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

- 27.16.010 Right-of-way use permits.
- 27.17.020 Right-of-way permit fees.

SECTION 5. Shoreline Management Permits.

The following sections of Chapter 27.20 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

- 27.20.010 Shoreline management permit fees.
- 27.20.020 Shoreline fees.

SECTION 6. Special Review Fees.

The following sections of Chapter 27.24 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

- 27.24.010 Special review fees.
- 27.24.020 Development permit special review fees.

SECTION 7. Subdivision Permit Fees.

The following sections of Chapter 27.28 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

- 27.28.010 Subdivision product permits.
- 27.28.020 Subdivision - preliminary application review fees.
- 27.28.030 Subdivision - engineering plan review fees.
- 27.28.040 Subdivision - construction inspection fees.

27.28.050 Subdivision - final approval fees.

27.28.060 Subdivision - post final fees.

SECTION 8. Uniform Fire Code Permit Fees.

The following sections of Chapter 27.32 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

27.32.010 Uniform fire code permits.

27.32.020 Uniform fire code permit fees.

SECTION 9. Zoning And Land Use Permit Fees.

The following sections of Chapter 27.36 King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference:

27.36.010 Zoning and land use permit fees.

27.36.020 Zoning fees.

SECTION 10. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 11. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 20th day of February, 1990, and signed in authentication of its passage this 22nd day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/25/90

ORDINANCE NO. 90-1024

AN ORDINANCE of the City of SeaTac providing for the rezoning of certain property in the City, changing the zoning classification from RM900-P to RM1800-P

WHEREAS, the City will, as of its official date of incorporation, have adopted an interim Comprehensive Plan, zoning map and a zoning code; and

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County provides land use application services to the City; and

WHEREAS, the County Division of Building and Land Development accepted an informal application for reclassification of property located generally at the intersection of South 182nd Street and 37th Avenue South (if extended), in the Bow Lake area of the City, and forwarded a report and recommendations to the City; and

WHEREAS, a public hearing on the matter of reclassification was held upon publication of notice; and

WHEREAS, the City Council finds the reclassification to be in conformity with the Comprehensive Plan and in the best interests of the proper regulation of land uses, subject to conditions for site plan approval;

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

SECTION 1. Reclassification.

The following described property located in the City of SeaTac is hereby reclassified from classification RM900-P to classification RM1800-P:

The South 242 feet of the west 180 feet of the west half of the northwest quarter of the southeast quarter of the northwest quarter of Section 34, Township 23 North, Range 4 East, W.M., in King County, Washington;

EXCEPT the southerly 30 feet conveyed to King County for road purposes.

SECTION 2. Site Plan Approval.

The granting of this reclassification of property is subject to site plan approval and the following specific conditions:

(a) In the event that the land should be developed for mobile home use, access shall be permitted from South 182nd Street or through the existing mobile home park.

(b) In the event that the land should be developed for apartment use, access shall be permitted from South 180th Street only and an internal circulation plan between this property and the apartment complex to the north shall be required.

(c) Site plan approval is also conditioned upon the general requirements of Sections 21.46.150 through .200 of the King County Code, as adopted by reference in Section 2 of Ordinance No. 90-1019.

SECTION 3. Amendment of Zoning Map.

The zoning map of the City, as adopted in Section 2 of Ordinance No. 90-1018 is hereby amended to reflect the reclassification adopted by this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 27th day of February, 1990.

CITY OF SEATAC

ATTEST: FRANK HANSEN, Mayor

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1025

AN ORDINANCE of the City of SeaTac relating to energy management and adopting an Energy Management Program.

WHEREAS, the City Council finds that adoption of a comprehensive land use plan and zoning regulations are essential to the public health, safety and welfare; and

WHEREAS, by Resolution 90-47, the City Council authorized entry into an Interlocal Agreement whereby King County provides land use application, building permit and inspection, and subdivision and short subdivision services to the City; and

WHEREAS, the Interlocal Agreement requires that a City adopt land use regulations substantially conforming to those of King County, which include the Energy Management Program; and **WHEREAS**, the City Council finds that adoption by reference of the King County Energy Management Program is essential to the Interlocal Agreement and to proper regulation of land uses;

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

SECTION 1. Energy Management Program.

Title 18 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference as the Energy Management Program of the City.

SECTION 2. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 3. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 20th day of February, 1990, and signed in authentication of its passage this 22nd day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/25/90

ORDINANCE NO. 90-1026

AN ORDINANCE of the City of SeaTac relating to health and sanitation; appointing King County as agent for the City; adopting definitions; adopting air pollution standards; adopting water pollution standards; adopting garbage disposal standards; adopting standards for public toilets; adopting standards for boarding homes and schools for children; adopting unsafe dwelling standards; adopting rodent control standards; adopting standards for food service establishments; adopting meat standards and licensing; adopting milk standards; adopting standards for frozen dairy food products; adopting standards and requiring permits for public and semipublic swimming pools; and providing for consumer protection for purchasers of real property.

WHEREAS, by Resolution 90-44, the City Council authorized entry into an Interlocal Agreement whereby King County and the Seattle-King County Department of Public Health provides services to the City with respect to health and sanitation; and **WHEREAS**, the City Council finds that adoption of the health and sanitation ordinances of King County is essential that Interlocal Agreement and is in the best interest of public health, safety and welfare within the City;

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

SECTION 1. Appointment of Health and Sanitation Authority. Pursuant to Interlocal Agreement, King County and the Seattle-King County Department of Public Health are hereby designed as agent for the City with full authority to make inspections and to enforce all licenses, permits and standards adopted by this Ordinance, and to collect such filing fees, user fees and other fees, including handling fees, as are normally imposed by King County.

SECTION 2. Definitions.

The following sections of Chapter 8.04 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.04.010 Application in interpretation.

8.04.020 Bakery.

8.04.030 Restaurant or kitchen.

8.04.040 Confectionery.

8.04.050 Candy - kitchen.

8.04.060 Basement.

8.04.070 Cellar.

8.04.080 Person - Singular words - Masculine words.

8.04.090 County health officer. 8.04.100 Standard disinfectal solution and standard disinfectant.

8.04.110 Garbage.

SECTION 3. Air Pollution Standards.

The following sections of Chapter 8.08 King County Code as now in

effect, and as may be subsequently amended, are hereby adopted by reference:

- 8.08.010 Definition
- 8.08.060 Smoke.
- 8.08.070 Opacity of smoke emissions.
- 8.08.080 Dust from fuel burning equipment.
- 8.08.090 Dust from heat processing equipment
or other sources.
- 8.08.100 Traceable dust generally.
- 8.08.110 Enforcement.
- 8.08.120 Notice.
- 8.08.130 Hearing.
- 8.08.140 After hearing.
- 8.08.150 Posting and sealing.
- 8.08.160 Unlawful use. 8.08.170 Outdoor fire control.
- 8.08.180 Regulations on prior permits.

SECTION 4. Water Pollution Standards. The following sections of Chapter 8.12 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

- 8.12.010 Deposit of matter in Lake Washington
Purification of sewage.
- 8.12.020 Enforcement.
- 8.12.030 Pollution of fresh water prohibited -
Permit required for making deposits in
bodies of water - Application, hearing on
application and investigation for permit.
- 8.12.040 Certain uses of contaminated and impure
water prohibited.

SECTION 5. Garbage Disposal Standards. The following sections of Chapter 8.16 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

- 8.16.010 Type of container required and method of
disposal - Type of treatment required
before feeding to animals.

8.16.020 Leaving manure in certain places prohibited

- Limited period given for disposal.

SECTION 6. Public Toilet Standards.

The following sections of Chapter 8.20 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.20.010 Permit required.

8.20.020 Renewal of permit - Suspension or revocation.

8.20.030 Sanitation and construction requirements.

SECTION 7. Boarding Homes and Schools For Children Standards. The following sections of Chapter 8.24 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.24.010 Conditions required permit - Maintenance

requirements - Quality of food and sleeping quarters.

SECTION 8. Rodent Control Standards.

The following sections of Chapter 8.38 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.38.010 Right of entry for inspection.

8.38.020 Adequate protection required.

SECTION 9. Unsafe Dwelling Standards.

The following sections of Chapter 8.36 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.36.010 Use of certain dwellings prohibited - Authority of health officer.

SECTION 10. Rodent Control Standards.

The following sections of Chapter 8.38 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.38.010 Right of entry for inspection.

8.38.020 Adequate protection required.

SECTION 11. Food Service Establishment Standards.

The following sections of Chapter 8.40 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.40.010 Definitions

8.40.020 Food supplies.

- 8.40.030 Food protection.
- 8.40.040 Personnel health and disease control.
- 8.40.050 Cleanliness.
- 8.40.060 Equipment and utensils.
- 8.40.070 Cleanliness of equipment and utensils.
- 8.40.080 Water supply.
- 8.40.090 Sewage disposal.
- 8.40.100 Plumbing.
- 8.40.110 Toilet facilities.
- 8.40.120 Hand-washing facilities.
- 8.40.130 Garbage and rubbish disposal.
- 8.40.140 Vermin control.
- 8.40.150 Floors, walls and ceilings.
- 8.40.160 Lighting.
- 8.40.170 Ventilation.
- 8.40.180 Dressing rooms and lockers.
- 8.40.190 Housekeeping.
- 8.40.200 Compliance.
- 8.40.210 Plan review of future construction.
- 8.40.220 Permit required.
- 8.40.230 Issuance of permits.
- 8.40.240 Inspection of good service establishments
 - Access.
- 8.40.250 Inspection report form.
- 8.40.260 Notice to permit holder.
- 8.40.270 Examination and condemnation of food.
- 8.40.280 Imported foods.
- 8.40.290 Procedure when inspection is suspended.
- 8.40.310 Severability.

SECTION 12. Meat Standards And Licensing.

The following sections of Chapter 8.44 King County Code as now in

effect, and as may be subsequently amended, are hereby adopted by reference:

- 8.44.010 Statute authority.
- 8.44.020 Validity.
- 8.44.030 Definitions.
- 8.44.040 Licenses required.
- 8.44.050 Fees.
- 8.44.060 Expiration - Transfer.
- 8.44.070 Display.
- 8.44.080 Issuance of wrapper and cutter licenses.
- 8.44.090 Application.
- 8.44.100 Application for meat distribution facilities license outside county.
- 8.44.110 Application when slaughterhouse outside county.
- 8.44.120 Distribution facilities inspection.
- 8.44.130 Food and beverage service worker's permit required.
- 8.44.140 Sale to consumer from licensed shop only.
- 8.44.150 Retail meat shop operation authorization.
- 8.44.160 Retail processed meat shop operation authorization.
- 8.44.170 Wholesale meat shop operation authorization.
- 8.44.180 Wholesale meat dealer operation authorization.
- 8.44.190 Wholesale commission meat dealer operation authorization.
- 8.44.200 Meat warehouse operation authorization.
- 8.44.210 Meat cutter operation authorization.
- 8.44.220 Apprentice meat cutter operation authorization.
- 8.44.230 Meat wrapper operation authorization.
- 8.44.240 Meat wrapper salesman operation authorization.
- 8.44.250 Granting license after revocation.

- 8.44.260 Employing unlicensed person.
- 8.44.270 Examination - Meat cutter - Meat wrapper salesman.
- 8.44.280 Meat worker's health permits.
- 8.44.290 Fraudulent and unlawful use or removal of licenses, certificates, inspection marks, and numbers.
- 8.44.300 Compliance required.
- 8.44.310 Walls and ceilings.
- 8.44.320 Doors and windows.
- 8.44.330 Floors.
- 8.44.340 Lighting.
- 8.44.350 Ventilation.
- 8.44.360 Plumbing.
- 8.44.370 Refrigeration.
- 8.44.380 Toilets, lavatories and dressing rooms.
- 8.44.390 Cleaning of equipment and premises.
- 8.44.400 Equipment.
- 8.44.410 Water and ice supply.
- 8.44.420 Personnel.
- 8.44.430 Special inspection services.
- 8.44.440 Availability of records.
- 8.44.450 Examination of distribution facilities.
- 8.44.460 Application to state for inspection permit.
- 8.44.470 Inspector qualifications.
- 8.44.480 Meat inspection fund.
- 8.44.490 Conditions generally - Fresh meat.
- 8.44.500 Meat cutter or apprentice responsibility.
- 8.44.510 Meat case temperature.
- 8.44.520 Cutting and packaging responsibility.
- 8.44.530 Packaging and labeling requirements.

- 8.44.540 Conditions generally - Frozen meat.
- 8.44.550 Enclosure requirements.
- 8.44.560 Storage temperature.
- 8.44.570 Inspection.
- 8.44.580 Self-service frozen meat cabinet temperature.
- 8.44.590 Pet food.
- 8.44.600 Refreezing.
- 8.44.610 Labeling.
- 8.44.620 Grading required.
- 8.44.630 Labeling required.
- 8.44.640 Approval - Misbranding.
- 8.44.650 Possession of ungraded meat.
- 8.44.660 Deception or false assertion prohibited.
- 8.44.670 Statement of true portion required.
- 8.44.680 Grade designation.
- 8.44.690 Artificial lights.
- 8.44.700 Weight and portion of pork.
- 8.44.710 Picture advertising.
- 8.44.720 Ground beef.
- 8.44.730 Advertising frozen meat.
- 8.44.740 Wrapping materials.
- 8.44.750 Transportation.
- 8.44.760 Peddling prohibited.
- 8.44.770 Sale prohibited.
- 8.44.780 Sale of adulterated sausage or ground beef.
- 8.44.790 Contents of adulterated sausage or ground
beef.
- 8.44.800 Sale or disposition of horse meat.

SECTION 13. Milk Standards.

The following sections of Chapter 8.48 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.48.010 Definitions.

8.48.030 Milk and milk products which may be sold.

8.48.040 Adulterated or misbranded milk or milk products.

8.48.050 Labeling.

8.48.060 Handling of raw milk.

SECTION 14. Frozen Dairy Food Products Standards.

The following sections of Chapter 8.52 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.52.010 Definitions.

8.52.020 Pasteurization of mix.

8.52.030 Permits.

8.52.040 Examination of frozen dairy foods.

8.52.050 Sanitation standards.

8.52.060 Transferring and dispensing frozen dairy foods.

8.52.070 Inspection of dairy food establishments.

8.52.080 Personnel health and disease control.

8.52.100 Dairy food plants.

SECTION 15. Public and Semipublic Swimming Pools Standards.:

The following sections of Chapter 8.56 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.56.010 Definitions.

8.56.020 Swimming pool advisory committee.

8.56.040 Retroactivity.

8.56.050 Permit to operate required - Application
- Issuance.

8.56.060 Plans and specifications for construction,
alteration or renovation.

8.56.070 Maintenance required.

8.56.080 Operation, maintenance and use responsibility.

8.56.090 Water quality.

8.56.100 Disinfection.

8.56.110 Recirculation and filtration.

8.56.120 Waste.

8.56.130 Cross-connections.

8.56.140 Operating records.

8.56.150 Alternate materials, equipment or procedures.

8.56.160 Severability.

SECTION 16. Consumer Protection For Purchases of Real Property.

The following sections of Chapter 8.60 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference:

8.60.010 Vendor - Disclosure form required.

8.60.020 Vendor - Disclosure form - Contents.

8.60.030 Vendor - Disclosure and alternative

waiver forms - Filing.

SECTION 17. Enforcement.

The Director of the Seattle-King County Department of Public Health, the Director of the King County Department of Public Health, and City personnel occupying similar positions and authorities are authorized to enforce the provisions of this Ordinance, and any rules and regulations promulgated hereunder, and any applicable United States statutes, and any person violating any provision of this Ordinance shall, upon conviction, be guilty of violating a City Ordinance, and shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisonment for a term not to exceed one (1) year, or both, and each day during which such violation continues shall be considered an additional violation.

SECTION 18. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 19. Effective Date.

This Ordinance shall take effect and shall be in full force on the City's official date of incorporation, February 28, 1990.

PASSED by the City Council at a regular meeting thereof on the 20th day of February, 1990, and signed in authentication of its passage this 22ND day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 2/25/90

ORDINANCE NO. 90-1027

AN ORDINANCE of the City of SeaTac relating to the establishment of funds for the segregation, budgeting, expenditure and accounting for City moneys; establishing a Current Expense Fund, Claims Fund, Payroll Fund, Municipal Capital Improvements Fund, Arterial Street Fund, Street Fund, Surface Water Management Fund, and Contingency Fund; establishing a Petty Cash Account; providing for transfers within a fund; providing for the decrease or recall of appropriations to a fund; permitting payment of claims and obligations from solvent funds by check rather than by warrant; providing for designation of a depository bank; authorizing acceptance of gifts, grants, donations and bequests; providing for investment of excess and inactive moneys in such funds; and declaring an emergency.

WHEREAS, upon the official date of incorporation, it will be necessary for the City to comply with state laws governing budgets and finance and also with applicable rules of the Division of Municipal Corporations of the Office of the State Auditor; and **WHEREAS**, state law, RCW 35A.37.010, requires that the City establish various funds for segregation, budgeting, expenditure and accounting for moneys received by the City; and

WHEREAS, the City Council has heretofore established the "SeaTac Tax Anticipation Note Redemption Fund, 1989"; by Ordinance No. 90-1011, Section 3; and

WHEREAS, state law, RCW 35A.40.030, requires the City to provide for designation of a financial institution as a qualified public depository for City moneys; and

WHEREAS, state law, RCW 35A.40.020, permits the City to adopt a policy for payment of claims or other obligations out of solvent funds by check rather than by warrant; and

WHEREAS, state law, RCW 35A.40.045, authorizes the City to invest excess or inactive moneys held in any funds, subject to prudent investment policies and applicable state laws;

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

SECTION 1. Current Expense Fund Established.

There is hereby established a fund to be known as the Current Expense Fund out of which current expenses of the City shall be paid.

SECTION 2. Claims Fund Established.

There is hereby established a fund to be known as the Claims Fund into which may be paid moneys, from time to time, from any funds which are available and upon which warrants or checks may be issued in payment of claims against the City for any lawful purpose. The accounts of the City shall be so kept that they shall show the department or departments and the respective amounts to which the payment is properly chargeable and for which the warrant or check is issued and paid.

SECTION 3. Payroll Fund Established.

There is hereby established a fund to be known as the Payroll Fund into which may be paid moneys, from time to time as directed by the City Council, from any funds which are available and upon which warrants and checks may be issued in payment of salaries and wages due

city employees. The accounts of the City shall be so kept that they shall show the department or departments and the respective amounts to which the payment is properly chargeable and for which the warrant or check is issued and paid.

SECTION 4. Transfers to Claims Fund or Payroll Fund From Insolvent Funds.

Transfers to either the Claims Fund or the Payroll Fund from any insolvent fund shall be by warrant.

SECTION 5. Municipal Capital Improvements Fund Established.

There is hereby established a fund to be known as the Municipal Capital Improvement Fund into which shall be paid all moneys received by the City in distribution of the real estate excise tax imposed by Ordinance No. 89-1004 and any such other moneys as may be directed by the City Council. Moneys in the fund shall be used for capital improvements, including, but not by way of limitation, those authorized in RCW 35.43.040 as presently enacted, or as may be subsequently amended.

SECTION 6. Arterial Street Fund Established.

There is hereby established a fund to be known as the Arterial Street Fund into which shall be paid all moneys received by the City as distributions, pursuant to RCW 46.68.100(2), of the motor vehicle fuel taxes imposed by the State. Moneys in the fund shall be used by the City for the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. However, nothing herein shall prohibit the City Council from appropriating such additional moneys to the fund as may be deemed necessary.

SECTION 7. Street Fund Established.

There is hereby established a fund to be known as the Street Fund into which shall be paid all moneys received by the City as diverted road taxes pursuant to RCW 35.02.140, and into which may be paid moneys received by the City as distributions, pursuant to RCW 46.68.100(1), of the motor vehicle fuel taxes imposed by the State. Moneys in the fund shall be used generally by the City for planning, establishing, constructing, repairing and maintaining City streets, sidewalks and appurtenances, including pedestrian and bicycle paths, lanes and routes. However, nothing herein shall prohibit the City Council from appropriating such additional moneys to the fund as may be deemed necessary. Accounting and reporting procedures as to all street expenditures shall comply with the current manual of instructions published by the State Auditor.

SECTION 8. Surface Water Management Fund Established.

There is hereby established a fund to be known as the Surface Water Management Fund into which shall be paid all moneys received by the City as distributions, pursuant to Ordinance No. 90-1016 and Interlocal Agreement with King County, of surface water management service charges, or received by the City from surface water management service charges which may be imposed directly by the City. Moneys in the fund shall be used by the City for payment of base services and discretionary services under the Interlocal Agreement, for planning, maintenance and capital improvements relating to drainage and surface water management, including maintenance of road drainage systems.

SECTION 9. Contingency Fund.

There is hereby established a fund to be known as the Contingency Fund into which may be paid such moneys from general and unrestricted revenues of the City as the City Council may deem appropriate to meet any municipal expenses, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or to provide money for emergencies: **Provided**, that the total amount accumulated in the fund at any time shall not exceed the equivalent of thirty-seven and one-half cents per thousand dollars of assessed valuation of property within the City. Moneys in the fund shall be withdrawn and transferred to the appropriate operating fund only upon authorization of the City Council, through an ordinance amending the budget adopted by an affirmative vote of the majority of the entire Council, clearly stating the facts constituting the reason for the withdrawal or the emergency as the case may be, and specifying the fund to which the drawn money shall be transferred.

SECTION 10. Petty Cash Account Established.

There is hereby established an account in the Office of the City Clerk to be known as the Petty Cash Account in a sum not to exceed one hundred dollars. The account shall be established by issuance of a warrant or check drawn upon the current expense fund and cash in the account shall be maintained by the City Clerk. Minor sums may be withdrawn from the account for payment or reimbursement upon proper receipts and in accordance with state law and regulations of the Division of Municipal Corporations of the Office of the State Auditor. The account shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.

SECTION 11. Transfers Within A Fund.

Transfers between individual appropriations within any one fund may be made during any current fiscal year by the Director of Finance following approval by the City Council. Subject to such approval by the City Council, transfers may be made within the same fund regardless of the various offices, departments or divisions of the City which may be affected.

SECTION 12. Decrease Or Recall Of Appropriations To A Fund.

The City Council, upon a finding that it is in the best interests of the City to decrease, revoke or recall all, or any portion, of the total appropriations provided for any one fund, may, by ordinance, approved by the vote of one more than the majority of all members thereof, stating the facts and findings for doing so, decrease, revoke or recall all, or any portion, of an unexpended fund balance, and by said ordinance, or a subsequent ordinance adopted by a like majority, the moneys thus released may be reappropriated for another purpose or purposes, without limitation to department, division or fund, unless the use of such moneys is otherwise restricted by law or ordinance.

SECTION 13. Use of Checks Drawn Upon Solvent Funds.

All claims or other obligations of the City, when payable out of solvent funds, may be paid by check rather than by warrant.

SECTION 14. Designation Of Depository Bank.

The City Council shall, by resolution, designate one or more financial institutions which are qualified public depositories as depository or depositories of the moneys held by the City: **Provided**, that the designation shall be reviewed by the City Council annually and may be revoked and changed at that time by a majority vote of the Council.

SECTION 15. Gifts, Grants, Donations and Bequests.

The City Council may, by resolution, accept any gift, grant, donation or bequest of money or property for public purposes and may carry out any conditions of such gift, grant, donation or bequest when not in conflict with state or federal law.

SECTION 16. Authorization to Invest Excess or Inactive Moneys.

An investment committee, composed of the Director of Finance, the City Manager and the Chair of the City Council's Finance & Administration Committee, is authorized to oversee and supervise investment of all such excess or inactive funds, and to provide for the converting of any such investments into cash, from time to time, without the necessity for consent of the City Council for each investment or conversion into cash. The investment committee shall develop specific policies and procedures to ensure sound and prudent investment practices, and to delegate day- to-day investment authority subject to those practices.

SECTION 17. Determination of Moneys Available For Investment.

The Director of Finance shall be responsible for determining the amount of money available in any fund of department for investment purposes, with advice of the department responsible for the administration of any given fund. In event of dispute or uncertainty, the decision shall be referred to the investment committee.

SECTION 18. Monthly Report.

The Director of Finance, on behalf of the investment committee, shall prepare and present to the City Council, on a monthly basis, a written report describing all investment transactions.

SECTION 19. Individual or Commingled Funds.

Moneys determined to be available for investment purposes may be invested on an individual fund basis or may, unless otherwise restricted by law, be commingled within one common investment portfolio for the mutual benefit of all participating funds; **Provided**, that if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each. Any excess or inactive funds not otherwise invested for the specific benefit of any particular fund, may be invested for the benefit of the general or current expense fund.

SECTION 20. Interest Revolving Account.

There is hereby created, within the current expense fund, an account to be known as the interest revolving account, into which shall be deposited all interest income and other earnings from the investment of excess or inactive funds of the City not otherwise invested for the specific benefit of any particular fund. The moneys in the interest revolving account shall be used solely for the benefit of the current expense fund.

SECTION 21. Local Government Investment Pool.

The investment committee may place excess or inactive funds in the Local Government Investment Pool in the State Treasury in accordance with Chapter 43.250 RCW.

SECTION 22. Investments Authorized.

In addition to investment in the Local Government Investment Pool, the investment committee may place excess or inactive funds in any of the following investments:

(a) Demand or investment deposits in qualified public depositories located within the State, pursuant to RCW 39.58.080 and .130, as presently enacted or subsequently amended;

(b) United States government bonds, notes, bills, certificates of indebtedness, or interim financing warrants of a local improvement district which is within the protection of the local improvement guaranty fund law, pursuant to RCW 35.39.034, as presently enacted or subsequently amended;

(c) Bonds, warrants and other investments pursuant to RCW 39.59.020, as presently enacted or subsequently amended;

(d) Mutual funds and money market funds, pursuant to RCW 39.59.030, as presently enacted or subsequently amended;

(e) Bonds and other obligations of a metropolitan municipal corporation pursuant to RCW 35.58.510, as presently enacted or sub-sequently amended;

(f) Notes or bonds secured by mortgages insured by the federal agencies or corporations, pursuant to RCW 39.60.010 through .040,, as presently enacted or subsequently amended;

(g) Notes, bonds and debentures pursuant to RCW 39.60.050, as presently enacted or sub-sequently amended.

SECTION 23. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 24. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 27th day of February, 1990

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1028

AN ORDINANCE of the City of SeaTac relating to cable television and communicationssystems; providing for franchises; establishing a franchise fee; providing for public usage of the system; establishing financial and insurance provisions; and adopting design and construction provisions.

WHEREAS, the City has the authority, under state and federal law, and federal regulations, to provide for the franchising and regulation of cable television and communications systems; and **WHEREAS**, the City Council finds that the development of cable television and communications systems has the potential of greatly benefiting and impacting the residents of the City; and **WHEREAS**, King County has granted franchises, has imposed a franchise fee, and has regulated the providers of cable television and communications systems within the territory now included in the corporate limits of the City; and

WHEREAS, the City Council finds that continuation of the franchise regulation and fee is in the best interests of the residents of the City;

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

SECTION 1. Findings.

The City Council finds that the development of cable television and communications systems has the potential of greatly benefiting and impacting the residents of the City. The Council further finds that because of the complex and rapidly changing technology associated with cable systems, the public's convenience, safety, and general welfare can best be served by establishing powers which should be vested in the City as provided in federal and state law, or such persons as the City shall designate. It is the intent of this Ordinance to specify and provide the means to attain the public interest and purpose in these matters, to promote competition and minimize unnecessary regulation that would impose an undue economic burden on the system, and to assure the provision of the widest possible diversity of information over cable systems consistent with the public good. Any franchise issued pursuant to this Ordinance shall be deemed to include these findings as an integral part thereof.

SECTION 2. Definitions.

For purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein:

(a) "Basic cable service" means the lowest level of service available to all subscribers exclusive of optional services, which includes the retransmissions of local television broadcast signals.

(b) "Cable Act" or the "Act" means the Cable Communications Policy Act of 1984, as amended, 47 U.S.C., Section 521, et seq.

(c) "Cable communication systems", "cable system" or "CATV system", means a facility using a public right-of-way, consisting of a set of closed transmission paths and associated signal-generation, reception, and control equipment, that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community.

(d) "Cable services" means services, present or future, which are provided by the grantee's cable communication system to its subscribers located in the franchise area, which are transmitted and distributed by means of cable located at least partially in or over the public rights

of way of the City, and for which a fee is charged to the subscribers. The terms shall include, but not be limited to:

(i) The one-way transmission to subscribers of video programming or other programming service,

(ii) Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

(e) "City" means the City of SeaTac or any official thereof acting within the scope of official authority.

(f) "Council" means the SeaTac City Council.

(g) "Franchise" or "franchise agreement" means the initial authorization or renewal thereof, issued by a franchising authority, whether such authorization is designated a franchise, permit, license, contract, certificate, agreement, or otherwise, which authorizes the construction or operations of a cable system.

(h) "Franchise fee" means the fee imposed by a franchising authority or other governmental entity on a grantee, cable subscriber or both solely because of its status as such. The term "franchise fee" does not include:

(i) Any tax, fee or assessment of general

applicability;

(ii) Capital costs which are required by the franchise to be incurred by grantee for public, educational, or governmental access facilities;

(iii) Costs or charges incidental to the awarding or enforcing of the franchise, including, but not limited to, payments for bonds, permits, letters of credit, insurance, indemnification, penalties, or liquidated damages;

(iv) Any fee imposed under Title 17, United States Code.

(i) "Grantee" means any entity receiving a franchise and its lawful successor or transferee.

(j) "Gross receipts" means the annual gross receipts or revenue of the grantee from all sources in the operation of the cable communications system, excluding any bad debt, sales tax, excise tax, or other taxes collected for direct pass-through to local, state or federal government.

(k) "Public, educational or government access facilities" or "PEG access facilities" means channel capacity designated for public, educational, or governmental use; and facilities and equipment for the use of such capacity.

SECTION 3. 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 Director of Planning and Community Development, in the regulations adopted pursuant to this Ordinance.

(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 days after receipt of an application, the Director of Planning and Community Development 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 days after receipt of the said written recommendation. The Council shall act on the application no later than fourteen days after the public hearing is completed.

SECTION 4. Grant of Franchise.

No cable system shall occupy or use any City right-of-way without a franchise granted by the City, subject to the following:

(a) The City may grant franchises to construct, operate, maintain and/or reconstruct a cable communication system in all or part of the City. If the City grants a franchise, the franchise shall constitute both a right and an obligation of the grantee to abide by the provisions of this Ordinance and of the franchise agreement. In the event of any conflict between this Ordinance and any franchise agreement issued under it, the Ordinance shall control.

(b) Any franchise granted shall be nonexclusive. The City specifically reserves the right to grant, at anytime, such additional franchise for a cable communications system within the same or other areas of the City as it deems appropriate.

(c) The City may establish, in accordance with the Cable Act, reasonable requirements for new franchises or franchise renewals. The City may modify franchises at the time of renewal, transfer, or other disposition, or when the grantee's service area is altered, provided the grantee is notified in advance of the proposed modification and is provided an opportunity to present arguments against the modification, or alternatives in lieu of it. The City may also modify franchise then in effect upon giving thirty days written notice to the grantee of its intention to do so, upon request of the grantee under the circumstances provided in the Cable Act, or when the franchise is inconsistent with governing laws or statutes. Modifications of franchises must be approved by the Council.

(d) The term of any franchise shall be no more than fifteen years from the effective date of the franchise. The effective date of the franchise shall be the date of execution of the franchise agreement by the City, subject to prior execution by the grantee, unless otherwise specified.

(e) Ownership of franchises shall be limited as specified in the Cable Act. The City may, as provided, hold an ownership interest in a cableservice, but shall not exercise editorial control over programming except on government access channels.

(f) A franchise may be denied if the regulating authority finds, after due investigation, that the applicant, to include the principal owners of the organization requesting the franchise has:

(i) Made any false statements or substantive omissions on the application,

(ii) Within five years of the date of application, been convicted of a felony directly related to the operation of a cable television franchise,

(iii) Ever had a judgment in an action for fraud, deceit or misrepresentation entered against it, her, him or them by any court of competent jurisdiction,

(iv) Pending any legal claim, lawsuit or administrative proceeding arising out of or involving a cable system, or

(v) Had a franchise revoked for cause within ten years of the date of application.

(g) No franchise shall be transferred, in whole or in part, without the City's prior consent. The consent of the City to any transfer shall not be unreasonably withheld nor shall it constitute a waiver or release of any of the City's rights.

SECTION 5. Franchise renewal.

A franchise may be renewed in the following manner:

(a) Not later than three years prior to the expiration of a franchise, the City may require, or the grantee may request, public hearings to evaluate the grantee's past performance and to assess the community's future cable needs as provided for under the Cable Act.

(b) Following the public hearings, and based on the findings thereof, the City may renew the franchise, or initiate administrative proceedings to determine whether or not to renew the franchise.

(c) Based on the evidence presented during the administrative proceedings, the City may deny a franchise renewal if it finds that:

(i) The grantee failed materially to comply with franchise terms,

(ii) The grantee's service, other than programming, was unreasonable in light of community needs,

(iii) The grantee is not financially qualified to continue service, or

(iv) The grantee's renewal proposal is unreasonable in light of community needs.

(d) The City may deny renewal only on specific grounds, and the grantee has the right to judicial review of any adverse decision as provided for in the Act.

(e) If mutually agreeable to the City and the grantee, any or all of the administrative procedures specified in the foregoing subsections may be waived. Such action will establish a presumption of renewal.

SECTION 6. Franchise Fee.

Any grantee who receives payment or other consideration for the provision of cable service involving the use of the City's rights-of-way shall pay to the City an annual franchise fee equal to five percent of the grantee's annual gross receipts, subject to the following:

(a) The annual franchise fee shall be payable quarterly. All payments received as herein provided are to be forwarded to the Director of Finance and credited to the City's current expense fund.

(b) In the event that the grantee leases available channels of the cable system to another entity for commercial use, wherein the lessee bills subscribers directly for the services provided over the cable system and for which payments are made directly to the lessee, the lessee shall pay to the City, under the same circumstances as the grantee, a franchise fee of five percent of the gross revenues realized from the operation of the leased channels.

(c) The City shall have the right to audit and to recompute any amounts determined to be payable in satisfaction of the annual franchise fee. When the audit determines that the grantee's actual payment was less than the amount owing, the grantee shall pay, in addition to the deficiency, interest on the deficiency equal to twelve percent per annum compounded daily from the date originally due.

(d) A part requesting a new franchise, renewal, or transfer shall pay a franchise application fee of \$200.00 to offset the costs incurred by the City in the processing of the request.

SECTION 7. Regulation of Franchise.

The City shall exercise appropriate regulatory authority under this Ordinance 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 Ordinance and the regulation of cable television and communications shall be administered by the Director of Planning and Community Development with specific authority to:

(i) Supervise the implementation of cable policy, regulations and franchise agreements.

(ii) Facilitate the resolution of complaints received from cable users.

(iii) Enforce cable system regulations as necessary.

(iv) Supervise government programming with respect to PEG operations, or coordinate with a designated PEG management authority.

(v) Provide for public information and planning.

(vi) 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.

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

(viii) 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 Ordinance.

SECTION 8. Public Usage Of The System.

If so specified in the franchise agreement, the City may utilize a portion of the cable communications system capacity, and associated facilities and resources, to develop and provide cable services that will be in the public interest. This may include the use of institutional networks for non-entertaining purposes, to include interactive service where feasible.

SECTION 9. PEG Access Facility Management.

It is the City's intent to insure that PEG access facilities, equipment and/or channels are provided for in any franchise agreement, and that they shall be managed in the best public interest so that programming using such facilities will be open to all residents, and available for all forms of public expression, community information and debate of public issues. Pursuant to these objectives, the City may delegate the responsibility for PEG access facility management to a nonprofit entity as established by ordinance.

SECTION 10. 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 Director of Planning and Community Development.

SECTION 11. Design and Construction Provisions.

Cable television and communications system design, the requirement for construction permits, the enforcement of remedies for delay and construction, inspection of the system, and inter-connection shall be as follows:

(a) The cable television and communication system shall be constructed as specified in the franchise agreement including all construction, technical and performance quality standards contained or referenced therein. Such standards shall not exceed the standards and guidelines for technical quality relating to facilities and equipment of cable systems established by the Federal Communications Commission.

(b) The grantee shall comply with the provisions of Ordinance No. 90-1013 relating to utilities on City's rights-of-way and Ordinance No.

90-1023 relating to right-of-way use permits and any other applicable ordinances regarding construction or use permits as applicable to cable television and communications systems.

(c) The City may apply any or all of the remedies specified in this Ordinance for delays in system construction or failures to meet construction requirements.

(d) The City may inspect the cable system, and may require the grantee to conduct tests to insure compliance with this Ordinance. If, on the completion of such tests, it is determined by the City that the grantee is not in compliance with the provisions of this Ordinance, or of the franchise agreement, the City may charge the grantee an inspection fee to cover the costs of the inspection.

(e) The grantee may be required to interconnect with any or all other cable systems in the City, or in adjacent areas, upon the directive of the City, unless good and sufficient cause is demonstrated to the City that such interconnection is not technically feasible, is beyond the power of the grantee to carry out, or that the cost of interconnection would cause an unreasonable or unacceptable increase in subscriber rates.

SECTION 12. Service Provisions.

The grantee shall provide cable television and communications services in accordance with the following:

(a) The grantee shall provide, as a minimum, the range and mix of services listed in the franchise agreement. Services shall not be reduced or significantly changed without prior notification to the City. Such notification is intended for the informational benefit of the City and is not intended to invoke regulation of programming.

(b) The grantee shall provide public, educational and government (PEG) access facilities, which may include channel capacity, interface equipment, and cabling, as specified in the franchise agreement.

(c) The City shall assure the maximum utilization of existing PEG access channels prior to requiring the allocation of any additional PEG access channels. To this end, the City shall coordinate the usage of PEG access channels and facilities with King County and other jurisdictions as appropriate.

(d) Access to cable service shall not be denied to any group of potential subscribers solely because of the income level of the area in which they reside.

SECTION 13. Continuity of Service.

The right of subscribers to continued cable television and communications services shall be conditioned upon the following:

(a) As long as they honor their obligations to the grantee, all subscribers will have the right to receive all available services offered by the grantee, and to receive continuous uninterrupted service, regardless of the circumstances, during the lifetime of the franchise, except for temporary interruptions of service which may be required from time-to-time to rebuild, modify, or improve service. Any interruption of service caused by the grantee shall be subject to rebate, the provisions for which shall be included in the franchise agreement.

(b) As long as it is entitled to revenues from operation of the cable system, the grantee will maintain continuity of service during any temporary transition in the status of the franchise agreement, the cable system, or control of the grantee. This obligation to continue service shall not exceed eighteen months without the written approval of the grantee.

(c) If the grantee elects not to renew a franchise, the grantee shall notify the City of its intent not less than twelve months prior to the expiration date of the franchise. Failure to provide this notification will subject the grantee to the continuity of service provisions herein in order to provide for an orderly transition to another cable system operator without interruption of service.

SECTION 14. Rights of the City.

During the term of any franchise agreement, the City shall maintain, and may invoke, the following rights:

(a) If a grantee's renewal request is denied or if the franchise expires or is revoked, the City may, after appropriate administrative review, acquire ownership of the cable system. Such acquisition shall be at fair market value but with no value allocated to the franchise itself. In determining the price it is to pay, the City may set off against the value of the system any actual cost to the City and subscribers resulting from the grantee's action which led to the denial or revocation.

(b) The City shall have the right to inspect all construction or installation work performed subject to the provisions of the franchise and to make such tests as it shall find necessary to ensure compliance with law and with the franchise agreement.

(c) At the expiration of the term for which the franchise is granted, or upon its revocation or expiration, the City shall have the right to require the grantee to remove, within a specified period of time not less than thirty days, and at grantee's own expense, all portions of the cable system from all streets and public property within the franchise area that are above ground, or are below ground and constitute a hazard to the health, welfare or safety of the City residents.

(d) Nothing herein shall be deemed or construed to impair or affect the right of the City to acquire the property of the grantee, either by purchase or through the exercise of its right of eminent domain, at just compensation.

(e) Neither the granting of any franchise nor any provision thereof shall constitute a waiver or bar to the City's exercise of its governmental rights or powers, subject to the grantee's rights under its franchise and franchise agreement.

SECTION 15. Rights Reserved to the Grantee.

The following rights shall be reserved to the grantee during the term of any franchise and franchise agreement:

(a) In the event of any dispute between the grantee and the City arising out of this Ordinance or the franchise agreement, the grantee shall pursue and exhaust all available administrative remedies pursuant to law prior to pursuing any appropriate legal action.

(b) Subject to prior City approval, the grantees may enter into written overbuild agreements.

(c) The grantee shall have the right, at any time, to petition the City for modification of its franchise agreement.

SECTION 16. Remedies.

The City shall have the following remedies for violations or delays in construction:

(a) If a grantee violates any material provision of this Ordinance or of applicable law, or breaches any material provision of its franchise, the City may impose any or all of the following remedies:

- (i) Exercise its right under the security fund.
- (ii) Assess monetary damages.
- (iii) Terminate the franchise for cause.
- (iv) Seek legal and equitable relief in superior court.

(b) The City may impose any or all of the following remedies for delays in system construction, upgrading or rebuilding as required by the franchise agreement:

- (i) Exercise its right under the construction bond for any delay exceeding three months.
- (ii) Assess monetary damages up to the maximum amount specified in the franchise agreement.
- (iii) Terminate the franchise, as materially breached, for any delay exceeding six months.

(c) Any remedies shall be applied in accordance with due process of law.

(d) A grantee's duty to fully perform is excused and no remedy or sanction shall be imposed if the failure is due to any cause beyond its reasonable control and if grantee notified the City in writing of the reason for the failure within twenty days of the discovery of the reason.

SECTION 17. Reports.

The City may require the grantee to submit such information as the City shall need to implement this Ordinance. The City may verify the accuracy of any information submitted. All reports and records required by this Ordinance shall be furnished at the grantee's sole expense. A grantee's failure or refusal to file any of the required information, or its filing of false or misleading information, shall be deemed a violation of this Ordinance.

SECTION 18. Termination of Franchise By Receivership or Bankruptcy.

The City may terminate any franchise after the appointment of a receiver or trustee whether in receivership, reorganization, bankruptcy or other action or proceeding.

SECTION 19. Procedures In the Event of Termination or Expiration.

If a franchise expires, is revoked, terminated, or a renewal request is denied, the City may order the removal of the system facilities and/or

purchase the system as provided in this Ordinance. If a franchise is revoked, terminated, or a renewal request is denied, the City may also order the grantee to maintain and operate the cable system for a defined period of time. This continuity of service provisions shall not apply in the event the grantee chooses not to renew a franchise which is to expire, provided the grantee makes this intention known to the City at least twelve months prior to the expiration of the franchise.

SECTION 20. Implementation Of Cable Communica- tions Policy.

The policies contained in this Ordinance, shall be implemented by means of administrative rules and regulations which shall be developed by the Director of Planning and Community Development. A copy of the said rules and regulations shall be available in the Office of the Director.

SECTION 21. Equal Employment Opportunity Requirements.

The grantee shall establish, maintain, and execute an equal employment opportunity plan in accordance with the guidelines established in the franchise agreement which shall be consistent with all federal, state and City equal employment opportunity requirements, and the City's affirmation action policies. The grantee shall file, with the City, annual employment records in the format required by rules and regulations: **Provided**, that if similar reports shall be required by a federal or state agency, then copies of those reports shall be submitted to the City and shall suffice to meet the requirements herein. Failure to comply with equal employment opportunity requirements, or to file the required records or reports, shall constitute a breach of the franchise agreement and the City may invoke the remedies provided by this Ordinance.

SECTION 22. Non-Recourse.

The grantee shall have no recourse whatsoever against the City or its officials, boards, commissions, agents or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the franchise or because of the enforcement of the franchise or this Ordinance: **Provided**, that such loss, costs, expenses or damages are not the result of the sole negligence of the City or its agents. The grantee shall not be relieved of its obligation to comply with any of the provisions of this Ordinance by reason of the City's failure to promptly enforce compliance.

SECTION 23. Severability.

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

SECTION 26. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 27th day of February, 1990

CITY OF SEATAC _____

FRANK HANSEN, Mayor ATTEST: _____

Nacelle J. Heuslein, City Clerk

Approved As to Form: _____

ROBERT L. McADAMS City Attorney

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ORDINANCE NO. 90-1029

AN ORDINANCE of the City of SeaTac relating to the public peace, safety and welfare; adopting by reference certain provisions of the Washington Criminal Code including principles of liability, defense of insanity, other defenses, and anticipatory offenses; defining and proscribing criminal conduct involving: assault and other crimes involving physical harm; sexual offenses; harassment; reckless burning and malicious mischief; trespass and prowling; theft and possession of stolen property; fraud; defrauding a public utility; false swearing and tampering; obstructing governmental operations; official misconduct; public disturbance; indecent exposure; prostitution; abandoned refrigeration equipment; crimes relating to animals; trademarks and other marks; competitive bidding; contempt and interference of court; crimes relating to corporations; telephone credit cards; false representation; crimes relating to fire alarms; crimes relating to false alarms; firearms and dangerous weapons; misconduct in signing a petition; gambling offenses; inhaling toxic fumes; public nuisance; sexually explicit material; special offenses relating to minors; violating right of privacy; roadside stands; dumping of trash in waterways; pistol sales; body studios; no shooting areas; political signs and posters; noise; miscellaneous crimes; registration of felons; violation of probation; alcoholic beverage control; and controlled substances; and declaring an emergency.

WHEREAS, state law, RCW 35.02.130, authorizes the City Council to adopt ordinances, to become effective on or after the official date of incorporation, and to enter into contracts and agreements to ensure continuation of governmental services after the official date of incorporation, but is silent as to budget matters; and

WHEREAS, the City has, pursuant to Resolution No. 90-46,

authorized entry into an Interlocal Agreement with King County for the purpose of providing law enforcement services to the City; and

WHEREAS, the said Interlocal Agreement requires the City to adopt local ordinances proscribing criminal conduct which conform, to the extent reasonably possible and with due consideration for local circumstances, with County ordinances and State law, to provide uniformity of regulation and enforcement; and

WHEREAS, the City Council finds it to be essential to the public health, welfare and safety to forbid and prevent conduct that inflicts or threatens harm to individual or public interests, to safeguard conduct that is without culpability from condemnation as criminal, and to give fair warning of the nature of conduct declared to constitute an offense;

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

SECTION 1. Preliminary Statement.

(a) This Ordinance shall be known as, and may be cited as, the SeaTac Criminal Code.

(b) The provisions of this Code shall apply to any offense committed on or after the official date of incorporation of the City, February 28, 1990.

(c) The provisions of this Code do not apply to, or govern, the

construction of and punishment for any offense committed prior to February 28, 1990, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing in the then-unincorporated area of King County at the time of the commission thereof in the same manner as if this Code had not been enacted.

(d) If any provision of this Code, or its application to any person or circumstance is held invalid, the remainder of the Code, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Code are declared to be severable.

(e) Section captions are for organizational purposes only and shall not be construed as part of this Code.

SECTION 2. Purposes - Principles of Construction.

(a) The general purposes of the provisions governing the definition of offenses are:

(i) To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;

(ii) To safeguard conduct that is without culpability from condemnation as criminal;

(iii) To give fair warning of the nature of the conduct declared to constitute an offense;

(iv) To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

(b) The provisions of this Ordinance shall be construed according to the fair import of their terms and when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this Ordinance.

SECTION 3. City Criminal Jurisdiction.

Any person who commits within the corporate limits of the City any crime, in whole or in part, is liable to arrest and punishment.

SECTION 4. Classes of Crimes.

(a) An offense defined by this Code, for which a sentence of imprisonment is authorized, constitutes a violation of city ordinance and a crime. For purposes of this Code, the two terms shall have the same meaning and may be used interchangeably. Violations of city ordinances are classified as gross misdemeanors, or misdemeanors.

(b) A violation of a city ordinance is a gross misdemeanor, if not otherwise designated by this Code, and if persons convicted thereof may be sentenced to imprisonment for a term not in excess of one (1) year. A violation of city ordinance is a misdemeanor, if so designated in this Code, and if persons convicted thereof may be sentenced to imprisonment for a term not in excess of ninety (90) days.

SECTION 4. People Capable of Committing Crimes - Capability of Children.

Children under the age of eight years are incapable of committing a crime. Children of eight and under twelve years of age are presumed to be incapable of committing a crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

SECTION 5. Personal Jurisdiction.

Every person, regardless of whether or not an inhabitant or resident of the City, may be tried and punished under this Code for any violation of city ordinance committed by him or her within the corporate limits of the City.

SECTION 6. Limitation of Action.

(a) No violation of city ordinance which is classified as a gross misdemeanor may be prosecuted more than two (2) years after its commission. No violation of city ordinance classified as a misdemeanor may be prosecuted more than one (1) year after its commission.

(b) The periods of limitation prescribed herein do not run during any time when the person charged is not usually and publicly resident within this state.

(c) If, before the end of a period of limitation prescribed herein, a complaint or an information has been filed, and the complaint or information is set aside, then the period of limitation is extended by a period equal to the length of time from the filing to the setting aside.

SECTION 7. Proof Beyond A Reasonable Doubt.

(a) Every person charged with a violation of a city ordinance is presumed innocent unless proved guilty. No person may be convicted of such a violation unless each element of such crime is proved by competent evidence beyond a reasonable doubt.

(b) When a violation of city ordinance has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he or she is guilty, such person shall be convicted only of the lowest degree.

SECTION 8. Definitions.

Section 9A.04.110 of the Washington Criminal Code, as now in effect, and as may subsequently be amended, is hereby adopted by reference as the definitions section of the SeaTac Criminal Code.

SECTION 9. Principles of Liability.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference as the principles of liability of the SeaTac Criminal Code:

9A.08.010 General requirements of culpability.

9A.08.020 Liability for conduct of another - Complicity.

9A.08.030 Criminal liability of corporations and persons acting or under a duty to act in their behalf.

SECTION 10. Defense of Insanity.

Section 9A.12.010 of the Washington Criminal Code, as now in effect, and as may subsequently be amended, is hereby adopted by reference as the defense of insanity section of the SeaTac Criminal Code.

SECTION 11. Defenses.

The following sections of the Washington Criminal Code, as now in effect, and as may subsequently be amended, are hereby adopted by reference as defenses to culpability under the SeaTac Criminal Code:

9A.16.010 Definitions.

9A.16.020 Use of force - When lawful.

9A.16.030 Homicide - When excusable.

9A.16.040 Justifiable homicide or use of deadly force by public officer, peace officer, person aiding.

9A.16.050 Homicide - By other person - When justifiable.

9A.16.060 Duress.

9A.16.070 Entrapment.

9A.16.080 Action for being detained on mercantile establishment premises for investigation - "Reasonable grounds" - as defense.

9A.16.090 Intoxication.

9A.16.100 Use of force on children - Policy - Actions presumed unreasonable.

SECTION 12. Punishment.

(a) Every person convicted of violating a city ordinance classified as a gross misdemeanor, or not otherwise classified, shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one(1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

(b) Every person convicted of violating a city ordinance classified as a misdemeanor, shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000.00), or by both such imprisonment and fine.

SECTION 13. Restitution.

Section 9A.20.030 of the Washington Criminal Code, as now in effect, and as may subsequently be amended, is hereby adopted by reference to provide for restitution as an alternative to a fine under the SeaTac Criminal Code.

SECTION 14. Anticipatory Offenses.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by

reference as anticipatory offenses under the SeaTac Criminal Code:

9A.28.020 Criminal attempt.

9A.28.030 Criminal solicitation.

9A.28.040 Criminal conspiracy.

SECTION 15. Assault and Other Crimes Involving Physical Harm.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes of assault and other crimes involving physical harm under the SeaTac Criminal Code:

9A.36.041 Assault in the fourth degree.

9A.36.050 Reckless endangerment in the second degree.

9A.36.070 Coercion.

SECTION 16. Sexual Offenses.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish sexual offenses under the SeaTac Criminal Code:

9A.44.010 Definitions.

9A.44.030 Defenses to prosecution under this chapter.

9A.44.096 Sexual misconduct with a minor in the second degree.

SECTION 17. Harassment.

(a) The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of harassment under the SeaTac Criminal Code:

9A.46.010 Legislative finding.

9A.46.020 Definition - Penalties.

9A.46.030 Place where committed.

9A.46.040 Court-ordered requirements upon person charged with crime - Violation.

9A.46.050 Arraignment - No-contact order.

9A.46.060 Crimes included in harassment.

9A.46.070 Enforcement of orders restricting contact.

9A.46.080 Order restricting contact - Violation.

9A.46.090 Nonliability of peace officer.

9A.46.100 "Convicted," time when.

(b) The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish

additional crimes of harassment under the SeaTac Criminal Code:

9.61.240 Telephone calls to harass, intimidate, torment, or embarrass -
Permitting telephone to be used.

9.61.250 Telephone calls to harass,

intimidate, torment, or embarrass

- Offense, where deemed committed.

SECTION 18. Reckless Burning and Malicious Mischief.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of reckless burning and malicious mischief under the SeaTac Criminal Code:

9A.48.050 Reckless burning in the second degree.

9A.48.060 Reckless burning - Defense.

9A.48.090 Malicious mischief in the third degree.

9A.48.100 Malicious mischief - "Physical damage"

defined.

SECTION 19. Trespass and Prowling.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes of trespass and prowling under the SeaTac Criminal Code:

9A.52.010 Definitions.

9A.52.060 Making or having burglar tools.

9A.52.070 Criminal trespass in the first degree.

9A.52.080 Criminal trespass in the second degree.

9A.52.090 Criminal trespass - Defenses.

9A.52.100 Vehicle prowling in the second degree.

9A.52.120 Computer trespass in the second degree.

9A.52.130 Computer trespass - Commission of other crime.

SECTION 20. Theft and Possession of Stolen Property.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes of theft and stolen property under the SeaTac Criminal Code:

9A.56.010 Definitions.

9A.56.020 Theft- Definition, defense.

9A.56.050 Theft in the third degree.

- 9A.56.060 Unlawful issuance of checks or drafts.
- 9A.56.100 Theft and larceny equated.
- 9A.56.140 Possessing stolen property - Definition -Access devices, presumption.
- 9A.56.170 Possessing stolen property in the third degree.
- 9A.56.180 Obscuring identify of a machine.
- 9A.56.220 Theft of cable television services.
- 9A.56.230 Unlawful sale of cable television services.
- 9A.56.240 Forfeiture and disposal of devise used to commit violation.
- 9A.56.260 Connection of channel converter.
- 9A.56.270 Shopping cart theft.

SECTION 21. Fraud.

(a) The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of fraud under the SeaTac Criminal Code:

- 9A.60.010 Definitions.
- 9A.60.040 Criminal impersonation.
- 9A.60.050 False certification.

(b) The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the following crimes of fraud under the SeaTac Criminal Code:

- 9.45.060 Encumbered, leased, or rented personal property - Construction.
- 9.45.062 Failure to deliver leased personal property - Requisites for prosecution - Construction.
- 9.45.070 Mock auctions.
- 9.45.080 Fraudulent removal of property.
- 9.45.090 Knowingly receiving fraudulent conveyance.
- 9.45.100 Fraud in assignment for benefit of creditors. Fraud in operating coin-box telephone or other receptable.
- 9.45.190 Penalty for manufacture or sale of slugs to be used for coin.
- 9.45.240 Fraud in obtaining telephone or telegraph service - Penalty.

(c) The following sections of the King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of fraud by impersonating members of the public safety department, except that the reference thereto shall also refer to members of the City police department, whether contracted or

employed:

12.08.010 Impersonating members of public safety department.

12.08.020 Selling or disposing of police badges prohibited.

12.08.030 Possessing badge with intent to impersonate officer.

12.08.040 Intent to impersonate presumed.

12.08.050 Penalty for violation.

SECTION 22. Defrauding a Public Utility.

The new chapter of the Washington Criminal Code adopted by Chapter 109, Laws of 1989, as now in effect, and as may subsequently be amended, is hereby adopted to establish the crime of defrauding a public utility under the SeaTac Criminal Code, as follows:

(a) The definitions set forth herein apply to the crime of defrauding a public utility.

(i) "Customer" means the person in whose name a utility service is provided.

(ii) "Divert" means to change the intended course or path of electricity, gas, or water without the authorization or consent of the utility.

(iii) "Person" means an individual, partnership, firm, association, or corporation or government agency.

(iv) "Reconnection" means the commencement of utility service to a customer or other person after service has been lawfully disconnected by the utility.

(v) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing the normal or customary function.

(vi) "Utility" means an electrical company, gas company, or water company as those terms are defined in RCW 80.04.010, and includes an electrical, gas, or water system operated by a public agency.

(vii) "Utility service" means the provision of electricity, gas, water, or any other service or commodity furnished by the utility for compensation.

(b) "Defrauding a public utility" means to commit, authorize, solicit, aid, abet, or attempt to:

(i) Divert, or cause to be diverted, utility services by any means whatsoever;

(ii) Make, or cause to be made, a connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility;

(iii) Prevent a utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;

(iv) Tamper with property owned or used by the utility to provide utility services; or

(v) Use or receive the direct benefit of all or a portion of the utility services; or knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use and that the use or receipt was without the authorization or consent of the utility.

(c) A person is guilty of defrauding a public utility in the third degree if the utility service diverted or used is five hundred dollars or less in value or a connection or reconnection has occurred without authorization or consent of the utility. Defrauding a public utility in the third degree is a gross misdemeanor.

(d) In any prosecution for defrauding a public utility, the court may require restitution from the defendant as provided in this Ordinance, plus court costs plus the costs incurred by the utility on account of the bypassing, tampering, or unauthorized reconnection, including, but not limited to costs and expenses for investigation, disconnection, reconnection, service calls, and expert witnesses.

(e) Restitution ordered or fines imposed under this Ordinance do not preclude a utility from collecting damages under RCW 80.28.240 to which it may be entitled.

SECTION 23. False Swearing And Tampering.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes false swearing and tampering under the SeaTac Criminal Code:

9A.72.010 Definitions.

9A.72.040 False swearing.

9A.72.050 Perjury and false swearing - inconsistent statements - Degree of crime.

9A.72.060 Perjury and false swearing - Retraction.

9A.72.070 Perjury and false swearing - Irregularities no defense.

9A.72.080 Statement of what one does not know to be true.

9A.72.085 Matters in official proceeding required to be supported, etc., by sworn statement, etc., may be supported, etc., by unsworn statement, etc., may be supported etc., by unsworn written statement, etc., - Requirements of unsworn statement, form.

9A.72.140 Jury tampering.

9A.72.150 Tampering with physical evidence.

SECTION 24. Obstructing Governmental Operation.

(a) The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes relating to obstructing governmental operation under the SeaTac Criminal Code:

9A.76.010 Definitions

- 9A.76.020 Obstructing a public servant.
- 9A.76.030 Refusing to summon aid for a peace officer.
- 9A.76.040 Resisting arrest.
- 9A.76.050 Rendering criminal assistance - Definition of term.
- 9A.76.060 Relative defined.
- 9A.76.070 Rendering criminal assistance in the first degree.
- 9A.76.080 Rendering criminal assistance in the second degree.
- 9A.76.090 Rendering criminal assistance in the third degree.
- 9A.76.100 Compounding.
- 9A.76.130 Escape in the third degree.
- 9A.76.160 Introducing contraband in the third degree.
- 9A.76.170 Bail jumping.

(b) The following sections of Title 9 RCW, as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish additional crimes relating to obstructing governmental operation under the SeaTac Criminal Code:

- 9.62.010 Malicious prosecution
- 9.62.020 Instituting suit in name of another.

SECTION 25. Official Misconduct.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of official misconduct under the SeaTac Criminal Code:

- 9A.80.010 Official misconduct.

SECTION 26. Public Disturbance.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to public disturbance under the SeaTac Criminal Code:

- 9A.84.010 Riot.
- 9A.84.020 Failure to disperse.
- 9A.84.030 Disorderly conduct.
- 9A.84.040 False reporting.

SECTION 27. Indecent Exposure.

The following sections of the Washington Criminal Code as now in

effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of indecent exposure under the SeaTac Criminal Code:

9A.88.010 Indecent exposure.

SECTION 28. Unlawful Acts of Prostitution or Pandering.

Section 12.63.010 and subsections A through F of the King County Code are hereby adopted by reference and it is unlawful for any person to engage or agree or offer to engage in sexual conduct, which includes "sexual intercourse" or "sexual contact", as those terms are defined in RCW 9A.44.010, or to commit any of the following acts:

- (a) To secure or offer to secure another for the purpose of committing an act of prostitution; or
- (b) To knowingly transport a person into or within the county with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or
- (c) To knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly permit another to remain there for any such purpose; or
- (d) To direct another to any place for the purpose of committing an act of prostitution; or
- (e) To knowingly in any way aid, abet or participate in an act of prostitution.

SECTION 29. Unlawful Prostitution Loitering.

Section 12.63.010 and subsection G of the King County Code are hereby adopted by reference and it is unlawful for any person to remain in or near any street, sidewalk, alleyway or other place open to the public with the intent of committing, or inducing, enticing, soliciting or procuring another to commit, an act of prostitution. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are:

- (a) That the actor is a known prostitute or panderer; or
- (b) The actor repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops or attempts to stop motor vehicles operators by hailing, waving of arms or any other bodily gesture; or
- (c) The actor circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
- (d) The actor inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer.

SECTION 30. Patronizing a Prostitute.

(a) Section 9A.88.110 of the Washington Criminal Code is hereby adopted by reference and a person is guilty of patronizing a prostitute if:

(i) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

(ii) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or

(iii) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(b) For purposes hereof, sexual conduct means "sexual intercourse" or "sexual contact" as those terms are defined in RCW 9A.44.010.

SECTION 31. Known Prostitute or Panderer Defined.

For the purpose of this Ordinance, a "known prostitute or panderer" is a person who, within one year previous to the date of arrest for violation of any provision of this Ordinance, has within the knowledge of the arresting officer, or as shown by the records of any court, been convicted of violating any ordinance or law of any jurisdiction within the State of Washington defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

SECTION 32. Sex of Parties Immaterial.

In any prosecution for prostitution, prostitution loitering, or any other prosecution related to prostitution activity, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is no defense that:

(a) Such persons were of the same sex; or

(b) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was a female.

SECTION 33. Unlawful Permitting of Prostitution or Pandering.

A person is guilty of permitting prostitution or pandering if, having possession or control of premises which such person knows are being used for prostitution or pandering purposes, he or she fails without lawful excuse to make reasonable effort to halt or abate such use.

SECTION 34. Designation of Anti-Prostitution Emphasis Areas.

The following described areas of the City are designated to be anti-prostitution emphasis areas and enhanced penalties shall be applied in event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution or pandering, or patronizing a prostitute, within the said areas, pursuant to this Ordinance, in order to assure elimination of all prostitution and prostitution-related activity within these areas:

(a) An area coterminous with SR-99 from the intersection thereof with South 200th Street, as a southerly boundary, to the intersection thereof with South 170th Street, as a northerly boundary, and extending for three blocks to the east of the easterly margin of SR-99 along the said length thereof, and extending for three blocks to the west of the westerly margin of SR-99 along the said length thereof.

(b) An area coterminous with South 200th Street from the intersection thereof with 26th Avenue South, as a westerly boundary, to the

intersection thereof with 32nd Avenue South, as an easterly boundary, and extending for three blocks to the south of the southerly margin of South 200th Street along the said length thereof, and extending for three blocks to the north of the northerly margin of South 200th Street along the said length thereof.

(c) An area coterminous with South 188th Street from the intersection thereof with the Alaska Service Road, as a westerly boundary, to the intersection thereof with 37th Avenue South, as an easterly boundary, and extending for three blocks to the south of the southerly margin of South 188th Street along the said length thereof, and extending for three blocks to the north of the northerly margin of South 188th Street along said length thereof.

(d) An area coterminous with South 176th Street from the intersection thereof with SR-99, as a westerly boundary, to the intersection thereof with 40th Avenue South, as an easterly boundary, and extending for three blocks to the south of the southerly margin of South 176th Street along the said length thereof, and extending for three blocks to the north of the northerly margin of South 176th Street along said length thereof.

SECTION 35. Penalties Upon Prostitution Conviction.

Any single violation of this Ordinance relating to an unlawful act of prostitution or pandering, an unlawful act of prostitution loitering, an unlawful act of permitting prosecution or pandering, or an unlawful act of patronizing a prostitute, within any period of twelve months, shall be a violation of city ordinance constituting a misdemeanor and, upon conviction, shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000.00), or by both such imprisonment and fine. The court may suspend or defer a portion of the term of imprisonment or fine on condition that the convicted person never enter into, or be present in, any anti-prostitution emphasis area during the term of any such suspension or deferral. The court may further require AIDS testing as a condition of suspension or deferral, pursuant to RCW 70.24.350, at the defendant's expense: **Provided**, however, that King County, as agent for the City pursuant to Interlocal Agreement, may require such testing and counseling as provided in RCW 70.24.360 upon imprisonment in jail of any such convicted person.

SECTION 36. Subsequent Prostitution Convictions As Separate Crime.

Any second or subsequent violation of this Ordinance relating to unlawful acts of prostitution or pandering, unlawful acts of prostitution loitering, unlawful acts of permitting prostitution or pandering, or unlawful acts of patronizing a prostitute which may arise from an incident occurring within any period of twelve months from a first or prior conviction of the same or similar offense shall constitute a separate crime which is hereby designated a gross misdemeanor and, upon conviction shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine. The court may suspend all or a portion of the term of imprisonment or fine on condition that the convicted person never enter into, or be present in, any anti-prostitution emphasis area during the term of any such suspension or deferral. The court may further require AIDS testing and counseling, as a condition of suspension or deferral, pursuant to RCW 70.24.350, at the defendant's expenses: **Provided**, however, that King County, as agent for the City pursuant to Interlocal

Agreement, may require such testing and counseling as provided in RCW 70.24.360 upon imprisonment in jail of any such convicted person.

SECTION 37. Violation of Conditions of Release or Conditions of Suspension or Deferral as Separate Crime.

The presence of any person within an anti- prostitution emphasis area in violation of court- imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

SECTION 38. Places of Prostitution Activity Declared Public Nuisances.

Any building, structure or place within the City used for the purpose of prostitution or pandering as defined in this Ordinance is hereby declared to be a public nuisance.

SECTION 39. Evidence of Use For Prostitution Purposes.

(a) Two or more criminal convictions of persons for acts of prostitution in a building, structure or place, within the one-year period preceding the commencement of an action under this Ordinance shall give rise to a rebuttable presumption that the building, structure or place has been used for the purposes of prostitution and is a public nuisance. In any action under this Ordinance, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or persons, used in conducting or maintaining the public nuisance.

(b) Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control prostitution may be used to rebut the presumptions created in this Ordinance.

SECTION 40. Conviction As Prima Facie Evidence.

Any conviction of any owner, manager, operator, agent or employee for promoting prostitution, for prostitution or pandering, for prostitution loitering, or for permitting prostitution, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for prostitution.

SECTION 41. Penalties for Maintenance of Public Nuisance.

Maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not

less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance.

SECTION 42. Abandoned Refrigeration Equipment.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to abandoned refrigeration equipment under the SeaTac Criminal Code:

- 9.03.010 Abandoning, discarding refrigeration equipment.
- 9.03.020 Permitting unused equipment to remain on premises.
- 9.03.040 Keeping or storing equipment for sale.

SECTION 43. Crimes Relating to Animals.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to animals under the SeaTac Criminal Code:

- 9.08.020 Diseased animals.
- 9.08.030 False certificate of registration of animals - False representation as to breed.
- 9.08.070 Dogs - Taking, concealing, injuring, killing, etc. - Penalty.

SECTION 44. Trademarks And Other Marks.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to trademarks and other marks under the SeaTac Criminal Code:

- 9.16.010 Removing lawful brands.
- 9.16.020 Imitating lawful brand.
- 9.16.030 Counterfeiting trademark, brand, etc.
- 9.16.040 Displaying goods with false trademark.
- 9.16.050 When deemed affixed.
- 9.16.070 Form and similitude defined.
- 9.16.080 Sales of petroleum products improperly labeled or by wrong grade.
- 9.16.090 Sales of petroleum products improperly labeled or by wrong grade - Penalty for violations.
- 9.16.100 Use of words "sterling silver", etc.

9.16.110 Use of words "coin silver", etc.

9.16.120 Use of word "sterling" on mounting.

9.16.130 Use of the words "coin silver" on
mounting.

9.16.140 Unlawfully marking articles made of
gold.

9.16.150 "Marked, stamped or branded", defined.

SECTION 45. Competitive Bidding.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to competitive bidding under the SeaTac Criminal Code:

9.18.120 Suppression of competitive bidding.

9.18.130 Collusion to prevent competitive bidding.

9.18.140 Penalty.

SECTION 46. Contempt and Interference Of Court.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes relating to contempt and interference with courts under the SeaTac Criminal Code:

9.23.010 Criminal contempt.

9.27.015 Interference, obstruction of any court,
building, or residence - Violations.

SECTION 47. Crimes Relating To Corporations.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to corporations under the SeaTac Criminal Code:

9.24.010 Fraud in stock subscription.

9.24.040 Corporation doing business without license.

SECTION 48. Telephone Credit Cards.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to telephone credit cards under the SeaTac Criminal Code:

9.26A.090 Telephone company credit cards - Publishing numbers or code -
"Publishes" defined.

SECTION 49. False Representations.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish

crimes relating to false representations under the SeaTac Criminal Code:

9.38.010 False representation concerning credit.

9.38.020 False representation concerning title.

SECTION 50. Crimes Relating to Fire Alarms.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to fire alarms under the SeaTac Criminal Code:

9.40.040 Operating engine or boiler without spark arrester.

9.40.100 Injuring or tampering with fire alarm apparatus or equipment - Sounding false alarm of fire.

SECTION 51. Crimes Relating to False Alarms.

Chapter 12.32 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference to establish crimes relating to false alarms by electronic security devices.

SECTION 52. Firearms and Dangerous Weapons.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to firearms and dangerous weapons under the SeaTac Criminal Code:

9.41.010 Terms defined.

9.41.030 Being armed prima facie evidence of intent. 9.41.050 Carrying pistol.

9.41.060 Exception to restriction on carrying pistol.

9.41.070 Issue of licenses to carry - Fee - Revocation - Renewal.

9.41.080 Delivery to minors and others forbidden.

9.41.090 Commercial sales regulated - Requirements for delivery - Hold on delivery.

9.41.093 Exemptions.

9.41.095 Denial of application - Appeal.

9.41.098 Forfeiture of firearms, order by courts - Return to owner - Confiscation by law enforcement officer.

9.41.100 Dealers to be licensed.

9.41.110 Dealer's licenses, by whom granted and conditions thereof - Wholesale sales excepted - Permits prohibited.

9.41.120 Certain transfers forbidden.

9.41.130 False information forbidden.

9.41.140 Alteration of identifying marks -

Exceptions.

9.41.150 Exemptions.

9.41.160 Penalty.

9.41.170 Alien's license to carry firearms -

Exceptions.

9.41.230 Aiming or discharging firearms.

9.41.240 Use of firearms by minor.

9.41.250 Dangerous weapons - Evidence.

9.41.260 Dangerous exhibitions.

9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful - Penalty - Exceptions.

9.41.280 Students carrying dangerous weapons on

school premises - Penalty - Exceptions.

9.41.300 Firearms prohibited in certain places -

Local laws and ordinances - Exceptions

- Penalty.

SECTION 53. Misconduct in Signing a Petition. The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of misconduct in signing a petition under the SeaTac Criminal Code:

9.44.080 Misconduct in signing a petition.

SECTION 54. Gambling Offenses.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to gambling under the SeaTac Criminal Code:

9.46.193 Cities and towns - Ordinance adopting certain sections of chapter - Jurisdiction of courts.

9.46.195 Obstruction of public servant in administration or enforcement as violation- Penalty.

9.46.196 Defrauding or cheating other participant or operator as violation - Causing another to do so as violation - Penalty.

9.46.198 Working in gambling activity without license as violation - Penalty.

9.46.210 Enforcement - Commission as law enforcement agency.

9.46.230 Seizure and disposition of gambling devises - Owning, buying, selling, etc. gambling devises or records - Penalty.

9.46.235 Slot machines, antique - Defenses concerning - Presumption created.

9.46.240 Gambling information, transmitting or receiving as violation - Penalty.

9.46.250 Gambling property or premises - Common nuisances, abatement - Termination of mortgage, contract or leasehold interests, licenses - Enforcement.

9.46.260 Proof of possession as evidence of knowledge of its character.

SECTION 55. Inhaling Toxic Fumes.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to the inhaling of toxic fumes under the SeaTac Criminal Code:

9.47A.010 Definition.

9.47A.020 Unlawful inhalation - Exception.

9.47A.030 Possession of certain substances prohibited, when.

9.47A.040 Sale of certain substances prohibited, when.

9.47A.050 Penalty.

SECTION 56. Public Nuisances.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to public nuisances under the SeaTac Criminal Code:

9.66.010 Public nuisance.

9.66.020 Unequal damage.

9.66.030 Maintaining or permitting nuisance.

9.66.040 Abatement of nuisance.

9.66.050 Deposit of unwholesome substance.

SECTION 57. Sexually Explicit Material.

The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of displaying sexually explicit material under the SeaTac Criminal Code:

9.68.130 "Sexually explicit material" - Defined -

Unlawful display.

SECTION 58. Special Offenses Relative to Minors.

(a) The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish special crimes involving minors under the SeaTac Criminal Code:

9.68A.120 Seizure and forfeiture of property.

9.68A.140 Definitions.

9.68A.150 Allowing minor on premises of live
erotic performance.

9.68A.160 Penalty.

9.69.100 Duty of witness of offense against
child or any violent offense - Penalty.

(b) The following sections of the King County Code as now in effect,
and as may subsequently be amended, are hereby adopted by reference to
further establish special crimes involving minors under the SeaTac
Criminal Code:

12.78.030 Written consent required to supply airgun or slingshot to minor.

12.78.040 Written consent to be kept as evidence.

12.78.050 Violation - Misdemeanor.

12.81.010 Responsibility of persons in charge of sale or display rooms
containing paraphernalia evincing intent to violate Chapter 69.50 RCW.

12.81.020 Minors prohibited unless with guardian in places selling or
displaying for sale certain paraphernalia.

12.81.030 Sale and display rooms requirements.

12.81.040 Violation - Penalty.

12.84.010 Definitions.

12.84.020 Dissemination of indecent materials to minors unlawful.

12.84.030 Dissemination of indecent materials to minors defined.

12.84.040 Presumptions.

12.84.050 Defenses.

12.84.070 Violation a misdemeanor.

SECTION 59. Violating Right of Privacy.

The following sections of Title 9 RCW as now in effect, and as may
subsequently be amended, are hereby adopted by reference to establish
crimes relating to violation of the right of privacy under the SeaTac
Criminal Code:

9.73.010 Divulging telegram.

9.73.020 Opening sealed letter.

SECTION 60. Roadside Stands.

The following sections of the King County Code as now in effect, and
as may subsequently be amended, are hereby adopted by reference to
establish crimes relating to roadside stands, except that references
therein to the county shall also refer to the City under the SeaTac
Criminal Code:

12.28.010 Unlawful to erect structures along roads.

12.28.020 Required distance from right-of-way.

12.28.030 Nuisance declared - Authority of engineer

12.28.040 Violation - Misdemeanor.

SECTION 61. Dumping of Trash in Waterways.

The following section of the King County Code now in effect, and as may subsequently be amended are hereby adopted by reference to establish the crime of dumping trash in waterways under the SeaTac Criminal Code:

12.36.010 Dumping trash in waterways prohibited.

SECTION 62. Pistol Sales.

The following sections of the King County Code now in effect, and as may subsequently be amended are hereby adopted by reference to establish regulations and crimes relating to pistol sales, except that reference to the Sheriff shall also refer to the City police, whether contracted or employed, under the SeaTac Criminal Code:

12.48.010 Definitions.

12.48.020 Sale and registration.

12.48.030 Delivery following sheriff's report.

12.48.040 Purchase of unlawful for certain persons.

12.48.050 Violations.

SECTION 63. Body Studios.

The following sections of the King County Code now in effect, and as may subsequently be amended are hereby adopted by reference to prohibit and establish crimes relating to body studios, under the SeaTac Criminal Code:

12.56.010 Defined.

12.56.020 Operation prohibited.

12.56.030 Penalty.

SECTION 64. No Shooting Areas.

(a) The entire City is hereby designated a "No Shooting Area".

(b) The following sections of the King County Code now in effect, and as may subsequently be amended are hereby adopted by reference to establish regulations and crimes relating to use of firearms in no shooting areas, under the SeaTac Criminal Code:

12.68.020 Violations - Misdemeanor - Penalty- Arrest.

12.68.040 Citizens may petition to use fire-arms in "no shooting" areas at certain times.

12.68.050 Statutory references for general information.

SECTION 65. Political Signs and Posters.

The following sections of the King County Code now in effect, and as may subsequently be amended, are hereby adopted by reference to establish regulations and crimes regarding political signs and posters, under the SeaTac Criminal Code:

12.74.010 Political signs allowed on private property.

12.74.020 Removal of signs following election.

12.74.030 Political signs not allowed on public property.

12.74.040 Public notices unaffected by chapter.

12.74.050 Penalty for violations.

SECTION 66. Noise.

The following chapters of the King County Code now in effect, and as may subsequently be amended, are hereby adopted by reference to establish regulations and crimes regarding noise under the SeaTac Criminal Code:

12.86 Declaration of Policy and Finding of Special Conditions.

12.88 Environmental Sound Levels.

12.90 Motor Vehicle Sound Levels.

12.91 Watercraft Sound Levels.

12.92 Public Nuisance and Disturbance Noises.

12.94 Exemptions.

12.96 Variances.

12.98 Administration and Noise Measurement.

12.99 Enforcement and Appeals.

12.100 Miscellaneous.

SECTION 67. Miscellaneous Crimes.

The following sections of Title 9 RCW now in effect, and as may subsequently be amended are hereby adopted by reference to establish the following miscellaneous crimes under the SeaTac Criminal Code:

9.91.010 Denial of civil rights - Terms defined.

9.91.025 Unlawful bus conduct.

9.91.060 Leaving children unattended in parked automobile.

9.91.090 Fraudulent destruction of insured property.

9.91.110 Metal buyers - Records of purchases - Penalty.

9.91.130 Disposal of trash in charity donation receptable.

SECTION 68. Registration of Felons.

The following sections of the King County Code now in effect, and as may subsequently be amended, are hereby adopted by reference to require registration of felons under the SeaTac Criminal Code, except that the terms "King County" and "county" shall refer to the City:

12.130.010 Time limit and information required for report to sheriff - Photograph and fingerprints.

12.130.020 Sheriff to be notified of change of address.

12.130.030 Disclosure of information unlawful.

12.130.040 Unlawful to fail to furnish or to falsify information.

12.130.050 Persons immune to code requirements.

12.130.060 Violation - Misdemeanor - Each day as separate.

SECTION 69. Violation of Court Ordered Probation.

The following sections of the King County Code now in effect, and as may subsequently be amended, are hereby adopted by reference to provide for arrest upon violation of court ordered probation under the SeaTac Criminal Code and the provisions thereof shall also apply to suspensions or deferrals of sentence by the Municipal Court of the City:

12.150.010 Definitions.

12.150.020 Arrest without warrant.

SECTION 70. Alcoholic Beverage Control.

The following chapters and sections of Title 66 RCW now in effect, and as may subsequently be amended, are hereby adopted by reference to establish regulations and crimes regarding alcoholic beverages under the SeaTac Criminal Code:

66.04.010 Definitions.

66.20.160 "Card of identification", "licensee", "store employee" defined for certain purposes.

66.20.170 Card of identification may be accepted as identification card and evidence of legal age.

66.20.180 Card of identification to be presented on request of licensee.

66.20.190 Identification card holder may be required

to sign certification card - Contents - Procedure - Statement.

66.20.200 Unlawful acts relating to card of identification and certification card - Penalty.

66.20.210 Licensee's immunity to prosecution or suit - Certification card as evidence of good faith.

66.28.090 Licensed premises or banquet permit premises
open to inspection - Failure to allow, violation.

Chapter

66.32 Search and Seizure

Chapter

66.44 Enforcement - Penalties.

SECTION 71. Controlled Substances.

The following sections of Title 69 RCW now in effect, and as may subsequently be amended, are hereby adopted by reference to establish regulations and crimes regarding controlled substances under the SeaTac Criminal Code:

69.50.101 Definitions.

69.50.401(e) Possession of forty grams or less of
marihuana a misdemeanor.

69.50.420 Violations - Juvenile driving
privileges.

69.50.505 Seizure and forfeiture.

SECTION 72. Severability.

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

SECTION 73. Copies to be Available.

A copy of each portion of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 74. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 28th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1030

AN ORDINANCE of the City of SeaTac relating to highway and street safety and uniform traffic laws; adopting by reference the Model Traffic Ordinance; and declaring an emergency.

WHEREAS, state law, RCW 35.02.130, authorizes the City Council to adopt ordinances, to become effective on or after the official date of incorporation, and to enter into contracts and agreements to ensure continuation of governmental services after the official date of incorporation; and

WHEREAS, the City has, pursuant to Resolution No. 90-46,

authorized entry into an Interlocal Agreement with King County for the purpose of providing traffic regulations and enforcement services to the City; and

WHEREAS, the said Interlocal Agreement requires the City to adopt local ordinances regulating traffic, motor vehicles and parking which conform, to the extent reasonably possible and with due consideration for local circumstances, with County ordinances and State law, to provide uniformity of regulation and enforcement; and

WHEREAS, the State Legislature has enacted Chapter 46.90, RCW, the Washington Model Traffic Ordinance for the purpose of permitting cities to adopt by reference in a uniform fashion the state traffic statutes; and

WHEREAS, the City Council finds it to be essential to the public health, welfare and safety to regulate traffic, motor vehicles and parking in a uniform fashion by adoption of the Washington Model Traffic Ordinance;

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

SECTION 1. Adoption of the Model Traffic Ordinance.

Chapter 46.90 RCW, the Washington Model Traffic Ordinance, hereinafter referred to as the "MTO", is hereby adopted by reference as the SeaTac Traffic Code, except as provided in this Ordinance.

SECTION 2. Certain Sections Deleted.

The following sections of the MTO are not adopted by reference and are expressly deleted: RCW 46.90.250, 46.90.500 through 46.90.540, 46.90.560 and 46.90.565.

SECTION 3. Speed Limit Revisions.

RCW 46.61.415(1), as incorporated in the MTO at RCW 46.90.427, is amended as follows:

(a) The Director of the Department of Public Works, 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 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:

(i) Road surface characteristics, shoulder conditions, grade, alignment and sight distance;

(ii) The eighty-five percentile speed and pace speed;

- (iii) Roadside development and culture, and roadside friction;
- (iv) Safe speed for curves or hazardous locations within the zone;
- (v) Parking practices and pedestrian activity;
- (vi) Reported accident experience for a recent twelve-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 County Council provided the appeal is filed in writing within thirty calendar days from the date of posting of speed zone. Action of the Director of the City Department of Public Works 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 calendar days from the date of posting of speed zone.

SECTION 4. Decrease of State Law Maximum Speed.

RCW 46.61.415(2), as incorporated in the MTO at

RCW 46.90.427, is amended as follows:

(a) It is determined upon the basis of an engineering and traffic investigation that the speed permitted by state law on City roads is greater than is reasonable or safe under the conditions found to exist upon the following roads, and it is declared that the speed limit shall be as set forth in this section on those streets or parts of streets designated in this section at the times specified in this section. A copy of the Schedules referred to below shall be available for public use at the office of the Director of Public Works.

(i) No person shall operate a motor vehicle upon any City road within a residence district, as defined in RCW 46.04.470, in excess of twenty-five miles per hour.

(ii) No person shall operate a motor vehicle upon any City road within a business district, as defined in RCW 46.04.080, in excess of twenty-five miles per hour.

(iii) No person shall operate a motor vehicle upon the City roads designated in Schedule 1 in excess of twenty-five miles per hour, when signs are erected giving notice thereof.

(iv) No person shall operate a motor vehicle upon the City roads designated in Schedule 2 in excess of thirty miles per hour, when signs are erected giving notice thereof.

(v) No person shall operate a motor vehicle upon the City roads designated in Schedule 3 in excess of thirty-five miles per hour, when signs are erected giving notice thereof.

(vi) No person shall operate a motor vehicle upon the City roads designated in Schedule 4 in excess of forty miles per hour, when signs are erected giving notice thereof.

(vii) No person shall operate a motor vehicle upon the City roads designated in Schedule 5 in excess of forty-five miles per hour, when signs are erected giving notice thereof.

(viii) No person shall operate a motor vehicle in the City or County parks designated in Schedule 6 in excess of the limit prescribed therein, when signs are erected giving notice thereof.

(ix) No person shall operate a motor vehicle other than in the indicated direction upon those City roads and parts of roads and alleys designated in Schedule 10, when signs are erected giving notice thereof.

(x) No person shall operate a motor vehicle upon the City roads designated in Schedule 24 in excess of fifty miles per hour, when signs are erected giving notice thereof.

SECTION 5. Stopping, Standing, or Parking Prohibited.

The following provisions are adopted in addition to the provisions of RCW 46.61.570(1), as referenced in the MTO at RCW 46.90.300:

(a) When signs are erected in each block giving notice thereof, no person shall park a vehicle:

(i) At any time upon any of the streets or portions thereof described in Schedule 14.

(ii) Between the hours specified in Schedule 15 of any day except as provided within the district or upon any of the streets described in said Schedule.

(iii) Or stop or stand a vehicle between the hours specified in Section 16 of any day except as provided in said Schedule within the district or upon any of the streets described in said Schedule.

(iv) For a period of time longer than specified in Schedule 17 upon any of the streets or parts of streets specified in said Schedule.

(b) No person shall park a commercial vehicle which is more than 80 inches wide overall on any street or alley in residentially zoned areas between the hours of midnight and six a.m.

SECTION 6. Severability.

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

SECTION 7. Copies to be Available.

A copy of the Washington Model Traffic Ordinance adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 8. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of

public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 27th day of February, 1990, and signed in authentication of its passage this 28th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/4/90

ORDINANCE NO. 90-1031

AN ORDINANCE of the City of SeaTac relating to the municipal court; organizing the court; providing for appointment and removal of the judge and other court officers; providing for court employees; providing for judicial days; providing for court rules; providing for public defender services; providing for use of credit cards; providing for collections; and declaring an emergency.

WHEREAS, the City Council, on February 06, 1990, declared the existence of a municipal court to be effective on the official date of incorporation; and

WHEREAS, the City Council, pursuant to Resolution No. 90-63 passed on February 13, 1990, confirmed the appointment by the City Manager of a judge of the municipal court; and

WHEREAS, the City Council finds that it is in the best interest of the public health, welfare and safety that the municipal court be formally organized by ordinance; and

WHEREAS, the City Council finds that an emergency exists in that the municipal court must be formally organized immediately in order to be fully functional on the first day of open court;

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

SECTION 1. Court Established.

Pursuant to action of the City Council by Resolution No. 90-63, there is established a municipal court entitled the "Municipal Court of the City of SeaTac", hereinafter referred to as the "Municipal Court", effective as of the official date of incorporation of the City, which court shall have jurisdiction and shall exercise all powers enumerated herein and in Chapter 3.50 RCW, together with all such other powers and jurisdiction as are generally conferred upon courts of limited jurisdiction in the State of Washington either by common law, the general law, or by express statute.

SECTION 2. Court Seal.

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of SeaTac, State of Washington", surrounding the vignette.

SECTION 3. Jurisdiction.

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the City. The municipal court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

SECTION 4. Judges - Appointment - Qualifications.

(a) The Municipal Judge appointed and confirmed by Resolution No. 90-63, shall continue to hold office from the official date of

incorporation of the City until expiration of the term of office. The term of a successor shall commence on January 01 of the year thereafter and shall continue until December 31 of the fourth year thereafter, pursuant to appointment as provided below.

(b) The Municipal Judge shall be appointed by the City Manager, subject to confirmation by the City Council, for a term of four years. Appointments shall be made on or before December 1st of the year next preceding the year in which the term is to commence.

(c) A person appointed as Municipal Judge shall be a citizen of the United State of America and of the State of Washington; and an attorney admitted to practice law before the courts of record of the State of Washington.

SECTION 5. Salaries - Costs.

The salary of the Municipal Judge shall be fixed by ordinance upon adoption of the City's annual budget. All costs of operation of the Municipal Court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies, shall be paid wholly out of the funds of the City. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

SECTION 6. Removal of Judge.

A Municipal Judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. Any vacancy in the Municipal Court due to death, disability or resignation of the Municipal Judge shall be filled by the City Manager, subject to confirmation by the City Council, for the remainder of the unexpired term. The appointed Judge shall be qualified to hold the position of judge of the Municipal Court as provided in this Ordinance.

SECTION 7. Municipal Court Employees.

All employees of the Municipal Court shall be deemed employees of the City. They shall be appointed by and serve at the pleasure of the Municipal Judge: provided, that all applicable personnel practices and procedures with respect to hiring and termination shall be followed.

SECTION 8. Judges Pro Tem - Court Commissioners.

(a) The Municipal Judge shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the Municipal Court or subsequent to the filing of an affidavit of prejudice. The judge pro tem shall be qualified to hold the position of judge of the Municipal Court as provided herein. The judge pro tem shall receive such compensation as is received, on an hourly basis, by the Municipal Judge, or as otherwise fixed by resolution or ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing Municipal Judge.

(b) The Municipal Judge may appoint one or more municipal court commissioners, who shall hold office during the pleasure of the Municipal Judge. Each municipal court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the Municipal Judge shall prescribe by court order.

SECTION 9. Judicial Vacancy.

Any vacancy in the Municipal Court due to a death, disability, or resignation of a Municipal Judge shall be filled by the City Manager, subject to confirmation by the City Council, for the remainder of the expired term. The appointed Municipal Judge shall be qualified to hold the position of Judge of the Municipal Court as provided in this Ordinance.

SECTION 10. Municipal Court Hours.

The Municipal Court shall be open during all regular business days and hours as the other offices of the City shall be open, but the dates and times of open court shall be as set by the Municipal Judge: provided, that the sessions of the open court shall not be on non-judicial days.

SECTION 11. Revenue Deposits.

All fees, costs, fines, forfeitures and other moneys imposed or collected by the Municipal Court for the violation of any City Ordinance, together with any other revenue received by the Municipal Court, shall be deposited with the city treasurer as part of the general fund of the City.

SECTION 12. Rules of Pleading, Practice and Procedure.

The rules of pleading, practice and procedure before the Municipal Court shall be in accordance with the Rules for Courts of Limited Jurisdiction, as published by the Washington Supreme Court, as currently in effect, as as may be subsequently amended.

SECTION 13. Public Defender - Appointment.

The Municipal Judge is authorized to appoint, on a case to case basis, as may be required, an attorney licensed to practice before the courts of the State of Washington, to act as public defender in representing indigent persons charged with offenses tryable in the municipal court and cases appealed therefrom.

SECTION 14. Public Defender - Statement For Services.

The attorney appointed to act as public defender shall present his statement for servicesto the City, and the same shall be paid in the same manner as the other obligations of the City.

SECTION 15. Public Defender - Payment.

The charges submitted by the public defender and approved by the City Council shall be paid from the current fund.

SECTION 16. Use of Credit Cards.

The Municipal Court may permit the use of credit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures imposed. The Municipal Court may enter into agreements with one or more financial institutions for the purpose of such collections. The said agreements may specify conditions, remuneration for services, and other charges deemed appropriate, upon confirmation by the City Council.

SECTION 17. Use of Collection Agencies and Attorneys.

(a) The Municipal Court may use collection agencies as defined by

Chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the Court. The Municipal Court may enter into agreements, with the confirmation of the City Council, with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate.

(b) Servicing of delinquencies by collection agencies or by collecting attorneys in which the Municipal Court retains control of its delinquencies shall not constitute assignment of debt.

(c) The term "debt" shall include penalties, fines, costs, assessments, or forfeitures imposed by the Municipal Court.

(d) The Municipal Court may assess, as court costs, the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

SECTION 18. Severability.

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

SECTION 19. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 13th day of March, 1990, and signed in authentication of its passage this 13th day of March, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 3/18/90

ORDINANCE NO. 90-1032

AN ORDINANCE of the City of SeaTac relating to purchase or lease of material, equipment, services and supplies; designating the Director of Finance as purchasing agent; providing for competitive bidding; and establishing rules and regulations.

WHEREAS, state law, RCW 35A.40.200(2) grants authority to code cities to make purchase contracts in accordance with the procedures and conditions set forth in RCW 35.23.352; and

WHEREAS, the City Council has previously enacted Resolution No. 90-75 permitting the City Manager to purchase supplies, equipment and services in an amount not to exceed Two Thousand Dollars (\$2,000.00) without competitive bidding; and

WHEREAS, the City Council finds it to be in the best interest of the City to require competitive bidding as to all purchases or leases of material, equipment, services and supplies in excess of Two Thousand Dollars (\$2,000.00) in value, to assure the lowest possible price; and

WHEREAS, this Ordinance is intended to revoke Resolution No. 90-75; and

WHEREAS, this Ordinance is not intended to apply to any public work or improvement contract;

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

SECTION 1. Purpose.

The purpose of this Ordinance 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 Director of Finance, or designee, as City Purchasing Agent.

SECTION 2. Definitions.

As used in this Ordinance, 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 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.

SECTION 3. Designation of City Purchasing Agent.

The Director of Financing is hereby designated as the City Purchasing Agent, through whom all departments shall make purchases or leases of every kind and character, with the exception of contracts for public works and improvements which shall be the responsibility of the Director of the Department of Public Works. The Director of Finance may delegate the authority and responsibilities of the City Purchasing Agent to any appropriate member of the department staff. In the absence of a Director of Finance, or designee, the City Manager may act as City Purchasing Agent. Within the limits of available technology and staff capabilities, the City Purchasing Agent shall:

(a) Develop a system to collect information concerning the type, cost, quality and annually consumed quantity of commonly used supplies, materials and equipment and shall purchase such items in as large a quantity as reasonable, where the available information clearly indicates a continuing need for such items.

(b) Develop a system to maintain current records of the amounts purchased from each annual and blanket contract.

SECTION 4. Procedure for Purchase of Tangible Personal Property.

For all purchases of tangible personal property in excess of Five Thousand Dollars (\$5,000.00) the City Purchasing Agent, or designee, shall prepare bid specifications and advertise for bids. In addition, the City Purchasing Agent shall mail invitations to bid to a sufficient number of prospective bidders to elicit adequate competition, such vendors being drawn from established vendor lists and from any other source thought to be of advantage to the City.

SECTION 5. Exceptions to Competitive, Sealed Bid Procedures.

(a) The City Purchasing Agent is granted authority to let any contract, lease or purchase of material, equipment services or supplies involving less than Five Hundred Dollars (\$500.00), without advertisement and without competitive bidding; provided, that in order to prevent the artificial division of purchase requirements so as to constitute a purchase of less than the said maximum, the City Purchasing Agent shall accumulate and consolidate purchase orders to the greatest extent possible based on the known quantity requirements of the City and ordering departments.

(b) In the case of purchases for an amount between Five Hundred Dollars (\$500.00) and Five Thousand Dollars (\$5,000.00), the City Purchasing Agent shall:

(i) Obtain telephone and/or written quotations from enough vendors to assure establishment of a competitive price and to award such contract to the lowest responsible bidder.

(ii) Immediately after the award is made, the bid quotations or proposals obtained shall be recorded and shall be available to public inspection and shall be available by telephone inquiry.

(c) Purchases which are clearly and legitimately limited to a single known source of supply and purchases involving special facilities, services or market conditions may be acquired through direct negotiations with a single vendor.

(d) The purchase of used equipment from private vendors, at a total price not in excess of Two Thousand Dollars (\$2,000.00) shall generally be considered to be a purchase within the exceptions to competitive, sealed bid procedures. A City department desiring to purchase used

equipment shall be responsible for determining what used equipment is available on the market and for properly recording this search. The purchase request must fully justify the acquisition of used equipment.

(e) When no bids or proposals are received in response to an invitation to bid or a request for proposals, the City Purchasing Agent is authorized to procure the required item or service through direct negotiations with a vendor or to rebid as the City Purchasing Agent deems appropriate.

SECTION 6. Procedure for Solicitation and Purchase of Professional and/or Technical Service Consultant Contracts.

(a) Professional and/or technical service consultant contracts shall be construed as meaning those in which the City enters into a legal agreement to purchase services requiring special expertise from a corporation, firm, agency, individual or group of individuals who for a fee and based on their recognized expertise, perform a defined service for the City. Examples of such service include, but are not limited to, the following:

- (i) Financial or administrative studies;
- (ii) Feasibility studies of a scientific or technical nature;
- (iii) Special project management for a defined period of time or result;
- (iv) Management advisory services;

(b) Annually, the City Purchasing Agent shall determine the City's anticipated requirements for any category or type of professional/technical service and shall publish an announcement of these requirements. If the City later requires any further, previously unpublished professional/technical services, the City Purchasing Agent shall publish additional announcements on each occasion when such services are required. All such publications shall include a request that professional firms interested in providing those services to the City submit a statement of qualifications and performance data to be placed on file.

(c) Prior to entering into a professional/technical services contract, the requesting department or the City Purchasing Agent, when appropriate, shall evaluate all statements on file, together with those that may be submitted by other firms and shall conduct discussions with one or more firms regarding anticipated concepts and the relative usefulness of alternative methods or approaches.

(d) The City Purchasing Agent shall then develop, with the requesting department, the written criteria which will be used to determine which professional/technical firm to recommend for contract award. Such criteria shall include, but not be limited to, the following:

- (i) Quality of past performance;
- (ii) Known and documented expertise;
- (iii) Documentation, as required, and demonstration of financial capability to perform required work;
- (iv) Cost of performance, where appropriate.

(e) In addition, in soliciting and awarding professional and/or technical service contracts having a value to the contractor in excess of Five Thousand Dollars (\$5,000.00), the City Manager, or designee shall:

- (i) Develop bid specifications or a project description in the

form of a request for proposal in concert with the requesting department;

(ii) Publicly advertise the request for proposals and the name of the contact person from whom the project specifications shall be available;

(iii) Rank the proposals submitted based upon the criteria set forth in subsection (d), above, and submit the ranked proposals to the City Council with appropriate recommendations.

(f) The City Council shall then select the consultant to be awarded the contract; provided, that in the event the City Manager fails to negotiate satisfactory terms with the selected consultant, with consent of the City Council, the City Manager shall then begin negotiations with the next highest ranked consultant.

SECTION 7. Emergency Purchases.

In the event of an emergency when the public interest or property of the City would suffer material injury or damage by delay, upon declaring the existence of such emergency and reciting the facts constituting the same, the City Purchasing Agent, with the approval of the City Manager, may waive the requirements for competitive, sealed bids. The City Manager shall report, in detail, such emergency expenditures to the City Council within seven (7) days of declaring the emergency and a written determination of the basis for the emergency and for the selection of the particular vendor or vendors shall be included in the City Purchasing Agent's file.

SECTION 8. Time of Bid or Bid Withdrawal.

(a) The bidding or quoting time shall be as determined by the City Purchasing Agent. All invitations to bid shall provide sufficient time to allow bidders an opportunity to prepare and submit their bid. The City Purchasing Agent shall have the discretion to lengthen or shorten bid or quote time should special circumstances or needs dictate a shorter or longer time frame. All bids and withdrawals must be received on or before the time specified and at the place designated in the invitation bid. No deviations will be allowed. Late bids and untimely withdrawals will be returned without action.

(b) All bids shall be date stamped upon receipt and prior to opening. Precautions will be taken to insure security in respect to the bids. Bids which are received but which do not identify the invitation to bid or the time for bid opening may be opened but solely for identification purposes, and only by officially designated personnel. All late bids or late withdrawal requests will be date and time recorded upon request.

SECTION 9. Amendment of Invitation To Bid.

An invitation to bid may be changed or amended by the City Purchasing Agent provided the change is issued in writing prior to the bid opening date. Such changes will be furnished to all interested vendors in the form of an addendum. Any material information provided a prospective bidder with regard to an invitation to bid shall be furnished to all bidders on the vendor list receiving a copy of the original invitation. Oral interpretations of contact terms and conditions shall not be binding on the City unless confirmed in writing by the City Purchasing Agent and provided to all bidders at least twenty-four hours before bid opening.

SECTION 10. Vendor Lists.

Vendor lists shall be categorized according to commodities or services and shall be maintained and updated by the City Purchasing Agent. Such vendor lists shall be used by the City Purchasing Agent to determine vendors from which to solicit bids.

SECTION 11. Criteria For Qualification.

A vendor's eligibility for inclusion on a vendor list shall be based upon the following factors:

- (a) The financial standing and responsibility of the vendor;
- (b) The vendor's facilities for production, distribution and service;
- (c) The length of time the vendor has successfully been in business;
- (d) The vendor's performance on previous contracts;
- (e) The ready availability to the City of the vendor's sales and service capabilities;
- (f) Such other information as may be secured concerning a vendor's ability to satisfactorily perform a contract for the City.

SECTION 12. Electronically Transmitted Bids and Withdrawals.

Bids transmitted by electronic means, such as telegraph and facsimile instruments, which provide a paper copy, may be accepted if approved in advance by the City Purchasing Agent. Withdrawals of bids transmitted to the City by such electronic means shall be accepted if timely received.

SECTION 13. Telephone Bids and Withdrawals.

Neither telephone bids nor telephone withdrawals shall be accepted, except when using the procedure setforth in Section 5(b) of this Ordinance.

SECTION 14. Form of Bid.

(a) To receive consideration, bids and quotes shall be made on the form provided by the City Purchasing Agent. If a letter is used to supplement the City Purchasing Agent bid form it must meet the satisfaction of the City Purchasing Agent, be properly headed and signed, properly marked on the outside of the envelope, and received by the time specified.

(b) All bids and quotes must be filled out in ink or be typewritten and must be properly signed by an authorized representative of the vendor. All changes and/or erasures shall be initialed in ink. Unsigned bids or quotes will be rejected on opening.

SECTION 15. Standard Specifications.

Specifications contained in the invitation to bid will, where practical, be nonrestrictive so as to provide an equal basis for competition and participation by an optimum number of qualified bidders. Unless otherwise specifically provided in the invitation to bid, reference to any equipment, material or supplies by trade name, make or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition. All bids which offer a different trade name, make or catalog number must state whether the item offered is equal or an alternative, and literature which describes the item offered must be provided when available. The final decision as to whether an item is an equal or a satisfactory alternate shall rest with the City Purchasing Agent.

SECTION 16. Interpretation of Specifications.

In the event of discrepancies or omissions in the bid specifications, or doubt as to their meaning, the bidder shall immediately notify the City Purchasing Agent in writing. In response, written instructions and/or addenda as required shall be sent to all interested parties. The City Purchasing Agent shall not be responsible for oral interpretations not confirmed in writing by the City Purchasing Agent giving the interpretation at least twenty-four hours before bid opening.

SECTION 17. Request for Samples or Descriptive Literature.

The City Purchasing Agent reserves the right to ask for samples, competitive demonstrations, and/ or descriptive literature at bidder's expense. If not destroyed in testing or required for quality control, bidders may request return of samples at their expense.

SECTION 18. Alternate Bid.

The City Purchasing Agent shall have the discretion to accept an alternate bid if it can be shown that the alternate substantially conforms to the bid specifications. If a bidder represents an article as being "an equal" when in fact it is "an alternative" the bid may be disregarded.

SECTION 19. Pre-Bid Conferences.

Pre-bid conferences may be scheduled by the City Purchasing Agent to answer any questions regarding the specifications, or, after interested vendors have reviewed the specifications, to discuss proposed changes.

SECTION 20. Bid Committee For Opening of Bids.

There is hereby established a Bid Committee which shall consist of the City Manager, the Director of Finance and the Chair of the City Council's Administration & Finance Committee. The purpose of this Committee is to be present and function in the opening of all bids relating to the City's purchase of goods or services by the sealed bid procedure and to exercise surveillance over the bid opening. Sealed bid proposal shall be received by the City Purchasing Agent to be opened by the Bid Committee at the advertised time, date and location. The Bid Committee shall personally and publicly open all bids and read them out loud for recording. The bid form may not be completed, signed or amended after official opening time. The Bid Committee will, on request, read the documents in detail. The City Clerk shall provide for taking and maintaining minutes of the bid opening. Opened bids shall remain under the control of the City Purchasing Agent.

SECTION 21. Award and Criteria.

A contract shall be awarded to the lowest responsible bidder (or bidders, where multiple awards are appropriate) based upon the following criteria:

(a) The price, including the effect of term discounts and taxes. Price may be determined by life-cycle costing if so indicated in the invitation to bid;

(b) The quality of the material or services proposed to be supplied, their conformity with specifications and the purposes for which they are required;

(c) The ability, capacity and skill of the bidder to perform the contract and provide the services required;

(d) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(e) Whether the bidder can perform the contract within the time specified;

(f) The quality of performance of previous contracts or services;

(g) The previous and existing compliance by the bidder with the laws relating to the contract or services;

(h) Servicing resources, capability and capacity;

(i) Lack of uniformity or interchangeability if such factors are important;

(j) The energy efficiency of the product as projected throughout the anticipated useful life of the product;

(k) Such other information as may be secured having a bearing on the decision to award the contract;

(l) All things being equal, tie bids shall be resolved by a flip of the coin in the presence of witnesses.

SECTION 22. Action by City Council.

The City Purchasing Agent shall rank the proposals submitted based upon the criteria set forth in Section 21 of this Ordinance, and shall then refer the ranked proposals to the City Council together with appropriate recommendations. The City Council shall then select the bidder to be awarded the contract; provided, that in the event the City Purchasing Agent fails to negotiate satisfactory terms with the selected bidder, with consent of the City Council, the City Purchasing Agent shall then begin negotiations with the next highest ranked bidder.

SECTION 23. Partial Award.

The City Purchasing Agent shall have the discretion to award on an "all or nothing" basis or to accept any portion of the items bid, excluding others, unless the bidder stipulates all or nothing on the bid.

SECTION 24. Standard Certificate of Award.

A standard certificate of award, or in the case of a direct purchase, a purchase order will normally be mailed to the successful vendor.

SECTION 25. Rejection.

No notice will be sent to unsuccessful bidders.

SECTION 26. Acceptance of Terms.

Acceptance shall be expressly limited to the terms and conditions of the contract or bid prescribed by the City Purchasing Agent. All material alterations, additional or different terms proposed by the bidder shall be rejected unless otherwise provided for in writing by the City Purchase Agent.

SECTION 27. Mistakes in Bid Detected Prior To Opening.

Mistakes in bid detected prior to bid opening may be corrected by the bidder withdrawing the original bid and submitting a corrected bid to the City Purchasing Agent before the bid opening. If there is not sufficient time prior to bid opening to withdraw the original bid and submit a corrected bid, the bidder, or an authorized representative, may correct the mistake on the face of the original bid; provided, that the official opening time has not yet been reached. The time and date of any such correction shall be shown on the face of the original bid.

SECTION 28. Mistakes in Bid Detected During or After Opening.

Bidder mistakes in a bid detected during or after bid opening may not be corrected. If the bidder submits evidence in writing satisfactory to the City Purchasing Agent and to the City Manager that a mistake has been made by the bidder in the calculation of the bid, the bid may be withdrawn; provided, that the claim of mistake and the evidence in support thereof must be made and provided within three business days after the bid has been opened.

SECTION 29. Disclosure of Bid Information.

After award, the bids of all bidders shall be opened to public inspection at the offices of the City Purchasing Agent during normal office hours. The City Purchasing Agent assumes no responsibility for the confidentiality of submitted bids.

SECTION 30. Cancellation of Invitation to Bid or Rejection of All Bids.

The City Purchasing Agent reserves the right to reject all bids, cancel an invitation to bid or request for proposals, and/or call for new bids. Examples of reasons for cancellation of an invitation or request, or for rejection of all bids shall include, but not be limited to, the following:

- (a) Inadequate or ambiguous specifications;
- (b) Revision of specifications;
- (c) Requested supplies or services are no longer required;
- (d) Lowest responsible bid deemed not best price obtainable;
- (e) Bids are not independently arrived at, were submitted in bad faith, or involved price fixing;
- (f) A determination is made that all the necessary requirements of the bid process have not been met;

(g) Insufficient competition;

(h) Other indications that cancellation or rejection of all bids is clearly in the best interest of the City.

SECTION 31. Notice of Cancellation or Rejection of Bids.

In the event of a cancellation of an invitation or a request, or in the event all bids are rejected, all participating bidders will be notified by mail.

SECTION 32. Performance Bond.

When required in the bid solicitation, the successful bidder shall be required by the City Purchasing Agent to post a performance bond or a performance/payment bond. The bond shall be in a form acceptable to the City Purchasing Agent.

SECTION 33. Product Fitness.

Vendors shall warrant that the articles supplied under the contract shall conform to the specifications and are fit for the purpose for which such goods are ordinarily employed.

SECTION 34. Price Escalation.

Vendor shall not be entitled to a price escalation except where specifically provided for in writing in the contract.

SECTION 35. Change of Product Offered.

A vendor shall not be allowed to substitute material, supplies, equipment or services from that offered; provided, however, if the material, supplies, equipment or services offered are no longer available to the vendor for reasons beyond its control, the City Purchasing Agent may consider a request by the vendor for substitution. All such requests must be in writing, must set forth the reasons the product or service is no longer available, and if requested must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, and such additional data as the City Purchasing Agent may request. Samples and data shall be furnished sufficiently in advance to allow for investigation before a decision is made. If the change is approved, the vendor shall warrant that the substitute article is equal to or better than the specified article. If the change results in any cost savings to the vendor, the cost savings shall be reflected in full by a reduction in price to the City.

SECTION 36. Intergovernmental Cooperative Purchasing.

(a) The City Purchasing Agent is authorized to sell to, acquire from or use any supplies, material or equipment belonging to any agency, political subdivision, or unit of local government of this State including, but not limited to, special purpose and local service districts, any agency of the State government, King County, and any agency of the United States, without the necessity for competitive, sealed bids.

(b) The City Purchasing Agent, or designee, shall have authority to join the above-described units of government in cooperative purchasing plans when the best interests of the City would be served thereby; provided, that each of the participating units shall be separately invoiced by the vendors for purchases made under such plans, and the

City shall not be obligated for purchases other than those required for its own use.

SECTION 37. Severability.

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

SECTION 38. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 24th day of February, 1990, and signed in authentication of its passage this 24th day of February, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 4/29/90

ORDINANCE NO. 90-1033

AN ORDINANCE of the City of SeaTac relating to the SeaTac Criminal Code; designating anti-prostitution emphasis areas; extending such areas to the north and south along SR-99 and along Military Road South; and amending Ordinance No. 90-1029, Section 34.

WHEREAS, Ordinance No. 90-1029 was adopted by the City Council on February 27, 1990 to establish the SeaTac Criminal Code; and **WHEREAS**, Section 34 of the said Ordinance designated anti- prostitution emphasis areas to assure elimination of all prostitution and prostitution-related activity within specific areas of the City; and

WHEREAS, the City Council finds that prostitution and prostitution-related activity is, or may be, occurring north of the previously established northerly boundary of the designated areas and that extension of the areas is in the public interest;

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

SECTION 1. Amendment. Ordinance No. 90-1029, Section 34 is hereby amended to read as follows:

The following described areas of the City are designated to be anti-prostitution emphasis areas and enhanced penalties shall be applied in event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution or pandering, or patronizing a prostitute, within the said areas, pursuant to this Ordinance, in order to assure elimination of all prostitution and prostitution-related activity within these areas:

(a) An area coterminous with SR-99 from the intersection thereof with South 216th Street, as a southerly boundary, to the intersection thereof with South 170th Street Military Road South, as a northerly boundary, and extending for three blocks to the east of the easterly margin of SR-99 along the said length thereof, and extending for three blocks to the west of the westerly margin of SR-99 along the said length thereof.

(b) An area coterminous with Military Road South from the intersection thereof with SR-99, as a southerly boundary, to the intersection thereof with South 128th Street, as a northerly boundary, and extending for three blocks to the east of the easterly margin of Military Road South along the said length thereof, and extending for three blocks to the west of the westerly margin of Military Road South along the said length thereof.

(c) An area coterminous with South 200th Street from the intersection thereof with 26th Avenue South, as a westerly boundary, to the intersection thereof with 32nd Avenue South, as an easterly boundary, and extending for three blocks to the south of the southerly margin of South 200th Street along the said length thereof, and extending for three blocks to the north of the northerly margin of South 200th Street along the said length thereof.

(d) An area coterminous with South 188th Street from the intersection thereof with the Alaska Service Road, as a westerly boundary, to the intersection thereof with 37th Avenue South, as an easterly boundary, and extending for three blocks to the south of the southerly margin of South 188th Street along the said length thereof, and extending for three blocks to the north of the northerly margin of South 188th Street along said length thereof.

(e) An area coterminous with South 176th Street from the intersection thereof with SR-99, as a westerly boundary, to the intersection thereof with 40th Avenue South, as an easterly boundary, and extending for three blocks to the south of the southerly margin of South 176th Street along the said length thereof, and extending for three blocks to the north of the northerly margin of South 176th Street along said length thereof.

(f) An area coterminous with South 162nd Street from the intersection thereof with 32nd Avenue South, as a westerly boundary, to the intersection thereof with Military Road South, as an easterly boundary, and extending along the said length thereof.

(g) Any other area found by the Judge of the Municipal Court to warrant designation as an anti-prostitution emphasis area when specifically set forth and identified in a court order naming a particular defendant.

SECTION 2. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 10th day of April, 1990, and signed in authentication of its passage this 11th day of April, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 4/15/90

ORDINANCE NO. 90-1034

AN ORDINANCE of the City of SeaTac amending the 1990 budget and amending Ordinance No. 90-1011, Section 1 and Section 2.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1011 which adopted the 1990 budget; and

WHEREAS, at the time of enacting the said Ordinance, the City Council made various amendments and, in particular, transferred money to the Contingency Fund from other funds; and

WHEREAS, discrepancies have subsequently been found to exist between the 1990 budget, as adopted, and the summary of revenues and appropriations set forth in the aforesaid Ordinance;

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

SECTION 1. Ordinance No. 90-1011, Section 1 is hereby amended to read as follows:

Adoption By Reference.

The 1990 budget for the City of SeaTac, covering the period from the official date of incorporation, February 28, 1990, to December 31, 1990, with revenues and unencumbered fund balances of \$8,752,687 and expenditures of \$7,563,072 \$7,564,072, is hereby adopted.

SECTION 2. Ordinance No. 90-1011, Section 2 is hereby amended to read as follows:

Summary of Revenues and Appropriations.

The budget sets forth totals of estimated revenues and expenditures for each separate fund, and the aggregate totals for all such funds, are summarized below:

BEGINNING ENDING**FUND BALANCE REVENUES EXPENDITURES LOANS TRANSFERS BALANCE**

Current		1,300,000		3,428,000		(4,409,450)		1,800,000		(1,893,000)		225,550
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Expense				<u>4,466,450</u>				<u>168,550</u>				
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Street		0		2,833,687		(767,622)		(1,800,000)		0		266,065
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Arterial												
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Street		0		162,000		(150,000)		0		0		12,000
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Contin-												
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gency		0		200,000		0		355,000		555,000		
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| | | | |

TAN Repay | | | | |

ment | 0 | 0 | (1,538,000) | | 1,538,000 | 0

| | | | |

Capital | | | | |

Projects | 0 | 295,000 | (286,000) | 0 | 0 | 9,000

| | | 230,000 | | | 65,000

| | | | |

Surface | | | | |

Water | 0 | 534,000 | (412,000) | 0 | 0 | 122,000

_____ | _____ | _____ | _____ | _____ | _____ | _____

TOTAL 1,300,000 7,452,687 (7,563,072) 0 0 1,189,615

7,564,072 1,888,615

SECTION 3. Effective Date.

This Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 17th day of April, 1990, and signed in authentication of its passage this 19th day of April, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 4/22/90

ORDINANCE NO. 90-1035

AN ORDINANCE of the City of SeaTac authorizing the adjudication of violations of City ordinances by the King County District Court System through December 31, 1990; establishing a City traffic violations bureau for the purpose of accepting filing of citations charging violations of City ordinances, receiving forfeitures of bail and penalties, and transmitting mandatory and other matters not subject to forfeiture to the court; providing for the re-establishment of the Municipal Court of the City of SeaTac on January 01, 1991; repealing Ordinance No. 90-1031 effective January 01, 1991; and declaring an emergency.

WHEREAS, the City Council previously established a municipal court and appointed a municipal judge under authority of RCW 35A.11.020, 35A.13.080(2) and 35A.21.161 and, in furtherance thereof, enacted Resolution No. 90-63 and Ordinance No. 90-1031; and

WHEREAS, RCW 3.50.060 may be read to conflict with the foregoing statutes so as to prohibit even a newly incorporated city from establishing a municipal court until January 01 of the year following passage of an enabling ordinance; and

WHEREAS, on April 03, 1990, the City Council was advised that King County had breached its Interlocal Agreement to provide police services to the City based upon the aforesaid uncertainty as to jurisdiction of the municipal court and would therefore no longer cite infractions of City ordinances; and

WHEREAS, the City Council finds that the public interest and welfare will best be served by avoiding protracted and expensive litigation to clarify the apparent statutory conflict;

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

SECTION 1. District Court As Municipal Court. The King County District Court is, through December 31, 1990, designated as the Municipal Court of the City of SeaTac for purposes of adjudicating violations of City ordinances, together with all such other powers and jurisdiction as are generally conferred upon courts of limited jurisdiction in the State of Washington either by common law, the general law, or by express statute.

SECTION 2. Interlocal Agreement.

The relationship between the City and the County District Court shall be governed by RCW 3.62.070 and by an Interlocal Agreement which shall continue in full force and effect until December 31, 1990. A copy of the Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public.

SECTION 3. Creation Of A Traffic Violations Bureau.

There is hereby created and established a City Traffic Violations Bureau which shall be located at the City offices.

SECTION 4. Processing Of Citations.

The Traffic Violations Bureau shall initially receive all citations charging violations of City ordinances. The Traffic Violations Bureau shall receive and post bail and penalties and shall issue receipts therefor. Forfeitures of bail and penalties on forfeitable misdemeanor charges and traffic infractions shall be accepted by the Traffic Violations Bureau.

SECTION 5. Transfer Of Citations To District Court.

In cases where bail is posted for mandatory appearance in court, or where the Traffic Violations Bureau is authorized to accept forfeiture of bail or penalty, but the alleged violator requests a trial or hearing, the Traffic Violations Bureau shall issue to the alleged violator a notice of trial or hearing date and shall transmit the citation, together with documentation and bail, on a daily basis, to the District Court.

SECTION 6. Forfeited Moneys To Current Expense Fund.

All moneys paid as bail or penalties and forfeited to the Traffic Violations Bureau for violations of ordinances of the City shall be placed in the current expense fund of the City.

SECTION 7. Administration Of The Traffic Violations Bureau.

The Traffic Violations Bureau shall be administered by the City's Court Administrator.

SECTION 8. Municipal Court Established.

Effective on January 01, 1991, there is re-established a "Municipal Court of the City of SeaTac", hereinafter referred to as the "Municipal Court", which court shall have jurisdiction and shall exercise all powers enumerated herein and in Chapter 3.50 RCW, together with all such other powers and jurisdiction as are generally conferred upon courts of limited jurisdiction in the State of Washington either by common law, the general law, or by express statute.

SECTION 9. Court Seal.

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of SeaTac, State of Washington", surrounding the vignette.

SECTION 10. Jurisdiction.

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the City. The municipal court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

SECTION 11. Judges - Appointment - Qualifications.

(a) Within thirty (30) days after the effective date of the municipal court, a Municipal Judge shall be appointed for a term of four (4) years until December 31, 1994. The term of a successor shall commence on January 01 of the year thereafter and shall continue until December 31 of the fourth year thereafter, pursuant to appointment as provided below.

(b) The Municipal Judge shall be appointed by the City Manager, subject to confirmation by the City Council, for a term of four years. Appointments shall be made on or before December 1st of the year next preceding the year in which the term is to commence.

(c) A person appointed as Municipal Judge shall be a citizen of the United State of America and of the State of Washington; and an attorney admitted to practice law before the courts of record of the State of Washington.

SECTION 12. Salaries - Costs.

The salary of the Municipal Judge shall be fixed by ordinance upon adoption of the City's annual budget. All costs of operation of the Municipal Court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies, shall be paid wholly out of the funds of the City. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

SECTION 13. Removal of Judge.

A Municipal Judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. Any vacancy in the Municipal Court due to death, disability or resignation of the Municipal Judge shall be filled by the City Manager, subject to confirmation by the City Council, for the remainder of the unexpired term. The appointed Judge shall be qualified to hold the position of judge of the Municipal Court as provided in this Ordinance.

SECTION 14. Municipal Court Employees.

All employees of the Municipal Court shall be deemed employees of the City. They shall be appointed by and serve at the pleasure of the Municipal Judge: provided, that all applicable personnel practices and procedures with respect to hiring and termination shall be followed.

SECTION 15. Judges Pro Tem - Court Commissioners.

(a) The Municipal Judge shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the Municipal Court or subsequent to the filing of an affidavit of prejudice. The judge pro tem shall be qualified to hold the position of judge of the Municipal Court as provided herein. The judge pro tem shall receive such compensation as is received, on an hourly basis, by the Municipal Judge, or as otherwise fixed by resolution or ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing Municipal Judge.

(b) The Municipal Judge may appoint one or more municipal court commissioners, who shall hold office during the pleasure of the Municipal Judge. Each municipal court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the Municipal Judge shall prescribe by court order.

SECTION 16. Judicial Vacancy.

Any vacancy in the Municipal Court due to a death, disability, or resignation of a Municipal Judge shall be filled by the City Manager, subject to confirmation by the City Council, for the remainder of the unexpired term. The appointed Municipal Judge shall be qualified to hold the position of Judge of the Municipal Court as provided in this Ordinance.

SECTION 17. Municipal Court Hours.

The Municipal Court shall be open during all regular business days and hours as the other offices of the City shall be open, but the dates and times of open court shall be as set by the Municipal Judge: provided, that the sessions of the open court shall not be on non-judicial days.

SECTION 18. Revenue Deposits.

All fees, costs, fines, forfeitures and other moneys imposed or collected by the Municipal Court for the violation of any City Ordinance, together with any other revenue received by the Municipal Court, shall be deposited with the city treasurer as part of the general fund of the City.

SECTION 19. Rules of Pleading, Practice and Procedure.

The rules of pleading, practice and procedure before the Municipal Court shall be in accordance with the Rules for Courts of Limited Jurisdiction, as published by the Washington Supreme Court, as currently in effect, as as may be subsequently amended.

SECTION 20. Public Defender - Appointment.

The Municipal Judge is authorized to appoint, on a case to case basis, as may be required, an attorney licensed to practice before the courts of the State of Washington, to act as public defender in representing indigent persons charged with offenses tryable in the municipal court and cases appealed therefrom.

SECTION 21. Public Defender - Statement For Services.

The attorney appointed to act as public defender shall present his statement for servicesto the City, and the same shall be paid in the same manner as the other obligations of the City.

SECTION 22. Public Defender - Payment.

The charges submitted by the public defender and approved by the City Council shall be paid from the current fund.

SECTION 23. Use of Credit Cards.

The Municipal Court may permit the use of credit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures imposed. The Municipal Court may enter into agreements with one or more financial institutions for the purpose of such collections. The said agreements may specify conditions, remuneration for services, and other charges deemed appropriate, upon confirmation by the City Council.

SECTION 24. Use of Collection Agencies and Attorneys.

(a) The Municipal Court may use collection agencies as defined by Chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the Court. The Municipal Court may enter into agreements, with the confirmation of the City Council, with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate.

(b) Servicing of delinquencies by collection agencies or by collecting

attorneys in which the Municipal Court retains control of its delinquencies shall not constitute assignment of debt.

(c) The term "debt" shall include penalties, fines, costs, assessments, or forfeitures imposed by the Municipal Court.

(d) The Municipal Court may assess, as court costs, the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

SECTION 25. Repeal.

Ordinance No. 90-1031 of the City of SeaTac, which established a Municipal Court on the official date of incorporation of the City, is repealed effective January 01, 1991.

SECTION 26. Severability.

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

SECTION 27. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that Sections 1 through 7 and Section 26 of this Ordinance are necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption of this Ordinance. Sections 8 through 25 shall take effect and be in full force on January 01, 1991.

PASSED by the City Council at a regular meeting thereof on the 17th day of April, 1990, and signed in authentication of its passage this 18th day of April, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 4/22/90

ORDINANCE NO. 90-1036

AN ORDINANCE of the City of SeaTac relating to the SeaTac Criminal Code; declaring unlawful acts of prostitution or pandering; amending Ordinance No. 90-1029, Section 28; and declaring an emergency.

WHEREAS, Ordinance No. 90-1029 was adopted by the City Council on February 27, 1990 to establish the SeaTac Criminal Code; and **WHEREAS**, Section 28 of the said Ordinance declared unlawful certain specified acts of prostitution or pandering; and **WHEREAS**, the language of the said Section 28 inadvertently did not cite or fully integrate the similar statutory language of RCW 9A.88.030, as intended;

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

SECTION 1. Amendment. Ordinance No. 90-1029, Section 28 is hereby amended to read as follows:

RCW 9A.88.030 and Section 12.63.010 and subsections A through F of the King County Code are hereby adopted by reference and it is unlawful for any person to engage or agree or offer to engage in sexual conduct, which includes "sexual intercourse" or "sexual contact", as those terms are defined in RCW 9A.44.010, with another person in return for a fee, or to commit any of the following acts:

(a) To secure or offer to secure another for the purpose of committing an act of prostitution; or

(b) To knowingly transport a person into or within the county with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

(c) To knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly permit another to remain there for any such purpose; or

(d) To direct another to any place for the purpose of committing an act of prostitution; or

(e) To knowingly in any way aid, abet or participate in an act of prostitution.

SECTION 2. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 23rd day of May, 1990, and signed in authentication of its passage

this 23rd day of May, 1990

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS City Attorney

Date of Publication: 5/27/90

ORDINANCE NO. 90-1037

AN ORDINANCE of the City of SeaTac relating to City employment and employees; establishing personnel policies and procedures applicable to employees not within the civil service; adopting general provisions and definitions; establishing classification of positions; adopting an equal employment opportunity policy; providing for recruitment and applications; providing for appointment to vacant positions; adopting a compensation plan; establishing standards for performance of duties; establishing hours of work; providing for sick leave, other leaves, and vacation; providing for promotion, transfer, reduction in force, resignation and retirement; providing for disciplinary action; and adopting a code of ethics.

WHEREAS, the authority to create departments, offices, and employments within the City, to determine the powers and duties of each department or office, and to fix compensation of appointive officers and employees, is vested in the City Council; and

WHEREAS, the authority to appoint and remove department heads, officers and employees of the City, except members of the City Council and subject to laws, rules and regulations relating to civil service, is vested in the City Manager, with authority to delegate appointment and removal authority to department heads; and

WHEREAS, in so establishing departments, offices and employment and in so appointing officers and employees, the City Council finds that personnel policies and procedures should be adopted to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to provide for the development and retention of a knowledgeable, capable and efficient career work force; and **WHEREAS**, the City Council has previously enacted the following Resolutions relating generally to employees, any and all portions of which conflict with provisions of this Ordinance should be deemed superseded by this Ordinance: Resolution No. 89-13 confirming employment of a City Clerk and authorizing an Employment Agreement; Resolution No. 89-19 authorizing employment of an administrative clerk; Resolution No. 89-29 authorizing and approving participation in the Washington Public Employees' Retirement System; Resolution No. 90-53 providing for health care benefits and insurance protection to employees of the City; Resolution No. 90-56 providing for advance payment of registration fees and for reimbursement of travel expenses, or per diem allowance in lieu of reimbursement, for City Councilmembers, officers and employees traveling in connection with officially assigned duties or in connection with approved public purposes; Resolution No. 90-74 establishing a deferred compensation plan for City employees; and Resolution No. 90-89 revising the administrative organization and departments of the City; revising the base compensation plan; and repealing Resolution No. 90-41 and Resolution No. 90-69;

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

SECTION 1. General Provisions.

(a) **Objective.** It is the objective and purpose of these policies and procedures to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to develop and retain a knowledgeable, capable and efficient career work force. These policies and procedures shall not, however, apply to employees holding positions subject to civil service insofar as these policies and procedures conflict with any laws, rules or regulations relating to civil service.

(b) **Interpretation.** Interpretation of these policies and procedures

shall be consistent with the following general principals:

- (i) Promote and increase economy and efficiency in the conduct of City business;
- (ii) Provide for equitable and uniform procedures for dealing with personnel matters;
- (iii) Provide for the grouping of positions with comparable duties and responsibilities into appropriate classes;
- (iv) Provide for initial appointment of employees based on merit within a given classification, thus assuring the recruitment and retention of well-qualified employees;
- (v) Assure City employment by providing for advancement within the classification whenever practicable;
- (vi) Provide for continuous employment in a classification subject to competency, good behavior and efficiency, and for the removal of unqualified or inefficient employees;
- (vii) Provide, as authorized by these policies and procedures, for the right of employees to appeal from actions taken which affect them adversely and to be heard on all matters appealed;
- (viii) Assure that every employee will, in a timely manner, be informed as to that employee's duties and responsibilities;
- (ix) Provide each employee with adequate administrative and supervisory direction, with periodic review of each employee's performance, and with counseling and training to improve the level of each employee's performance and, when necessary, to provide for progressive discipline.

(c) **Effect Of Collective Bargaining.** When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with any provision of these policies and procedures, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

- (i) The condition of employment, benefit or procedure created by the collective bargaining agreement is lawful; and
- (ii) The collective bargaining agreement has been adopted by the City Council by Resolution.

(d) **Modification Of Policies And Procedures.** The City Council may modify, amend or revise these policies and procedures at any time consistent with needs of the City. Notice shall be given of any such modification, amendments and revisions.

SECTION 2. Definitions.

(a) **Absence.** Failure of an employee to report for duty on designated work days and during designated working hours. If any employee's absence is unauthorized, such employee is "absent without leave". If an employee's absence is authorized, such absence is a "leave".

(b) **Absent Without Leave.** Any absence of an employee without specific authorization.

(c) **Allocation.** The assignment of an employment position to its proper class within the Classification Plan in accordance with the duties, authority, and responsibility of the position.

(d) **Anniversary Date.** The annual recurring calendar date on which the employee commenced employment with the City.

(e) **Applicant.** A person who has applied for employment with the City.

(f) **Applicant Form.** The official document to be completed by an applicant seeking employment with the City.

(g) **Appointment.** The selection and employment of an applicant to a position within the Classification Plan.

(h) **Beneficiary.** The person or persons designated by an employee to receive benefits under the employee's pension or insurance, in event of the employee's death. In the absence of any such designation, the beneficiary is the employee's estate.

(i) **Candidate.** An employee seeking a promotion or transfer.

(j) **City.** The the City Of Sea Tac, a municipal corporation of the State of Washington.

(k) **City Council.** The legislative body of the City Of Sea Tac.

(l) **City Manager.** The individual appointed by the City Council to have general supervision over the administrative affairs of the City as provided by state law.

(m) **Classification Plan.** The orderly arrangement of all employment positions with the City into separate and distinct classes, so that each class contains those positions which involve substantially similar or comparable skills, duties and responsibilities.

(n) **Close Relative.** Any of the following kin or relations: father, mother, son, son-in-law, daughter, daughter-in-law, grandparents, grandchildren, sister, sister-in-law, brother, brother-in-law, mother-in-law, father-in-law, spouse, step-brother, step-sister, step-daughter, step-son, half-brother, half-sister, uncle, aunt, cousin, nephew and niece, foster parent and foster children.

(o) **Compensation.** Salary or wages, and benefits, paid to an employee for service in a position, but excluding any reimbursement for expenses incurred incidental to employment.

(p) **Compensation Plan.** A list of all positions, by title, within each classification, showing a schedule of pay ranges, cost of living allowances, and on-call pay, as appropriate.

(q) **Compensatory Time.** Leave granted with pay in lieu of overtime pay for work performed either on an authorized overtime basis or for authorized work performed on a holiday.

(r) **Consumer Price Index (CPI).** The index measuring the change in cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of the same goods and services in a base period as published by the Bureau Of Labor Statistics as the Consumer Price Index for all urban consumers in the Seattle- Everett metropolitan area.

(s) **Continuous Service.** Employment without interruption except for

approved leaves of absence.

(t) **Demotion.** The re-assignment of an employee from a position having a higher rate of pay to a position having a lower rate of pay.

(u) **Department.** An organizational unit shown on the Classification Plan, complete in itself, the employees of which are responsible to a Department Head who reports directly to the City Manager.

(v) **Department Head.** An employee designated by the City Manager to be responsible for a Department.

(w) **Discharge.** The separation of an employee by the City for cause.

(x) **Discrimination.** Any action taken in regard to employment, and any threats, harassment or abuse of an employee (including part-time and temporary employees), applicant or candidate, which is illegally based upon such person's race, color, creed, religion, national origin, age, sex, marital status, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

(y) **Employee.** A person employed by the City in a position allocated by the Classification Plan on a regular full-time basis of not less than thirty-five (35) hours per week.

(z) **Equal Employment Opportunity.** The policy set forth by federal and state law requiring that all recruitment, hiring, training, promoting and transferring of employees shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of a sensory, physical handicap which does not constitute a bona fide occupational qualification.

(aa) **Holidays.** Those days declared to be legal holidays by the City Council.

(bb) **Hourly Rate Of Pay.** An employee's normal hourly rate of pay, or, if the employee is salaried, such employee's monthly salary, exclusive of pay for overtime, multiplied by twelve and the product thereof divided by 2080.

(cc) **Layoff.** Termination of service without fault on the part of the employee, due to a "reduction in force".

(dd) **Leave.** Any authorized absence of an employee from designated work days and during designated working hours, with pay.

(ee) **Leave Of Absence.** Any authorized absence of an employee from designated work days and during designated working hours, without pay.

(ff) **Nepotism.** The prohibited practice of appointing persons who are close relatives to positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(gg) **On-call.** The status of an employee when required to be available after normal work hours in order to respond to emergencies.

(hh) **Overtime.** Work performed in excess of the standard eight-hour day or forty-hour work week.

(ii) **Overtime Pay.** The compensation paid to an employee for overtime work performed.

(jj) **Part Time Employee.** A person employed by the City in a position allocated by the Classification Plan on a regular basis of less than thirty-five hours per week.

(kk) **Performance Evaluation.** A formal review and rating of an employee's work performance.

(ll) **Position.** A group of duties and responsibilities requiring the full-time services of an employee, having a definite title, and being allocated by the Classification Plan.

(mm) **Position Description.** A comprehensive, written statement of the distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements inherent in a position allocated by the Classification Plan.

(nn) **Probationary Employee.** An employee of the City who is serving during a probationary period.

(oo) **Probationary Period.** The initial six-month period of employment in a position, during which period an employee may be discharged or demoted without cause.

(pp) **Promotion.** The assignment of an employee to a position having greater responsibility and/or higher compensation.

(qq) **Reduction In Force.** Termination of service due to lack of work, lack of funds, or due to considerations of efficiency unrelated to any employee's job performance.

(rr) **Re-employment.** The appointment to a position of a former employee who had previously separated from employment.

(ss) **Regularly Scheduled Day Off.** A day, designated by an authorized schedule of work, on which an employee is not required to work.

(tt) **Reinstatement.** The appointment to a position of a former employee who had been laid off or who has returned from an approved leave of absence.

(uu) **Reprimand.** A written statement to an employee by the Department Head or City Manager for disciplinary purposes.

(vv) **Resignation.** Termination of employment by the voluntary action of an employee.

(ww) **Retirement.** Termination of employment in conjunction with an employee's election to exercise matured rights to a retirement or pension system.

(xx) **Salary.** The compensation paid to an employee for services rendered, excluding reimbursement for expenses incurred incident to employment.

(yy) **Separation.** Termination of employment regardless of reason.

(zz) **State Retirement.** The Public Employees' Retirement System of the State of Washington as established by state law.

(aaa) **Suspension.** A disciplinary leave of absence without pay for a specific period of time.

(bbb) **Temporary Employee.** An employee who is employed for a specific

period of time and for a special purpose such as unusual or emergency work loads, vacation relief, or other situations involving fluctuating work requirements.

(ccc) **Transfer.** The assignment of an employee from one position to another position of substantially similar responsibilities and compensation.

(ddd) **Vacancy.** A position allocated by the Classification Plan which is not filled.

(eee) **Veteran.** Every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:
 (1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or
 (2) has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil. A "period of war" includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Viet Nam era" means the period beginning August 05, 1964 and ending on May 07, 1975.

(fff) **Year Of Employment.** The annual interval between any two consecutive anniversary dates during which time the employee shall have been continuously employed.

SECTION 3. Classification of Positions.

(a) **Purpose.** The purpose of the Classification Plan is to provide for:
 (a) the orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities; (b) uniform methods of recruitment, examination and selection to positions within each classification; and (c) similar schedules of compensation applied equitably to all positions within each classification.

(b) **Position Descriptions.** The City Manager, with input and advice of such Department Heads and employees as the City Manager may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, or the City Manager, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) **Limitation Of Employment To Classification Plan Positions.** No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) **Amendments.** In preparing the budget for each ensuing year, the City Manager shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the City Manager may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the City Manager shall

submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.

(e) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management Job #

City Manager 105

City Clerk 120

Assistant City Manager 140

Court Administrator 615

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Public Works Director 645

Building Supervisor 646

Transportation Supervisor 647

Police Chief 655

Personnel Manager 660

Director of Finance 670

Classification: Technical & Professional Job #

Accountant/entry 500

Accountant/senior/City Treasurer 510

Purchasing agent/buyer 515

Planner/entry 520

Planner/senior 530

Engineer/entry 540

Engineer/senior 550

Engineer aide/entry 560

Engineer aide/senior 570

Building inspector 580

Code enforcement officer 581

Land use Administrator 633

Classification: Office & Clerical Job #

General Clerical/entry 200

General clerical/senior 210

Court Clerk 215

Court typist 220

Secretary/entry 225

Secretary/senior 230

Executive secretary 242

Accounting clerk/entry 245

Accounting clerk/senior 250

Data entry operator 270

Custodial worker 475

Classification: Fire Department Job #

Chief 650

Assistance chief 652

Battalion chief/fire marshal 625

Battalion chief/communications 625

Captain 375

Executive Secretary 242

General clerical/entry 200

Dispatcher 300

Dispatcher/probationary 300

Lieutenant/company officer 350

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary firefighter 330

SECTION 4. Equal Employment Opportunity Policy.

(a) **Statement Of Policy.** It is the policy of the City to provide equal employment opportunity to all persons.

(b) **Prohibition Against Discrimination.** The interpretation and implementation of these personnel policies and procedures, and all recruitment, hiring, training, promoting and transferring of employees

shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of any sensory, mental or physical handicap which does not constitute a bona fide occupational qualification.

(c) **Prohibition Against Harassment.** The City Manager, Department Heads, and all employees shall avoid, and shall not tolerate, any physical or verbal abuse or harassment of any employee, based upon race, color, creed, religion, national origin, sex, age, marital status, or the presence of any sensory, mental or physical handicap which does not constitute a bona fide occupational qualification.

(d) **Veterans' Preference.** Notwithstanding the policy of equal employment opportunity and the prohibition against discrimination, veterans shall be granted a preference in all competitive examinations, as authorized by state law, RCW 41.04.010.

SECTION 5. Recruitment and Applications.

(a) **Personnel Manager as Personnel Officer.** The Personnel Manager is the City's personnel officer. All persons inquiring about employment and all applicants and candidates shall be directed to the Personnel Manager. The Personnel Manager shall determine if, and when, applications shall be accepted, dependent upon current and anticipated employment needs of the City. The Personnel Manager shall be responsible for the administration of recruitment, testing and interviewing pursuant to these policies and procedures. In the absence of the Personnel Manager, the City Manager, or designee, shall serve as the City's personnel officer. In addition, the City Manager shall retain authority to be personally involved in the recruitment and shall ultimately be responsible for appointment of department heads.

(b) **Methods Of Recruitment.** As positions become vacant, or when it is anticipated that positions may become vacant, the Personnel Manager shall determine the nature and extent of recruiting for each such position, based upon the desirability of attracting a number of qualified applicants within the limitations of cost and time. The Personnel Manager shall ensure, however, that recruitment includes notice to current employees and to those former employees whose current addresses are on record with the City, who might be eligible for reinstatement from a leave of absence or for re-employment.

(c) **Notice Of Qualifications.** The Personnel Manager shall ensure that all recruiting programs provide notice, by advertisement or by written statement included with application forms, to prospective applicants of the minimum qualifications necessary for selection to the position or positions. If complete, the position description may be used for this purpose. Otherwise, any such statement of qualifications shall include the following, together with any additional qualifications the Personnel Manager shall deem necessary:

(i) The ability to perform the duties contained in the position description; Good moral character and temperate habits;

(ii) High school diploma or GED equivalent, and any higher education which might be required;

(iii) Previous work experience required;

(iv) A statement, if appropriate, that additional work experience may be substituted for higher education;

(v) Any certification required; (vi) U.S.

citizenship or eligibility to work in the United States.

(d) **Application Form.** An application form shall be used which complies with state laws prohibiting discrimination and with the federal equal employment opportunity laws. The form shall elicit sufficient information so that it may be determined whether an applicant possesses the basic qualifications required for the vacant position. All applicants shall be required to submit a completed application form in order to be considered for employment.

(e) **Testing Of Applicants.** Tests may be administered to candidates for a vacant position, when deemed appropriate by the Personnel Manager, to competitively rate the candidates or to establish proficiency or knowledge at a pre-determined level. All candidates for similar positions shall be tested uniformly. Test materials may be procured from reliable outside sources or may be developed by or on behalf of the City. Under no circumstances, however, shall any candidate other than a candidate making initial application for employment in law enforcement, be required to take a polygraph, lie detector or similar test of veracity.

(f) **Interviews.** The Personnel Manager may conduct interviews of candidates, when deemed necessary or desirable, to elicit pertinent information or to assist in evaluating or rating such candidates.

(g) **Medical Examinations.** A medical examination may be required in order to ascertain whether the candidate meets the physical requirements of the position. However, no candidate shall be tested for the presence of HIV infection.

SECTION 6. Appointment to Vacant Positions.

(a) **Preference To Current And Former Employees.** Prior to recruiting candidates from the general population, the Personnel Manager shall fill vacancies by appointment of current and former employees, if qualified, as identified below, but not necessarily in order of preference:

(i) By reinstatement of a former employee laid off within the past two years by reason of a reduction in force;

(ii) By reinstatement of an employee who has agreed to return to work from a leave of absence, which commenced within the past two years;

(iii) By promotion of an employee;

(iv) By transfer of an employee;

(v) By demotion of an employee;

(vi) By re-employment of a former employee who was not separated for cause and who is not eligible for appointment under any of the foregoing preferences, providing that separation occurred within the past two years.

(b) **Experience As Substitute For Education.** Employees and former employees who apply for appointment to any vacant position which requires higher education, may substitute work experience with the City, or other work experience involving similar duties and responsibilities, for such higher education, on a year-for-year basis.

(c) **Selection.** When a vacant position is to be filled, the Personnel Manager, together with the City Manager or such Department Heads or other employees as may be deemed appropriate, shall review and evaluate the application forms, test results, interview results, and such other information as might properly be available. If only one employee or former employee is being considered as a candidate for preferential appointment, or if only one applicant has applied for the vacant position, the Personnel Manager shall ensure that the candidate or applicant meets the required qualifications. If more than one candidate or applicant has applied, the Personnel Manager shall select the best qualified.

(d) **Nepotism Prohibited.** No candidate or applicant shall be appointed to any position if such appointment would result in the candidate and an existing employee who is a close relative of the candidate holding positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(e) **Appointment.** The City Manager, the appropriate Department Head, or the Personnel Manager, whichever is appropriate, shall offer the vacant position to the candidate or applicant selected and, upon acceptance, shall appoint such candidate or applicant to that position. In event the selected candidate or applicant shall decline the offered position, the City Manager, the appropriate Department Head, or the Personnel Manager, whichever is appropriate, shall offer the position to the next best qualified candidates or applicants.

(f) **Probationary Period.** The initial six-month period of service by an employee in any position allocated by the Classification Plan shall constitute a probationary period. A probationary employee may be separated or demoted by the Department Head or the City Manager at any time during the probationary period, without cause. A probationary employee so discharged or demoted shall have no recourse to the grievance procedures contained in these policies and procedures. Upon satisfactory performance evaluation, and at the end of the six-month probation period, permanent employment status shall be granted.

(g) **Performance Evaluations.** A formal review and evaluation of the work performance of each probationary employee shall be conducted at least once prior to the end of the probationary period. A formal review and evaluation of the work performance of each regular employee shall be conducted at least once per calendar year. The review and evaluation shall be conducted by the Department Head, or designee. Department Heads shall be evaluated by the City Manager.

SECTION 7. Compensation Plan.

(a) **Purpose.** The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:

(i) Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;

(ii) Compensation paid by the City will attract, motivate and promote retention of skilled employees;

(iii) Compensation will be equitably based upon duties, skills and responsibilities, and upon the comparable worth, of all positions allocated by the Classification Plan;

(iv) Compensation paid to each employee, and increases in compensation, shall be reflective of the meritorious performance of each such employee;

(v) Compensation may be adjusted to off-set any loss of purchasing power resulting from inflation or increased costs of living;

(vi) The total cost of compensation to the City can be properly funded through the budgetary process.

(b) **Annual Review Of Plan.** On an annual basis, the Personnel Manager, together with Department Heads and the City Manager as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Manager shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Manager shall obtain the Consumer Price Index for all urban consumers in the Seattle-Everett metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.

(c) **Annual Adoption Of Plan.** The Personnel Manager, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the City Manager for review. The City Manager shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.

(d) **Format of Plan.** The following Compensation Plan is effective during the calendar year 1990. Subsequent Compensation Plans shall conform generally to the format shown.

(e) **Pay Periods.** There shall be two pay periods in each month. The number of days in each pay period and any overlap into prior or subsequent months shall be established by the Director of Finance, or designee. Pay days shall be the fifth and twentieth day of each month unless the appointed day shall fall upon a weekend or holiday, in which case the pay day shall be advanced to the next preceding regular business day. No advancements, draws or loans of compensation shall be permitted.

(f) **Compensation Of New Employees.** New employees shall normally be appointed at the minimum compensation, Step A, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Manager, the City Manager may approve compensation at a higher step level, not to exceed Step C, if qualified applicants cannot be recruited at the minimum rate or if the City Manager determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The City Manager may recommend, and the City Council may approve, compensation at a step level higher than Step C in appropriate cases.

(g) **Compensation Upon Re-Employment.** The initial compensation upon re-employment of a former employee is governed by the foregoing provision for compensation of new employees.

(h) **Compensation Upon Reinstatement.** A person who is reinstated in the same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step A, applicable to the position to which such person is reinstated.

(i) **Step Increases In Compensation.** All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the City Manager with concurrence of the City Council, be permitted more often than once per year of service.

(j) **Compensation Upon Promotion.** Any employee who is promoted to a position within a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

(k) **Compensation Upon Transfer.** When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change. However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.

(l) **Compensation Upon Demotion.** When an employee is demoted for reasons of unsatisfactory performance, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.

(m) **On-Call Compensation.** Compensation for on-call duty shall be in an amount determined by the City Manager with advice of the Personnel Manager, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.

(n) **Overtime Pay.** Any employee, other than the City Manager, Assistant City Manager, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.

(o) **Health Care, Hospitalization And Medical Aid.** Employees shall receive the benefits provided by Washington Physicians Service Medical Guardian Plan, or, at the option of each employee, Health Plus Health Maintenance Organization. The member's premium shall be paid 100% by the City and the premium for spouse and dependents shall be paid 20% by the employee and 80% by the City: providing, however, that the payment by the City toward the Health Plus premium shall not exceed the amount which would have been paid by the City if the employee had selected the Guardian Plan.

(p) **Dental Care.** Employees shall receive the benefits provided by Washington Dental Service Plan E. The premium therefore to be paid 100% by the City.

(q) **Long Term Disability Insurance.** Employees shall receive the benefits provided by The Hartford Insurance Group, with 90-day elimination. The premium therefore shall be paid 100% by the City.

(r) **Cost Not Deemed Additional Compensation.** Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance is deemed not to be additional compensation to the employees of the City.

(s) **Reimbursement Of Training Costs.** It is the policy of the City to provide and encourage, within budget appropriations, training opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the City Manager. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training.

(t) **Registration Fees.** The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized conferences, seminars, conventions or training sessions. No other expenses shall be made in advance or without a duly certified claim form together with appropriate receipts.

(u) **Reimbursement for Use of Personal Automobiles.** Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at the rate of \$0.255 per mile upon submission of a duly certified claim form.

(v) **Reimbursement of Other Expenses.** The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public purposes.

(w) **Claims for Reimbursement.** All claims for reimbursement shall be certified by the employee on a City of SeaTac Travel Authorization And Expense Claim form and shall be submitted to the Finance Department, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.

(x) **Deferred Compensation.** Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.

(y) **Public Employees' Retirement.** All eligible employees shall be covered by the Washington Public Employees' Retirement System.

(z) **Additional Retirement Plan In Lieu of Social Security.** Employees covered by any retirement system or plan made available by the City shall not be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration. However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks. An alternative, private retirement plan, or plans, shall be made available to all employees in lieu of the aforesaid federal program.

SECTION 8. Performance of Duties.

(a) **Policy As To Job Performance.** It is the policy of the City that all personnel actions, including recruitment, appointment, compensation, promotion, demotion, transfer, suspension, reduction in force, disciplinary actions, and discharge, shall be based solely upon performance of duties and fitness, or the lack thereof. Interference with employee performance, including discrimination, harassment or tolerance of such discrimination or harassment, shall also result in disciplinary action.

(b) **Conflicts Of Interest And Outside Employment.** Conflicts of interest, real or apparent, the acceptance of gratuities, and outside employment relating to services normally provided by the City, is deemed to adversely affect employee performance and is therefore subject to disciplinary action. No employee shall have any financial interest in any contract, service, or other work performed by the City, nor personally benefit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company. No employee shall personally or as an agent provide any surety, bail, or bond subject to approval by the City. No employee shall accept for personal benefit any services, compensation, reward or concession from any person or company offered as an inducement or gratuity for performance of such employee's duties. No employee shall be engaged in outside employment which interferes with that employee's performance of duties.

(c) **Administrator.** The City Manager and such Department Heads, and such other employees as may be designated, shall be responsible for administering the merit policy, subject to the grievance procedures contained in these personnel policies and procedures.

(d) **Grievance.** Any employee believing himself or herself to be aggrieved by the result of any performance evaluation shall be entitled to follow the grievance procedures set forth in this Ordinance.

SECTION 9. Hours of Work.

(a) **Normal Hours.** Eight (8) hours shall constitute a day's work for all employees of the City. Five (5) days shall constitute a week's work for all employees of the City. Where appropriate, work schedules may be established by the Department Head which shall provide for other than eight hours per day and other than five days per week with corresponding changes in hours off and in days off, providing that not more than forty (40) hours shall be worked per week, unless overtime shall be specifically authorized by the Department Head. The Department Heads, or designees, shall keep daily attendance records.

(b) **Overtime Policy.** The providing of city services may necessarily require overtime work, from time to time. However, all overtime work must be specifically authorized by the Department Head. Overtime pay, or compensatory time in lieu of overtime pay, shall be at the rates provided for by this Ordinance.

(c) **Holidays.** Employees shall be granted holidays with pay on those days declared to be legal holidays by state law, which are presently the following days:

- (i) The first day of January, commonly called New Year's Day;
- (ii) The third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.;
- (iii) The third Monday of February, to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington;
- (iv) The last Monday of May, commonly known as Memorial Day;
- (v) The fourth day of July, being the anniversary of the Declaration of Independence;
- (vi) The first Monday in September, to be known as Labor Day;
- (vii) The eleventh day of November, to be known as Veterans' Day;
- (viii) The fourth Thursday in November, to be known as Thanksgiving Day;
- (ix) The day immediately following Thanksgiving Day;
- (x) The twenty-fifth day of December, commonly called Christmas Day;
- (xi) One paid holiday per calendar year in addition to those specified above.

(d) **On-Call Policy.** To meet emergency needs of the City, the Department Heads, or the City Manager, may require certain employees to be on call each weekend from 5:00 p.m. Friday to 8:30 a.m. Monday. On-call employees shall remain able to respond to an emergency call within one hour or less from the time the call is received and, for that purpose, shall have on or near such employee's person a bellboy or beeper at all times. Additional compensation shall be paid for on-call duty, in addition to overtime pay earned when responding to emergencies or trouble calls while on-call.

(e) **Compensatory Time.** If acceptable to the employee and to the Department Head or City Manager, compensatory time, at the overtime rate, may be granted in lieu of overtime pay, so long as not prohibited by federal or state law. Compensatory time shall be taken within a reasonable time, but not more than twelve months, after it is earned, unless the Department Head, or City Manager determines that such would be unduly disruptive to the City's operations. In event of separation of an employee, any accumulated compensatory time shall be paid at the employee's rate of pay.

SECTION 10. Sick Leave.

(a) **Accrual Of Sick Leave.** An employee shall accrue sick leave at the rate of eight (8) hours for each month of employment in paid status, including the probationary period of employment.

(b) **Use Of Sick Leave.** Sick leave shall not be available for use during the first thirty (30) days of the probationary employment period and, thereafter, will be granted for, and shall be used for, the

following purposes only:

- (i) Personal illness, hospitalization, or out-patient medical care;
- (ii) Medical quarantine;
- (iii) Personal dental care;
- (iv) Death of a member of the employee's immediate family;
- (v) Care of a member of an employee's immediate family (spouse, child, grandchild, parents, grandparents, brother or sister) or any family member or other person dependent upon the employee, with a health condition that requires treatment or supervision.

(c) **Procedure For Claiming Sick Leave.** An employee shall promptly report to the Department Head any condition or anticipated condition necessitating the use of sick leave and shall keep the Department Head informed of the duration of the employee's absence. Upon return to work, the employee shall complete any required sick leave forms, and if the Department Head so requires, shall supply a doctor's or dentist's certificate concerning the employee's or child's medical or dental condition, or a copy of a death certificate or obituary notice, as appropriate.

(d) **Transfer To Leave Of Absence Or Vacation.** If any employee exhausts all accrued sick leave, but is still unable to return to work, such employee may request vacation or a leave of absence from the Department Head.

(e) **Penalties For Abuse Of Sick Leave.** Any employee found to have abused sick leave benefits by falsification or misrepresentation shall be subject to disciplinary action, and shall further be required to reimburse to the City all compensation paid to such employee for the period of such absence.

(f) **Payment Of Accumulated Sick Leave.** Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to twenty-five percent (25) such employee's then accrued and unused sick leave hours at the employee's last hourly rate of pay: Provided, however, that under no circumstances may an employee's payment for accumulated sick leave and vacation leave exceed two hundred forty (240) hours.

SECTION 11. On-The-Job Injury.

An employee who is eligible for sick leave accrual and is injured on the job, shall be paid during any resultant period of disability up to 120 days for each new and separate injury, in addition to, and prior to, the use of sick leave accumulations, as provided hereafter in this Section:

A. The employee's eligibility for payment and the extent thereof will be based on the determination of the State Industrial Insurance Division under the State Workmen's Compensation Act.

B. The employee shall be paid an amount by the City which when combined with the payment received from the State Industrial Insurance Division will equal 85% of the employee's normal wage.

C. Such payments shall be made during the period of disability up to

120 days, and for as long thereafter as the employee's sick leave accruals provide, according to the following schedule:

1. Charges shall be made against sick leave accruals, if any, for the date of injury and for the three day waiting period not covered by the State Workmen's Compensation Act. If injury time loss exceeds fourteen (14) calendar days, then sick leave used during the three day waiting period shall be returned and compensation computed at the 85% level as provided above;

2. After such payments during the initial 120 days of disability, charges shall be made against sick leave accruals, if any, at the rate of one-half day per day for any further time loss due to the injury. Compensation shall continue at the 85% level as provided above;

3. Charges may be made against sick leave accruals, if any, in any case where the City of SeaTac is contesting that the injury occurred on the job. In the event the State determines in favor of the employee, sick leave so charged shall be recredited to the employee's sick leave accrual balance and all payments in excess of the difference between 85% of the employee's regular pay and that received from the State shall be recovered by the City and may be deducted from future payments due the employee from the City;

4. In the event eligibility for payment under the Workmen's Compensation Act is denied by the State, the employee shall be eligible to utilize sick leave accruals, if any, retroactive to the date of injury, subject to the provisions of Section 10 of this Ordinance;

5. Upon making such payments as are provided for in this Section, the City shall be subrogated to all rights of the employee against any third party who may be held liable for the employee's injuries to the extent necessary to recover the amount of payment made hereunder, Provided: that where actual recovery is made against a third party hereunder, sick leave charged against the employee's accruals shall be recredited to the extent such funds reflect recovery for payments attributable to compensated sick leave;

6. In order to limit the obligation of the City for each new and separate injury, the City may require the employee to furnish medical proof or submit to a medical examination by the City at its expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury received while in the service of the City.

D. Notwithstanding the foregoing, the City's obligation to supplement the income of an employee disabled by an on-the-job injury shall terminate upon the date on which the employee commences receiving disability benefits under any insurance plan paid by the City.

SECTION 12. Other Leave.

(a) **Maternity Leave.** All female employees shall be entitled to take maternity leave for the period of time that they are actually disabled due to pregnancy or child birth. The period of disability shall be determined by physician's statements which must be obtained by the employee and be submitted to the Department Head. Maternity leave shall be without compensation except that an employee may apply all or any portion of accrued sick leave or vacation to the period of maternity leave and thus be compensated to the extent of sick leave benefits or

vacation so utilized. Upon return from maternity leave, each employee shall be reinstated to her previous position or to a similar position of at least equal pay.

(b) **Military Leave.** Every employee who is a member of the Washington National Guard or of the Army, Navy, Airforce, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave, with compensation, for a period not exceeding fifteen (15) days during each calendar year. Military leave shall be granted in order that the employee may take part in active training duty in such manner and at such time as the employee may be ordered to active training duty. Such military leave is in addition to vacation time. Additionally, any employee, who is a member of the organized militia of Washington and who is ordered upon active duty, shall be entitled to military leave without compensation, and shall be reinstated thereafter unless such active tour of duty shall have continued for a period longer than three (3) months.

(c) **Jury Duty Leave.** Upon presentation to the Department Head of a summons for jury duty, an employee shall be granted jury duty leave for such period of time as the employee is required to serve on jury duty. During such leave, the employee will be paid his or her regular compensation less any juror's fee received.

(d) **Bereavement Leave.** Every employee shall be entitled to three working days of bereavement leave due to death of a member of an employee's immediate family (spouse, child, grandchild, parents, grandparents, brother or sister). An employee shall promptly report to the Department Head any death necessitating the use of bereavement leave. Upon return to work, the employee shall, if the Department Head so requires, supply a copy of a death certificate or obituary notice.

SECTION 13. Vacation.

(a) **Accrual of Vacation Time.** Each employee shall be entitled to the following number of vacation days to be awarded at the employee's anniversary date:

First thru Fifth year: 10 days

Sixth thru Tenth year: 12 days

Eleventh thru Fifteenth year: 15 days

Sixteenth year and all others: 20 days

Employees shall be entitled to their normal compensation during vacation time.

(b) **Accumulated Vacation Time.** An employee shall be entitled to accumulate and to carry over into the following year any unused vacation time earned up to a maximum of forty (40) days. Any accumulated vacation time in excess of forty (40) days shall expire.

(c) **When Vacation May Be Taken.** Vacation shall be taken during the year of employment following the year of employment in which it was earned, unless carried over to subsequent years, subject to the maximum accumulation of forty (40) days. Vacation may be taken for any reason that sick leave may be used after exhaustion of sick leave benefits. Vacations shall be scheduled by the Department Head, or City Manager, so as to cause the least possible interference with operations of the City. The Mayor shall be notified prior to the City Manager taking vacation. Weekends and holidays shall not be counted as vacation days.

(d) **Payment Of Accumulated Vacation.** Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to such employee's then accrued and unused vacation days at the employee's last hourly rate of pay: Provided, however, that under no circumstances may an employee's payment for accumulated vacation leave and sick leave exceed two hundred forty (240) hours.

SECTION 14. Promotion.

(a) **Preference For Promotion.** It is the policy of the City to fill vacancies, whenever possible, by promotion of qualified employees, subject only to preference for reinstatement.

(b) **Preparation For Promotion.** On-the-job training, variation of work assignments, advice and encouragement by Department Heads, performance evaluations, and counseling and formal training courses shall be utilized to assist employees in qualifying themselves for promotion.

(c) **Selection For Promotion.** When a vacancy is to be filled by promotion, the Department Head, with the assistance of the Personnel Manager as may be deemed necessary, shall review the personnel files of all employee applicants possessing the minimum qualifications for the position. Appointments shall be made on the basis of past performance, skill level and completion of appropriate training. In the case of employees who are equal in performance and training, selection shall be made on the basis of longest continuous service. The Department Head may require an examination in the best interest of the City.

(d) **Promotion.** Upon promotion, an employee shall serve a six (6) month probationary period in the new position.

(e) **Compensation Upon Promotion.** Compensation to be paid upon promotion shall be as set forth in this Ordinance.

SECTION 15. Transfer.

(a) **Preference For Transfer.** When a vacancy cannot be filled by promotion of a qualified employee, preference shall be given to filling the vacancy by transfer of a qualified employee who is willing to accept the new position.

(b) **Preparation For Transfer.** To the extent possible, on-the-job training, variation of work assignments, advice and encouragement by the Department Head, performance evaluations, and counseling and formal training courses shall be utilized to cross-train employees and to assist employees in qualifying themselves for transfer.

(c) **Selection For Transfer.** When a vacancy is to be filled by transfer, the Department Head, together with the assistance of the Personnel Manager as may be deemed necessary, shall review the personnel files of all employees possessing the minimum qualifications for the position. Appointments shall be made on the basis of past performance, skill level and completion of appropriate training. In the case of employees who are equal in performance and training, selection shall be made on the basis of longest continuous service. The Department Head may require an examination in the best interest of the City.

(d) **Promotion.** Upon transfer, an employee shall serve a six (6) month probationary period in the new position.

(e) **Compensation Upon Promotion.** Compensation to be paid upon transfer shall be as set forth in this Ordinance.

SECTION 16. Reduction in Force.

(a) **Authorization Of Reduction.** The Department Head, with the concurrence of the City Manager, shall order a reduction in force when necessary due to lack of work, lack of funds or considerations of efficiency. The ordered reduction in force shall specify which positions within classifications allocated by the Classification Plan shall be vacated and employees holding those positions shall be laid off.

(b) **Order Of Layoffs.** When a reduction in force vacates a class which consists of only one position, filled by one employee, that employee shall be laid off. If a class consists of more than one position or more than one employee, and not all of the positions will be vacated, then the order of layoff of employees shall be on the basis of continuous service. An employee to be laid off shall be given written notice not less than two (2) calendar weeks prior to the effective date of the layoff.

(c) **Transfer Or Demotion.** In lieu of layoff, upon a reduction in force, employees shall be considered for transfer or demotion to any vacant positions. An employee selected for demotion in lieu of layoff shall be given written notice two (2) calendar weeks before the effective date of the demotion and shall, during that period of time, be entitled to accept either the demotion or layoff.

(d) **Preference For Reinstatement.** In the event of position vacancies after reduction in force, preference shall be given to reinstatement of laid off employees prior to promotion or transfer or recruitment of new employees.

(e) **Compensation Upon Reinstatement.** Compensation to be paid upon reinstatement shall be as set forth in this Ordinance.

SECTION 17. Resignation.

(a) **Resignation Procedure.** An employee who desires to resign shall notify the Department Head, in writing, at least two (2) calendar weeks before the last anticipated day of work. If this required notice is not given by the employee, the employee's personnel record shall so indicate.

(b) **Severance Pay.** If the Department Head determines to release the employee immediately upon receiving notice of intention to resign, then the employee shall be paid a severance pay equal to two (2) work weeks at the employee's normal rate of compensation.

(c) **Automatic Resignation.** Failure to return to work at the expiration of a leave of absence, other authorized leave, or vacation, shall be considered as an automatic resignation. Such automatic resignation may be rescinded by the Department Head, with concurrence of the City Manager, if the employee presents satisfactory reasons for the failure to return, within three (3) days of the date of automatic resignation.

SECTION 18. Retirement.

(a) **Retirement Procedure.** All eligible employees shall be covered by the Washington Public Employees' Retirement System (PERS). Eligibility for retirement and procedures for retirement are governed by State law, Chapter 41.40 RCW and Chapter 41.50 RCW. An employee who desires to retire shall notify the Department Head, in writing, at least ninety

(90) days before the anticipated last day of work, in order to permit adequate time for processing in accordance with those statutes and applicable regulations.

(b) **Mandatory Retirement.** All employees must retire upon attaining the age of seventy (70) years, unless the Department Head, with concurrence of the City Manager, approves an extension of employment, which extension shall be on a year-to-year basis, or less, but not to exceed a total of five (5) years.

SECTION 19. Disciplinary Action.

(a) **Notice Of Potential Discipline.** Whenever an employee's performance or conduct indicates a necessity for correction in order to avoid potential disciplinary action, or when any other facts indicate the potential for disciplinary action, and specifically including discharge, such employee's Department Head, if any, or the City Manager shall inform the employee of the problem and potential for disciplinary action, shall perform a formal performance evaluation, and shall offer such advice and assistance as may be deemed appropriate. The review and evaluation shall consist of a private conference followed by completion of a performance evaluation form. The form shall be signed by the Department Head, or City Manager, as appropriate, and by the employee. Each such performance evaluation form shall be retained with the employee's permanent personnel records. Unless not justified by the nature of the employee's unsatisfactory performance, conduct, or other facts, a reasonable time shall be allowed to the employee for correction and improvement prior to instituting disciplinary action.

(b) **Types Of Disciplinary Action.** Disciplinary action shall consists of any one, or a combination of the following:

- (i) Reprimand;
- (ii) Suspension without pay;
- (iii) Reduction in pay;
- (iv) Demotion;
- (v) Discharge.

(c) **City Manager.** Disciplinary action may be taken against the City Manager upon affirmative vote of a majority of the City Council, for any reason which, in the judgment of the City Council, is sufficient to show that the best interests of the City will be served by such disciplinary action. If the disciplinary action is removal from office, the procedure set forth in state law, RCW 35A.13.130 and .140 shall be followed.

(d) **Department Heads.** Disciplinary action may be taken against a Department Head by the City Manager, for any reason, including, but not limited to, the specific reasons listed in Subsection (e) of this Section, which, in the judgment of the City Manager, is sufficient to show that the best interests of the City will be served by such disciplinary action. If the disciplinary action is discharge, the City Manager shall give to the Department Head written notice not less than two (2) calendar weeks prior to the Department Head's last day of work. In lieu of such notice, the City Manager may pay two (2) weeks compensation to the Department Head and make the discharge immediately effective. No notice or payment is required when discharge of the Department Head is, in whole or in part, based upon conviction of crime or actions involving moral turpitude.

(e) **All Other Employees.** Disciplinary action against all employees, other than the City Manager and the Department Heads, may be taken by the Department Heads to whom the City Manager has granted the authority to appoint and remove, for any of the following reasons, or for any other justifiable cause:

(i) Dishonesty (including, but not limited to, dishonesty in securing employment);

(ii) Incompetency;

(iii) Inefficiency;

(iv) Unauthorized absence (including patterns of

continual tardiness);

(v) Neglect of duty, inattention to duty, or dereliction of duty;

(vi) Insubordination;

(vii) Consumption of alcoholic beverages or use of

illegal drugs while on duty;

(viii) Conviction of a crime;

(ix) Disorderly conduct, intemperance, immoral conduct, or discourteous treatment of the public or a fellow employee, while on duty;

(x) Negligent, reckless or knowing damage to or waste of City property;

(xi) Physical unfitness for the position held;

(xii) Discrimination, harassment, sexual harassment, or physical or verbal abuse of a fellow employee, or tolerating and acquiescing in such conduct by another employee;

(xiii) Negligent, reckless or knowing violation of any of the provisions of these personnel policies and procedures;

(xiv) Garnishments served upon the City on three or more separate indebtednesses within any period of twelve consecutive months.

SECTION 20. Employee Code of Ethics.

(a) **Purpose.** The purpose of this Section is to acknowledge that all public employees hold a public trust and are expected to adhere to a standard of behavior that does not violate, provide an opportunity to violate, or appear to violate that trust. In addition, it is declared to be the policy of the City that no employee shall use his or her public employment for the private financial gain of that employee, or to secure special privileges for that employee or any other person.

(b) **Use of City Property.** No employee shall request, or permit, the use of City vehicles, equipment, materials or property for personal use, personal convenience or profit. The use of all City property shall be restricted to the authorized conduct of official business and to such

services as are available to the public generally. Employees shall take care to properly use, maintain and avoid damage of City property and shall be held accountable and responsible for all items of personal property assigned to them during the course of their employment.

(c) **Interest Defined.** "Interest", for purposes of this Section, means direct or indirect monetary or material benefit accruing to an employee as a result of a transaction or contract which is, or may be, the subject of an official act or action by or with the City, except for such transactions or contracts which confer similar benefits upon all other persons and/or property similarly situated. For purposes of this Section, an employee shall be deemed to have an interest in the affairs of:

(i) Any close relative of the employee, or any person with whom the employee has a close or on-going business relationship;

(ii) Any business entity in which the employee is an officer, director or employee;

(iii) Any corporation in which the employee holds the legal or beneficial ownership of more than one percent of the outstanding stock, directly or indirectly;

(iv) Any person or business entity with which the employee has a contractual relationship: Provided, that a contractual obligation of less than Five Hundred Dollars (\$500.00), a commercially reasonable loan made in the ordinary course of business, or a contract for a commercial retail sale shall not create an interest in violation of this Section.

(d) **Conflict of Interest - General.** No City employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

(i) Employs or uses any person, property, or money under the employee's official control, or in the employee's official custody, for the private benefit or gain of that employee or any person or entity other than the City;

(ii) Uses, or attempts to use, his or her official position to secure privileges or exemptions for that employee or any other person or entity;

(iii) Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value based upon an implicit or explicit understanding that the official services of the employee will be provided, or official actions of the employee would be influenced, thereby;

(iv) Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value from any person, corporation, or entity involved in a transaction or contract which is, or may be, the subject of official action by the City: Provided, that the prohibition against such acceptance shall not apply to

A. Attendance at a hosted reception or meal when provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate;

B. An award publicly presented in recognition of public service; or

C. Any gift which would have been offered or given to the employee irrespective of employment with the City.

(v) Accepts employment or engages in any business or professional activity which reasonably could conflict with performance of the employee's official responsibilities, or which reasonably could require the disclosure of confidential information acquired by reason of public employment;

(vi) Engages in, accepts private employment from, or renders services for private interests when such employment or services are incompatible with the proper discharge of official duties, or would tend to impair independence of judgment or action in the performance of official duties.

(e) **Conflict of Interest - Contracts.** No City employee shall be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of that employee, and no City employee shall accept, directly or indirectly, any compensation, gratuity, or reward from any other person or entity beneficially interested therein, except as permitted by State law, RCW 42.23.030 and 42.23.040.

(f) **Disclosure of Information or Records.** Employees shall not disclose to any unauthorized person any confidential City information. No employee shall disclose or use confidential City information for direct or indirect personal gain or benefit. Although records and documents maintained by the City are generally public records available for public inspection and copying, the following are exempt from public inspection and copying and shall not be disclosed or provided by any employee:

A. Personal information and any files maintained for prisoners;

B. Personal information in any files maintained for City employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;

C. References or other information pertaining to the employment of former City employees, other than the fact of employment, job position and term of employment, unless the request for such reference or information be in writing and unless the former employee shall have filed a written consent with the City;

D. Information required of any taxpayer or City license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;

E. Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

F. Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for nondisclosure;

G. Test questions, scoring keys and other examination data used to administer license, employment or civil service examinations;

H. Except as provided by RCW Chapter 8.25, the contents of any real estate appraisals made for or by an agency, including the City, relative to the acquisition of property by the City until the property is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

I. Valuable formulas, designs, drawings and research data obtained or produced by the City, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;

J. Preliminary drafts, notes, recommendations and intra-departmental memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the City in connection with any public action;

K. Records which are relevant to a controversy to which the City or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;

L. Lists of individuals requested for commercial purposes;

M. Any public record access which the King County Superior Court has found would damage any person or vital governmental function;

N. Residence addresses and telephone numbers of City employees, volunteers, utility customers, and any other person who has, in writing, requested nondisclosure by reason that such disclosure would endanger that person's life, physical safety, or property;

O. Applications for employment, including the name of applicant, resume, and other related material submitted with respect to an applicant.

(g) **Employee Political Activity.** Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political office or participate in the management of a partisan, political campaign. Employees shall further have the right to participate fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices. However, the said rights shall be reasonably restricted as follows:

(i) No employee shall use, or authorize the use of, any public facilities for the purpose of assisting the campaign of a candidate or the promotion or opposition of a ballot

proposition;

(ii) No employee who may reasonably be expected to come into contact with the public shall wear or display any campaign buttons or campaign literature during City business hours;

(iii) No employee shall, directly or indirectly, campaign or assist any campaign during City work hours;

(iv) Employees hosting or participating in fund raising activities, and other campaign activities, shall make clear that the employee does not represent the City, and that the City does not endorse any particular candidate or position, unless the City has lawfully taken action of endorsement;

(v) No employee shall attempt to obtain political contributions from fellow employees by promise of, or threat of, disciplinary action, unusual treatment or preferential treatment.

SECTION 20. Grievance Procedures.

(a) **Eligibility.** Any employee who believes himself or herself to be aggrieved by some condition of employment, adverse personnel action, or disciplinary action, shall be eligible to invoke these grievance procedures.

(b) **Step 1. Review By Immediate Supervisor.** Within two (2) working days after the event giving rise to the grievance, the employee involved shall personally present the grievance to his or her immediate supervisor for resolution. If the matter is settled at this point, an appropriate memo shall be completed by the supervisor and shall be placed in the employee's personnel file. If the aggrieved employee has no immediate supervisor, the employee may proceed directly to Step 2.

(c) **Step 2. Review By Department Head.** If the grievance cannot be settled at Step 1, the employee must reduce his or her complaint to writing and present it to the Department Head within seven (7) working days after the event. The Department Head, with the assistance of the Personnel Manager, may conduct a hearing, investigation or take other appropriate action and shall render a decision in writing not more than ten (10) working days after the receipt of the complaint. If the matter is resolved at this point, it shall be so noted in the employee's personnel file.

(d) **Step 3. Review By City Manager.** If the grievance cannot be settled at Step 2, the matter shall be referred by the Department Head to the City Manager for disposition. The City Manager shall conduct a hearing, investigation or take other appropriate action and shall render a decision in writing not more than twenty (20) working days after receipt of the matter. If the grievance is resolved at this point, it shall be so noted in the employee's personnel file. The decision of the City Manager shall be final and there shall be no appeal therefrom.

SECTION 21. Severability.

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

SECTION 22. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law: Providing, that, upon the effective date of this Ordinance, all terms and conditions relating to terms of employment, compensation and benefits, shall be effective as of the official date of incorporation of the City, February 28, 1990, or the date of hire of any individual employee, whichever is earlier.

PASSED by the City Council at a regular meeting thereof on the 24th day of July, 1990, and signed in authentication of its passage this 26th day of July, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS City Attorney

Date of Publication: 7/29/90

ORDINANCE NO. 90-1038

AN ORDINANCE of the City of SeaTac relating to civil service: establishing a classified civil service system for public safety employees; designating employees covered by the civil service system; creating a public safety civil service commission; providing for appointment of members; establishing powers and duties of the commission; requiring the City to furnish office and supplies; prohibiting deceptive practices; authorizing civil actions by the Commission; establishing employee qualifications; providing for the filling of vacancies; establishing tenure of employment; providing for leaves of absence; establishing procedures for removal, suspension, demotion or discharge; prohibiting forced political contributions or services; reserving to the City Council the authority to create offices and fix compensation; requiring cooperation of City officers and employees; defining violations and establishing penalties; providing for employment of fire district employees upon annexation or incorporation; providing for transfer of benefits of such employees; defining terms; and establishing an effective date.

WHEREAS, employees of municipal fire departments and municipal police departments must be covered by a civil service system substantially accomplishing the purposes as provided by general law in Chapter 41.08 RCW for firefighters and Chapter 41.12 RCW for police officers; and

WHEREAS, state law, RCW 35A.11.020, vests in the City Council the authority to establish and maintain such a civil service system and a civil service commission; and

WHEREAS, the City Council has previously determined to establish a municipal fire department and may, in the future, establish a municipal police department; and

WHEREAS, the City Council finds that a public safety civil service system and public safety civil service commission should be established at this time;

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

SECTION 1. Classified Civil Service System Established. There is hereby established a classified civil service system to substantially accomplish the purposes of Chapter 41.08 RCW, as to covered employees of the municipal fire department, and of Chapter 41.12 RCW, as to covered employees of the municipal police department. All appointments and promotions of covered employees shall be made solely upon merit, efficiency and fitness ascertained by open competitive examination and impartial investigation, and no such employee shall be reinstated in or transferred, suspended or discharged from any position or employment contrary to the civil service system set forth herein.

SECTION 2. Covered Employees.

All full paid employees of the City's fire department, except the fire chief, assistant fire chief and fire battalion chiefs, and all full paid employees of the City's police department, except the police chief, and assistant police chief shall be covered by and included within the classified civil service.

SECTION 3. Public Safety Civil Service Commission Created.

There is hereby created a Public Safety Civil Service Commission composed of three persons to be appointed by the City Manager. The

members of the Commission shall devote due time and attention to the performance of the duties imposed upon the Commission, but shall hold regular meetings not less than once per month. The Commissioners shall, immediately after appointment, elect one Commissioner as chairperson. Two members of the Commission shall constitute a quorum and the concurring votes of any two members shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission. The members of the Commission shall serve without compensation.

SECTION 4. Qualification of Commissioners.

No person shall be appointed as a member of the Public Safety Civil Service Commission who is not a citizen of the United States, a resident of the City for at least three years immediately preceding the appointment, and a registered voter of the City and County.

SECTION 5. 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; one to serve for a period of four years from the date of appointment; and one to serve for a period of six years from the date of appointment. Thereafter, the term of office of each Commissioner shall be for six years. 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.

SECTION 6. Removal of Commissioners.

Any member of the Public Safety Civil Service Commission may be removed from office for incompetency, incompatibility or dereliction of duty, malfeasance in office, or other good cause: Provided, however, That no member of the Commission shall be removed until written charges have been preferred by at least one other Commissioner, or by the City Manager; due notice, in writing, shall have been given not less than ten days prior to a hearing; and a full hearing shall have been had before the two Commissioners not charged and the City Manager. In event that charges are preferred against two or more members of the Commission by the City Manager, then the full hearing shall be before the City Council.

SECTION 7. Secretary and Chief Examiner.

The members of the Public Safety Civil Service Commission shall appoint a Secretary and Chief Examiner, who shall keep the records of the Commission, preserve all reports made to or by the Commission, superintend and keep a record of all examinations held under the Commission's direction, and perform such other duties as the Commission may prescribe. The Secretary and Chief Examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the City, or promotional and limited to persons already in the service of the City as the Commission may decide. The Secretary and Chief Examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of employees of the fire department or police department. However, the Secretary and Chief Examiner shall not be an employee covered by the classified civil service, unless so covered by reason of City employment other than as Secretary and Chief Examiner.

SECTION 8. Duties of the Public Safety Civil Service Commission.

The duties and responsibilities of the Public Safety Civil Service Commission shall be as follows:

(a) To make suitable rules and regulations not inconsistent with the provisions of this Ordinance. Such rules and regulations shall provide in detail the manner in which examinations may be made, and the manner in which appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration of covered employees, and which may be considered desirable to further carry out the general purposes of this Ordinance, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. Copies of the rules and regulations, and any amendments thereof, shall be made available for free public distribution.

(b) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(c) The rules and regulations adopted by the Commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(d) The Commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this Ordinance, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this Ordinance, and ascertain whether this Ordinance and all such rules and regulations are being obeyed. Such investigations may be made by the Commission, the Secretary and Chief Examiner, or by any Commissioner designated by the Commission for that purpose. The Commission shall make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the Commission or designated Commissioner, or Secretary and Chief Examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for the like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity. The failure upon the part of any person so subpoenaed to comply with the provisions hereof shall be deemed a violation of City Ordinance and shall be punishable by imprisonment in jail for a term not longer than thirty days, by a fine of more than one hundred dollars, or both such imprisonment and fine.

(e) All hearings and investigations before the Commission, designated Commissioner, or Secretary and Chief Examiner, shall be governed by this Ordinance and by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof neither the Commission, the designated Commissioner, nor the Secretary and Chief Examiner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony shall

invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission: Provided, however, That no order, decision, rule or regulations made by any designated Commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(f) To hear and determine appeals or complaints respecting the personnel administration of covered employees, appeals upon the allocation of positions, the rejection of an examination, and such other matters as may be referred to the Commission.

(g) Establish and maintain in card or other suitable form a roster of officers and employees.

(h) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists of the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(i) When a vacant position is to be filled, the Commission shall certify to the appointing authority, on written request, the names of the three persons highest on the eligible list for the class. The Commission shall make provision in its rules for provisional or temporary appointments to be utilized when there is no eligible list applicable to the vacant position. Such temporary or provisional appointment shall not exceed a period of four months in duration, but may be extended for an additional four months if, for any reason, it cannot be determined at the expiration of the initial appointment that the position filled by temporary or provisional appointment can otherwise be filled: such as in the instance of a vacancy due to an employee being on LEOFF disability, or for other good cause which in the discretion of the Commission warrants additional extension of such provisional or temporary appointment.

(j) Keep such records as may be necessary for the proper administration of this Ordinance.

SECTION 9. Office and Supplies to be Furnished.

The City Council shall ensure that the Public Safety Civil Service Commission is provided with suitable and convenient rooms and accommodations and shall ensure that the same be furnished, heated, lighted and supplied with all office supplies and equipment necessary for conduct of the business of the Commission, and shall provide such clerical assistance as may be necessary.

SECTION 10. Deceptive Practices Prohibited.

No Commissioner or any other person, shall, by himself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration as provided by this Ordinance or the rules and regulations of the Commission, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to provisions of this Ordinance, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any

other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration or application or request to be examined or registered.

SECTION 11. Civil Action by the Commission.

It shall be the duty of the Commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this Ordinance and of the rules of the Commission. The Commission shall be represented in such suits by the City Attorney, but the Commission may appoint special counsel, if authorized by the City Council.

SECTION 12. Qualifications of Applicants for Employment.

An applicant for any position covered by the classified civil service system must be a citizen of the United States of America who can read and write the English language, of an age suitable for the position applied for, in ordinary good health and capable of passing any physical and medical tests prescribed by the LEOFF system, of good moral character and of temperate and industrious habits. These facts shall be ascertained in such manner as the Public Safety Civil Service Commission may deem advisable. Residency within the City shall not be required.

SECTION 13. Filling of Vacancies.

(a) Whenever a vacant position in the classified civil service is to be filled, the appointing authority shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment thereto. The Commission shall certify the names of the three persons highest on the eligible list for the class to which the vacant position has been allocated, who are willing to accept employment. If there is no eligible list for the class, the Commission shall either establish such a list as provided in this Ordinance, or otherwise determine what list shall be deemed appropriate for such class. The Commission shall then certify the names of the three persons standing highest on the list. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy.

(b) The appointing authority shall after review of the persons so certified, appoint one person to each such vacant position. If any person certified by the Commission is removed from the list or otherwise requests to not be considered for appointment, the Commission shall certify the next highest person on the list to replace the person removed. The Commission, in its rules, shall establish a procedure for removal of names from the eligible list either prior to or subsequent to certification to the appointing authority.

(c) Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position containing the names of at least three eligibles exists, the Commission shall certify the names of the top three persons eligible for appointment to the appointing authority, and the appointing authority shall appoint one person so certified,, providing such person is found qualified, to the position.

(d) If there is an eligible list for the class which contains the names of less than three eligibles, the appointing authority may, upon being notified of such fact, elect to fill the vacancy by temporary appointment until the eligible list contains the names of at least three eligibles. The Commission may provide in its rules for expiration of an eligible list when the number of names on such list has been reduced to less than three, or may provide for a method of

supplementing the list with additional eligibles who have been tested in the same manner of those on the list.

(e) To enable the appointing authority to exercise a choice in the filing of positions, no appointment, employment or promotion in any position in the classified civil service shall be deemed complete until after the expiration of a period of six months probationary service, as shall be provided in the rules of Commission, during which the appointing authority may terminate the employment of the person certified and appointed. If, during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing authority deems the probationary employee unfit or unsatisfactory for service in the Public Safety Department, the appointing authority shall designate one of the persons certified as standing within the next three persons highest on any such list. Such persons shall likewise enter upon the duties until some person is found who is deemed fit for permanent employment or permanent promotion at the end of the probationary period whereupon the appointment or promotion shall be deemed to be complete. The Commission shall provide a procedure in its rules for extending the probationary period for an additional six months if requested by the appointing authority and agreed, in writing, by the probationary employee.

SECTION. 14. Tenure of Employment.

The tenure of every employee holding a position under the provisions of the classified civil service system shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, reduced in rank, or be deprived of vacation privileges or other special privileges for any of the following reasons:

(a) Incompetency, inefficiency or inattention to or dereliction of duty.

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself or herself; or any wilful violation of the provisions of this Ordinance or the rules and regulations to be adopted hereunder.

(c) Mental or physical unfitness for the position which the employee holds.

(d) Dishonest, disgraceful, immoral or prejudicial conduct.

(e) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service.

(f) Conviction of a felony, or a misdemeanor involving moral turpitude.

(g) Any other act or failure to act which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

SECTION 15. Leaves of Absence.

A leave of absence, without pay, may be granted by the appointing authority to any employee covered by the classified civil service: Provided, however, That the appointing authority shall give notice of

such leave to the Commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

SECTION 16. Procedure for Removal, Suspension, Demotion or Discharge.

No person in the classified civil service who shall have been permanently appointed shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing authority, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion, or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the Commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the position from which such person was removed, suspended, demoted, or discharged, which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The Commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade or pay. The findings of the Commission shall be certified, in writing to the appointing authority, and shall be forthwith enforced by such officer.

All investigations made by the Commission pursuant to the provisions of this Ordinance shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the Commission or a majority thereof, the accused may appeal therefrom to the Superior Court of King County, or the county wherein the accused resides. Such appeal shall be taken by serving the Commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all of the papers on file in the office of the Commission affecting or relating to such judgment or order, be filed by the Commission with such court. The Commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The Superior Court shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the Commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

SECTION 17. Political Contributions and Services.

No person holding any employment covered by the classified civil service shall be under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no such employee shall be removed, reduced in grade or

salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any employee covered by the classified civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose.

SECTION 18. City Council to Create Offices and Fix Compensation.

All offices, classifications, job descriptions, positions and employment coming within the purview of the classified civil service system shall be created by the City Council and nothing contained in this Ordinance shall infringe upon the power and authority of the City Council to fix the salaries and compensation of all employees covered by the classified civil service, subject, however, to terms and conditions of any duly adopted collective bargaining agreement.

SECTION 19. Cooperation of City Officers and Employees Required.

It shall be the duty of all officers and employees of the City to aid in all proper ways the carrying out of the provisions of this Ordinance, and the rules and regulations of the Commission, and to afford the Commissioners all reasonable facilities and assistance in the inspection of books, papers, documents and accounts applying or in any way appertaining to any positions or matters subject to the classified civil service and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the Commission.

SECTION 20. Violations and Penalty.

Any person who shall wilfully violate any provisions of this Ordinance shall be deemed guilty of a violation of City Ordinance equivalent to a misdemeanor, and upon conviction thereof shall be punished by imprisonment in jail for not longer than thirty days, by a fine of not more than one hundred dollars, or by both such imprisonment and fine.

SECTION 21. Employment of Fire District Employees upon Annexation or Incorporation.

Notwithstanding any other provision of this Ordinance, if any portion of a fire protection district is annexed to or incorporated into the City, any employee of the fire protection district who (a) was at the time of such annexation or incorporation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the City fire department (b) will, as a direct consequence of annexation or incorporation, be separated from the employ of the fire protection district, and (c) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the classified civil service system of the City.

SECTION 22. Rights and Benefits of Transferred Employees.

(a) An eligible employee may transfer into the classified civil service system of the City by filing a written request with the Public Safety Civil Service Commission and by giving written notice thereof to the board of commissioners of the fire protection district. Upon receipt of such request by the Commission the transfer of employment shall be made. The employee so transferring will (i) be on probation for the same period as are new employees of the City in the position filled, (ii) be eligible for promotion after completion of the probationary period as completed (iii) receive a salary at least equal to that of

other new employees of the City in the position filled, and (iv) in all other matters, such as retirement, sick leave, and vacation, have within the City classified civil service system, all the rights, benefits and privileges to which he or she would have been entitled as a member of the City fire department from the beginning of employment with the fire protection district;

(b) As many of the transferring employees shall be placed upon the payroll of the City as are determined to be needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided herein shall head the list for employment in the classified civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the City fire department when appropriate positions become available: Provided, however, That employees who are not immediately hired by the City shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by agreement.

SECTION 23. Definitions.

As used in this Ordinance, the following terms shall have the meanings described below:

(a) "Appointing authority" shall mean the City Manager, or the Fire Chief or Police Chief, if so designated by the City Manager to have authority for the appointment of persons to positions in the City fire department or police department.

(b) "Full paid employee" means an employee of the City fire department or police department who is permanently employed for not less than thirty-five hours per week and is regularly paid by the City.

SECTION 24. Severability.

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

SECTION 25. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 5th day of June, 1990, and signed in authentication of its passage this 5th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 6/10/90

ORDINANCE NO. 90-1039

AN ORDINANCE of the City of SeaTac relating to business licenses and regulations; providing definitions; prohibiting the conduct of any business within the City without a license; establishing exemptions; providing for forms of application; setting fees; providing general qualifications of licensees; authorizing investigations and inspections; establishing the term of licenses; requiring posting of licenses; providing for renewal of licenses; establishing penalties for late application; establishing duties of the Director of Finance; authorizing additional rules and regulations; establishing grounds for suspension or revocation of licenses; providing for notice and order; establishing appeal procedures; permitting continuation of license upon death of licensee; prohibiting assignment of licenses; establishing a civil penalty; providing for violations and penalties; providing for the regulation of specific enumerated businesses and entertainments; and establishing an effective date.

WHEREAS, state law, RCW 35.82.020 permits the City to license, inspect, regulate and impose excises in regard to all places and kinds of business, production, commerce, entertainment, exhibition and upon all occupations, trades, professions and other lawful activity, unless pre-empted by the state; and **WHEREAS**, the City Council finds no need to impose any business and occupation tax upon persons and entities engaged in business, commercial activities and professional pursuits within the City; and

WHEREAS, the City Council nonetheless finds it in the best interests of the public to require every person and entity engaged in business, commercial activities and professional pursuits, within the City, to obtain a business license and to pay an annual fee therefore to defray the costs of registration and inspection; and

WHEREAS, the City Council finds that control and regulation of certain businesses and commercial activities is essential to the public health, welfare and safety;

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

SECTION 1. Definitions.

For purposes of this Ordinance, the following definitions shall apply:

- (a) "Business" includes all activities engaged in with the object of gain, benefit, or advantage, directly or indirectly.
- (b) "Person" means any individual, corporation, company, firm, joint stock company, copartnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise, receiver, administrator, executor, assignee, or trustee in bankruptcy.
- (c) "Tax year" means the calendar year commencing January 01 and ending on December 31.

SECTION 2. Business License Required.

No person shall conduct, maintain, operate, or engage in any business within the City, during any tax year, without first applying for and obtaining a business license and paying the fee as prescribed herein.

SECTION 3. Separate Licenses Required.

A separate business license shall be obtained for each separate location, within the City, at which the business is conducted. A separate business license shall be obtained for each different and discrete business conducted by any person, whether at the same location, within the City, as another licensed business, or at a different location within the City.

SECTION 4. Change in Nature or Location of Business.

Each business license shall authorize a particular type of business at the designated location. Any change in the nature of the business shall necessitate a new application for a business license. A change of location shall be reported to the Director of Finance, in writing, within ten (10) days of the change and, if in compliance with zoning and business regulatory ordinances, the existing business license shall be transferred to the new location.

SECTION 5. Exemptions.

Notwithstanding the requirement of Section 2, 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:

(i) 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 and the "For-Hire Interlocal Agreement" between King County and the City.

(ii) Persons engaged in the business of private security, private guards, merchant patrolmen, and detectives, subject to SeaTac Ordinance No. 90-1015 and "Private Security Interlocal Agreement" between King County and the City.

(d) Minors engaged in babysitting 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 this Ordinance, 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.

SECTION 6. Application for License.

No business license shall be issued except upon application therefore made on forms prescribed by the Director of Finance. 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.

SECTION 7. Fee.

The fee for a license to engage in any business not specifically regulated pursuant to Sections 28 through 53 of this Ordinance, or any other business license or regulations ordinance, 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. The fee for a license to engage in any business specifically regulated to Sections 28 through 53 of this Ordinance, or any other business license

or regulation ordinance, shall be as prescribed therein for the tax year 1990, and thereafter the fee and renewal fee shall be as prescribed by an annual Resolution of the City Council establishing fees and charges.

SECTION 8. Prorating Fee.

The license fee shall be for the tax year, and each applicant must pay the full license fee for the current tax year or portion thereof during which the applicant has engaged in business.

SECTION 9. General Qualifications of Licensees.

No license shall be issued to any of the following applicants:

- (a) Any person who has not attained the age of eighteen (18) years at the time of the application.
- (b) Any applicant who has been convicted of a crime, or who employs employees or agents who have been convicted of a crime, which relates directly to the specific business for which the license is sought, provided that the time elapsed between the conviction and the date of license application is less than ten (10) years for a felony conviction, less than five (5) years for a gross misdemeanor conviction and less than three (3) years for a misdemeanor conviction.
- (c) Any applicant who has suffered a civil judgment based upon fraud, misrepresentation, violation of the Washington Consumer Protection Act, or similar state or federal statutes, or any other judgment or cease and desist order, or consent degree relating to business activities, provided that the time elapsed between the entry of judgment and the date of application is less than five (5) years.
- (d) Any applicant if reasonable grounds exist to believe that the applicant is dishonest or desires to obtain a business license so as to practice some illegal act or some act injurious to the public health or safety.
- (e) Any person who, if licensed, is likely to present a danger to the public health, safety, or welfare for any other reason.

SECTION 10. Investigations and Inspection.

All applications for licenses shall be investigated by the 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.

SECTION 11. Term of License.

All business licenses shall be effective for the tax year of issuance. Licenses issued during a given tax year shall be effective from the date of issue until December 31 of the same tax year. Unless renewed, as provided in this Ordinance, each such business license shall expire and be of no force or effect on January 01 of the ensuing tax year, unless sooner revoked as provided in this Ordinance.

SECTION 12. Posting of License.

It shall be unlawful for any person to engage in business at any location within the City without posting and displaying, prominently and in clear view, the valid business license authorizing such business at such location.

SECTION 13. Renewal of License.

All business licenses shall be renewed on or before December 31 of the tax year of issuance, if the business is to be continued. Application for renewal shall be made on forms prescribed by the Director of Financing. 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 01 of each tax year for the ensuing tax year.

SECTION 14. Penalty for Late Application.

Any applicant or licensee who shall fail to make application for an original business license, or for renewal of an existing business license, prior to December 31 of the applicable tax year, shall be subject to a penalty, computed as follows, which shall be added to the prescribed fee:

- (a) Delinquent from one to fifteen days, inclusive: a penalty of five percent of the prescribed fee or five dollars, whichever is greater.
- (b) Delinquent from sixteen to thirty days, inclusive: a penalty of ten percent of the prescribed fee or ten dollars, whichever is greater.
- (c) Delinquent from thirty-one to forty-five days, inclusive: a penalty of fifteen percent of the prescribed fee or fifteen dollars, whichever is greater.
- (d) Delinquent from forty-six to sixty days, inclusive: a penalty of twenty percent of the prescribed fee or twenty dollars, whichever is greater.
- (e) Delinquent for more than sixty days: a penalty equal to one hundred percent of the prescribed license fee.

SECTION 15. Duties of the Director.

The 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 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.

SECTION 16. Additional Rules and Regulations. The Director of Finance is authorized to adopt and enforce rules and regulations, not inconsistent with the provisions of this Ordinance, 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 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.

SECTION 17. Inspections - Right of Entry.

The Director of Finance 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 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 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.

SECTION 18. Grounds for Suspension or Revocation.

No business license issued pursuant to this Ordinance 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 Ordinance;

(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 relation-ship to the conduct of the business licensed pursuant to this Ordinance;

(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 Ordinance, 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 Director of Finance (h) Licensee's continued conduct of the business will, for any other reason, result in a danger to the public health, safety or welfare.

SECTION 19. Notice and Order. (a) The 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:

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

(ii) A statement that the 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;

(iii) A statement of any action required to be taken as determined by the Director. If the 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.

(iv) A statement advising that the licensee may appeal from the notice and order or from any action of the Director to the City Hearing Examiner, provided the appeal is made in writing as provided in this Ordinance 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.

SECTION 20. 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 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:

- (i) A heading with the words: "Before the Hearing Examiner of the City of SeaTac";
- (ii) A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal;
- (iii) A brief statement setting forth the legal interest of each of the appellants in the business involved in the denial or notice and order;
- (iv) 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;
- (v) 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;
- (vi) The signatures of all persons named as appellants, and their official mailing addresses;
- (vii) 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 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 Ordinance 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 Director of Financing shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

SECTION 21. Appeal by Exempted Businesses.

Notwithstanding any other provisions of Section 16 of this Ordinance, however, those businesses exempt from the requirement to obtain a City business license, but not exempt from the requirement to obtain a King County business license, pursuant to Section 5(c) of this Ordinance shall not be entitled to the appeal procedure herein but shall appeal any decision pertaining to denial, suspension or revocation, whether by the City or by King County, pursuant to requirements of Chapter 6.01 of the King County Code, which is hereby adopted by this reference, as presently enacted or as may subsequently be amended.

SECTION 22. Continuation of License Upon Death of Licensee.

In event of the death of any licensee, his or her duly appointed executor or administrator may continue to conduct business under the license issued to the decedent for the unexpired term thereof, upon filing proof of such appointment with the Director of Finance.

SECTION 23. Assignment of Licenses.

Every business license shall be personal to the licensee and shall not be assignable or transferable to any person.

SECTION 24. 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 Director of Finance. The Director, in a reasonable manner, may vary the amount of the penalty assessed in consideration of the 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.

SECTION 25. Engaging in Business Without Payment of Fee.

If any person engaged in business fails or refuses to pay the prescribed license fee for any tax year, such person shall not be granted a business license for the current tax year until all such delinquent license fees and penalties have been paid, in addition to the prescribed fee for the current tax year. Such fees may be collected by the City by legal action brought for that purpose if any person engaged in business fails or refuses to pay the license fees and penalties. This remedy is cumulative and not exclusive.

SECTION 26. Violations - Penalty.

Any person violating or failing to comply with any provision of this Ordinance shall be guilty of a violation of City Ordinance and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars (\$5,000.00), or imprisonment in jail for any term not exceeding one (1) year, or both.

SECTION 27. Separate Offenses.

Each day that any person engages in any business without having a valid business license or is otherwise in violation of this Ordinance or any other business license or regulation ordinance shall constitute a separate offense and may be punished or subjected to civil penalty as such.

SECTION 28. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 29. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

6.04.170 Shuffleboard defined

6.04.018 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

SECTION 30. Regulation of Amusement Places.

The following listed sections of Chapter 6.08 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, and the word "director" shall refer to the City's Director of Finance.

6.08.005 Findings of fact

6.08.010 Definitions

6.08.020 License required - Fee, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

6.08.024 License for managers and entertainers required - fee, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

6.08.030 Due date for license fees - character requirements

6.08.040 Renewal of license, registration or permit - Late payment

6.08.042 License applications

6.08.044 Manager on premises

6.08.050 Standards of conduct and operation, except that appeals shall be governed by Section 20 of this Ordinance

6.08.060 Public amusement/entertainment

prohibited in certain places

6.08.070 Business houses

6.08.080 Outdoor sports exempt from code

6.08.090 Race tracks and dragstrips

6.08.100 Standards for public amusement/entertainment license, manager and entertainer license, suspension or revocation

SECTION 31. Regulation of 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 14 of this Ordinance.

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

SECTION 32. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 33. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 34. Regulation of Fireworks.

The following listed sections of Chapter 6.26 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, the word "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 14 of this Ordinance.

6.26.010 Scope

6.26.020 Definitions

6.26.030 Permits

6.26.040 Authority to issue permits and enforce Chapter, except that appeals shall be governed by Section 16 of this Ordinance

6.26.050 Legal fireworks

6.26.060 Retail sales and discharge of fireworks, except that the fee and deposit, commencing in 1991, shall be established by Resolution of the City Council

6.26.070 Operation of retail outlets

6.26.080 Public display of fireworks, except that the fee and deposit, commencing in 1991, shall be established by Resolution of the City Council

6.26.090 Prohibited acts

6.26.100 Seizure of fireworks

SECTION 35. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance 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

6.26.070 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

SECTION 36. Regulation of Junk Dealers.

The following listed sections of Chapter 6.36 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 14 of this Ordinance.

6.36.010 License required

6.36.020 Definitions

6.36.030 License fee, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

6.36.040 Application for license

6.36.060 Personal property tax return

6.36.070 Vehicle markings

6.36.080 Records required

6.36.090 Compliance required

6.36.100 Records and articles to be available for inspection

6.36.110 Seller to give true name

6.36.120 Certain transactions prohibited

6.36.130 No sale within ten days

6.36.140 Police officers to be admitted

SECTION 37. Regulation Of 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 Director of Finance, 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 14 of this Ordinance.

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 14 of this Ordinance

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

SECTION 38. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 39. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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 prevents 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

SECTION 40. Regulation of Pawnbrokers.

The following listed sections of Chapter 6.56 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 14 of this Ordinance.

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

6.56.060 Limitations on licensing

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

SECTION 41. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 42. Regulation of 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 43. Regulation of Tobacco Vending Machines.

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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

6.72.010 Definations

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

6.72.030 Application for operator's license.

6.72.040 Machine license required, except that the fee, commencing in 1191, shall be established by Resolution of the City Council

6.72.050 Machine identification - Application for license

6.72.060 Establishment of ownership

6.72.070 Vendor's license, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

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

6.72.100 General regulations

6.72.110 Minors

SECTION 44. Regulation of Charitable Solicitations.

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 words "director" and "Division of the Comptroller" 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 14 of this Ordinance.

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

SECTION 45. Regulation of Solicitors and Canvassers.

The City Council finds that the public health, safety and welfare requires that the citizens of the City be provided with information relating to persons and organizations who solicit and canvass within the City, that such activities be regulated, and that the citizens of the City be protected from deceptive and dishonest practices.

SECTION 46. Solicitor or Canvasser Defined.

A "solicitor" or "canvasser" is defined as any person any person, either as a principal or agent, who goes from place to place within the City, and who:

(a) Sells, takes orders for, or offers to sell, any goods, wares or merchandise whether or not collecting in

advance for such goods, wares or merchandise; and/or

(b) Sells, takes orders for, or offers to sell services, whether or not collecting in advance for such services; and/or

(c) Seek contributions or donations to private causes, as opposed to tax-exempt charities; or

(d) Seeks opinions, preferences or other information for commercial purposes.

SECTION 47. 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 Director.

(b) The solicitor or canvasser license shall be issued for the tax year and may be renewed as provided at Section 13 of this Ordinance.

(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.

SECTION 48. Contents of License Application.

The application for a solicitor or canvasser license shall require the following information:

(a) Name, description and date of birth of the applicant;

(b) Permanent home address and local address of the applicant;

(c) A brief description of the nature of the business and of the goods to be sold or services to be offered;

(d) If employed by another, the address and name of the employer and a statement of the exact relationship between the applicant and the employer;

(e) The length of time for which the right to do business is required;

(f) The place of manufacture or production of goods to be offered for sale, the present location of such goods and the proposed method of delivery;

(g) The fingerprints of the applicant;

(h) The names of two (2) reliable persons, residing in the state, as references to the good character and business responsibility of the applicant or, in lieu of such references, the means of obtaining evidence as to the applicant's character and business responsibility;

(i) A statement as to any convictions of crimes or violations of municipal ordinances during the past five (5) years, to include the date, the nature of the offense and the penalty assessed therefore;

(j) A statement that a license, if granted, will not be used or represented as an endorsement by the city for solicitations thereunder.

(k) The applicant shall be sworn to or certified under penalty of perjury by each applicant.

SECTION 49. Bond Required.

Every applicant shall file with the Director of Finance before a license shall be issued, a bond in the amount of one thousand dollars (\$1,000.00) executed by the applicant as principal and a surety company authorized to do business in the state, running in favor of the City, conditioned that any person who may suffer any loss or damage by reason of any malfeasance, misfeasance, or deceptive practice in the conduct of such solicitation or canvass shall have the right to institute an action for recovery against the licensee and the surety upon such bond. The bond shall further require that the principal shall fully comply with all provisions of state law and City ordinances regulating the business of solicitors or canvassers, or business in general, and that all moneys paid as a down payment or donated will be accounted for and applied according to the representation of the solicitor or canvasser and further that the property ordered or sold will be delivered or the services will be performed according to the undertaking of the solicitor or canvasser. Any person injured by the licensee's/principal's failure to account for moneys received, deliver the goods ordered or sold, or perform the services promised, shall have in his or her own name, a right of action on such bond against both the principal and surety.

SECTION 50. Alternate Form of Employer's Bond.

In the place of the bond required at Section 49 of this Ordinance, any person employing solicitors or canvassers shall file with the Director of Finance before a license shall issue to any of such person's employees, a bond in the amount of five thousand dollars (\$5,000.00) executed by the employer as principal and a surety company authorized to do business in the state as a surety, running in favor of the City, conditioned that any person who may suffer any loss or damage by reason of any malfeasance, misfeasance, or deceptive practice in the conduct of such solicitation or canvass shall have the right to institute an action for recovery against the licensee and the surety upon such bond. Such bond shall further require that the employer and all employees and agents of the employer, shall fully comply with all provisions of state law and City ordinances regulating the business of solicitors or canvassers, or business in general, and that all moneys paid as a down payment or donated will be accounted for and applied according to the representation of the solicitor or canvasser and further that the property ordered or sold will be delivered or the services will be performed according to the undertaking of the solicitor or canvasser. Any person injured by the licensee's/principal's failure to account for moneys received, deliver the goods ordered or sold, or perform the services promised, shall have in his or her own name, a right of action on such bond against both the principal and surety.

SECTION 51. Orders Taken by Solicitors or Canvassers.

All orders or donations taken by licensed solicitors or canvassers shall be written in duplicate, with one (1) copy to be given to the purchaser or contributor. The order or donation shall contain the name and address of the solicitor or canvasser, and in the case of an order, its complete terms, the amount of any prepayment, and a statement of the purchaser's right of rescission pursuant to state law.

SECTION 52. Carrying License Required.

The solicitor's or canvasser's license shall be carried at all time when soliciting or canvassing in the City and shall be exhibited by such solicitor or canvasser whenever requested to do so by a police officer, any City official, or any persons solicited or canvassed.

SECTION 53. Exemptions.

The licensing and bonding requirements applicable to solicitors and canvassers shall not apply to:

- (a) Newspaper carriers, whether subscriptions are taken or not;
- (b) Any person selling or delivering, door-to-door or on an established route, milk or milk products,

bakery goods, or laundry and dry cleaning services;

(c) All persons licensed for charitable solicitations pursuant to Section 44 of this Ordinance, provided that the solicitation is managed and conducted solely by officers and members of charitable organizations who are unpaid for such services;

(d) All persons under the age of eighteen (18) unless employed by another person or organization;

(e) Bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency.

SECTION 54. Severability.

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

SECTION 55. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 5th day of June, 1990, and signed in authentication of its passage this 5th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 6/10/90

ORDINANCE NO. 90-1040

AN ORDINANCE of the City of SeaTac relating to the SeaTac Criminal Code; declaring unlawful acts of harassment; amending Ordinance No. 90-1029, Section 17; and declaring an emergency.

WHEREAS, Ordinance No. 90-1029 was adopted by the City Council on February 27, 1990 to establish the SeaTac Criminal Code; and **WHEREAS**, Section 17 of the said Ordinance declared unlawful certain acts of harassment, including violations of court orders; and

WHEREAS, additional references to the state law should be added to permit police officers to issue citations under such statutes without the necessity for amendment of charges to another state law or provision of the Ordinance;

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

SECTION 1. Amendment. Ordinance No. 90-1029, Section 17 is hereby amended to read as follows:

(a) The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crime of harassment under the SeaTac Criminal Code:

9A.46.010 Legislative finding.

9A.46.020 Definition - Penalties.

9A.46.030 Place where committed.

9A.46.040 Court-ordered requirements upon person charged with crime - Violation.

9A.46.050 Arraignment - No-contact order.

9A.46.060 Crimes included in harassment.

9A.46.070 Enforcement of orders restricting contact.

9A.46.080 Order restricting contact - Violation.

9A.46.090 Nonliability of peace officer.

9A.46.100 "Convicted," time when.

Chapter 10.99 RCW Domestic Violence

(b) The following sections of Title 9 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish additional crimes of harassment under the SeaTac Criminal Code:

9.61.230 Telephone calls to harass, intimidate, torment, or embarrass

9.61.240 Telephone calls to harass, intimidate, torment, or embarrass - Permitting telephone to be used.

9.61.250 Telephone calls to harass, intimidate, torment, or embarrass - Offense, where deemed committed.

SECTION 2. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 26th day of June, 1990, and signed in authentication of its passage this 26th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 7/1/90

90-1041

Never Generated

ORDINANCE NO. 90-1042

AN ORDINANCE of the City of SeaTac authorizing the exercise of the powers of initiative and referendum: establishing effective dates of ordinances subject to referendum; providing for content and form of petitions; requiring filing of a sample petition with the City Clerk; establishing the number of required signatures; providing for filing of signed petitions; establishing time for addition and withdrawal of signatures; providing for determination of sufficiency; declaring alteration of petitions unlawful; establishing definitions pertaining to alterations; creating a Petition Review Board; requiring action upon indication of alterations; providing for a fact finding hearing; providing for appeal to the Superior Court; and providing for action by the City Council upon certificate of sufficiency.

WHEREAS, state law, RCW 35A.11.080, permits the City Council to provide for the exercise in the City of the powers of initiative and referendum, upon electing so to do in the manner provided for changing the classification of a city by RCW 35A.02.020, 35A.02.025, 35A.02.030, and 35A.02.035;

WHEREAS, the City Council, on February 27, 1990, enacted Resolution No. 90-67 declaring its intention to provide for the exercise in the City of the powers of initiative and referendum by Ordinance to be adopted after expiration of ninety days following the date of first publication of the said Resolution; and

WHEREAS, the said ninety day period has now expired and no timely and sufficient referendum petition has been filed pursuant to RCW 35A.02.035; and

WHEREAS, the City Council finds that the various statutes within the Optional Municipal Code which affect the powers of initiative and referendum are, to one degree or another, in conflict, and that, in order to harmonize these statutes and to give effect to the apparent intent of the legislature to provide for clear procedures and a uniform, understandable form of petition, RCW 35A.11.090 and .100 shall be followed except that, pursuant to RCW 35A.29.170, reference to RCW 35.17.240 through 35.17.360 shall be subject to the requirements of form, content and sufficiency set forth in RCW 35A.01.040, and the duties of the City Clerk and suspension of legislative action upon filing of a referendum petition shall be governed by RCW 35A.29.170;

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

SECTION 1. Grant of Powers.

The voters of the City are hereby granted the powers of initiative and referendum, subject to the limitations of state law, the general law, and this Ordinance.

SECTION 2. Effective Date of Ordinances.

Ordinances subject to referendum shall not go into effect before thirty (30) days from the time of final passage and shall be subject to referendum during the said interim, except ordinances by general or common law not subject to referendum and except:

- (a) Ordinances initiated by petition;
- (b) Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
- (c) Ordinances providing for local improvement districts;

(d) Ordinance appropriating money;

(e) Ordinances providing for or approving collective bargaining;

(f) Ordinances providing for the compensation of or working conditions of city employees;

(g) Ordinances authorizing or repealing the levy of taxes; which excepted tax ordinances shall go into effect as provided by the general law or by applicable selections of Title 35A RCW as now or hereafter amended.

SECTION 3. Initiative and Referendum Petitions - Content and Form.

(a) Every initiative and referendum petition shall contain the following essential elements:

(i) A warning which shall read:

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor;

(ii) A clear and concise statement of the action sought by the petitioners;

(iii) The title of the ordinance being initiated, or the ordinance sought to be referred;

(iv) A true and correct copy of the ordinance being initiated, or the ordinance sought to be referred, which ordinance may be printed upon the face of the petition or may be firmly affixed to the petition;

(v) Numbered lines, not to exceed twenty (20) per sheet, with sufficient space for a signature, printed name, date of signing, and residence address of the signer, on each such line; and

(vi) A statement that each signer is a registered voter resident in the City.

(b) Every initiative and referendum petition shall consist of a single page or group of single pages containing identical text and identical attachments, if any, in compliance with the requirements of content set forth in Subsection (a) of this Section, and shall further comply with the following requirements of form:

(i) Petitions shall be printed or typed on single sheets of white paper of good quality measuring not less than eight and one-half inches in width and eleven inches in length;

(ii) Each sheet shall have a margin of not less than one and three-quarters inches at the top for binding;

(iii) Printing or typewriting shall be clear, legible and reproducible and shall be of at least 8-point type or, if typewritten, be of pica, or equivalent size with not more than

10 characters per inch, and shall be black in color;

(iv) Petitions shall be devoid of any statements for or against the proposition, and any quotations, pictures, logos, symbols or other language intended to, or which might tend to, constitute an endorsement or argument, or which might tend to deceive or to misrepresent any fact; and

(v) The reverse side of each petition sheet shall be blank.

(c) Every initiative petition initiating a proposed ordinance for submission to the City Council and, in lieu of enactment by the Council, to the voters of the City, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

**INITIATIVE PETITION FOR SUBMISSION TO
THE SEATAC CITY COUNCIL**

TO: The City Council of the City Of SeaTac:

We, the undersigned registered voters of the City of SeaTac, State of Washington, residing at the addresses set forth opposite our respective names, being equal to fifteen percent (15%) of the total number of names of persons listed as registered voters within the City on the day of the last preceding City general election, respectfully request that the following ordinance be enacted by the City Council or, if not so enacted, be submitted to a vote of the residents of the City. The title of the said ordinance is as follows:

[Here insert the title, ensuring that the proposed ordinance does not contain more than one subject and that the subject is clearly expressed in the title, and then insert one of the two sentences shown below].

[The full text of the ordinance is as follows:] or [A full, true and correct copy of the ordinance is attached to this Petition.]

Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the City of SeaTac, State of Washington; and my residence address is correctly stated.

Signature Printed Name Street and Number City Date

1. _____

20. _____

(d) Every referendum petition seeking to refer an enacted ordinance to the City Council for repeal and, in lieu of repeal by the Council, to the voters of the City for approval or rejection, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PETITION FOR REFERENDUM

TO: The City Council of the City Of SeaTac:

We, the undersigned registered voters of the City of SeaTac, State of Washington, residing at the addresses set forth opposite our respective names, being equal to fifteen percent (15%) of the total number of names of persons listed as registered voters within the City on the day of the last preceding City general election, respectfully request that Ordinance No. _____ enacted by the City Council on the ____ day of _____, 19____, be repealed by the Council or, if not so repealed, be referred to a vote of the residents of the City for their approval or rejection. The title of the said ordinance is as follows:

[Here insert the title of the Ordinance as enacted,
and then insert one of the two sentences shown below]

[The full text of the ordinance, as enacted by the City Council, is as follows:] or [A full, true and correct copy of the ordinance as enacted by the City Council is attached to this Petition.]

Each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of the City of SeaTac, State of Washington; and my residence address is correctly stated.

Signature Printed Name Street and Number City Date

1. _____

20. _____

SECTION 4. Initiative and Referendum Petitions - Filing of Sample With City Clerk.

(a) No initiative or referendum petition shall be distributed to the public for solicitation of signatures until a sample petition has been submitted to the City Clerk, for the purpose of ensuring that permanent or temporary alterations do not occur during the solicitation process. The sample petition shall be either one of the printed petitions or a galley proof or other accurate specimen of the petition. The City Clerk shall retain the sample petition for comparison with the signed petitions later filed for determination of sufficiency.

(b) The individual or individuals, or entity, sponsoring the petition shall also provide to the City Clerk the name and mailing address of the sponsor.

(c) If requested by the sponsor, the City Clerk may, with advice of the City Attorney, review, require changes, and/or approve the content and format of the petition and, if an initiative petition, the title and text of the proposed ordinance.

(d) If such approval is granted, signed petitions shall, upon filing,

be subject only to review for sufficiency of signatures and to ensure that alterations have not been made.

SECTION 5. Required Signatures.

Petitions for initiative or referendum must be signed, in ink or indelible pencil, by the number of registered voters of the City equal to at least fifteen percent (15%) of the total number of names of persons listed as registered voters within the City on the day of the last preceding City general election.

SECTION 6. Filing of Signed Petitions.

All signed initiative and referendum petitions must be filed with the City Clerk. A signed initiative petition may be filed at any time. A signed referendum petition must be filed prior to the effective date of the Ordinance. Upon timely filing of a referendum petition with the City Clerk, the Ordinance sought to be referred to the voters shall be suspended from taking effect until there is a final determination of insufficiency or untimeliness of the referendum petition, or the Ordinance so referred is approved by the voters at a referendum election.

SECTION 7. Addition and Withdrawal of Signatures Until Terminal Date.

Within three (3) working days after the filing of a signed petition, the City Clerk shall commence the proceeding to determine sufficiency of the petition, and shall file a certificate stating the date upon which such determination was commenced, which date shall be referred to as the terminal date. A copy of the said certificate shall be personally served upon, or mailed to, the sponsor of the petition. Additional pages of signatures may be added to the petition by filing the same with the City Clerk prior to the terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the City Clerk prior to the terminal date. Such written request shall so sufficiently described the petition as to make identification of the person, and the petition, certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

SECTION 8. Determination of Sufficiency.

Commencing on the terminal date, and proceeding with reasonable promptness, the City Clerk shall ensure that the petition complies with the requirements of form and content specified in this Ordinance, unless approval of the City Clerk shall have been previously granted, and that the filed petition is identical to the sample petition filed with the City Clerk pursuant to Section 4 of this Ordinance. If the petition initiates an ordinance, and if approval of the City Clerk was not previously granted, the City Clerk, with advice of the City Attorney, shall determine the legality and sufficiency of the title and text of the proposed ordinance. The City Clerk shall then refer the petition to the Superintendent of Elections of the King County Records and Elections Division, as ex officio supervisor of City elections, pursuant to RCW 35A.29.040, whereupon the sufficiency of signatures shall be determined by the Superintendent and City Clerk in accordance with general law and with the following criteria:

(a) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved;

(b) A variation on petitions between the signatures on the petition and

that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same;

(c) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken;

(d) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken;

(e) All signatures on any petition which has been temporarily or permanently altered shall be invalid and shall not be counted;

(f) If signatures are found to be insufficient, the City Clerk shall so notify the sponsor by certificate of insufficiency and the sponsor shall have ten (10) days from the date of the certificate in which to amend the petition by filing additional signed petitions;

(g) The Superintendent of Elections and the City Clerk shall determine the sufficiency of such additional signatures and, if found insufficient, the City Clerk shall issue a second certificate of insufficiency and the petition shall be returned to the sponsor without further action; and

(h) If the signatures be found sufficient, the City Clerk shall file a certificate of sufficiency and shall provide a copy thereof to the sponsor.

SECTION 9. Alteration of Petitions Declared Unlawful.

Vigorous political debate concerning the merits of initiatives and referendums is appropriate and to be encouraged. However, initiative and referendum petitions themselves should be documents which inform voters of the issues before them and which record the signatures of voters who wish to support the initiative or referendum. It is necessary to ensure that the language and form of initiative and referendum petitions not be subjected to unapproved alteration by persons desiring to use the petitions as instruments of political debate or to induce voters to sign petitions based upon inaccurate or misleading characterizations of the petitions. Therefore, the following sanctions are declared necessary to discourage alteration of petitions and to uphold the integrity of the initiative and referendum process:

(a) The permanent or temporary alteration of any initiative or referendum petition is hereby declared unlawful; and

(b) Any person who shall intentionally and maliciously alter an initiative or referendum petition, or distribute an altered initiative or referendum petition, shall be guilty of violation of a City ordinance equivalent to a misdemeanor and, upon conviction, shall be subject to a term of imprisonment in jail not to exceed one (1) year or a fine in an amount not to exceed the sum of one thousand dollars (\$1,000.00), or both. The act of intentionally altering a petition shall be a separate crime for each page, sheet or copy of any petition so altered.

SECTION 10. Definitions Pertaining To Alteration of Petitions.

For purposes of this Ordinance, the following definitions are adopted in regard to the alteration of initiative and referendum petitions:

(a) "Alter" means to cause alteration.

(b) "Alteration" is any change to an initiative or referendum petition which occurs between the time the sample form is filed with the City Clerk and the time when the signed petitions are returned to the City Clerk including, but not limited to, the addition of any unapproved language, either printed or handwritten, the crossing-out, covering or obscuring of approved language, the underlining or highlighting of any words or part of the petition, or the physical attachment to the petition by any means (e.g., stapling, taping, gluing or clipping) of any unapproved document, with the exception of:

(i) The signatures and other information required of the petition signers;

(ii) Normal wear and tear, so long as such wear and tear does not make illegible any significant portion of the approved language of the petition.

(c) "Permanent alteration" is such alteration as is observable at the time the signed petitions are filed with the City Clerk.

(d) "Temporary alternation" is such alteration which occurs at any time during the solicitation of signatures for the petition but which is no longer observable when the signed petitions are filed with the City Clerk.

SECTION 11. Petition Review Board Created.

There is hereby created a Petition Review Board which shall consist of the Mayor, City Manager, and Police Chief. The Board is authorized to include the King County Superintendent of Elections as a member of the Board, with or without voting rights. The Board shall consider and act upon any evidence or reports of temporary or permanent alteration of petitions, or any other matters relating to initiative and referendum petitions which the Board may determine to warrant investigation, report to the City Council, or legal action.

SECTION 12. Action Upon Indication of Permanent Alteration.

When signed petitions are filed, the City Clerk shall examine the same to determine whether any permanent alteration shall have occurred. Any apparently altered petitions shall be retained by the City Clerk and shall not be transmitted to the King County Superintendent of Elections, although the Superintendent shall be notified of the withholding of apparently altered petitions. The City Clerk shall immediately report the apparent permanent alteration to the Petition Review Board for consideration and action. The City Clerk shall notify the petition sponsor or sponsors of the apparent permanent alteration and shall make the altered petitions available for inspection. If the Petition Review Board finds that permanent alteration did occur, notice of that finding shall be forwarded to the King County Superintendent of Elections and to the petition sponsor or sponsors.

SECTION 13. Action Upon Indication of Temporary Alteration.

At any time before the City Clerk issues a certificate of sufficiency, an initiative petition is acted upon by the City Council by enactment of the proposed ordinance, a referendum petition is acted upon by the City Council by repeal of the challenged Ordinance, or an initiative or referendum petition is referred to the voters, whichever is later, any City official or employee, and any registered voter of the City, may allege that a petition or petitions were temporarily altered during the period of solicitation of signatures. Any such allegation shall be made by filing with the City Clerk an affidavit stating the factual basis for the allegation. The City Clerk shall transmit the affidavit

to the Petition Review Board, and, if the petition has been transmitted to the King County Superintendent of Elections for determination of sufficiency of signatures, a copy of the affidavit shall be forwarded to the said Superintendent. If the number of signatures determined to be valid, without regard to whether the petition was or was not altered, is insufficient to satisfy the fifteen percent (15%) requirement of initiative or referendum petitions, then the City Clerk shall file a certificate of insufficiency and shall provide a copy thereof to the petition's sponsor or sponsors. The Petition Review Board shall, in that case, consider whether a fact finding hearing should be held for the purpose of preferring criminal charges. If the number of signatures on the questioned petition is determined to be sufficient, if obtained on unaltered petitions, then the Petition Review Board shall convene a fact finding hearing and make final determination.

SECTION 14. Fact Finding Hearing.

The members of the Petition Review Board shall convene a fact finding hearing in event of any temporary alteration where petition signatures would otherwise be sufficient, and in event of any permanent alteration which the Board may deem appropriate for investigation. The fact finding hearing shall be conducted in accordance with the following:

(a) Parties to the hearing shall be the petition challenger or challengers and the petition sponsor or sponsors. The challenger shall have the burden of proving the fact, nature and extent of any alteration by a preponderance of the evidence;

(b) The City Attorney shall conduct the hearing on behalf of the Petition Review Board;

(c) The Board shall determine whether alteration took place as alleged and, if so, shall determine whether the number of signatures invalidated by alteration reduces the number of signatures below the requisite fifteen percent (15%) minimum;

(d) The members of the Petition Review Board must agree unanimously in order to invalidate signatures on temporarily or permanently altered petitions;

(e) The hearing shall be electronically recorded;

(f) The Petition Review Board shall make its findings and decision and shall transmit the same to the City Clerk, who shall then file a final certificate of sufficiency or insufficiency, and shall provide a copy thereof to the petition challenger or challengers, if any, and to the petition sponsor or sponsors.

SECTION 15. Appeal to the Superior Court.

A certificate of insufficiency may be appealed by the sponsor or sponsors of any petition, or by any signer, and any final certificate of sufficiency or insufficiency, following review by the Petition Review Board, may be appealed by any aggrieved party to the King County Superior Court. Such appeal shall be by writ filed with the Superior Court within ten (10) calendar days following the filing of the certificate of insufficiency, or of the final certificate of sufficiency or insufficiency, and a copy thereof shall be served upon the City Clerk within three (3) days following such filing in the Superior Court.

SECTION 16. Certificate of Sufficiency - Action by City Council.

Within twenty (20) days following the filing by the City Clerk of a certificate of sufficiency as to any initiative or referendum petition, the request by the petitioners shall be placed upon the agenda of the City Council for consideration. The City Council may refer the matter to committee or may otherwise defer the matter for further investigation and study, providing that any such continuance or deferral shall not result in inability to place the initiative or referendum upon the ballot at the next City municipal election. The City Council may enact any ordinance, without alteration, proposed by initiative petition and may repeal any previously enacted ordinance pursuant to request of a referendum petition. If the City Council determines not to take such action in response to a petition, an appropriate ballot title shall be drawn, notice and publication shall be given, and the initiative or referendum measure shall be placed upon the ballot to be voted at the next following general or special city election, pursuant to law.

SECTION 17. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 18. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 26th day of June, 1990, and signed in authentication of its passage this 26th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 7/1/90

ORDINANCE NO. 90-1043

AN ORDINANCE of the City of SeaTac relating to highway and street safety and uniform traffic laws: adopting by reference state statutes requiring liability insurance of persons operating motor vehicles; requiring such operators to have possession of, and to display upon demand, insurance identification cards; establishing penalties for failure to have insurance; providing penalties for failure to possess or display an insurance identification card; and declaring an emergency.

WHEREAS, by Ordinance No. 90-1030, the City Council adopted the Washington Model Traffic Ordinance for the purpose of regulating traffic and motor vehicles in the interest of public safety; and

WHEREAS, by Chapter 353, Laws of 1989, the State Legislature required that all persons driving motor vehicles registered in this state be insured and carry an insurance identification card and display the same, upon request of a law enforcement officer; and **WHEREAS**, the State Legislature did not amend the Model Traffic Ordinance to automatically include these new laws; and **WHEREAS**, the City Council finds it to be essential to the public health, welfare and safety to adopt by reference the aforesaid state statutes requiring insurance and insurance identification cards;

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

SECTION 1. Motor Vehicle Liability Insurance Requirements. The following Revised Code of Washington as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish motor vehicle liability insurance requirements as part of the SeaTac Traffic Code:

46.30.010 Legislative intend.

46.30.020 Liability insurance or other financial responsibility required - violations - exceptions.

46.30.030 Insurance identification card.

46.30.040 Display of identification card or proof of financial responsibility - penalty for falsification.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 3. Copies to be Available. A copy of the portions of the Revised Code of Washington adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 4. Effective Date. The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 26th day of June, 1990, and signed in authentication of its passage this 26th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 7/1/90

ORDINANCE NO. 90-1044

AN ORDINANCE of the City of SeaTac relating to the regulation of boating, moorage and anchorage; establishing authority over City waters; adopting definitions; prohibiting negligent operation and establishing penalties; prohibiting reckless operation and establishing penalties; setting required distance from swimmers and rowboats; specifying speed limit on lakes; specifying speed limit on rivers; providing for removal of sunken vessels; providing for removal of floating objects; prohibiting intoxication and establishing penalties; prohibiting operation by incapacitated operator and establishing penalties; providing for actions and reports in event of accidents; providing overloading and establishing penalties; providing for restricted areas; limiting areas of swimming; prohibiting skin-diving in specified areas; regulating water skiing; prohibiting certain uses of whistles and lights; providing for equipment numbering; requiring life preservers and running lights; establishing rules of the road; prohibiting certain use of propellers and propulsion devices; prohibiting unsafe piers and establishing penalties; prohibiting drifting debris and establishing penalties; prohibiting spilling of oil and establishing penalties; declaring nuisances; requiring compliance with public health; establishing liability for damages; granting exemption to emergency watercraft; prohibiting aiding and abetting and establishing penalties; authorizing the directing of traffic; authorizing officers to board watercrafts; and providing for enforcement by City police.

WHEREAS, certain bodies of water exist within the corporate boundaries of the City of SeaTac which are, or may be, used for recreational purposes; and

WHEREAS, the use of such bodies of water should be regulated by the City to ensure the safety and enjoyment of all persons using the same or residing on or near the uplands thereof; and **WHEREAS**, such regulation is essential to the health, welfare and safety of all residents of the City;

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

SECTION 1. Authority Over Waters.

The City, in the exercise of its police power, assumes control and jurisdiction over all lakes, rivers, and other bodies of water within the area of its geographical boundaries.

SECTION 2. Boating Regulations:

The following sections of the King County Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish boating regulations, except that the reference therein, unless the context clearly indicates otherwise, references to King County shall refer to the City and references to the Sheriff or the King County Department of Public Safety shall refer to the City police department, whether contracted or employed:

12.44.020 Definitions.

12.44.040 Negligent operation but, in addition, it is hereby declared that such reckless operation shall be a violation of City Ordinance

equivalent to a misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not to exceed 90 days, a fine in amount not to exceed \$1,000.00, or both.

12.44.050 Reckless operation but, in addition, it is hereby declared that such negligent operation shall be a violation of City Ordinance equivalent to a gross misdemeanor and conviction thereof shall be punished

by a term of imprisonment in jail not to exceed 1 year, a fine in amount not to exceed \$5,000.00, or both.

12.44.060 Required distance from power craft to swimmers and rowboats, except that this section shall also apply to watercraft powered by jets, water pumps, or any form of water jet propulsion.

12.44.070 Speed limit specified - lakes - exception.

12.44.080 Speed limit specified - rivers - exception.

12.44.110 Sunken vessels.

12.44.120 Floating objects.

12.44.130 Intoxication, except that it is hereby declared that such intoxication shall be a violation of City Ordinance equivalent to a gross misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not to exceed 1 year, a fine in amount not to exceed \$5,000.00, or both.

12.44.140 Incapacity of operator, except that it is hereby declared that such incapacity of operator shall be a violation of City Ordinance equivalent to a gross misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not to exceed 1 year, a fine in

amount not to exceed \$5,000.00, or both.

12.44.150 Accidents.

12.44.160 Accident reports.

12.44.170 Accident reports confidential and inadmissible as evidence.

12.44.180 Overloading but, in addition, it is hereby declared that such overloading shall be a violation of City Ordinance equivalent to a misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not to exceed 90 days, a fine in amount not to exceed \$1,000.00, or both.

12.44.200 Restricted areas.

12.44.210 Swimming.

12.44.220 Skin-diving.

12.44.230 Water skiing.

12.44.350 Whistles and lights.

12.44.360 Equipment and numbering.

12.44.370 Life preservers and running lights.

12.44.400 Rules of the road.

12.44.410 Propellers, but the prohibition of this section shall also apply to watercraft powered by jets, water pumps, or any form of water jet propulsion.

12.44.420 Unsafe piers, but in addition it is hereby declared that failure to comply shall be a violation of City Ordinance equivalent to a gross misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not

to exceed 1 year, a fine in amount not to exceed \$5,000.00, or both.

12.44.460 Drifting debris, but in addition it is here-

by declared that failure to comply shall be a violation of City Ordinance equivalent

equivalent to a misdemeanor and

conviction thereof shall be punished

by a term of imprisonment in jail not

to exceed 90 days, a fine in amount not

to exceed \$1,000.00, or both.

12.44.470 Oil, but in addition it is hereby

declared that failure to comply shall

be a violation of City Ordinance equivalent

equivalent to a misdemeanor and

conviction thereof shall be punished

by a term of imprisonment in jail not

to exceed 90 days, a fine in amount not

to exceed \$1,000.00, or both.

12.44.480 Nuisances.

12.44.490 Public health.

12.44.510 Liability for damages.

12.44.520 Exemption to authorized emergency vessels and watercraft.

12.44.530 Aiding and abetting violation, but in

addition, it is hereby declared that such aiding and abetting shall be a violation of City Ordinance equivalent to a misdemeanor

and conviction thereof shall be punished

by a term of imprisonment in jail not

to exceed 90 days, a fine in amount not

to exceed \$1,000.00, or both.

12.44.540 Directing traffic, emergency powers.

12.44.710 Authority of officers to board watercraft.

12.44.730 Enforcement.

SECTION 3. Moorage and Anchorage Regulations.

It shall be unlawful to anchor, moor, beach, ground or otherwise secure any watercraft to the bed or shoreline of any waters or to any shoreline structure except under the following specific conditions:

(a) Where moored to a private pier or shore with the permission of the owner or lessee of the real property: Provided, That the watercraft so moored shall remain within the legal property waterline or the established boundaries as defined by general law or the appropriate governmental agency.

(b) Where moored to a public pier, buoy or float, specifically intended for public use, in a manner consistent with any posted regulations displayed on-site or any applicable laws, rules or regulations of the public agency with jurisdiction over use of such public property.

(c) Where owned, leased or under the control of a licensed and bonded contractor at the site of and necessary for the completion of a construction project which has received all necessary permits, approvals and licenses.

(d) Where anchorage or moorage is necessary because of an emergency situation. All violations of this Section are declared to be detrimental to the public safety, health and welfare and are declared public nuisances subject to abatement.

Violation of these moorage and anchorage regulations is declared to be a violation of City Ordinance equivalent to a misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not to exceed 90 days, a fine in amount not to exceed \$1,000.00, or both. **SECTION 4. RIGHT OF ENTRY, IMPOUNDMENT AND SALE.**

Whenever necessary to make an inspection in order to determine compliance or to enforce the provisions of these moorage and anchorage regulations, a police officer, or any other duly authorized City official, who has cause to believe that a violation has been or is being committed, may board and enter any watercraft to inspect the same, subject to the following conditions:

(a) If such watercraft is occupied, the inspector shall present identification credentials, state the reason for the inspection and demand entry.

(b) If such watercraft is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the craft and shall then demand entry. If the inspector is unable to locate the owner or such other persons, and if the inspector has reason to believe that conditions create an immediate and irreparable safety or health hazard, the inspector shall make entry without further notice.

(c) It shall be unlawful for any owner or any other person having charge, care or control of such watercraft to fail or neglect after proper demand has been given, to permit entry thereon where the inspector has reason to believe that moorage and anchorage regulations are being violated, and such failure or neglect shall be a violation of City Ordinance equivalent to a misdemeanor and conviction thereof shall be punished by a term of imprisonment in jail not to exceed 90 days, a fine in amount not to exceed \$1,000.00, or both.

SECTION 5. IMPOUNDMENT OF WATERCRAFT IN VIOLATION OF MOORAGE AND ANCHORAGE REGULATIONS.

The City may take immediate possession of and impound any watercraft, in-place or otherwise, upon finding that the craft is moored or anchored unlawfully, or appears to have been abandoned, or remains in place twenty-four (24) hours after service on the owner or other person having charge, care or control of such craft, either personally or by registered mail, of a notice to remove the craft or abate the nuisance, or the watercraft appears, after reasonable investigation, to be unsafe or incapable of water transportation. In the event possession is taken of any watercraft by the City, the expenses incurred by the City in the removal, towing, impounding and moorage of the same shall be paid by the owner and/or other person in charge thereof. In event a watercraft shall remain impounded for sixty (60) days and the charges of impoundment remain unpaid, the City may sell the same at public auction and the City may further maintain an action against the owner or any other person having charge, care or control of the watercraft for the recovery of the expenses of removal, towing, impoundment, and moorage, or any deficiency balance thereof remaining after sale of the craft.

SECTION 6. Severability.

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

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 26th day of June, 1990, and signed in authentication of its passage this 28th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 7/1/90

ORDINANCE NO. 90-1045

AN ORDINANCE of the City of SeaTac relating to land use regulations and zoning and establishing a hearing examiner system; providing for the appointment and term of the examiner; providing for removal; establishing qualifications; providing for an examiner pro tem; prohibiting improper influence; providing for functions relating to area zoning; specifying decisions appealable to the Council; specifying decisions which are final; providing for rules and regulations; requiring public hearings; providing for procedural notices; requiring report of the Department of Planning; establishing general criteria for examiner decision; providing additional criteria for pending area zoning; providing additional criteria for zoning decisions; providing additional criteria for subdivision decisions; providing additional criteria for variances; requiring examiner actions; providing for appeal to the examiner; providing for appeal to the Council; establishing a procedure for reconsideration; and providing for court review.

WHEREAS, the City Council has adopted a comprehensive land use plan and zoning ordinances; and

WHEREAS, the City Council intends to create a planning agency pursuant to RCW 35A.63.020 for the purpose of review of the existing comprehensive plan and preparation of a new comprehensive plan as required by recent State legislation and as required for City purposes; and

WHEREAS, many applications and appeals concerning zoning, subdivision and other land use matters will be received by the City which must be heard and decided; and

WHEREAS, a hearing examiner system would best serve the City's need to conduct such administrative and quasi-judicial hearings and to make recommendations to the Council or final decisions; and

WHEREAS, state law, RCW 35A.63.170 permits the City Council to adopt such a hearing examiner system for general purposes as stated therein, and in lieu of a board of adjustment;

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

SECTION 1. Purpose.

The purpose of this ordinance is 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 ordinance.

SECTION 2. Office Created.

The office of 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 examiner shall also exercise administrative powers and such other quasi-judicial powers as may be granted by ordinance.

SECTION 3. Appointment and Terms.

The examiner shall be appointed by the city manager, subject to confirmation by the Council, to serve for a term of two years.

SECTION 4. Removal.

The examiner may be removed from office at any time for just cause by the affirmative vote of a majority of the whole membership of the Council.

SECTION 5. Qualifications.

The 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.

SECTION 6. Examiner Pro Tem.

In the event of the absence or the inability of the examiner to act on an application, a hearing examiner pro tem may be appointed, in the manner specified in Section 2, for such application or period of absence, and shall have all the duties and powers of the examiner.

SECTION 7. Freedom from Improper Influence.

Individual Councilmembers, city officials or any other persons shall not interfere or attempt to interfere with the performance of the examiner's designated duties.

SECTION 8. Functions Relating to Area Zoning.

Prior to adopting new area zoning, the Council may choose to have the 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.

SECTION 9. Decisions Appealable to the Council.

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 given the effect of an administrative decision appealable to the Council:

1. Applications for reclassifications of property;
2. Applications for unclassified use permits;
3. Applications for planned unit developments;
4. Applications for preliminary plats;
5. Applications for shoreline environment redesignation;
6. Appeals from permit denials or conditions imposed on environmental grounds pursuant to the State Environmental Policy Act;
7. Appeals from threshold determinations

concerning applications subject to Council action;

8. Other applications or appeals which the Council may prescribe by ordinance, if specifically declared to be appealable to the Council.

SECTION 10. 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:

1. Applications for conditional use permits;

2. Applications for variances;

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

4. Appeals from the decisions of the director of planning and community development or

designee on applications for short subdivisions;

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

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

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 examiner;

9. Other applications or appeals which the Council may prescribe by ordinance.

SECTION 11. Hearing Procedures.

The examiner shall have the power to prescribe procedures for the conduct of hearings subject to confirmation of the Council; and also to issue summons and subpoena to compel the appearance of

witnesses and production of documents and materials, to order discovery, to

administer oaths, and to preserve order.

SECTION 12. Public Hearing.

A. Before rendering a decision on any application or appeal, the examiner shall hold at least one public hearing thereon. For applications subject to Council action, the public hearing by the

examiner shall constitute a hearing by the Council.

B. Whenever a project requires more than one permit or approval, the examiner may order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the examiner to order and conduct consolidated hearings shall be final in all cases.

SECTION 13. Procedural Notice Requirements.

Unless otherwise provided by ordinance, the director of planning and community development shall cause notice of the time and place of the public hearing to be mailed to all persons of record at least fourteen 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 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.

SECTION 14. Planning Department Report.

When an application or appeal has been set for public hearing, the planning department shall coordinate and assemble the reviews of other 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 findings and

recommendation or decision. At least fourteen 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 examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials.

SECTION 15. General Criteria for Examiner Decisions.

A. Each decision of the examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.

B. The examiner's findings and conclusions shall set forth and demonstrate the manner in which the decision is consistent with, carries out and helps 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.

C. The examiner shall accord substantial weight to the recommendation of the planning department.

SECTION 16. Additional Criteria for Pending Area Zoning Recommendations.

When the examiner considers individual property owner requests for pending area zoning, the examiner shall prepare a report which contains additional findings based on the applicable proposed comprehensive plan causing the pending area

zoning.

SECTION 17. Additional Criteria for Zoning Decisions.

When the examiner issues a decision regarding an application for a reclassification of property, the decision shall include additional findings which support the conclusion that at least one of the following circumstances applies:

1. The property is potentially zoned for the reclassification being requested and conditions have been met which indicate the reclassification is appropriate; or
2. The adopted comprehensive plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or
3. The applicant has demonstrated with substantial evidence that:
 - a. Since the last previous area zoning, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the comprehensive plan or area zoning; and
 - b. The requested reclassification is required in the public interest.

SECTION 18. Additional Criteria for Subdivision Decisions.

When the 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.

SECTION 19. Additional Criteria for Variances.

A variance shall not be granted unless the examiner finds:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in

which the property on behalf of which the application was filed is located; and

2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or

improvements in the vicinity and zone in which the subject property is situated.

SECTION 20. Examiner Actions.

Within ten days of the conclusion of a hearing or rehearing, the examiner shall render a written recommendation or decision and shall transmit a copy thereof to all persons of record.

A. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications and restrictions as the

examiner 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 ordinance, policies and objectives of the City.

B. The conditions, modifications and restrictions that the examiner may impose include additional setbacks, screenings in the form of landscaping or fencing, covenants, easements and dedications of additional road right-of-way. Performance bonds or equivalent measures may be required to insure compliance with the conditions, modifications and restrictions.

SECTION 21. Appeal to Examiner - Notice and Content.

All notices of appeal regarding any decision being appealed to the examiner shall be filed with the city clerk within ten calendar days from the date of the issuance of such decision together with a filing fee in the amount of \$50.00 or in such other amount as may be specified by resolution of the City Council. All notices of appeal shall state with specificity the decision being appealed

and the reasons why the appealed decision should be reversed or modified.

SECTION 22. Appeal to Council - Notice.

Decisions by the examiner on cases subject to Council action may be appealed to the Council by an aggrieved party by filing a notice of appeal with the city clerk within fourteen calendar days of the date the examiner's written decision is mailed, together with a filing fee in the amount of \$50.00 or in such other amount as may be specified by resolution of the City Council. If no appeal is filed within fourteen calendar days, the examiner's decision shall be considered as final and conclusive.

SECTION 23. Appeal to Council - Content.

If a notice of appeal has been filed, the appellant shall file written arguments within twenty-one calendar days of the date the

examiner's written decision is mailed. The written arguments should specify the

basis for the appeal and any arguments in support of the appeal. If appeal arguments are not timely filed, the examiner's decision shall be considered as final and conclusive.

SECTION 24. Appeal to Council - Consideration.

Consideration by the Council of the appeal shall be based upon the record of the examiner's public hearing and upon written appeal statements based upon the record; provided the Council may allow

parties a period of time for oral argument based on the record. The examiner may conduct a conference with all parties to the appeal for the purpose of clarifying or attempting to resolve

certain issues on appeal, provided such conference shall be informal and shall not be part of the public record.

If, after consideration of the record, written appeal statements and any oral argument the Council may:

1. Affirm the decision of the examiner; or
2. Determine that an error in fact or procedure may exist or additional information or clarification is desired, the Council shall remand the matter to the examiner; or
3. Determine that the recommendation of the examiner is based on an error in judgment of conclusion, the Council may modify or reverse the decision of the examiner.

SECTION 25. Appeal to Council - Council Action.

The Council shall take final action by ordinance or resolution on an examiner's recommendation on area zoning or on any appeal of an examiner's decision and when doing, the Council shall make and enter findings of fact and conclusions from the record which support its action. Said findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement objectives and goals of the comprehensive plan, the zoning code, the subdivision code and other official laws, policies and objectives of the city. The Council may adopt as its own all or portions of the examiner's findings and conclusions.

SECTION 26. Reconsideration of Final Action.

The Council may reconsider any action after it has become final if:

1. The action was based in whole or in part on erroneous facts or information;
2. The action when taken failed to comply with existing laws or regulations applicable thereto; or
3. An error or procedure occurred which prevented consideration of the interests of persons directly affected by the action.

SECTION 27. Review of Final Decisions.

A. Decisions of the Council shall be final and conclusive unless within twenty calendar days, or within thirty calendar days for decisions approving or denying plats, from the date of the

Council's action, an aggrieved person applies for writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken; provided, no development or related

action may occur during said twenty-day, or thirty-day for plat approvals, appeal period.

B. Decisions of the examiner in cases identified in Section 10 shall be final and conclusive, unless, within ten days from the effective date of the action, the original applicant or an adverse

party makes application to the Superior Court in and for the county of King, state of Washington, for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

SECTION 28. Severability.

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

SECTION 29. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting of thereof on the 26th day of June, 1990, and signed in authentication of its passage this 28th day of June, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 7/1/90

ORDINANCE NO. 90-1046

AN ORDINANCE of the City of SeaTac relating to surface water management; stating the purpose for comprehensive management of surface and storm waters; providing definitions; establishing when drainage review is required; requiring engineering plans; establishing requirements for drainage review; providing for critical drainage areas; establishing procedures for submitting engineering plans; establishing procedures and conditions related to construction timing and final approval; requiring bonds and liability insurance; providing for maintenance of subdivision retention/detention facilities; establishing procedures in event of hazards; authorizing administration; establishing applicability to governmental entities; and establishing an effective date.

WHEREAS, by Ordinance No. 90-1016, the City Council previously adopted a surface water management program and established service charges; and

WHEREAS, King County has updated its Surface Water Runoff Policy and has implemented a Surface Water Design Manual; and **WHEREAS**, the City Council finds that the public health, safety and welfare would be promoted by establishing similar comprehensive and technical requirements for management of surface and storm waters and for erosion control, to include a Surface Water Drainage Design Manual;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC DO

ORDAIN AS FOLLOWS:

SECTION 1. Purposes.

The City Council finds this ordinance is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system.

SECTION 2. Definitions.

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

B. "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.

C. "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.

D. "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.

E. "Department" means the Department of Public Works.

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

G. "Development" means for the purposes of this Ordinance 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.

H. "Director" means the Director of the Department of Public Works or the director's designee.

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

J. "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 manmade.

K. "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.

L. "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.

M. "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.

N. "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 Ordinance.

O. "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.

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

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

R. "Preapplication" for the purposes of this Ordinance 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.

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

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

U. "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.

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

W. "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.

X. "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.

Y. "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.

Z. "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.

AA. "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.

BB. "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.

SECTION 3. 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 Public Works

Director.

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.

SECTION 4. Engineering Plan - Contents.

All submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the plan review process section of the Surface Water Design Manual.

SECTION 5. Drainage Review - Requirements.

A. **Code Requirements.** Every permit or approval application with drainage review required by Section 3 of this Ordinance must meet each of the following corerequirements which are described in detail in the Surface Water Design Manual;

1. Core Requirement #1. Discharge at the natural location. The discharge from a project site must occur at the natural location and/or produce no significant adverse impact, as described in the Surface Water Design Manual.

2. Core Requirement #2. Off-site analysis. All projects must identify the upstream tributary drainage area and perform a downstream analysis. Levels of analysis required depend on the problems identified or predicted. At a minimum, a level one analysis as described in the Surface Water Design Manual must be submitted with the initial permit application.

3. Core Requirement #3. Runoff control. All projects shall provide runoff controls to control the quantity and quality of runoff from the project by limiting the peak rates of runoff from design storm events to the predeveloped peak rates based on the project site's existing

runoff conditions. The design volume, when detention facilities are required by the Surface Water Design Manual to meet the standard runoff control performance curve for the two- and ten-year, twenty-four hour duration design storm events, shall be increased by a thirty percent factor for safety. This factor of safety shall be reviewed as new research is completed to evaluate its effectiveness.

Project runoff resulting from more than five thousand (5,000) square feet of impervious surface, and subject to vehicular use or storage of chemicals, shall be treated prior to discharge from the project site by biofiltration measures as specified in the Surface Water Design Manual.

4. Core Requirement #4. Conveyance system. All conveyance systems for projects must be analyzed, designed and constructed for existing tributary off-site flows and developed on-site flows from the project.

5. Core Requirement #5. Erosion/sedimentation control plan. All engineering plans for projects that involve modification or significant impact to existing drainage facilities and/or construction of new drainage facilities must include a plan to control erosion and sedimentation during construction and to permanently stabilize soils at the site.

6. Core Requirement #6. Maintenance and operation. Maintenance of all drainage facilities constructed or modified by a project is the responsibility of the property owner as described in the Surface Water Design Manual, except the City may perform maintenance of drainage facilities constructed for formal plat subdivisions, and some short plat subdivisions, two years after final plat recording following an inspection by the City.

7. Core Requirement #7. Bonds and liability. All drainage facilities for projects (except downspout roof drain infiltration systems) must comply with the bond and liability requirements of Section 9 of this Ordinance.

B. 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:

1. Special Requirement #1. Critical drainage area. If a project lies within an area designated by Ordinance or by the Public Works Director 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 Public Works Director.

2. 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.

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

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

b) 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

c) Is a commercial building permit or planned unit development that will eventually construct more than fifty (50) acres of impervious surface; or

d) 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.

4. 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.

5. 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

a) 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

b) 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.

6. 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.

7. 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;

8. 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;

9. 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;

10. 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);

11. 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;

12. 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.

C. Variances From Requirements. Where application of the provisions of this section may deny reasonable use of a property, the core and special requirements contained in this section and/or other requirements in the Surface Water Design Manual may be proposed for a variance.

1. A variance may be proposed provided that the resulting development shall be subject to all of the remaining terms and conditions of this Ordinance and provided that granting the variance will:

a) Produce a compensating or comparable result which is in the public interest; and

b) Meet the objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. Variance requests shall be processed in accordance with procedures specified in the Surface Water Design Manual.

3. Proposed variances to the core and special requirements must be approved prior to permit approval and construction.

4. The applicant may appeal the denial of a requested variance by following the appeal procedures as specified in the Surface Water Design Manual.

SECTION 6. 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 Public Works Director, 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 Ordinance.

SECTION 7. Engineering Plans - Procedures for Submittal.

A. **Where to Submit.** All engineering and master drainage plans shall be submitted to the Public Works Director.

B. **Expiration.** The expiration time frames as specified in the Surface Water Design Manual will apply to all permit and approval applications.

C. **Processing.** All plans will be processed in accordance with the review procedures specified in the Surface Water Design Manual.

SECTION 8. 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 Public Works Director.

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 3 of this Ordinance 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 Public Works Director but only to minimize impacts that may result from construction during inappropriate times of the year.

SECTION 9. Bonds and Liability Insurance Required.

The Public Works Director 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.

A. **Drainage Facilities Restoration and Site Stabilization Bond.** Prior to commencing construction, the person required to construct the drainage facility pursuant to Section 5 of this Ordinance 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 Public Works Director 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 3 of this Ordinance. The Public Works Director shall have discretion to determine whether the site is in violation of the requirements of this Ordinance, 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 Public Works Director 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.

B. Defect and Maintenance Bond. After satisfactory completion of the drainage facility or final plat approval, whichever occurs last, the person required to construction the facility pursuant to this Ordinance shall post a defect and maintenance bond warranting the satisfactory performance and maintenance of the drainage facility and guaranteeing the workmanship and materials used in the construction of the facility for a period of two years. For subdivision retention/detention facilities over which the City may assume maintenance, pursuant to Section 10 of this Ordinance, the defect and maintenance bond shall be posted for a period of two years or until the City assumes maintenance, whichever is longer. The Public Works Director shall not release the defect and maintenance bond until all inspection fees are paid.

C. 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 Ordinance, the Public Works Director shall notify the permittee and surety in writing, and in the absence of an adequate response within seven 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.

D. Liability Policy. The person required to construct the facility pursuant to Section 5 of this Ordinance shall maintain a liability insurance policy in an amount not less than five hundred thousand dollars (\$500,000.00) per individual, five hundred thousand dollars (\$500,000.00) per occurrence and one hundred thousand dollars (\$100,000.00) property damage, which shall name the City as an additional insured, and which shall protect the City from any liability up to those amounts for any accident, negligence, failure of the facility, or any other liability whatsoever, relating to the construction or maintenance of the facility. Proof of said liability policy shall be provided to the Public Works Director prior to commencing construction of any drainage facility, provided that in the case of facilities assumed by the City for maintenance, pursuant to Section 10 of this Ordinance, the said liability policy shall be terminated when the City actually assumes maintenance responsibility.

SECTION 10. Maintenance of Subdivision Retention/ Detention Facilities.

Maintenance of all subdivision retention/detention facilities shall remain the responsibility of the person required to construct the retention/detention facilities until all conditions of this Section have been met.

Only after all of the following conditions have been met shall the City assume maintenance of the subdivision retention/detention facility:

A. All of the requirements of Section 9 of this Ordinance have been fully met;

B. All necessary easements or tracts entitling the City to ingress and egress and to properly maintain the retention/detention facility have been conveyed to the City and boundary survey stakes established.

C. The Public Works Director has conducted an inspection and determined that the facility has been properly maintained and is operating as designed. This inspection shall occur within two years after posting of the defect and maintenance bond.

D. **EXCEPTION:** A retention/detention facility located within and servicing only an individual lot shall not be accepted by the City for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.

SECTION 11. Hazards.

Whenever the Public Works Director determines that any existing construction site, erosion/ sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of City rights-of-way, utilities and/or other property owned or maintained by the City, the person to whom the permit was issued pursuant to Section 3 of this Ordinance, the owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility and/or other person or agent in control of said property, upon receipt of notice in writing from the Public Works Director shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this Ordinance.

Should the Public Works Director have reasonable cause to believe that the situation is so adverse as to preclude written notice, the Director may take immediate measures necessary to eliminate the hazardous situation, provided that a reasonable effort shall be made to locate the owner before acting. In such instances, the person of whom a drainage plan was required pursuant to Section 3 of this Ordinance, the owner of the property and/or the person responsible for the maintenance of the facility, shall be obligated for the payment of all costs incurred. If costs are incurred and a bond pursuant to this Ordinance or other City requirement has been posted, the Public Works Director shall have the authority to collect against the bond to cover costs incurred.

SECTION 12. Administration.

The Public Works Director is authorized to promulgate and adopt administrative rules and regulations for the purpose of implementing and enforcing the provisions of this Ordinance.

A. **Inspections.** The Public Works Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this Ordinance.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or whenever the Public Works Director has reasonable cause to believe that violations of this Ordinance are present or operating on a subject property or portion thereof, the Public Works Director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Public Works Director by this Ordinance, 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 Public Works Director to inspect or perform any duty imposed upon the Public Works Director by this Ordinance. The Public Works Director 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 days from the receipt of notification, the Public Works Director 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.

section 13. Applicability to Governmental Entities.

All municipal corporations and governmental entities shall be required to submit a drainage plan and comply with the terms of this Ordinance when developing and/or improving land within the City, including, but not limited to, road building and widening, with the exception of drainage projects involving the City.

SECTION 14. Severability.

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

SECTION 26. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 14th day of August, 1990, and signed in authentication of its passage this 14th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 8/17/90

ORDINANCE NO. 90-1047

AN ORDINANCE of the City of SeaTac creating a planning agency; providing for membership; providing for appointment of members; establishing terms of office; authorizing rules of procedure; providing for conflicts of interest; requiring meetings; authorizing joint meetings; providing for expenses; requiring actions as to a comprehensive plan; requiring development regulations; authorizing research; providing for reports on planning progress; and declaring an emergency.

WHEREAS, by Ordinance No. 90-1018, the City Council adopted by reference certain existing communities plans as an interim comprehensive plan for the City and provided for preparation of a new comprehensive plan by a planning agency; and

WHEREAS, state law, RCW 35A.63.020 authorizes the City to create a planning agency; and

WHEREAS, the City Council finds that creation of a planning agency is in the best interests of the City and its citizens; and **WHEREAS**, the City Council finds, as a fact, that this Ordinance, and the Planning Commission created herein, are necessary for the immediate preservation of public peace, health, and safety in that state law mandates immediate action to classify lands and to commence implementation of a new comprehensive land use plan and development regulations;

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

SECTION 1. Agency Created.

There is hereby created a planning agency to be known as "The Planning Commission of the City of SeaTac", to serve in an advisory capacity to the City Council.

SECTION 2. Membership.

There shall be seven members of the Planning Commission. Five of the members shall be residents of the City. Two of the members shall own, operate or be employed by business entities located within the City.

SECTION 3. Appointment.

The members of the Planning Commission shall be appointed by the Mayor, subject to confirmation by the City Council.

SECTION 4. Term of Office.

Members of the Planning Commission shall serve for a term of five years. However, the initial members shall be appointed to serve for the following terms: Two members shall serve a two year term; two members shall serve a three year term; two members shall serve a four year term; and one member shall serve a five year term. 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 3 of this Ordinance.

SECTION 5. Rules of Procedure.

The Planning Commission shall elect its own Chairperson and may create and fill such other offices as may be determined to be required. A majority of the membership of the Planning Commission shall constitute a quorum for the

transaction of business. Any action taken by a majority of the members present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission shall be deemed to be the action of the Commission. The Planning Commission is authorized to adopt rules of procedure for the conduct of its business, subject to confirmation by the City Council.

SECTION 6. Compensation.

The members of the Planning Commission shall serve without compensation.

SECTION 7. Expenses.

The City Council may appropriate a budget for use of the Planning Commission in meeting such expenses and expenditures as may be necessary. The City shall provide to the Planning Commission

adequate space and facilities and necessary supplies to facilitate the official business of the Commission.

SECTION 8. Conflicts of Interest.

If any member of the Planning Commission concludes that such member has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Commission, that member shall disqualify himself or herself from participating in the deliberations and the decision-making process with respect to that matter. If this occurs, the Mayor may appoint, without confirmation by the City Council, a person to serve as an alternate on the Planning Commission in regard to that particular matter.

SECTION 9. 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 Director of Planning & Community Development, or designee, shall attend each meeting of the Planning Commission and shall take and publish minutes of each meeting. The 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.

SECTION 10. Joint Meetings Authorized.

The Planning Commission may hold joint meetings with one or more city or county planning agencies and may engage in regional planning activities.

SECTION 11. Comprehensive Plan.

The Planning Commission shall prepare a comprehensive plan for the City, in accordance with state law, and shall recommend the same to the City Council for adoption. The Planning Commission may thereafter, from time to time, but not more frequently than once every year, recommend to the City Council such changes, amendments or additions to the comprehensive plan as may be deemed desirable.

SECTION 12. Development Regulations.

The Planning Commission shall recommend to the City Council such development regulations which may be deemed necessary. Such development regulations shall be consistent with and shall implement the comprehensive plan.

SECTION 13. Research.

The Planning Commission shall, with the assistance of the Director of Planning & Community Development 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.

SECTION 14. Reports of Planning Progress.

The Planning Commission shall annually provide to the City Council a report on progress made in implementing the goals and requirements of state law and on the status of land-use policies and procedures within the City.

SECTION 15. Severability.

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

SECTION 16. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a special meeting thereof on the 17th day of July 1990, and signed in authentication of its passage this 19th day of July, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 7/20/90

ORDINANCE NO. 90-1048

AN ORDINANCE of the City of SeaTac relating to enforcement of compliance with zoning, public health and business regulatory ordinances; establishing authority of the Director of Public Works; providing definitions; declaring nuisances; establishing right of entry; authorizing abatement proceedings; establishing civil penalties; establishing criminal violations; providing for notices and orders; providing for suspension and revocation of permits; providing for recovery of civil penalties and costs of abatement; declaring junk motor vehicles a nuisance and providing a procedure for compliance or abatement; repealing Sections 3 and 4 of Ordinance No. 90-1019; and declaring an emergency.

WHEREAS, the City Council has enacted Ordinance No. 90-1019 regulating zoning, Ordinance No. 90-1020 regulating subdivisions, Ordinance No. 90-1021 regulating building and construction; Ordinance 90-1022 adopting a fire code, Ordinance No. 90-1023 establishing various development fees, Ordinance No. 90-1026 regulating health and sanitation, Ordinance No. 90-1039 regulating certain business activities, and Ordinance No. 90-1044 regulating boating activities; and

WHEREAS, the City Council finds that enforcement of the said Ordinances, as authorized in Sections 3 and 4 of Ordinance No. 90-1019 should be expanded in the interest of public health, welfare and safety;

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

SECTION 1. Authority of the Director of Public Works.

The Director of the Department of Public Works is authorized to utilize the procedures of this Ordinance to enforce any and all violations of land use, public health and business regulatory ordinances of the City, and shall establish an Office of Code Enforcement for those purposes.

SECTION 2. Definitions.

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

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

(b) "Director", means the Director of the Department of Public Works.

(c) "Hearing Examiner", means the hearing examiner of the City of SeaTac as created by Ordinance No. 90-1045.

SECTION 3. Declaration of Nuisance.

All violations of land use, public health, and business regulatory ordinances are declared to be detrimental to the public health, safety and welfare and are public nuisances. All conditions which are determined by the Director or code enforcement officer to be in violation of any land use, public health, or business regulatory ordinances shall be subject to the provisions of this Ordinance and shall be corrected by any reasonable and lawful means, as provided in this Ordinance.

SECTION 4. Right of Entry.

(a) Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any land use, public health or business regulatory ordinance, or whenever the Director or code enforcement officer has cause to believe that a violation of any land use, public health or business regulatory ordinance has been or is being committed, the code enforcement officer may enter any building, structure, property or portion thereof at reasonable times to inspect the same.

(b) If such building, structure, property or portion thereof is occupied, the code enforcement officer shall present identification credentials, state the reason for the inspection, and demand entry.

(c) If such building, structure, property or portion thereof is unoccupied, the code enforcement officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the code enforcement officer is unable to locate the owner or such other persons and has reason to believe that conditions therein create an immediate and irreparable land use or health hazard, the code enforcement officer shall make entry.

(d) It is unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper demand has been given to permit prompt entry thereon.

(e) Unless entry is consented to by the owner or person in control of any building, structure, property or portion thereof or conditions are believed to exist which create an immediate and irreparable land use or health hazard, the code enforcement officer, prior to entry, shall obtain a search warrant or inspection warrant.

SECTION 5. Alternate Legal Remedies.

Notwithstanding the existence or use of any other remedy, the Director or code enforcement officer may seek legal or equitable relief to enjoin any acts or practices, as an alternative or in addition to the abatement of any conditions which constitute or will constitute a violation of any land use, public health or business regulatory ordinance or rules and regulations adopted thereunder.

SECTION 6. Criminal Violations.

The City shall also have full authority to enforce all provisions of land use, public health and business regulatory ordinances as an alternative to any other judicial or administrative remedy provided in this or any other Ordinance. Any person who wilfully or knowingly violates any land use, public health or business regulatory ordinance, or rule and regulation adopted thereunder, or any other issued pursuant this Ordinance, or by any act of commission or omission procures, aids, or abets such violation, shall be guilty of a violation of a City ordinance and upon conviction shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisonment for a term not to exceed one (1) year, or both, and each day during which such violation continues shall be considered an additional violation.

SECTION 7. Abatement Proceedings Authorized.

In addition to, or as an alternative to any judicial or administrative remedy provided in this Ordinance or by law or other Ordinance, the Director or code enforcement officer may order a land use, public health or business regulatory ordinance violation to be abated. The Director or code enforcement officer may order any person who creates or maintains a violation of any land use, public health or business regulatory ordinance, or rules and regulations adopted thereunder, to commence corrective work and to complete the work within such

time as the Director or code enforcement officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Director or code enforcement officer shall proceed to abate the violation and cause the work to be done. The costs thereof shall be charged as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

SECTION 8. Assessment of Civil Penalties.

(a) Any person or organization who violates any land use, public health or business regulatory ordinance, or rules and regulations adopted thereunder, or the conditions of any permit issued pursuant to such ordinances, or who, by any act of commission or omission procures, aids or abets such violation shall be subject to civil penalties as provided in this Ordinance.

(b) Civil penalties may be directly assessed by the Director or code enforcement officer by means of a notice and order issued pursuant to this Ordinance and may also be assessed in any legal action filed with the Courts.

(c) Civil penalties assessed by means of a notice and order shall be collected in accordance with the lien, personal obligation, and other procedures specified in this Ordinance. Civil penalties assessed in a legal action in Court shall be collected in the same manner as judgments in civil actions.

SECTION 9. Accumulations of Civil Penalties.

(a) Any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by said person or his or her immediate family shall be deemed to be engaged in noncommercial ventures for purposes of this Ordinance. All other persons shall be deemed to be engaged in commercial ventures for purposes of this Ordinance.

(b) Each and every day or portion thereof during which any violation is committed, continued, permitted or not corrected shall be deemed a violation for purposes of this Ordinance. Civil penalties for failure to obtain any required permit shall begin to accrue on the first day activity subject to the permit requirement is commenced and shall cease to accrue on the day the permit is obtained. Civil penalties for violation of any stop work order shall begin to accrue on the first day the stop work order is posted and shall cease on the day the work is actually stopped.

SECTION 10. Schedule of Civil Penalties.

(a) Civil penalties for violations by persons engaged in commercial ventures shall be assessed pursuant to the following schedule:

Violation of Ordinance No. 90-1026

relating to air pollution \$1,000 per violation

Violation of Ordinance No. 90-1026

relating to water pollution \$1,000 per violation

Violation of Ordinance No. 90-1026

relating to consumer protection

for purchases of real property \$ 500 per violation
Violation of Ordinance No. 90-1017
relating to solid waste \$1,000 per violation
Violation of Ordinance No. 90-1029
relating to noise \$ 500 per violation
Violation of Ordinance No. 90-1049
relating to water and sewer systems \$ 250 per violation
Violation of Ordinance No. 90-1021
relating to grading and grading
permits \$ 500 per violation
Violation of Ordinance No. 90-1020
relating to subdivisions \$ 250 per violation
Violation of Ordinance No. 90-1039
relating to business licenses and
regulations \$ 500 per violation
Violation of any stop work order \$ 500 per violation
All other violations of any land
use, public health, or business
regulatory ordinance \$ 150 per violation

(b) Civil penalties for violations by persons engaged in noncommercial ventures shall be assessed pursuant to the following schedule:

Violation of Ordinance No. 90-1026 relating to air pollution \$ 500 per violation
Violation of Ordinance No. 90-1026 relating to water pollution \$ 500 per violation
Violation of Ordinance No. 90-1026 relating to consumer protection
for purchases of real property \$ 250 per violation
Violation of Ordinance No. 90-1017 relating to solid waste \$ 500 per violation
Violation of Ordinance No. 90-1029 relating to noise \$ 50 per violation
Violation of Ordinance No. 90-1049 relating to water and sewer systems \$ 100 per violation

Violation of Ordinance No. 90-1021 relating to grading and grading permits \$ 100 per violation

Violation of Ordinance No. 90-1020 relating to subdivisions \$ 100 per violation

Violation of any stop work order \$ 100 per violation

All other violations of any land use, public health, or business regulatory ordinance \$ 25 per violation

(c) Penalties for the second separate violation by the same person shall be double the rates identified in subsections (a) and (b) of this Section. Penalties for any separate violation beyond a second violation by the same person shall be triple the rates identified in subsections (a) and (b) of this Section.

SECTION 11. Initiation of Enforcement Action.

(a) Whenever the City has reason to believe that a use or condition exists in violation of any land use, public health, or business regulatory ordinance, or rules and regulations adopted thereunder, the Director or code enforcement officer shall initiate injunctive action or, at the Director's discretion, shall initiate an administrative notice and order proceeding pursuant to this Ordinance to assess civil penalties, to abate the violation, or to suspend or revoke any regulatory permits issued by the City.

(b) Pending commencement and completion of the notice and order procedure provided for in this Ordinance, the Director or code enforcement officer may cause a stop work order to be posted on the subject property or to be served on persons engaged in any work or activity in violation of a land use, public health, or business regulatory ordinance. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorized by the Director or code enforcement officer to proceed.

SECTION 12. Notice and Order.

(a) Whenever the Director or code enforcement officer has reason to believe that violation of a land use, public health, or business regulatory ordinance, or any rules and regulations adopted thereunder, will be most promptly and equitably terminated by an administrative notice and order proceeding, written notice and order shall be directed to the owner and operator of the source of the violation, the person in possession of the property where the violation originates, and the person otherwise causing or responsible for the violation.

(b) The notice and order shall contain:

(1) The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

(2) A statement that the Director or code enforcement officer has found the person to be in violation of a land use, public health or business regulatory ordinance with a brief and concise description of the conditions found to be in violation;

(3) A statement of the corrective action required to be taken. If the Director or code enforcement officer has determined that corrective work is required, the order shall require that all necessary permits be secured and that the work and be completed within such time as the Director or code enforcement

officer determines is reasonable under the circumstances;

(4) A statement specifying the amount of any civil penalty assessed by reason of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;

(5) Statements advising that: if any required work is not completed within the time specified, the Director or code enforcement officer will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and if any assessed civil penalty is not paid, the Director or code enforcement officer will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation.

(6) A statement advising that the order shall become final, unless, no later than ten (10) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner.

SECTION 13. Supplemental Notice and Order.

The Director or code enforcement officer may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this Ordinance.

SECTION 14. Service.

Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Ordinance. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may be, but is not required to be posted on the subject property.

SECTION 15. Administrative Conference.

An informal administrative conference may be conducted any time by the Director or code enforcement officer for the purpose of providing a forum for efficient resolution of any violations. The Director or code enforcement officer may call a conference in response to a request from any person aggrieved by the notice and order, or on the Director's or code enforcement officer's own motion. Attendance at the hearing shall be determined by the Director or code enforcement officer and need not be limited to those named in a notice and order. As a result of information developed at the conference, the Director or code enforcement officer may affirm, modify or revoke the order. The administrative conference is optional and is not a prerequisite to utilization of any of the enforcement provisions described in this Ordinance.

SECTION 16. Appeals.

(a) Any person aggrieved by the notice and order may request in writing, within ten (10) days of the service of the notice and order, an appeal hearing before the SeaTac hearing examiner. The request shall cite the notice and order appealed from and shall contain a brief statement of the reasons for seeking the appeal hearing. The written

request shall be filed with the City Clerk within the said ten (10) day period.

(b) The appeal hearing shall be electronically recorded and the hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by Ordinance. The appeal hearing shall be conducted within a reasonable time after receipt of the request for 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 to every appealing party, to the Director, and to other interested persons who have requested in writing that they be so notified. The Director may submit a report and other evidence indicating the basis for the enforcement order.

(c) Each party shall have the following rights, among others:

- (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (2) To introduce documentary physical evidence;
- (3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- (4) To produce rebuttal evidence;
- (5) To represent himself or herself or to be represented by an attorney at law.

(d) Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if it is found that a violation occurred. The hearing examiner shall reverse the order if it is found that no violation occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage pre-paid, return receipt requested, to all the parties.

(e) Whenever possible, the appeal shall be combined with any other appeal from enforcement actions relating to the same subject matter and falling within the jurisdiction of the hearing examiner.

SECTION 17. Finality of Order.

(a) Any order duly issued by the Director or code enforcement officer pursuant to the procedures contained in this Ordinance shall become final ten (10) days after service of the notice and order unless a written request for hearing is filed with the City Clerk within that ten-day period.

(b) An order which has been appealed shall become final twenty (20) days after mailing the hearing examiner's decision unless within that time period an aggrieved person initiates review in the King County Superior Court.

SECTION 18. Enforcement of Final Order.

(a) If, after any order has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Director may:

- (1) Cause such person to be prosecuted under the provisions of this Ordinance; and/or

(2) Institute any appropriate action to collect a civil penalty assessed under Ordinance No. 90-1019; and/or

(3) Abate the violation; and/or

(4) File in the office of the King County Recorder a notice of lien; and/or

(5) Pursue any other appropriate remedy at law or equity, including a lien for foreclosure action.

(b) Enforcement of any notice and order shall be stayed during the pendency of any appeal, except when the Director determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

SECTION 19. Personal Obligation Authorized.

The civil penalty and the costs of abatement, together with any costs incurred by the Department of Public Works, are also joint and separate personal obligations of any person or persons in violation. The City Attorney, on behalf of the City, may collect the civil penalties and abatement costs through any appropriate legal remedies. The civil penalty and abatement costs are deemed public debt and the City may retain collection agencies to collect such debt pursuant to RCW 19.16.500, as presently existing or as may subsequently be amended.

SECTION 20. Lien Authorized.

The City shall have a lien for any civil penalty imposed and for the cost of any abatement work done pursuant to this Ordinance, together with any costs incurred by the Department of Public Works, against the real property on which the civil penalty was imposed or any of the work of abatement was performed.

SECTION 21. Priority of Lien.

The lien shall have priority over all other liens, except the lien of general taxes and any other liens which, by state law, are entitled to priority, with which such liens the lien of the City shall be on a parity.

SECTION 22. Claim of Lien.

(a) The Director shall cause a claim of lien to be filed for record in the office of the King County Recorder within ninety (90) days from the date of completion of the abatement work.

(b) The claim of lien shall contain the following:

(1) The authority for imposing a civil penalty or proceeding to abate the violation, or both;

(2) A brief description of the civil penalty imposed or the abatement work done, or both, including the time the work was commenced and completed;

(3) A description of the property charged with the lien;

(4) The name of the known or reputed owner, and if not known, that fact shall be alleged; and

(5) The amount for which the lien is claimed.

(c) The Director, or his authorized representative, shall sign and

certify the claim of lien.

SECTION 23. Duration of Lien.

The lien shall cease to have effect three (3) years after the date the notice of lien was filed, unless an action shall have been commenced in the Superior Court, within that time, to foreclose the lien.

SECTION 24. Foreclosure of Lien.

The lien provided by this Ordinance may be foreclosed and enforced by a civil action in the Superior Court. All persons or entities holding an interest of record in the subject real property prior to the date of filing of the notice of lien shall be joined as parties. Dismissal of any action to foreclose a lien, on request of the plaintiff, shall not prejudice any other party to the suit who claims a lien.

SECTION 25. Suspension of Permits.

(a) The Director or code enforcement officer may temporarily suspend any permit issued by the City under a land use, public health or business regulatory ordinance for any of the following reasons:

(1) Failure of the holder or operator to comply with the requirements of any land use, public health or business regulatory ordinance or rules or regulations promulgated thereunder; or

(2) Failure of the holder or operator to comply with any notice and order issued pursuant to this Ordinance;

(3) Failure of the holder or operator to comply with a stop work order.

(b) Such permit suspension shall be carried out through the notice and order provisions of this Ordinance, and the suspension shall be effective upon service of the notice and order on the holder or operator. The holder or operator may appeal such suspension as provided by this Ordinance.

(c) Notwithstanding any other provision of this Ordinance, whenever the Director or code enforcement officer finds that a violation of any land use, public health or business regulatory ordinance, or rules and regulations adopted thereunder, has created, or is creating, an unsanitary, dangerous or other condition which is deemed to constitute an immediate and irreparable hazard, suspension and termination of operations under the permit may be required immediately without service of a written notice and order.

SECTION 26. Revocation of Permits.

(a) The Director or code enforcement officer may permanently revoke any permit issued by the City under land use, public health or business regulatory ordinance for any of the following reasons:

(1) Failure of the holder or operator to comply with the requirements of any land use, public health or business regulatory ordinance, or rules or regulations adopted thereunder; or

(2) Failure of the holder or operator to comply with any notice and order issued pursuant to this Ordinance; or

(3) Interference with the Director or code enforcement officer in the performance of official duties; or

(4) Discovery by the Director or code enforcement officer that a permit was issued in error or on the basis of incorrect information supplied to the City.

(b) Such permit revocation shall be carried out through the notice and order provisions of this Ordinance and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this Ordinance.

(c) A permit may be suspended pending its revocation or a hearing relative thereto.

SECTION 27. Declaration of Junk Vehicles as Nuisance.

Junk motor vehicles in areas not zoned for storage of junk or scrap metal are hereby declared a public nuisance subject to abatement and removal.

SECTION 28. Definition of Junk Vehicle.

"Junk vehicle" means a motor vehicle certified as meeting all of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;

(c) Is apparently inoperable;

(d) Is without valid, current license plates or certificate of registration;

(e) Has a fair market value equivalent only to the value of the scrap in it.

SECTION 29. Certification.

The Director or code enforcement officer 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.

SECTION 30. Junk Vehicle Violations.

It shall be unlawful to park, store or abandon junk vehicles on private property, subject only to the exceptions provided in Section 31 of this Ordinance. Such a violation shall be deemed a nuisance subject to abatement.

SECTION 31. Exceptions.

The provisions of this Ordinance relating to junk vehicles shall not apply to a vehicle or part thereof which: (1) is not visible from the street or other public or private property; or (2) is stored or parked in a lawful manner on fenced private property in connection with the business of a licensed hulk hauler, tow truck operator, dismantler, repair facility, or motor vehicle

dealer and is fenced.

SECTION 32. Notices Required.

The last registered owner of the junk vehicle and the property owner of record shall each be given a notice and order pursuant to this Ordinance. Each shall have the right of appeal as provided by this Ordinance. The notice and order need not be provided to the last registered owner of the vehicle if the vehicle is in such condition that the identification numbers cannot be readily determined or if the owner of the land has prevented access to the vehicle.

SECTION 33. Abatement and Removal.

After the notice and order becomes final, the junk vehicle or vehicles shall be removed by a licensed tow truck operator or hulk hauler and the Director shall give notice to the Washington State Patrol and to the Washington State Department of Licensing.

SECTION 34. Costs of Abatement and Removal.

The costs of abatement and removal may be assessed against the last registered owner as in the case of abandoned motor vehicles pursuant to state law. The costs of abatement and removal, any civil penalties assessed, and costs incurred by the Department of Public Works, may also be imposed and be enforced as provided by this Ordinance.

SECTION 35. Repeal.

Sections 3 and 4 of Ordinance No. 90-1019 of the City of SeaTac are hereby repealed.

SECTION 36. Severability.

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

SECTION 37. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 28th day of August, 1990, and signed in authentication of its passage this 29th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 9/2/90

ORDINANCE NO. 90-1049

AN ORDINANCE of the City of SeaTac relating to water and sewer systems; providing for side sewer work and connections; providing for design, installation and repair of disposal systems; providing for sewerage cleaning and removal; and requiring sewer and water comprehensive plans.

WHEREAS, water and sewerage disposal services are presently provided within the City by a number of water and sewer districts; and

WHEREAS, the City will continue to rely upon those water and sewer districts until such time as the City is prepared to provide the same as municipal services; and

WHEREAS, the City Council finds that appropriate regulations of water and sewer systems, including those portions on private property and those portions on public property, are necessary to the public health, welfare and safety;

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

SECTION 1. 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 City Director of Public Works, and except that where conflict exists between the provisions of this Ordinance 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.

SECTION 2. 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 Director of Public Works, and except that where conflict exists between the provisions of this Ordinance 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.

SECTION 3. 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 Director of Public Works, and except that where conflict exists between the provisions of this Ordinance 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.

12.12.020 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

SECTION 4. 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 Director of Public Works, and except that where conflict exists between the provisions of this Ordinance 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.

SECTION 5. Copies to Be Available.

A copy of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 6. Severability.

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

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 28th day of August, 1990, and signed in authentication of its passage this 29th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 9/2/90

ORDINANCE NO. 90-1050

AN ORDINANCE of the City Council of the City of SeaTac creating an advisory Library Board; establishing its purpose; providing for membership; providing for appointment of members; establishing terms of office; authorizing rules of procedure; providing for compensation; requiring meetings; and requiring reports to the City Council.

WHEREAS, the City Council has previously enacted Ordinance No. 89-1009 which provided for an Interlocal Agreement with the King County Library District for the purpose of assuring library services and for the purpose of establishing a City Library Board; and

WHEREAS, the said Interlocal Agreement was entered into on December 11, 1989 and provided that the City shall appoint a Library Board following annexation of the City to the District; and

WHEREAS, the City Council subsequently adopted Resolution No. 90-41 which established the organization and departments of the City, including a Library Board; and

WHEREAS, the Mayor has appointed five members to the Library Board, and the appointment has been confirmed by the City Council; and

WHEREAS, the City Council now desires to formally provide for creation of the Library Board and to provide for its organization;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC DO RESOLVE AS FOLLOWS:

SECTION 1. Library Board Created.

There is hereby created an advisory commission to be known as "The Library Board of the City of SeaTac".

SECTION 2. Purpose.

The Library Board shall serve in an advisory capacity to the City Council and shall also coordinate with, and provide input to, the Board of Trustees of the King County Library District and local library officials.

SECTION 3. Membership.

There shall be five members of the Library Board.

SECTION 4. Appointment.

The members of the Library Board shall be appointed by the Mayor, subject to confirmation by the City Council.

SECTION 5. Terms of Office.

Members of the Library Board shall serve for a term of three years. However, the members initially appointed shall serve for a term of only two years. At the expiration of the said initial two-year term of the Board, members shall be appointed to serve for the following terms: Two members shall serve a two year term; and three members shall serve a three year term. Thereafter, all further appointments shall be for the regular three-year term. 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 4 of this Ordinance.

SECTION 6. Rules of Procedure.

The Library Board shall elect its own Chairperson and may create and fill such other offices as may be determined to be required. A majority of the membership of the Library Board shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present, when those present constitute a quorum, at any meeting of the Library Board shall be deemed to be the action of the Board. The Library Board is authorized to adopt rules of procedure for the conduct of its business.

SECTION 7. Compensation.

The members of the Library Board shall serve without compensation.

SECTION 8. Meetings.

The Library Board shall hold such meetings as may be deemed to be necessary for the completion of its responsibilities. The Library Board is authorized to hold meetings in conjunction with meetings of the Board of Trustees of the King

County Library District and in conjunction with meetings of local library officials.

SECTION 9. Reports to the City Council.

The Library Board may make such verbal or written reports and recommendations to the City Council as may be deemed advisable but, shall, as a minimum, report annually to the Council as to the status of library services and facilities being made available to the residents of the City by the King County Library District.

SECTION 10. Severability.

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

SECTION 11. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 28th day of August, 1990, and signed in authentication of its passage this 29th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 9/2/90

ORDINANCE NO. 90-1051

AN ORDINANCE of the City Council of the City of SeaTac relating to the City's hearing examiner system; providing for recommendations to the Council; amending Section 9 of Ordinance No. 90-1045 as to decisions appealable to the Council; amending Section 19 of Ordinance No. 90-1045 as to additional criteria for variances; and amending Section 27 of Ordinance No. 90-1045 as to review of final decisions.

WHEREAS, the City Council previously authorized a personal services contract for preparation of an ordinance creating a hearing examiner system for the City; and

WHEREAS, the City Council has previously enacted Ordinance No. 90-1045 creating such a hearing examiner system and providing for appropriate procedures; and

WHEREAS, amendments to certain Sections of the said Ordinance are desired to establish clarity as to decisions of the hearing examiner coming before the Council as recommendations and those decisions coming before the Council for ministerial action unless appealed by an aggrieved party;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC DO RESOLVE AS FOLLOWS:

SECTION 1. Recommendations to the Council.

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 given the effect of a recommendation to the Council:

1. Applications for reclassifications of property;
2. Applications for planned unit developments;
3. Other applications or matters which the Council may refer by ordinance specifically declaring that the hearing examiner shall make a recommendation to the Council.

4. Applications for preliminary plats;

5. Applications for shoreline environment redesignation;

SECTION 2. Decisions Appealable to the Council.

Section 9 of Ordinance No. 90-1045 is hereby amended to read as follows:

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 given the effect of an administrative decision appealable to the Council:

1. Applications for unclassified use permits;
2. Appeals from permit denials or conditions imposed on environmental grounds pursuant to the State Environmental Policy Act;
3. Appeals from threshold determinations concerning applications subject to Council action;

4. Other applications or appeals which the Council may refer by ordinance, specifically declaring that the hearing examiner's decision shall be appealable to the Council.

SECTION 3. Additional Criteria for Variances.

Section 19 of Ordinance No. 90-1045 is hereby amended to read as follows:

A variance shall not be granted unless the examiner finds:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

4. That the special circumstances necessitating the variance have not resulted from any action of the applicant.

5. That the requested variance will not create a use not generally permitted within the zone in which the subject property is located.

SECTION 4. Review of Final Decisions.

Section 27 of Ordinance No. 90-1045 is hereby amended to read as follows:

A. Decisions of the Council shall be final and conclusive unless within twenty calendar days, or within thirty calendar days for decisions approving or denying plats, from the date of the Council's action, an aggrieved person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during said twenty-day, or thirty-day for plat approvals, appeal period.

B. Decisions of the examiner in cases identified in Section 10 shall be final and conclusive, unless, within ten days from the effective date of the action, the original applicant or an adverse party makes application to the Superior Court in and for the county of King, state

of Washington, for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

C. Notwithstanding the foregoing provisions of this Section, final decisions of the Council relating to matters governed by the State Shorelines Management Act shall be appealed to the State Shorelines Hearing Board as specified in the said Act.

SECTION 5. Severability.

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

SECTION 6. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 28th day of August, 1990, and signed in authentication of its passage this 29th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 09/02/90

****DEFEATED 8/14/90****

ORDINANCE NO. 90-1052

AN ORDINANCE of the City Council of the City of SeaTac authorizing payment from the intergovernmental professional services budget allocation (558.10.51) of the Department of Planning And Community Development for purposes of funding Phase II of the South Access Roadway Study.

WHEREAS, the City has, since the official date of incorporation, been active in the SeaTac South Access Steering Committee for the purpose of planning, designing and constructing a direct route to the Sea-Tac International Airport and geographic areas south of the airport, including connection to the I-5 freeway; and

WHEREAS, the City Council has previously adopted Resolution No. 90-113 authorizing submission of an Urban Preliminary Prospectus to the Transportation Improvement Board in regard to the South Access road project; and

WHEREAS, the City Council has previously adopted Resolution No. 90-115 establishing a Six-Year Transportation Improvement Plan which includes the South Access road project; and

WHEREAS, the City Council has previously adopted Resolution No. 90-118 authorizing ratification of the South Access Project Agreement; and

WHEREAS, the City Council finds that the potential benefits of a highway system providing direct access to and from the Sea-Tac International Airport, which may include relieving the City street system of such traffic, warrant the City's involvement in and

contribution toward Phase II of the South Access Roadway Study;

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

SECTION 1. Allocation of Funds.

The sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) is appropriated from the intergovernmental professional services fund (558.10.51) of the Department of Planning and Community Development and the Director of Finance is authorized to expend the said sum as the City's share of funding for Phase II of the South Access Roadway Study promulgated by the South Access Advisory Committee.

SECTION 2. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a special meeting thereof on the _____ day of August, 1990, and signed in authentication of its passage

this _____ day of _____, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

_____ Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: _____

_____ DEFEATED
8/14/90

NOT USED - REPLACED WITH RESOLUTION 90-121

ORDINANCE NO. 90-1053

AN ORDINANCE of the City Council of the City of SeaTac authorizing payment from the intergovernmental professional services budget (558.10.51) of the Department of Planning And Community Development for purposes of funding Phase II of the South Access Roadway Study.

WHEREAS, the City has, since the official date of incorporation, been active in the SeaTac South Access Steering Committee for the purpose of planning, designing and constructing a direct route to the Sea-Tac International Airport and geographic areas south of the airport, including connection to the I-5 freeway; and

WHEREAS, the City Council has previously adopted Resolution No. 90-113 authorizing submission of an Urban Preliminary Prospectus to the Transportation Improvement Board in regard to the South Access road project; and

WHEREAS, the City Council has previously adopted Resolution No. 90-115 establishing a Six-Year Transportation Improvement Plan which includes the South Access road project; and

WHEREAS, the City Council has previously adopted Resolution No. 90-118 authorizing ratification of the South Access Project Agreement; and

WHEREAS, the City Council finds that the potential benefits of a highway system providing direct access to and from the Sea-Tac International Airport, which may include relieving the City street system of such traffic, warrant the City's involvement in and

contribution toward Phase II of the South Access Roadway Study;

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

SECTION 1. Allocation of Funds.

The sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) is appropriated from the intergovernmental professional services budget (558.10.51) of the Department of Planning and Community Development and the Director of Finance is authorized to expend the said sum as the City's share of funding for Phase II of the South Access Roadway Study promulgated by the South Access Advisory Committee.

SECTION 2. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a special meeting thereof on the _____ day of August, 1990, and signed in authentication of its passage this _____ day of _____, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

_____ Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: _____

_____ **NOT USED -
REPLACED WITH RESOLUTION 90-121**

ORDINANCE NO. 90-1054

AN ORDINANCE of the City Council of the City of SeaTac amending the 1990 budget and Sections 1 and 2 of Ordinance No. 90-1011, as amended by Sections 1 and 2 of Ordinance No. 90-1034; withdrawing moneys from the Contingency Fund and transferring the same to the Capital Project fund for appropriation to the Capital Outlay allocation (301.18.512.50.64) of the Municipal Court for purposes of purchasing necessary computer software and hardware.

WHEREAS, the City Council has previously adopted Resolution No. 90-57 which authorized an Interlocal Agreement for district court services until 1991, and a City Violations Bureau was established; and

WHEREAS, the City Violations Bureau, and commencing in 1991 the Municipal Court, has need to computerize its operations; and **WHEREAS**, the City Council finds that certain computer software and hardware is essential to the proper functioning of the City's Violations Bureau and Municipal Court and that sufficient funds for the purchase thereof were not originally budgeted;

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

SECTION 1. Amendment of Budget.

The February 28, 1990 through December 31, 1990 budget of the City is hereby amended to reflect withdrawal of Twenty-Five Thousand Two Hundred Five Dollars (\$25,205.00) from the Contingency Fund and transfer of the same to the Capital Projects Fund and the Director of Finance is authorized to expend the said sum for purchase of computer software and hardware on behalf of the Municipal Court.

SECTION 2. Amendment of Section 1 of Ordinance No. 90-1011, as Amended by Section 1 of Ordinance No. 90-1034.

Section 1 of Ordinance No. 90-1011 as amended by Section 1 of Ordinance No. 90-1034 are each amended to read as follows:

Adoption By Reference.

The 1990 budget for the City of SeaTac, covering the period from the official date of incorporation, February 28, 1990, to December 31, 1990, with revenues and unencumbered fund balances of \$8,752,687 and expenditures of \$7,589,277, is hereby adopted.

SECTION 3. Amendment of Section 2 of Ordinance No. 90-1011, as Amended by Section 2 of Ordinance No. 90-1034.

Section 2 of Ordinance No. 90-1011 as amended by Section 2 of Ordinance No. 90-1034 are each amended to read as follows:

Summary of Revenues and Appropriations.

The budget sets forth totals of estimated revenues and expenditures for each separate fund, and the aggregate totals for all such funds, are summarized below:

*****CHECK

BEGINNING ENDING

FUND BALANCE REVENUES EXPENDITURES LOANS TRANSFERS BALANCE

Current | 1,300,000 | 3,428,000 | (4,466,450) | 1,800,000 | (1,893,000) | 168,550

Expense | | | | |

| | | | |

Street | 0 | 2,833,687 | (767,622) | (1,800,000) | 0 | 266,065

| | | | |

Arterial | | | | |

Street | 0 | 162,000 | (150,000) | 0 | 0 | 12,000

| | | | |

Contin- | | | | |

gency | 0 | 200,000 | 0 | | 355,000 | 555,000

| | | | | 329,795 | 529,795

| | | | |

TAN Repay | | | | |

ment | 0 | 0 | (1,538,000) | | 1,538,000 | 0

| | | | |

Capital | | | | |

Projects | 0 | 295,000 | (230,000) | 0 | 0 | 65,000

| | | (255,205) | | 25,205 | 39,795.00

Surface | | | | |

Water | 0 | 534,000 | (412,000) | 0 | 0 | 122,000

_____ | _____ | _____ | _____ | _____ | _____ | _____

TOTAL 1,300,000 7,452,687 (7,564,072) 0 0 1,189,615

7,589,277 1,138,205

SECTION 4. Effective Date.

This Ordinance shall take effect and be in full force five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 28th day of August, 1990, and signed in authentication of its passage this 29th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 09/02/90

ORDINANCE NO. 90-1055

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Sections 3 and 7 of Ordinance No. 90-1037; redesignating building supervisor to buildings official; designating a receptionist classification; designating a recreation activities coordinator class- ification; designating a personnel assistant classification; and providing for a compensation plan format.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1037 establishing personnel policies and procedures; and **WHEREAS**, the City Council desires to amend that Ordinance so as to improve the personnel policies and procedures of the City;

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

SECTION 1. Amendment of Section 3 of Ordinance No. 90-1037.

Section 3 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 3. Classification of Positions.

(a) **Purpose.** The purpose of the Classification Plan is to provide for:
(a) the orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities; (b) uniform methods of recruitment, examination and selection to positions within each classification; and (c) similar schedules of compensation applied equitably to all positions within each classification.

(b) **Position Descriptions.** The City Manager, with input and advice of such Department Heads and employees as the City Manager may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, or the City Manager, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) **Limitation Of Employment To Classification Plan Positions.** No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) **Amendments.** In preparing the budget for each ensuing year, the City Manager shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the City Manager may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the City Manager shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.

(e) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management Job #

City Manager 105

City Clerk 120

Assistant City Manager 140

Court Administrator 615

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Police Chief 655

Personnel Manager 660

Director of Finance 670

Classification: Technical & Professional Job #

Accountant/entry 500

Rec. Activities Coordinator 505

Personnel Assistant 507

Accountant/senior/City Treasurer 510

Purchasing agent/buyer 515

Planner/entry 520

Planner/senior 530

Engineer/entry 540

Engineer/senior 550

Engineer aide/entry 560

Engineer aide/senior 570

Building inspector 580

Code enforcement officer 581

Land use Administrator 633

Classification: Office & Clerical Job #

General Clerical/entry 200

Receptionist 205

General clerical/senior 210

Court Clerk 215

Court typist 220

Secretary/entry 225

Secretary/senior 230

Executive secretary 242

Accounting clerk/entry 245

Accounting clerk/senior 250

Data entry operator 270

Custodial worker 475

Classification: Fire Department Job #

Chief 650

Assistance chief 652

Battalion chief/fire marshal 625

Battalion chief/communications 625

Captain 375

Executive Secretary 242

General clerical/entry 200

Dispatcher 300

Dispatcher/probationary 300

Lieutenant/company officer 350

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary firefighter 330

SECTION 2. Amendment of Section 7 of Ordinance No. 90-1037.

Section 7 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 7. Compensation Plan.

(a) **Purpose.** The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:

(i) Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;

(ii) Compensation paid by the City will attract, motivate and promote retention of skilled employees;

(iii) Compensation will be equitably based upon duties, skills and responsibilities, and upon the comparable worth, of all positions allocated by the Classification Plan;

(iv) Compensation paid to each employee, and increases in compensation, shall be reflective of the meritorious performance of each such employee; (

(v) Compensation may be adjusted to off-set any loss of purchasing power resulting from inflation or increased costs of living;

(vi) The total cost of compensation to the City can be properly funded through the budgetary process.

(b) **Annual Review Of Plan.** On an annual basis, the Personnel Manager, together with Department Heads and the City Manager as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Manager shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Manager shall obtain the Consumer Price Index for all urban consumers in the Seattle-Everett metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.

(c) **Annual Adoption Of Plan.** The Personnel Manager, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the City Manager for review. The City Manager shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.

(d) **Format of Plan.** The following Compensation Plan shown on Appendix A is effective during the calendar year 1990. Subsequent Compensation Plans shall conform generally to the format shown.

(e) **Pay Periods.** There shall be two pay periods in each month. The number of days in each pay period and any overlap into prior or subsequent months shall be established by the Director of Finance, or designee. Pay days shall be the fifth and twentieth day of each month unless the appointed day shall fall upon a weekend or holiday, in which case the pay day shall be advanced to the next preceding regular

business day. No advancements, draws or loans of compensation shall be permitted.

(f) **Compensation Of New Employees.** New employees shall normally be appointed at the minimum compensation, Step A, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Manager, the City Manager may approve compensation at a higher step level, not to exceed Step C, if qualified applicants cannot be recruited at the minimum rate or if the City Manager determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The City Manager may recommend, and the City Council may approve, compensation at a step level higher than Step C in appropriate cases.

(g) **Compensation Upon Re-Employment.** The initial compensation upon re-employment of a former employee is governed by the foregoing provision for compensation of new employees.

(h) **Compensation Upon Reinstatement.** A person who is reinstated in the same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step A, applicable to the position to which such person is reinstated.

(i) **Step Increases In Compensation.** All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the City Manager with concurrence of the City Council, be permitted more often than once per year of service.

(j) **Compensation Upon Promotion.** Any employee who is promoted to a position within a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

(k) **Compensation Upon Transfer.** When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change. However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.

(l) **Compensation Upon Demotion.** When an employee is demoted for reasons of unsatisfactory performance, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.

(m) **On-Call Compensation.** Compensation for on-call duty shall be in an amount determined by the City Manager with advice of the Personnel Manager, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.

(n) **Overtime Pay.** Any employee, other than the City Manager, Assistant

City Manager, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.

(o) **Health Care, Hospitalization And Medical Aid.** Employees shall receive the benefits provided by Washington Physicians Service Medical Guardian Plan, or, at the option of each employee, Health Plus Health Maintenance Organization. The member's premium shall be paid 100% by the City and the premium for spouse and dependents shall be paid 20% by the employee and 80% by the City: providing, however, that the payment by the City toward the Health Plus premium shall not exceed the amount which would have been paid by the City if the employee had selected the Guardian Plan.

(p) **Dental Care.** Employees shall receive the benefits provided by Washington Dental Service Plan E. The premium therefore to be paid 100% by the City.

(q) **Long Term Disability Insurance.** Employees shall receive the benefits provided by The Hartford Insurance Group, with 90-day elimination. The premium therefore shall be paid 100% by the City.

(r) **Cost Not Deemed Additional Compensation.** Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance is deemed not to be additional compensation to the employees of the City.

(s) **Reimbursement Of Training Costs.** It is the policy of the City to provide and encourage, within budget appropriations, training opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the City Manager. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training.

(t) **Registration Fees.** The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized conferences, seminars, conventions or training sessions. No other expenses shall be made in advance or without a duly certified claim form together with appropriate receipts.

(u) **Reimbursement for Use of Personal Automobiles.** Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at the rate of \$0.255 per mile upon submission of a duly certified claim form.

(v) **Reimbursement of Other Expenses.** The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public

purposes.

(w) **Claims for Reimbursement.** All claims for reimbursement shall be certified by the employee on a City of SeaTac Travel Authorization And Expense Claim form and shall be submitted to the Finance Department, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.

(x) **Deferred Compensation.** Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.

(y) **Public Employees' Retirement.** All eligible employees shall be covered by the Washington Public Employees' Retirement System.

(z) **Additional Retirement Plan In Lieu of Social Security.** Employees covered by any retirement system or plan made available by the City shall not be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration. However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks. An alternative, private retirement plan, or plans, shall be made available to all employees in lieu of the aforesaid federal program.

SECTION 3. Severability.

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

SECTION 4. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law: Providing, that, upon the effective date of this Ordinance, all terms and conditions relating to terms of employment, compensation and benefits, shall be effective as of the official date of incorporation of the City, February 28, 1990, or the date of hire of any individual employee, whichever is earlier.

PASSED by the City Council at a regular meeting thereof on the 28th day of August, 1990, and signed in authentication of its passage this 29th day of August, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS City Attorney

Date of Publication: 09/05/90

ORDINANCE NO. 90-1056

AN ORDINANCE of the City Council of the City of SeaTac relating to highway and street safety and traffic laws; prohibiting cutting corners; and declaring an emergency.

WHEREAS, the City Council has previously enacted Ordinance No. 90-130 adopting the Model Traffic Ordinance; and

WHEREAS, the City Council finds it to be necessary to the public health, welfare and safety to prohibit drivers of vehicles from cutting corners at intersections, and otherwise, to avoid such intersections or traffic control devices;

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

SECTION 1. Cutting Corners Prohibited.

It shall be unlawful for any person operating a motor vehicle upon the streets or highways of the City to turn such vehicle either to the right or to the left upon approaching or leaving an intersection and to proceed across any private property for the purpose of avoiding the intersection or any traffic-control device controlling the intersection, unless so directed by proper authorities. Violation of this Section is a traffic infraction.

SECTION 2. Severability.

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

SECTION 3. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 11th day of September, 1990, and signed in authentication of its passage this 12th day of September, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 09/14/90

ORDINANCE NO. 90-1057

AN ORDINANCE of the City Council of the City of SeaTac relating to the prevention of domestic violence; setting forth definitions; providing for commencement of domestic violence prevention actions; establishing a petition for order for protection; providing for application for leave to proceed in forma pauperis; providing for hearing dates; authorizing relief by the Municipal Court; providing for ex parte temporary orders for protection; authorizing issuance of orders and assistance of peace officers; providing for service of orders and fees; providing for transmittal of orders to law enforcement agencies; establishing penalties for violation of orders; providing for assistance of the City Attorney; providing for modification of orders; granting immunity to peace officers; providing for lien against title to real estate; making the proceedings additional to other remedies; and declaring an emergency.

WHEREAS, the City Council finds that domestic violence is of grave concern to society; and

WHEREAS, the City Council desires to provide a relatively simple and expeditious procedure for obtaining protection from existing or threatened domestic violence;

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

SECTION 1. Domestic Violence Prevention.

The following sections of Chapter 26.50 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish a procedure for domestic violence prevention:

26.50.010 Definitions

26.50.020 Commencement of action - Jurisdiction - Venue

26.50.030 Petition for order for protection - Availability of forms and instructional brochures - Filing fee, when required - Bond not required

26.50.040 Application for leave to proceed in forma pauperis

26.50.050 Hearing - Service - Time

26.50.060 Relief - Realignment of designation of parties

26.50.070 Ex parte temporary order for protection

26.50.080 Issuance of order - Assistance of peace officer - Designation of appropriate law enforcement agency

26.50.090 Order - Service - Fees

26.50.100 Order - Transmittal to law enforcement agency - Record in law enforcement information system - Enforceability

26.50.110 Violation of order - Penalties

26.50.120 Violation of order - Prosecuting attorney or attorney for municipality may be requested to assist - Cost and attorney's fees.

26.50.130 Order - Modification - Transmittal

26.50.140 Peace officers - Immunity

26.50.200 Title to real estate - Effect

26.50.210 Proceedings additional.

SECTION 2. Severability.

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

SECTION 3. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 25th day of September, 1990, and signed in authentication of its passage this 26th day of September, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 09/30/90

ORDINANCE NO. 90-1058

AN ORDINANCE of the City Council of the City of SeaTac establishing litter control; stating a declaration of purpose; providing definitions; providing for enforcement; prohibiting littering and establishing penalties; providing for public notices; requiring use of uniform litter receptacles; requiring litter bags in motor vehicles; establishing responsibility for removal of litter; providing for coordination with the Department of Ecology; and establishing penalties for violations.

WHEREAS, the City Council recognizes the rapid population growth of the State of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizes that the proliferation and accumulation of litter discarded throughout the State and the City impairs this need and constitutes a public health hazard; and

WHEREAS, the City Council recognizes that there is an imperative need to anticipate, plan for, and accomplish effective litter control; and

WHEREAS, State law, Chapter 70.93 RCW provides for a "Model Litter Control Act" which accomplishes these goals;

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

SECTION 1. Declaration of Purpose.

The purpose of this Ordinance is to accomplish litter control throughout the City by recognizing the anti-litter authority and programs of the State Department of Ecology and by delegating to the Department of Public Works the authority to conduct a permanent and continuous program to control and remove litter from the City to the maximum practical extent possible. The intent of this Ordinance is to add to and to coordinate existing litter control and removal efforts and not to terminate or supplant such efforts.

SECTION 2. Definitions.

As used in this Ordinance, unless the context indicates otherwise, the following words shall have the meanings set forth below:

(1) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the waste of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(2) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. it is not necessarily limited to the State approved litter bag but must be similar in size and capacity;

(3) "Litter receptacle" means those containers adopted by the Department of Ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(4) "Person" means any industry, public or private corporation, copartnership, associa- tion, firm, individual or other entity whatsoever;

(5) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(6) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(7) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

SECTION 3. Enforcement

City police officers, code enforcement officers, and those employees otherwise vested with police powers all shall enforce the provisions of this Ordinance and all rules and regulations adopted hereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this Ordinance or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process in enforcing the provisions of this Ordinance and rules and regulations adopted hereunder. In addition, mailing by certified mail of such warrant, citation or other process to the last known place of residence of a period charged shall be deemed as personal service upon that person. The City shall also have the authority to contract with the Department of Ecology for purposes of providing to that Department law enforcement services and personnel reasonably necessary to carry out the enforcement provisions of the State Act.

SECTION 4. Littering Prohibited - Penalties.

No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property in the City not owned by him or her or in the waters of this City whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the City for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this Section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of the execution of sentence.

SECTION 5. Notice to Public - Contents of Chapter - Required.

Pertinent portions of this Ordinance, or pertinent notices, may be posted along the public streets and highways of the City and at all entrances to City parks, recreational areas, at all public beaches, and at all other public places in the City where persons are likely to be

informed of the existence and content of this Ordinance and the penalties for violating its provision.

SECTION 6. Litter receptacles - Used or anti-litter symbol - Distribution - Placement - Violations - Penalties.

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

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 Director of the Department of Public Works.

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.

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 for each day of violation.

SECTION 7. Litter Bags - Design and Distribution by Department Authorized - Violations - Penalties.

The owner of any vehicle or watercraft who fails to keep and use a litter bag in his or her vehicle or watercraft shall be guilty of a violation of this Section and shall be subject to penalties as provided in this Ordinance. The City encourages use of the standard litter bag designed and distributed by the State Department of Ecology.

SECTION 8. Removal of Litter - Responsibility.

Responsibility for the removal of litter from receptacles placed by the City at parks, beaches and other public places shall be with the Department of Public Works. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

SECTION 9. Coordination With the Department of Ecology.

The City shall coordinate with and shall support the efforts of the State Department of Ecology in accomplishing local anti-litter efforts; shall, together with the Department of Ecology, encourage, organize and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of the State and City to control and remove litter; and to investigate the availability of, and to apply for funds available from any private or public source to be used in programs to control and remove litter.

SECTION 10. Violations of Ordinance - Penalties.

Every person convicted of a violation of this Ordinance for which no penalty is specially provided for shall be punished by a fine of not more than ten dollars for each violation.

SECTION 11. Severability.

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

SECTION 12. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 25th day of September, 1990, and signed in authentication of its passage this 26th day of September, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 09/30/90

ORDINANCE NO. 90-1059

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037; redesignating the job number of the director of finance classification; designating a building plans examiner classification; designating a permit coordinator/plans examiner classification; adopting a revised Appendix A Compensation Plan.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1037 establishing personnel policies and procedures; and

WHEREAS, the City Council has also previously enacted Ordinance No. 90-1055 amending the earlier personnel policies and procedures; and

WHEREAS, the City Council desires to make a further amendment to designate the classifications of building plans examiner and building permit specialist;

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

SECTION 1. Amendment of Section 1. Amendment.

Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037 are each amended to read as follows:

(a) **Purpose.** The purpose of the Classification Plan is to provide for: (a) the orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities; (b) uniform methods of recruitment, examination and selection to positions within each classification; and (c) similar schedules of compensation applied equitably to all positions within each classification.

(b) **Position Descriptions.** The City Manager, with input and advice of such Department Heads and employees as the City Manager may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, or the City Manager, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) **Limitation Of Employment To Classification Plan Positions.** No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) **Amendments.** In preparing the budget for each ensuing year, the City Manager shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the City Manager may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the City Manager shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time

consistent with needs of the City.

(e) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management Job #

City Manager 105

City Clerk 120

Assistant City Manager 140

Court Administrator 615

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Police Chief 655

Personnel Manager 660

Director of Finance 670 635

Classification: Technical & Professional Job #

Accountant/entry 500

Rec. Activities Coordinator 505

Personnel Analyst 507 Accountant/senior/City Treasurer 510

Purchasing agent/buyer 515

Planner/entry 520

Planner/senior 530

Engineer/entry 540

Engineer/senior 550

Engineer aide/entry 560

Engineer aide/senior 570

Building inspector 580

Code enforcement officer 581

Permit Coordinator/Plans Examiner 582

Building plans examiner 584

Land use Administrator 633

Classification: Office & Clerical Job #

General Clerical/entry 200

Receptionist 205

General clerical/senior 210

Court Clerk 215

Court typist 220

Secretary/entry 225

Secretary/senior 230

Executive secretary 242

Accounting clerk/entry 245

Accounting clerk/senior 250

Data entry operator 270

Custodial worker 475

Classification: Fire Department Job #

Chief 650

Assistance chief 652

Battalion chief/fire marshal 625

Battalion chief/communications 625

Captain 375

Executive Secretary 242

General clerical/entry 200

Dispatcher 300

Dispatcher/probationary 300

Lieutenant/company officer 350

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary firefighter 330

SECTION 2. Adoption of Attachment A Compensation Plan.

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 90-1037 and to Ordinance No. 90-1055.

SECTION 3. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 25th day of September, 1990, and signed in authentication of its passage this 26th day of September, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 09/30/90

ORDINANCE NO. 90-1060

AN ORDINANCE of the City Council of the City of SeaTac providing for a Department of Planning and Community Development; establishing definitions; creating the Department; providing for comprehensive plan duties; providing for coordinating planning with other agencies; providing for cooperation with other agencies; requiring consultation with the comprehensive plan; providing for relating of projects to the comprehensive plan; requiring assistance in developing capital programs; providing for recommendation of official controls; providing for public hearings; providing for area zoning; providing for reclassification; requiring zoning certifications; providing for procedural conflicts; and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 90-1037, the City Council established the position of Planning Director and subordinate positions relating to planning and community development; and

WHEREAS, pursuant to Resolution No. 90-89, the City Council established the operating departments of the City; and **WHEREAS**, the City Council now finds that the increasing emphasis on growth management, environmental concerns, and complexity of planning and development functions warrant assignment of specific duties, responsibilities and powers of the Department of Planning and Community Development;

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

SECTION 1. Definitions.

(a) Area Zoning. "Area Zoning" is synonymous with the terms "rezoning or original zoning" and means:

Procedures initiated by the City which result in the adoption or amendment of zoning maps on an area-wide basis. This type of zoning is characterized as being comprehensive in nature dealing with natural homogeneous communities, distinctive geographic areas and other districts having unified interests within the City. Area zoning, unlike a reclassification, usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the City's current comprehensive plan and related community plan policies in zoning map form.

(b) Certification. "Certification: means affixing on any map, or any portion of a comprehensive plan or official control, a record of the date of action and ordinance number, together with the signatures of the officer of officers authorized by ordinance to so sign.

(c) Commission. "Commission" means the seven member Planning Commission of the City of Seatac, as created by Ordinance No. 90-1047.

(d) Comprehensive Plan. "comprehensive Plan" means the principles, goals, objectives, policies and criteria approved by the Council to further the following goals:

(i) As a beginning step in planning for the development of the City;

(ii) As the means for coordinating state growth management legislation requirements with City plans, policies and programs and with plans, policies and programs and with plans, policies, programs and urban boundaries of surrounding jurisdictions;

(iii) As the means for coordinating state growth management legislation requirements with City plans, policies and programs and with plans, policies, programs and urban boundaries of surrounding jurisdictions;

(iv) As a source of reference to aid in developing, correlating, and coordinating official regulations and controls;

(v) As a means for promoting the general welfare.

(e) Council. "Council" means the City Council of the City of SeaTac, pursuant to RCW 35A.13.010.

(f) Department. "Department" means the Department of Planning and Community Development as established by this Ordinance.

(g) Element. "Element" means one of the various categories of subjects, each of which constitutes a component of the comprehensive plan.

(h) Examiner. "Examiner" means the Hearing Examiner established by Ordinance No. 90-1045, as amended by Ordinance No. 90-1051.

(i) Official Controls. "Official Controls" means legislatively defined and enacted policies, standards, detailed maps and other criteria, all of which control the physical development of the City. or any part thereof, or any detail thereof, and which are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Official controls may include:

(i) Maps showing boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

(ii) Maps for existing or proposed streets showing the alignment, with reference to protecting such defined rights-of-way against encroachment by buildings, other physical structures or facilities;

(iii) Maps for public facilities, such as parks, civic centers, public buildings, waste disposal sites, etc., showing location, size, boundaries and other related features, including appropriate regulations protecting future sites against encroachment by buildings and other physical structures or facilities;

(iv) Regulations and controls pertaining to other subjects incorporated in the comprehensive plan and subarea plans or establishing standard and procedures to be employed in land development including, but not limited to: subdividing of land and the approval of land plats; preservation of streets and lands for public purposes requiring future dedication or acquisition; and general design of physical improvements.

(j) Reclassification. "Reclassification" means a change in the zoning classification by procedures initiated by an individual or a group of individuals.

(k) SubArea Plan. "SubArea Plan" means a section of the comprehensive plan which contains specific policies, guidelines and criteria adopted by the Council to guide land development, transportation facilities, community facilities, infrastructure and capital improvement decisions within specific subareas of the City. The subareas of the City shall

consist of natural homogenous communities, distinctive geographic areas, or other of districts having unified interest.

(1) Zoning Certification. "Zoning Certification" means an approval from the Department which confirms existing zoning on a parcel that has proposed development or land use actions, and the proposed development or land use action is permitted or conforms to the standards of the zone classification.

SECTION 2. Department of Planning and Community Development created.

A Department of Planning and Community Development Department is hereby created to be administered by a Director who shall report to the City Manager.

SECTION 3. Comprehensive plan duties.

The Department shall, in conjunction with the Planning Commission, prepare and present to the City Council comprehensive plans, subarea plans and/or amendments as the needs of the City require for adoption by ordinance and as it relates to the requirements of the State Growth Management Legislation.

(a) Public Hearing Required. The Department shall ensure that the Planning Commission holds at least one (1) public hearing before adopting any elements, amendments, extensions or additions to the comprehensive plan, and the Department shall assist the Planning Commission in scheduling and conducting such public hearings.

(b) City Council Approval. The Department shall recommend to the Council, upon transmittal of the Planning Commission's recommendation as to adoption of any elements, amendments, extensions or additions to the comprehensive plan or sub-area plan, whether an additional a public hearing should be held by the Council.

(c) Notice of Public Hearings. The Department shall ensure that notice of the time, place and purpose ensure that notice of the time, place and purpose of any such public hearing shall be published on time in the official newspaper of the City at least fourteen days before the hearing.

(d) Annual Report. The Planning and Community Development Department shall render an annual report on the status of the plan and accomplishments thereunder.

(e) Promotion of Public Interest in Plan. The Department Shall promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls.

SECTION 4. Coordinating planning with other agencies.

The department shall advise all departments of the City on planning and land use actions and shall coordinate City planning with other governmental agencies.

SECTION 5. cooperation with agencies.

The Department shall, to the extent it deems necessary, cooperate with officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with regard to carrying out the purpose of the comprehensive plan.

SECTION 6. Comprehensive plan - consultation and effect.The

comprehensive plan shall be consulted as a preliminary consideration for consistency with the establishment, improvement, abandonment, or vacation of any street, park, public way, public building, or public structure, and no dedication of any street or other area for public use shall be reviewed by the Planning Commission and accepted by the Council until the location, character, extent and effect of such action shall have been considered by the Department with reference to the adopted comprehensive plan. The report and recommendation of the Department to the Council shall be advisory only.

SECTION 7. Relating projects to comprehensive plan.

After the Council has approved all or part of the comprehensive plan, the Department shall use the Comprehensive Plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing, The report of the Department on any such project shall indicate wherein the proposed project does, or does not, conform to the purposes of the comprehensive plan and may include proposals which, if effected, would cause the project to conform, If the Department finds that a proposed project reveals the justification or necessity for amending the comprehensive plan, or any part thereof, the Department may institute proceedings to accomplish such amendment, and in its report to the Council on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being studied or initiated.

SECTION 8. Department assistance in capital programs.

The Department of Finance shall assist the Department in developing capital improvement programs as required by any applicable State growth management legislation and the Department shall assist the Department of Finance in developing capital budgets.

SECTION 9. Recommendation of official controls.

From time to time, the Department, with the assistance of the Planning commission, may cause to be prepared official controls which, when adopted by ordinance, will further the standards of the zoning code and the objectives and goals of the comprehensive plan, The Department may draft such plans, regulation, programs and legislation as may be required to preserve the integrity of the zoning code and comprehensive plan and assure its systematic execution. The Department may recommend any such plans, regulation, programs and legislation to the Council for adoption.

SECTION 10. Public hearing.

Before the Council adopts an official control, or any amendments thereto, the Council, or the Hearing Examiner shall conduct a public hearing after which the Council may adopt or reject said official control or amendment.

SECTION 11. Area zoning.

The Department, with the assistance of the Planning Commission, shall consider and make recommendations to the Council concerning proposed area zoning. Area zoning to implement comprehensive plan and subarea policies and guidelines shall be proposed subarea policies and guidelines shall be proposed at the same time the comprehensive plan and subarea elements are proposed, The City shall make a reasonable effort to notify all affected property owners. Such notice shall

include publication in the official City newspaper and mailing to all property owners whose names appear on the rolls of the King County assessor in the area for which the area zoning is proposed. The publication and mailed notice required herein shall be given at least fourteen days prior to the public hearing on the proposed area zoning. Failure to notify any specific property owner shall not invalidate an area zoning proceedings or any resulting reclassification of land.

SECTION 12. Reclassification.

The Department shall receive and consider information and shall prepare a report stating findings and recommendations to the Hearing Examiner concerning any application for reclassification to assure conformance with the comprehensive plan and other standards and official controls enacted by the Council. Adoption of reclassification may be as approved by the City Council, considering the recommendation of the Hearing Examiner and the Department.

SECTION 13. Zoning certification.

Prior to issuance of any license or permit involving construction or remodeling of structures, construction activities and land use action, the Department shall issue a certificate of zoning compliance to ensure conformity of the proposed project with the zoning code and comprehensive plan and other standards and official controls enacted by the council.

SECTION 14. Procedural Conflicts.

The provisions of this Ordinance shall take precedence, in case of conflict, over provisions of Title 19 "Subdivisions" of the King County Code adopted by reference pursuant to Ordinance No. 90-1020 and the provisions of Title 21 "Zoning" of the King County Code adopted by reference pursuant to Ordinance No. 90-1019.

SECTION 15. Severability.

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

SECTION 16. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 23rd day of October, 1990, and signed in authentication of its passage this 25th day of October, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS City Attorney

Date of Publication: 10/28/90

ORDINANCE NO. 90-1061

AN ORDINANCE of the City Council of the City of SeaTac pertaining to environmental review procedures; adopting by reference rules set forth in Chapter 197-11 of the Washington Administrative Code; adopting additional definitions; designating a responsible official; providing for timing of environmental review; providing for determination of categorical exemptions; requiring environmental check lists; providing for environmental impact state- ments; providing for public notice; establishing internal circulation of environmental documents; establishing timing of decisions on non-exempt action; granting authority to condition or deny proposals; adopting substantive authority; establishing city responsibilities as a consulted agency; providing for appeals; establishing procedures for appeals; and declaring an emergency.

WHEREAS, the State Environmental Policy Act (SEPA), RCW 43.21C.120, and rules promulgated thereunder, require adoption by the City of implementing procedures; and

WHEREAS, the City Council finds that such procedures are essential to the public interest;

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

SECTION 1. Authority.

These procedures are adopted under authority of the State Environmental Policy Act. (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904.

SECTION 2. Adoption by reference.

The following Sections of Chapter 197-11 of the Washington Administrative Code (WAC), as presently existing and as may subsequently be amended, hereby adopted by reference, as if fully set forth herein:

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-050 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of Non-Significance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance
(DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS Timing.

197-11-408 Scoping.

197-11-410 Expanded scoping.

197-11-420 EIS Preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-435 Cover letter or memo.

197-11-440 EIS contents.

197-11-442 Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other considerations.

197-11-450 Cost-benefit analysis.

197-11-455 Issuances of DEIS.

197-11-460 Issuances of FEIS.

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of
environmental documents.

197-11-508 SEPA REGISTER.

197-11-510 Public Notice.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist
lead agency.

197-11-600 When to use existing environmental
documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact
statement-procedures.

197-11-625 Addenda-Procedures.

197-11-630 Adoption-Procedures.

197-11-635 Incorporation by reference-
Procedures.

197-11-640 Combining Documents.

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and
mitigation.

197-11-680 Appeals.

197-11-700 Definitions.

197-11-702 Act.

197-11-704 Action.

197-11-706 Addendum.

197-11-708 Adoption

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-722 Consolidated appeal.

197-11-724 Consulted agency.

197-11-726 cost-benefit analysis.

- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-748 Environmentally sensitive area.
- 197-11-750 Expanded scopeing.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agnecy.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable aternative.
- 197-11-788 Responsible official.

197-11-790 SEPA.

197-11-792 Scope.

197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-908 Environmentally Sensitive Areas.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead Agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

197-11-950 Severability,

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

SECTION 3. Additional definitions.

In addition to those definitions set forth in Section Two of this Ordinance, the following words and terms shall have the following meanings, unless the context indicates otherwise:

(a) "Advisory body" means any body, established by the city council, the responsibilities of which include review of development proposals for the purpose of making recommendations to the Council.

(b) "Department" means the Department of Planning and Community Development.

(c) "Development" means the rezoning of property, the subdivision of land, the construction of buildings, or any physical alteration of the land which is subject to City approval and to the requirements of SEPA.

(d) "Hearing Examiner" means the City Hearing Examiner as established by Ordinance No. 90-1045, as amended by Ordinance No. 90-1051 or subsequent Ordinances.

(e) "SEPA" means Chapter 43.21C Revised Code of Washington (RCW), as now existing or as may subsequently be amended.

(f) "SEPA Rules" means Chapter 197-11 Washington Administrative Code (WAC) adopted by the Department of Ecology, as now existing or as may subsequently be amended.

(g) "Final staff evaluation of checklist" means that documentation and report of City Staff's analysis of the checklist and any identified impacts. The report identifies any necessary findings, policies and the type of determination.

SECTION 4. Responsible official designated.

The 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.

SECTION 5. Timing of environmental review.

(a) The timing of environmental review, shall be determined by the responsible official on a case-by-case basis, consistent with the requirements of SEPA and the SEPA Rules. In general, the environmental review process shall take place at the conceptual stage of a project, rather than at the detailed design stage, If the City's only action will be a decision on a building permit or other license that requires detailed project plans and specifications, the applicant or prospective applicant shall be given the opportunity for environmental review under SEPA prior to submittal of such detailed project plans and specifications. An applicant or prospective applicant wishing to take advantage of the opportunity for preapplication environmental review, shall submit a completed environmental checklist to the Department, except as otherwise provided by WAC 197-11-315(a).

(b) At the latest, the City shall begin the environmental review process when a complete application for City approval of a non-exempt action has been received.

SECTION 6. Determination of categorical exemption.

(a) Any City department which receives an application for a proposal, or initiates a proposal which is potentially subject to the requirements of SEPA, shall make the following determinations:

(i) Whether the proposal is an "action" as defined by WAC 197-11-704; and

(ii) If the Proposal is an "action", whether it is categorically exempt from the requirements of SEPA; and

(iii) If the proposal is a non-exempt action, whether appropriate environmental review of the project has been conducted or commenced.

(b) The responsible official or the responsible official's designee shall assist any department in making the determinations required by this section, upon request by the department.

(c) The City of SeaTac recognizes that the list of categorical exemptions included in the SEPA rules cannot be relied upon as the final determination of whether a proposed project, regardless of its environmental impact, must comply with SEPA and this ordinance. Where the responsible official determines that a proposal has a reasonable likelihood of causing more than a moderated adverse impact on environmental quality, whether that impact is direct, indirect or cumulative, environmental review under SEPA shall be conducted.

(d) It is recognized that a particular development or land use, though otherwise consistent with City regulations and policies, may create adverse impacts upon facilities, services natural systems or the surrounding area when aggregated with the impacts of prior or reasonably anticipated future developments, The City shall evaluate such cumulative environmental impacts and make its environmental determinations and substantive decisions accordingly.

SECTION 7. Environmental checklist required.

(a) Whenever the department determines that a proposal is a non-exempt action for which appropriate environmental review has not been conducted or commenced, the department, shall prepare or shall require the action proponent to prepare and submit, an environmental checklist.

Upon completion or receipt of a completed environmental checklist, the

department shall immediately transmit the following to the responsible official, or designee:

- (i) The original, signed copy of the environmental checklist;
- (ii) A copy of any completed application form in the department's possession relating to the proposal;
- (iii) A copy of any project description, conceptual plan or plot plan which may have been prepared or submitted;
- (iv) Any additional information in the department's possession addressing the proposed action's environmental impacts.

(b) The environmental review process shall not begin until a complete application (an environmental checklist and requested supporting materials) is received by the responsible official. Incomplete environmental checklist applications will be returned to the applicant for completion as directed by the responsible official.

(c) A department initiating a non-exempt City action may request that the responsible official, or designee, assist the department in preparing the necessary environmental checklist.

(d) The provisions of this Section shall not apply when the responsible official and the proponent of a non-exempt action agree in writing that the proposal is likely to have significant adverse environmental impacts, and further agree that an Environmental Impact Statement (EIS) will be prepared.

(e) The responsible official may determine that the City will complete all or part of an environmental checklist for a private proposal with its own staff, or may contract with one or more consultants to prepare or assist in preparation of a checklist, and may charge and collect fees from the applicant to cover costs incurred by the City in preparation of the checklist, if either of the following circumstances exist:

- (i) The City has technical information on a question or questions that is unavailable to the applicant: or,
- (ii) The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration.

If fees are to be collected, the applicant shall be advised of the estimated costs, and shall be required to make payment of such costs prior to the actual preparation of all or part of the environmental checklist.

SECTION 8. Environmental Impact Statement.

(a) Whenever the responsible official has issued a Determination of Significance (DS) for a non-exempt action, it shall be the responsibility of the individual, corporation, agency or City department initiating or proposing the action to prepare a Draft EIS and a Final EIS under the supervision of the responsible official. Consultants shall be selected based on their expertise and knowledge related to the scoped environmental elements to be analyzed in the EIS documents. Regardless of who prepares an EIS, it is the EIS of the City and the responsible official must be satisfied that the EIS complies with this Ordinance, with SEPA and with the SEPA Rules prior to issuance of the EIS.

(b) The responsible official may determine that City Staff will complete all or part of an EIS for a private proposal, or the City may contract with one or more consultants to prepare or assist in preparation of an EIS, and may charge and collect fees from the applicant to cover costs incurred by the City in preparation of the EIS, if one or more of the following circumstances exist:

(i) The City has technical information on a question or questions that is unavailable to the applicant; or

(ii) The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration;

(iii) The responsible official and the applicant agree that the City will be responsible for completing the EIS.

If fees are to be collected, the applicant shall be advised of estimated costs, and shall be required to secure payment of such costs prior to the actual preparation of the EIS.

SECTION 9. Public Notice.

(a) Whenever public notice is required under the SEPA Rules, the responsible official shall cause notice to be given in the following manner:

(i) By posting the subject property as directed by the Planning Director (site specific proposals only); and

(ii) By publishing notice in the official newspaper of the City.

(b) Additional public notice may be provided for proposals having, or potentially having, unusually widespread, unique or significant adverse impacts, or for other proposals, at the discretion of the responsible official.

(c) Where notice is required for an action which has been proposed or initiated by a party other than the City or a City department, the cost of newspaper publication of such notice or notices shall be borne by the proponent or applicant.

SECTION 10. Internal circulation of environmental documents.

(a) Relevant environmental documents shall accompany proposals through existing City project review processes. The responsible official shall ensure that environmental documents are provided to decision makers in the following manner:

(i) Where a non-elected City official is to make a final decision on a non-exempt action, the responsible official shall provide that deciding official with a copy of a final staff evaluation, a Determination of Non-Significance (DNS), a Mitigated Determination of Non-Significance (MDNS) or a Final EIS upon issuance of the DNS or FEIS.

(ii) Where the Hearing Examiner or other advisory body is to make a recommendation to the Council on a non-exempt action, the responsible official shall transmit to each member of the advisory body a copy of the following:

(aa) Environmental Checklist.

- (bb) A Final Staff Evaluation of the Checklist.
- (cc) Determination of Non-Significance (DNS).
- (dd) Mitigated Determination of Non-Significance (MDNS).
- (ee) Draft Environmental Impact Statement (DEIS).
- (ff) Final Environmental Impact Statement (FEIS).

SECTION 11. Timing of decision on non-exempt action.

(a) For non-exempt actions, the procedural requirements of SEPA, the SEPA Rules and this Ordinance shall be completed prior to the City's issuance of a license, permit, or other approval, and prior to the City committing to a particular course of action, or prior to the City making a decision which would either have adverse environmental impacts, or limit the choice of reasonable alternatives.

(b) A final decision on a non-exempt action for which a DNS has been issued or an IES has been required, shall not be made until after expiration of the environmental appeal period or if, appealed, shall not be made until the decision on the appeal becomes final.

SECTION 12. Authority to condition or deny proposals.

(a) The policies and goals set forth and referenced by this Ordinance are supplementary to other zoning, land use, and regulatory Ordinances of the City.

- (b) The City may attach conditions to a permit or approval so long as:
- (i) Such conditions are necessary to mitigate probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and
 - (ii) Such conditions are in writing; and
 - (iii) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 - (iv) The City has considered whether other local, state, or federal mitigation measures applicable to the proposal are sufficient to mitigate the identified impacts; and
 - (v) Such conditions are based on one or more policies, plans, rules or regulations designated in Section Three of this Ordinance as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance, or other decision document.

(c) The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

- (i) A finding is made that approval would result in probable significant adverse environmental impacts which are identified in a final EIS prepared pursuant to this ordinance; and
- (ii) A finding is made that there are no reasonable mitigation measures capable of being accomplished which are sufficient to make the identified impacts nonsignificant; and

(iii) The denial is based on one or more policies, plans, rules, or regulations designated in Section Three of this Ordinance as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance or other decision document.

(d) If the lead agency determines, after the initial review of a project, that a proposed action could not comply with adopted plans, policies, rules or regulations, and where the City has authority other than SEPA to deny the proposal, the project can be denied outright without making a threshold determination, which denial shall be in writing. Proposed actions which are subsequently modified, amended, or deemed to be consistent with adopted plans, policies, rules or regulations shall not receive final approval until the proposed action is in full compliance with SEPA, the SEPA Rules, and this Ordinance.

(e) Where the responsible official has issued a mitigated DNS, the decisionmaker shall not approve the proposal until:

(i) The proponent has modified the proposal, either through modification of plans and other application materials or through a separate written instrument attached to the application, such that the mitigating measures of the mitigated DNS become part of the proposal; or

(ii) The decisionmaker has incorporated the mitigating measures of the mitigated DNS into the license, permit, ordinance or other approval; or

(iii) A combination of the aforesaid.

(f) Where mitigating measures are agreed to, or imposed, and where the proponent fails to implement such mitigating measures, the City shall have the authority to revoke any permit, license or other approval granted on the basis of such mitigating measures.

SECTION 13. Substantive authority.

A. The City adopts by reference the following policies, plans, rules and regulations, as now existing or as may subsequently be amended, as a basis for the exercise of substantive authority to approve, condition or deny proposed actions under RCW 43.21C.060 of SEPA:

(i) King County Comprehensive Plan and related community plans;

(ii) King County Shoreline Management Master Programs;

(iii) SeaTac Area Update Plan;

(iv) SeaTac Capital Improvements Plan;

(v) SeaTac Six Year Street Plan;

(vi) Des Moines Creek Restoration Plan

(vii) State Growth Management Legislation or Initiatives

(viii) SeaTac SubArea Plans and Policies

SECTION 14. City responsibilities as consulted agency.

In carrying out the City's duties as a consulted agency, the responsible official shall request information from any department

potentially affected by or having expertise on a proposal. Information timely received by the responsible official in response to such request shall be transmitted to the lead agency. The responsible official may transmit such information by forwarding copies of any department responses, or by consolidating all department responses into a single City response.

SECTION 15. Environmental appeals.

Any person aggrieved by a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a Final EIS may file an appeal with the City of SeaTac Hearing Examiner. Appeal of intermediate steps under SEPA (e.g. lead agency determination, scoping, Draft EIS adequacy) shall not be allowed.

SECTION 16. Time limitation on appeals.

A written notice of appeal identifying the grounds for appeal must be filed with the City Clerk within ten (10) days of the date of issuance of the final threshold determination of significance, final determination of nonsignificance, or Final EIA.

SECTION 17. Fee to accompany notice of appeal.

A fee of \$70.00 dollars shall accompany the written notice of appeal and be filed within the appeal period with the City Clerk. No notice of appeal shall be accepted unless accompanied by full payment of the filing fee. This fee shall be utilized to cover publication costs, mailing, and other costs directly associated with the appeal.

SECTION 18. Notice of Hearing.

Notice of appeal, timely filed shall be transmitted by the City Clerk to the Hearing Examiner and the SEPA responsible official. The Hearing Examiner shall determine the date, time, and place of a public hearing to consider the appeal, and shall notify the parties thereof.

SECTION 19. Public Hearing.

A public hearing upon appeal of a threshold determination shall be conducted by the Hearing Examiner.

SECTION 20. Testimony-recording.

All testimony taken at any public hearing shall be taken under oath. The hearing shall be recorded electronically.

SECTION 21. Substantial weight-burden of proof.

A threshold determination by the responsible official is entitled to substantial weight. The burden shall be on the appellant to establish that the determination is in error.

SECTION 22. Decision of the Hearing Examiner.

Upon the basis of all of the information received in public hearing, and all information relied upon by the responsible official, the Hearing Examiner shall prepare a written decision, including findings of fact and conclusions.

SECTION 23. Dismissal of Appeal.

The Hearing Examiner may summarily dismiss an appeal without hearing,

when such appeal is determined by the Hearing Examiner to be without merit on its face, frivolous, or brought merely to impede a proposal or secure a delay.

SECTION 24. Council review-limitations for appeals.

The decision of the Hearing Examiner on a threshold determination appeal may be appealed to the City Council in accordance with procedures specified in Ordinance No. 90-1045, as amended by Ordinance 90-1051. Any such appeal must be brought within the time limits specified therein. Such Council review shall be conducted on the record compiled by the Hearing Examiner, consistent with other applicable law.

SECTION 25. Superior Court review - limitations for appeal.

The decision of the Hearing Examiner on appeal from a threshold determination that is not appealable to the City Council may be appealed to the Superior Court of King County in accordance with Ordinance No. 90-1045, as amended by Ordinance No. 90-1051. Any such appeal must be brought within the time limits specified therein. Such Superior Court review shall be conducted on the record compiled by the Hearing Examiner, consistent with other applicable law.

SECTION 26. Severability.

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

SECTION 27. Copies to Be Available.

A copy of the Washington Administrative Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 28. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 23rd day of October, 1990, and signed in authentication of its passage this 25th day of October, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 10/28/90

ORDINANCE NO. 90-1062

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Section 2 of Ordinance No. 90-1055; amending Sections 2, 6, 7, 9, 10, 12, and 16 of Ordinance No. 90-1037; defining exempt employees; providing for pay periods; providing for reimbursement of training costs; providing for professional memberships; providing for holidays; providing for compensatory time; providing for sick leave; providing for bereavement leave; and providing for reduction in force.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1037 establishing personnel policies and procedures; and **WHEREAS**, the City Council has previously made certain amendments thereto by enactment of Ordinance No. 90-1055; and

WHEREAS, the City Council desires to amend those Ordinances so as to improve the personnel policies and procedures of the City;

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

SECTION 1. Amendment of Section 2 of Ordinance No. 90-1037. Section 2 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 2. Definitions.

(a) **Absence.** Failure of an employee to report for duty on designated work days and during designated working hours. If any employee's absence is unauthorized, such employee is "absent without leave". If an employee's absence is authorized, such absence is a "leave".

(b) **Absent Without Leave.** Any absence of an employee without specific authorization.

(c) **Allocation.** The assignment of an employment position to its proper class within the Classification Plan in accordance with the duties, authority, and responsibility of the position.

(d) **Anniversary Date.** The annual recurring calendar date on which the employee commenced employment with the City.

(e) **Applicant.** A person who has applied for employment with the City.

(f) **Applicant Form.** The official document to be completed by an applicant seeking employment with the City.

(g) **Appointment.** The selection and employment of an applicant to a position within the Classification Plan.

(h) **Beneficiary.** The person or persons designated by an employee to receive benefits under the employee's pension or insurance, in event of the employee's death. In the absence of any such designation, the beneficiary is the employee's estate.

(i) **Candidate.** An employee seeking a promotion or transfer.

(j) **City.** The the City Of Sea Tac, a municipal corporation of the State of Washington.

(k) **City Council.** The legislative body of the City Of Sea Tac.

(l) **City Manager.** The individual appointed by the City Council to have

general supervision over the administrative affairs of the City as provided by state law.

(m) **Classification Plan.** The orderly arrangement of all employment positions with the City into separate and distinct classes, so that each class contains those positions which involve substantially similar or comparable skills, duties and responsibilities.

(n) **Close Relative.** Any of the following kin or relations: father, mother, son, son-in-law, daughter, daughter-in-law, grandparents, grandchildren, sister, sister-in-law, brother, brother-in-law, mother-in-law, father-in-law, spouse, step-brother, step-sister, step-daughter, step-son, half-brother, half-sister, uncle, aunt, cousin, nephew and niece, foster parent and foster children.

(o) **Compensation.** Salary or wages, and benefits, paid to an employee for service in a position, but excluding any reimbursement for expenses incurred incidental to employment.

(p) **Compensation Plan.** A list of all positions, by title, within each classification, showing a schedule of pay ranges, cost of living allowances, and on-call pay, as appropriate.

(q) **Compensatory Time.** Leave granted with pay in lieu of overtime pay for work performed either on an authorized overtime basis or for authorized work performed on a holiday.

(r) **Consumer Price Index (CPI).** The index measuring the change in cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of the same goods and services in a base period as published by the Bureau Of Labor Statistics as the Consumer Price Index for all urban consumers in the Seattle- Everett metropolitan area.

(s) **Continuous Service.** Employment without interruption except for approved leaves of absence.

(t) **Demotion.** The re-assignment of an employee from a position having a higher rate of pay to a position having a lower rate of pay.

(u) **Department.** An organizational unit shown on the Classification Plan, complete in itself, the employees of which are responsible to a Department Head who reports directly to the City Manager.

(v) **Department Head.** An employee designated by the City Manager to be responsible for a Department.

(w) **Discharge.** The separation of an employee by the City for cause.

(x) **Discrimination.** Any action taken in regard to employment, and any threats, harassment or abuse of an employee (including part-time and temporary employees), applicant or candidate, which is illegally based upon such person's race, color, creed, religion, national origin, age, sex, marital status, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

(y) **Employee.** A person employed by the City in a position allocated by the Classification Plan on a regular full-time basis of not less than thirty-five (35) hours per week.

(z) **Equal Employment Opportunity.** The policy set forth by federal and state law requiring that all recruitment, hiring, training, promoting and transferring of employees shall be done without regard to race,

color, creed, religion, national origin, sex, age, marital status, or the presence of a sensory, physical handicap which does not constitute a bona fide occupational qualification.

(aa) Exempt Employee. An employee who holds an administrative, professional or executive position defined as exempt under the Federal Fair Labor Standards Act.

(bb) Holidays. Those days declared to be legal holidays by the City Council.

(cc) Hourly Rate Of Pay. An employee's normal hourly rate of pay, or, if the employee is salaried, such employee's monthly salary, exclusive of pay for overtime, multiplied by twelve and the product thereof divided by 2080.

(dd) Layoff. Termination of service without fault on the part of the employee, due to a "reduction in force".

(ee) Leave. Any authorized absence of an employee from designated work days and during designated working hours, with pay.

(ff) Leave Of Absence. Any authorized absence of an employee from designated work days and during designated working hours, without pay.

(gg) Nepotism. The prohibited practice of appointing persons who are close relatives to positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(hh) On-call. The status of an employee when required to be available after normal work hours in order to respond to emergencies.

(ii) Overtime. Work performed in excess of the standard eight-hour day or forty-hour work week.

(jj) Overtime Pay. The compensation paid to an employee for overtime work performed.

(kk) Part Time Employee. A person employed by the City in a position allocated by the Classification Plan on a regular basis of less than thirty-five hours per week.

(ll) Performance Evaluation. A formal review and rating of an employee's work performance.

(mm) Position. A group of duties and responsibilities requiring the full-time services of an employee, having a definite title, and being allocated by the Classification Plan.

(nn) Position Description. A comprehensive, written statement of the distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements inherent in a position allocated by the Classification Plan.

(oo) Probationary Employee. An employee of the City who is serving during a probationary period.

(pp) Probationary Period. The initial six-month period of employment in a position, during which period an employee may be discharged or demoted without cause.

(qq) **Promotion.** The assignment of an employee to a position having greater responsibility and/or higher compensation.

(rr) **Reduction In Force.** Termination of service due to lack of work, lack of funds, or due to considerations of efficiency unrelated to any employee's job performance.

(ss) **Re-employment.** The appointment to a position of a former employee who had previously separated from employment.

(tt) **Regularly Scheduled Day Off.** A day, designated by an authorized schedule of work, on which an employee is not required to work.

(uu) **Reinstatement.** The appointment to a position of a former employee who had been laid off or who has returned from an approved leave of absence.

(vv) **Reprimand.** A written statement to an employee by the Department Head or City Manager for disciplinary purposes.

(ww) **Resignation.** Termination of employment by the voluntary action of an employee.

(xx) **Retirement.** Termination of employment in conjunction with an employee's election to exercise matured rights to a retirement or pension system.

(yy) **Salary.** The compensation paid to an employee for services rendered, excluding reimbursement for expenses incurred incident to employment.

(zz) **Separation.** Termination of employment regardless of reason.

(aaa) **State Retirement.** The Public Employees' Retirement System of the State of Washington as established by state law.

(bbb) **Suspension.** A disciplinary leave of absence without pay for a specific period of time.

(ccc) **Temporary Employee.** An employee who is employed for a specific period of time and for a special purpose such as unusual or emergency work loads, vacation relief, or other situations involving fluctuating work requirements.

(ddd) **Transfer.** The assignment of an employee from one position to another position of substantially similar responsibilities and compensation.

(eee) **Vacancy.** A position allocated by the Classification Plan which is not filled.

(fff) **Veteran.** Every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:
(1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or
(2) has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil. A "period of war" includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Viet Nam era" means the period beginning August 05, 1964

and ending on May 07, 1975.

(ggg) Year Of Employment. The annual interval between any two consecutive anniversary dates during which time the employee shall have been continuously employed.

SECTION 2. Amendment of Section 6 of Ordinance No. 90-1037.

Section 6 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 6. Appointment to Vacant Positions.

(a) **Preference To Current And Former Employees.** Prior to recruiting candidates from the general population, the Personnel Manager shall fill vacancies by appointment of current and former employees, if qualified, as identified below, but not necessarily in order of preference:

(i) By reinstatement of a former employee laid off within the past two years by reason of a reduction in force;

(ii) By reinstatement of an employee who has agreed to return to work from a leave of absence, which commenced within the past two years;

(iii) By promotion of an employee;

(iv) By transfer of an employee;

(v) By demotion of an employee;

(vi) By re-employment of a former employee who was not separated for cause and who is not eligible for appointment under any of the foregoing preferences, providing that separation occurred within the past two years.

(b) **Experience As Substitute For Education.** Employees and former employees who apply for appointment to any vacant position which requires higher education, may substitute work experience with the City, or other work experience involving similar duties and responsibilities, for such higher education, on a year-for-year basis.

(c) **Selection.** When a vacant position is to be filled, the Personnel Manager, together with the City Manager or such Department Heads or other employees as may deemed appropriate, shall review and evaluate the application forms, test results, interview results, and such other information as might properly be available. If only one employee or former employee is being considered as a candidate for preferential appointment, or if only one applicant has applied for the vacant position, the Personnel Manager shall ensure that the candidate or applicant meets the required qualifications. If more than one candidate or applicant has applied, the Personnel Manager shall select the best qualified.

(d) **Nepotism Prohibited.** No candidate or applicant shall be appointed to any position if such appointment would result in the candidate and an existing employee who is a close relative of the candidate holding positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(e) **Appointment.** The City Manager, the appropriate Department Head, or

the Personnel Manager, whichever is appropriate, shall offer the vacant position to the candidate or applicant selected and, upon acceptance, shall appoint such candidate or applicant to that position. In event the selected candidate or applicant shall decline the offered position, the City Manager, the appropriate Department Head, or the Personnel Manager, whichever is appropriate, shall offer the position to the next best qualified candidates or applicants.

(f) **Probationary Period.** The initial six-month period of service by an employee in any position allocated by the Classification Plan shall constitute a probationary period. A probationary employee may be separated or demoted by the Department Head or the City Manager at any time during the probationary period, without cause. A probationary employee so separated or demoted shall have no recourse to the grievance procedures contained in these policies and procedures. Upon satisfactory performance evaluation, and at the end of the six-month probation period, permanent employment status may be granted. In event the City Manager, at the request of a Department Head or independently, determines that additional evaluation is necessary prior to granting permanent employment status to a probationary employee, then, if the probationary employee agrees in writing, the probationary period may be extended for an additional six-month period of service subject to all terms and conditions of the initial six-month period of probationary service. If the probationary employee does not so agree to an extension of the probationary period, the probationary employee shall be separated from service.

(g) **Performance Evaluations.** A formal review and evaluation of the work performance of each probationary employee may be conducted after the initial three months of employment and shall be conducted at least once prior to the end of the probationary period. A formal review and evaluation of the work performance of each regular employee shall be conducted at least once per calendar year. The review and evaluation shall be conducted by the Department Head, or designee. Department Heads shall be evaluated by the City Manager.

SECTION 3. Amendment of Section 2 of Ordinance No. 90- 1055 and Section 7 of Ordinance No. 90-1037. Section 2 of Ordinance No. 90-1055 and Section 7 of Ordinance No. 90-1037 are each amended to read as follows:

SECTION 7. Compensation Plan.

(a) **Purpose.** The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:

(i) Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;

(ii) Compensation paid by the City will attract, motivate and promote retention of skilled employees;

(iii) Compensation will be equitably based upon duties, skills and responsibilities, and upon the comparable worth, of all positions allocated by the Classification Plan;

(iv) Compensation paid to each employee, and increases in compensation, shall be reflective of the meritorious performance of each such employee;

(v) Compensation may be adjusted to off-set any loss of purchasing power resulting from inflation or increased costs

of living;

(vi) The total cost of compensation to the City can be properly funded through the budgetary process.

(b) **Annual Review Of Plan.** On an annual basis, the Personnel Manager, together with Department Heads and the City Manager as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Manager shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Manager shall obtain the Consumer Price Index for all urban consumers in the Seattle-Everett metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.

(c) **Annual Adoption Of Plan.** The Personnel Manager, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the City Manager for review. The City Manager shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.

(d) **Format of Plan.** The Compensation Plan shown on Appendix A is effective during the calendar year 1990. Subsequent Compensation Plans shall conform generally to the format shown.

(e) **Pay Periods.** There shall be two pay periods in each month ending on the 15th day and the last day of each month. The number of days in each pay period and any overlap into prior or subsequent months shall be established by the Director of Finance, or designee. Pay days shall be the fifth and twentieth day of each month unless the appointed day shall fall upon a weekend or holiday, in which case the pay day shall be advanced to the next preceding regular business day. within two working days after the end of each pay period. No advancements, draws or loans of compensation shall be permitted.

(f) **Compensation Of New Employees.** New employees shall normally be appointed at the minimum compensation, Step A, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Manager, the City Manager may approve compensation at a higher step level, not to exceed Step C, if qualified applicants cannot be recruited at the minimum rate or if the City Manager determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The City Manager may recommend, and the City Council may approve, compensation at a step level higher than Step C in appropriate cases.

(g) **Compensation Upon Re-Employment.** The initial compensation upon re-employment of a former employee is governed by the foregoing provision for compensation of new employees.

(h) **Compensation Upon Reinstatement.** A person who is reinstated in the

same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step A, applicable to the position to which such person is reinstated.

(i) **Step Increases In Compensation.** All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the City Manager with concurrence of the City Council, be permitted more often than once per year of service.

(j) **Compensation Upon Promotion.** Any employee who is promoted to a position within a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

(k) **Compensation Upon Transfer.** When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change. However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.

(l) **Compensation Upon Demotion.** When an employee is demoted for reasons of unsatisfactory performance, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.

(m) **On-Call Compensation.** Compensation for on-call duty shall be in an amount determined by the City Manager with advice of the Personnel Manager, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.

(n) **Overtime Pay.** Any employee, other than the City Manager, Assistant City Manager, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.

(o) **Health Care, Hospitalization And Medical Aid.** Employees shall receive the benefits provided by Washington Physicians Service Medical Guardian Plan, or, at the option of each employee, Health Plus Health Maintenance Organization. The member's premium shall be paid 100% by the City and the premium for spouse and dependents shall be paid 20%

by the employee and 80% by the City: providing, however, that the payment by the City toward the Health Plus premium shall not exceed the amount which would have been paid by the City if the employee had selected the Guardian Plan.

(p) **Dental Care.** Employees shall receive the benefits provided by Washington Dental Service Plan E. The premium therefore to be paid 100% by the City.

(q) **Long Term Disability Insurance.** Employees shall receive the benefits provided by The Hartford Standard Insurance Group Company, with 90-day elimination. The premium therefore shall be paid 100% by the City.

(r) **Cost Not Deemed Additional Compensation.** Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance is deemed not to be additional compensation to the employees of the City.

(s) **Reimbursement Of Training Costs.** It is the policy of the City to provide and encourage, within budget appropriations, training opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the City Manager. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training.

(t) **Registration Fees.** The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized conferences, seminars, conventions or training sessions. No other expenses shall be made in advance or without a duly certified claim form together with appropriate receipts.

(u) **Reimbursement for Use of Personal Automobiles.** Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at the rate of \$0.255 per mile upon submission of a duly certified claim form.

(v) **Reimbursement of Other Expenses.** The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public purposes.

(w) **Claims for Reimbursement.** All claims for reimbursement shall be certified by the employee on a City of SeaTac Travel Authorization And Expense Claim form and shall be submitted to the Finance Department, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.

(x) **Deferred Compensation.** Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.

(y) **Public Employees' Retirement.** All eligible employees shall be covered by the Washington Public Employees' Retirement System.

(z) **Additional Retirement Plan In Lieu of Social Security.** Employees covered by any retirement system or plan made available by the City shall not be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration.

However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks. An alternative, private retirement plan, or plans, shall be made available to all employees in lieu of the aforesaid federal program.

(aa) Professional Memberships. The City shall pay initiation fees and dues for memberships in professional and technical organizations, if approved by the Department Head or City Manager.

(bb) Part-Time Employee Benefits. In order to accrue prorated vacation, sick leave and holiday benefits a regular part-time employee must work a minimum of 20 hours a week. An employee may choose between vacation, sick leave and holiday benefits or medical benefits paid in full for employee only under the Guardian Plan. In order to receive pro-rated medical benefits, a regular part-time employee must work a minimum of 20 hours a week. An employee may choose these options annually and will be eligible to receive prorated benefits six months after date of hire. An employee who works under 20 hours a week will receive a five percent premium pay increase for benefit reimbursement.

SECTION 4. Amendment of Section 9 of Ordinance No. 90-1037.

Section 9 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 9. Hours of Work.

(a) **Normal Hours.** Eight (8) hours shall constitute a day's work for all employees of the City. Five (5) days shall constitute a week's work for all employees of the City. Where appropriate, work schedules may be established by the Department Head which shall provide for other than eight hours per day and other than five days per week with corresponding changes in hours off and in days off, providing that not more than forty (40) hours shall be worked per week, unless overtime shall be specifically authorized by the Department Head. The Department Heads, or designees, shall keep daily attendance records.

(b) **Overtime Policy.** The providing of city services may necessarily require overtime work, from time to time. However, all overtime work must be specifically authorized by the Department Head. Overtime pay, or compensatory time in lieu of overtime pay, shall be at the rates provided for by this Ordinance.

(c) **Holidays.** Employees shall be granted holidays with pay on those days declared to be legal holidays by state law, which are presently the following days:

- (i) The first day of January, commonly called New Year's Day;
- (ii) The third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.;
- (iii) The third Monday of February, to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington;
- (iv) The last Monday of May, commonly known as Memorial Day;
- (v) The fourth day of July, being the anniversary of the Declaration of Independence;
- (vi) The first Monday in September, to be known as Labor Day;

(vii) The eleventh day of November, to be known as Veterans' Day;

(viii) The fourth Thursday in November, to be known as Thanksgiving Day;

(ix) The day immediately following Thanksgiving Day;

(x) The twenty-fifth day of December, commonly called Christmas Day;

(xi) One paid holiday to be accrued upon each employee's anniversary date, in addition to those specified above, subject, however, to approval of the Department Head or City Manager, as to the specific date of the holiday.

(d) **On-Call Policy.** To meet emergency needs of the City, the Department Heads, or the City Manager, may require certain employees to be on call each weekend from 5:00 p.m. Friday to 8:30 a.m. Monday. On-call employees shall remain able to respond to an emergency call within one hour or less from the time the call is received and, for that purpose, shall have on or near such employee's person a bellboy or beeper at all times. Additional compensation shall be paid for on-call duty, in addition to overtime pay earned when responding to emergencies or trouble calls while on-call.

(e) **Compensatory Time.** If acceptable to the employee and to the Department Head or City Manager, compensatory time, at the overtime rate, may be granted in lieu of overtime pay, so long as not prohibited by federal or state law. Compensatory time shall not be used in increments exceeding sixteen hours. Compensatory time shall not be accumulated in excess of forty (40) hours and shall be taken within a reasonable time, but not more than twelve months, after it is earned, unless the Department Head, or City Manager determines that such would be unduly disruptive to the City's operations. In event of separation of an employee, any accumulated compensatory time up to a maximum accumulation of forty (40) hours shall be paid at the employee's rate of pay. Although overtime and compensatory time do not apply to exempt employees, the City Manager may allow compensatory time to Department Heads and other exempt employees in event of extraordinary work hours.

SECTION 5. Amendment of Section 10 of Ordinance No. 90-1037.

Section 10 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 10. Sick Leave.

(a) **Accrual Of Sick Leave.** An employee shall accrue sick leave at the rate of eight (8) hours for each month of employment in paid status, including the probationary period of employment.

(b) **Use Of Sick Leave.** Sick leave shall not be available for use during the first thirty (30) days of the probationary employment period and, thereafter, will be granted for, and shall be used for, the following purposes only:

(i) Personal illness, hospitalization, or out-patient medical care;

(ii) Medical quarantine;

(iii) Personal dental care;

(iv) Death of a member of the employee's immediate family;

(v) Care of a member of an employee's immediate family (spouse, child, grandchild, parents, grandparents, brother or sister) or any family member or other person dependent upon the employee, with a health condition that requires treatment or supervision.

(c) **Procedure For Claiming Sick Leave.** An employee shall promptly report to the Department Head any condition or anticipated condition necessitating the use of sick leave and shall keep the Department Head informed of the duration of the employee's absence. Upon return to work, the employee shall complete any required sick leave forms, and if the Department Head so requires, shall supply a doctor's or dentist's certificate concerning the employee's or child's medical or dental condition, or a copy of a death certificate or obituary notice, as appropriate. The Department Head may also require proof of illness in event of multiple absences.

(d) **Transfer To Leave Of Absence Or , Vacation Or Compensatory Time.** If any employee exhausts all accrued sick leave, but is still unable to return to work, such employee may request vacation or a leave of absence or use of accrued compensatory time from the Department Head.

(e) **Penalties For Abuse Of Sick Leave.** Any employee found to have abused sick leave benefits by falsification or misrepresentation shall be subject to disciplinary action, and shall further be required to reimburse to the City all compensation paid to such employee for the period of such absence.

(f) **Payment Of Accumulated Sick Leave.** Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to twenty-five percent (25) such employee's then accrued and unused sick leave hours at the employee's last hourly rate of pay: Provided, however, that under no circumstances may an employee's payment for accumulated sick leave and vacation leave exceed two hundred forty (240) hours.

SECTION 6. Amendment of Section 12 of Ordinance No. 90-1037.

Section 12 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 12. Other Leave.

(a) **Maternity Leave.** All female employees shall be entitled to take maternity leave for the period of time that they are actually disabled due to pregnancy or child birth. The period of disability shall be determined by physician's statements which must be obtained by the employee and be submitted to the Department Head. Maternity leave shall be without compensation except that an employee may apply all or any portion of accrued sick leave or vacation to the period of maternity leave and thus be compensated to the extent of sick leave benefits or vacation so utilized. Upon return from maternity leave, each employee shall be reinstated to her previous position or to a similar position of at least equal pay.

(b) **Military Leave.** Every employee who is a member of the Washington National Guard or of the Army, Navy, Airforce, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave, with compensation, for a period not exceeding fifteen (15) days during each calendar year. Military leave shall be granted in order that the employee may take part in active training duty in such manner and at such time as the employee may be ordered to

active training duty. Such military leave is in addition to vacation time. Additionally, any employee, who is a member of the organized militia of Washington and who is ordered upon active duty, shall be entitled to military leave without compensation, and shall be reinstated thereafter unless such active tour of duty shall have continued for a period longer than three (3) months.

(c) **Jury Duty Leave.** Upon presentation to the Department Head of a summons for jury duty, an employee shall be granted jury duty leave for such period of time as the employee is required to serve on jury duty. During such leave, the employee will be paid his or her regular compensation less any juror's fee received.

(d) **Bereavement Leave.** Every employee shall be entitled to three working days of bereavement leave due to death of a member of an employee's immediate family (spouse, child, grandchild, parents, grandparents, brother or sister). An employee shall promptly report to the Department Head any death necessitating the use of bereavement leave. Upon return to work, the employee shall, if the Department Head so requires, and the City Manager concurs, supply a copy of a death certificate or obituary notice.

SECTION 7. Amendment of Section 16 of Ordinance No. 90-1037.

Section 16 of Ordinance No. 90-1037 is amended to read as follows:

SECTION 16. Reduction in Force.

(a) **Authorization Of Reduction.** The Department Head, with the concurrence of the City Manager, shall order a reduction in force when necessary due to lack of work, lack of funds or considerations of efficiency. The ordered reduction in force shall specify which positions within classifications allocated by the Classification Plan shall be vacated and employees holding those positions shall be laid off.

(b) **Order Of Layoffs.** When a reduction in force vacates a class which consists of only one position, filled by one employee, that employee shall be laid off. If a class consists of more than one position or more than one employee, and not all of the positions will be vacated, then the order of layoff of employees shall be on the basis of continuous service. An employee to be laid off shall be given written notice not less than two (2) calendar weeks thirty days prior to the effective date of the layoff.

(c) **Transfer Or Demotion.** In lieu of layoff, upon a reduction in force, employees shall be considered for transfer or demotion to any vacant positions. An employee selected for demotion in lieu of layoff shall be given written notice two (2) calendar weeks before the effective date of the demotion and shall, during that period of time, be entitled to accept either the demotion or layoff.

(d) **Preference For Reinstatement.** In the event of position vacancies after reduction in force, preference shall be given to reinstatement of laid off employees prior to promotion or transfer or recruitment of new employees.

(e) **Compensation Upon Reinstatement.** Compensation to be paid upon reinstatement shall be as set forth in this Ordinance.

SECTION 8. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be

declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 9. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law: Providing, that, upon the effective date of this Ordinance, all terms and conditions relating to terms of employment, compensation and benefits, shall be effective as of the official date of incorporation of the City, February 28, 1990, or the date of hire of any individual employee, whichever is earlier.

PASSED by the City Council at a regular meeting thereof on the 23rd day of October, 1990, and signed in authentication of its passage this 25th day of October, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved As to Form:

ROBERT L. McADAMS City Attorney

Date of Publication: 10/28/90

ORDINANCE NO. 90-1063

AN ORDINANCE of the City Council of the City of SeaTac providing for official bonds.

WHEREAS, State law, RCW 35A.12.080, requires that the City Clerk, Treasurer and Chief of Police shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties; and

WHEREAS, the said statute further provides that other officers or employees as may be designated by ordinance shall also be required to furnish an official bond; and

WHEREAS, the said statute provides that the premiums on such bonds shall be paid by the City; and

WHEREAS, the City Council has previously adopted Resolution No. 89-7 authorizing public official bonds in the amount of \$25,000.00 and Resolution No. 89-12 authorizing an employment agreement with the City Manager which provides for a bond in the sum of \$25,000.00;

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

SECTION 1. Bonds Required.

The City Manager, the City Clerk, the Senior Accountant/Treasurer; and the Court Administrator shall annually furnish an official bond conditioned on the honest and faithful performance of their official duties, the premiums on which shall be paid by the City.

SECTION 2. Procurement of Bonds.

The City Manager is hereby authorized and directed to secure such bonds through the City's insurance broker of record.

SECTION 3. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 23rd day of October, 1990, and signed in authentication of its passage this 25th day of October, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 10/28/90

ORDINANCE NO. 90-1064

AN ORDINANCE of the City Council of the City of SeaTac relating to building and construction standards; adopting by reference the Uniform Building Code and Building Code Standards; adding definitions to the Code; providing for identification and control of hazardous materials; providing for liquid storage rooms; requiring reports as to hazardous materials; providing for stand-by ventilation power; providing for emergency ventilation power; providing for fire-resistive construction; establishing percentage of exterior walls for certain occupancies; requiring ventilation in hazardous locations; providing for enclosure of shafts; providing for separation of chimneys and heating apparatus; requiring fire alarm systems; providing for explosion control; establishing standards for piping and tubing; establishing standards for basic quantities of hazardous materials; establishing maximum quantities of hazardous materials per control area; establishing distance from property line, wall and opening protection; establishing standards for required detached storage; providing for anchorage of wood diaphragms; establishing strength ratios; establishing standards for trusses; providing for sprinklers in insulated ceiling cavities; requiring automatic sprinkler systems in apartment houses; deleting Section 5103 of the Uniform Building Code; providing for venting of elevator hoistways; providing for conflicts relating to ventilation systems; providing for sprinkler systems in residential occupancies; establishing additional requirements of sprinkler systems; establishing a fee schedule for sprinkler systems; adopting the Uniform Mechanical Code; adopting the Uniform Plumbing Code and Uniform Plumbing Code Standards; adopting the Uniform Administrative Code; adopting the Uniform Housing Code; adopting the Uniform Code for Abatement of Dangerous Buildings; adopting the Uniform Swimming Pool, Spa and Hot Tub Code; adopting the Regulations for Barrier-Free Facilities; adopting the Washington State Energy Code; adopting the Washington State Water Conservation Performance Standards; providing for conflicts between codes and standards; providing for enforcement; and repealing certain Sections of City Ordinances.

WHEREAS, by Ordinance No. 90-1021, the City Council adopted by reference certain provisions of the King County Code relating to building and construction standards; and **WHEREAS**, by Ordinance No. 90-1023, the City Council adopted by reference certain provisions of the King County Code setting building permit and grading permit fees; and

WHEREAS, the Department of Public Works has now proposed adoption of Uniform Codes and Standards with specific amendments tailored to the anticipated needs of the City; and

WHEREAS, the City Council finds that adoption of such amended Uniform Codes and Standards is in the best interests of the public;

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

SECTION 1. Adoption of the Uniform Building Code.

The Uniform Building Code, 1988 Edition and the Uniform Building Code Standards, 1988 Edition, published by the International Conference of Building Officials, as amended by the Washington State Building Code Council on November 27, 1989 and published as WAC 51-16, and as may subsequently be amended, are hereby adopted by reference as the

Building Codes of the City, except as specifically amended by the following Sections 2 through 34 of this Ordinance.

SECTION 2. Amendment of Section 408 of the Uniform Building Code.

The following definition shall replace the existing definition of the term "grade" contained in Section 408 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.

SECTION 3. Amendment of Section 409 of the Uniform Building Code.

The following definitions shall replace the existing definitions contained in Section 409 of the Uniform Building Code:

HABITABLE SPACE (ROOM) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet, compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HANDLING is the deliberate transport of materials by any means to a point of storage or use.

HAZARDOUS PRODUCTION MATERIAL (HPM) is a solid, liquid or gas that has a degree of hazard rating in health, flammability or reactivity of 3 or 4 as ranked by U.F.C. Standard No. 79-3 and which is used directly in research, laboratory or production processes which have, as their end product, materials which are not hazardous.

HEALTH HAZARD is a classification of a chemical for which there is statistically significant evidence based on at least one producible study conducted in accordance with established scientific principles that acute health effects may occur in exposed persons. The term "health hazard" includes chemicals which are toxic or highly toxic agents, irritants, corrosives, hepatotixins, nephrotoxins, neurotoxins, agents which can have an acute effect on the hematopoietic system, and agents that have acute effects on the lungs, skin, eyes or mucous membrane.

HEIGHT OF BUILDING is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5- foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above west grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

HELIPORT is an area of land or water or a structural surface which is

used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HIGHLY TOXIC MATERIAL is a material which produces a lethal dose or a lethal concentration falls within any of the following categories:

1. A chemical that has a median lethal dose (LD) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

2. A chemical that has a median lethal dose (LD) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

3. A chemical that has a median lethal concentration (LC) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

Mixtures of these materials with ordinary materials, such as water, may not warrant a classification of highly toxic. While this system is basically simply with application, any hazard evaluation which is required for the precise categorization of this type of material shall be performed by experienced, technically competent persons.

HORIZONTAL EXIT. See Section 3301 (b).

HOTEL is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOT-WATER SUPPLY BOILER is a boiler having volume exceeding 120 gallons, or a heat input exceeding 200,000 Btu/h, or an operating temperature exceeding 210 F. that provides hot water to be used externally to itself.

HPM STORAGE ROOM is a room used for the storage or dispensing of hazardous production material (HPM) and which is classified as Group H, Divisions 2, 3 of 7 Occupancies.

SECTION 4. Amendment of Section 413 of the Uniform Building Code.

The following definition of the term "level" shall be added to Section 413 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.

SECTION 5. Amendment of Section 414 of the Uniform Building Code.

The following definitions shall replace the existing definitions contained in Section 414 of the Uniform Building Code:

MARQUEE is a permanent roofed structure attached to and supported by the building and projected over public property. Marquees are regulated

in Chapter 45.

MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

MASONRY, SOLID, is masonry of solid units built without hollow spaces.

MECHANICAL CODE is the Uniform Mechanical Code promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction.

MEZZANINE or MEZZANINE FLOOR is an intermediate floor placed within a room.

MOTEL shall mean hotel as defined in this code.

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

SECTION 6. Amendment of Section 420 of the Uniform Building Code.

The following definitions shall replace the existing definitions contained in Section 420 of the Uniform Building Code:

SENSITIZER is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

SERVICE CORRIDOR is a fully enclosed passage used for transporting HPM and for purposes other than required exiting.

SHAFT is a vertical opening through a building for elevators, dumbwaiters, mechanical equipment or similar purposes.

SHALL, as used in this code, is mandatory.

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

SMOKE DETECTOR is an approved device that senses visible or invisible particles of combustion. The detector shall bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

STAGE, see Chapter 39.

STORY is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STORY, FIRST, is the lowest story in a building which qualifies as a

story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

STREET is any thoroughfare or public way not less than 16 feet in width which has been dedicated or deeded to the public for public use.

STRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together with some definite manner.

SECTION 7. Amendment to Section 901(a) of the Uniform Building Code.

Section 901(a) of the Uniform Building Code is hereby amended to read as follows:

General. For definitions, identification and control of hazardous materials, display of nonflammable solid or nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 Occupancies used for retail sales, and storage and use of Class 3 solid and liquid oxidizers in Groups I, M. and R Occupancies, see the Fire Code. For application and use of control areas, see Footnote 1 of Tables Nos. 9-A and 9-B. The primary use of a building will be considered as a Group H, Division 1, 2 or 3 or 7 Occupancy when its primary use is for storage, and the aggregate quantity of hazardous materials in the building is in excess of Tables Nos. 9-A or 9-B. Group H Occupancies shall be:

Division 1. Occupancies with a quantity of material in which the building in excess of those listed in Table No. 9-A which present a high explosion hazard, including but not limited to:

1. Explosives, blasting agents, fireworks and black powder.

EXCEPTION: Storage and the use of pyrotechnic special effect materials in motion picture, television, theatrical and group entertainment production when under permit as required in the Fire Code. The time period for storage shall not exceed 90 days.

2. Unclassified detonatable organic peroxide.
3. Class 4 oxidizers.
4. Class 4 or Class 3 detonatable unstable (reactive) materials.

Division 2. Occupancies with a quantity of material in the building in excess of those listed in Table No. 9-A which present a moderate explosion hazard or a hazard from accelerated burning, including but not limited to:

1. Class I organic peroxides.
2. Class 3 nondetonatable unstable (reactive) materials.
3. Pyrophoric gases.
4. Flammable or oxidizing gases.
5. Class I, II or III-A flammable or combustible liquids which are used in normally open containers or systems or in closed containers pressurized at more than 15-pounds-per-square-inch gauge.

6. Combustible dusts in suspension or capable of being put into suspension in the atmosphere of the room or area.

EXCEPTIONS: 1. Rooms or areas used for woodworking where no more than three fixed in-place woodworking appliances are utilized may be classified as a Group B, Division 2 Occupancy, provided the appliances are equipped with dust collectors sufficient to remove dust generated by the appliance.

2. Lumberyards and similar retail stores utilizing only power saws may be classified as Group B, Division 2 Occupancies.

The building official may revoke the use of these exceptions for due cause.

7. Class 3 oxidizers.

Division 3. Occupancies with a quantity of material in the building in excess of those listed in Table No. 9-A which present a high fire or physical hazard, including but not limited to:

1. Class II, III or IV organic peroxides.

2. Class 1 or 2 oxidizers.

3. Class I, II or III-A flammable liquids or combustible liquids which are utilized or stored in normally closed containers or systems and containers pressurized at 15- pounds-per-square-inch gauge or less.¹⁶

4. Class III-B combustible liquids.

5. Pyrophoric liquids or solids.

6. Water reactives.

7. Flammable solids, including combustible fibers or dusts, except for dusts included in Division 2.

8. Flammable or oxidizing cryogenic fluids (other than inert).

9. Class 1 or 2 unstable (reactive) materials.

Division 4. Repair garages not classified as Group B, Division 1.

Division 5. Aircraft repair hangars and heliports not classified as Group B, Division 3.

Division 6. Semiconductor fabrication facilities and comparable research and development areas when the facilities in which hazardous production materials (HPM) are used and the aggregate quantity of materials are in excess of those listed in Table No. 9-A or 9-B. Such facilities and areas shall be designed and constructed in accordance with Section 911.

Division 7. Occupancies having quantities of materials in excess of those listed in Table No. 9-B that are health hazards, including but not limited to:

1. Corrosives.

2. Highly toxic materials.

3. Irritants.

SECTION 8. Amendment of Section 901(d) of the Uniform Building Code.

Section 901(d) of the Uniform Building Code is hereby amended to read as follows:

Liquid Storage Rooms. Rooms in which Class I, Class II and Class III-A flammable or combustible liquids are stored in closed containers shall be constructed in accordance with the requirements for Group H, Division 3 Occupancy and to the following:

1. Rooms in excess of 500 square feet shall have at least one exterior door approved for fire department access.
2. Rooms shall be separated from other areas by an occupancy separation having a fire-resistive rating of not less than one hour for rooms up to 150 square feet in area and not less than two hours where the room is more than 150 square feet in the area. Separations from other occupancies shall not be less than required by Chapter 5, Table No. 5-B.
3. Shelving, racks and wainscoting in such areas shall be of noncombustible construction or wood of not less than 1-inch nominal thickness.
4. Rooms used for the storage of Class I flammable liquids shall not be located in a basement.

SECTION 9. Amendment of Section 901(f) of the Uniform Building Code.

Section 901(f) of the Uniform Building Code is hereby amended to read as follows:

Requirement for Report. The building official may require a technical opinion and report to identify and develop methods of protection from the hazards presented by the hazardous material. The opinion and report shall be prepared by a qualified person, firm or corporation approved by the building official and shall be provided without charge to the enforcing agency.

The opinion and report may include, but is not limited to, the preparation of a hazardous material management plan (HMMP); chemical analysis; recommendations for methods of isolation, separation, containment or protection of hazardous materials or process, including appropriate engineering controls to be applied; the extent of changes in the hazardous behavior to be anticipated under conditions of exposure to fire or from hazard control procedures; and the limitations or conditions of use necessary to achieve and maintain control of the hazardous materials or operations. The report shall be entered into the files of the code enforcement agencies. Proprietary and trade secret information shall be protected under the laws of the state or jurisdiction having authority.

EXCEPTION: When an HMMP is required, the applicant may submit the report(s) used for compliance with requirements of 40 CFR "Hazardous Chemical Report and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

SECTION 10. Amendment of Section 902(g) of the Uniform Building Code.

Section 902(g) of the Uniform Building Code is hereby amended to read as follows:

Standby Power. A standby power system shall be provided for required mechanical exhaust ventilation, treatment, temperature control, liquid-level limit control, pressure control, alarm, and detection or other required electrically operated systems in Group H, Divisions 1, 2, or 3 Occupancies, and in Group H, Division 7 Occupancies in which there is use or storage of corrosives, highly toxic solids and liquids, irritants, sensitizes or other health hazard materials. For required systems, see the Fire Code. The stand by power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to all electrical equipment required by the Fire Code when the normal electrical supply system is interrupted.

SECTION 11. Amendment of Section 902(h) of the Uniform Building Code.

Section 902(h) of the Uniform Building Code is hereby amended to read as follows:

Emergency Power. An emergency power system shall be provided for required mechanical exhaust ventilation, treatment, temperature control, liquid-level limit control, pressure control, alarm and detection or other required electrically operated systems in Group H, Division 6 Occupancies, and in Group H, Division 7 Occupancies in which highly toxic or toxic gases are stored or used. For required systems, see the Fire Code. The emergency power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to the exhaust ventilation system when the normal electrical supply system is interrupted.

SECTION 12. Amendment of Section 902(k) of the Uniform Building Code.

Section 902(k) of the Uniform Building Code is hereby amended to read as follows:

Special Provisions for Group H, Division 4, and Division 5. A Division 4 Occupancy having a floor areanot exceeding 2,500 square feet may have exterior walls of not less than two-hour fire- resistive construction when less than 5 feet from a property line and not less than one-hour fire- resistive construction when more than 5 feet but less than 20 feet from a property line.

Group H, Division 5 Occupancies shall have exterior walls of not less than one-hour fire- resistive construction or shall be surrounded by public ways or yards not less than 60 feet in width.

The area increases allowed by Section 506(a) shall not exceed 500 percent for aircraft repair hangars, except as permitted in Section 506(b).

SECTION 13. Amendment of Section 903 of the Uniform Building Code.

Section 903 of the Uniform Building Code is hereby amended to read as follows:

Group H Occupancies shall be located on property in accordance with Section 504, Tables Nos. 9-C and 9-D and other provisions of this chapter. In Group H, Division 2 or Division 3 Occupancies, not less than 25 percent of the perimeter wall of the occupancy shall be an exterior wall.

EXCEPTIONS: 1. Liquid use, dispensing and mixing rooms having a floor area of not more than 500 square feet need not be located on the outer perimeter of the building when they are in accordance with Section 901(c).

2. Liquid storage rooms having a floor area of not more than 1000

square feet need not be located on the outer perimeter when they are in accordance with Section 901(d).

3. Spray paint booths which comply with the Fire Code need not be located on the outer perimeter.

SECTION 14. Amendment of Section 905(b) of the Uniform Building Code.

Section 905(b) of the Uniform Building Code is hereby amended to read as follows:

Ventilation in Hazardous Locations. Areas or spaces in which explosive, corrosive, combustible, flammable or highly toxic dusts, mists, fumes, vapors or gases are or may be emitted due to the processing, use handling or storage of materials shall be mechanically ventilated as required by the Fire Code and the Mechanical Code.

Emissions generated at work stations shall be confined to the area in which they are generated as specified in the Fire and Mechanical Codes.

The location of supply and exhaust opening shall be in accordance with the Mechanical Code. Exhaust air contaminated by highly toxic material shall be treated in accordance with the Fire Code.

A manual shutoff control for ventilation equipment required by this subsection shall be provided outside the room adjacent to the principal access door to the room. The switch shall be the break-glass type and shall be labeled "Ventilation System Emergency Shutoff".

SECTION 15. Amendment of Section 906 of the Uniform Building Code.

Exits shall be enclosed as specified in Chapter 33.

Section 906 of the Uniform Building Code is hereby amended to read as follows:

Elevator shafts, vent shafts and other openings through floors shall be enclosed, and the enclosure shall be as specified in Section 1706.

Doors which are a part of an automobile ramp enclosure shall be equipped with automatic closing devices.

In buildings which Group H, Division 6 Occupancies, a fabrication area may have mechanical, duct and piping penetrations which extend through not more than two floors within that fabrication area. The annular space around penetrations for cables, cable trays, tubing, piping, conduit or ducts shall be sealed at the floor level to restrict the movement of air. The fabrication area, including the areas through which the ductwork and piping extend, shall be considered a single conditions environment.

SECTION 16. Amendment of Section 908 of the Uniform Building Code.

Section 908 of the Uniform Building Code is hereby amended to read as follows:

Chimneys and heating apparatus shall conform to the requirements of Chapter 37 of this code and the Mechanical Code.

Every boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a two-hour fire-resistive occupancy separation. In Divisions 1, 2 and 3, there shall be no openings in such occupancy separations except for necessary

ducts and piping.

In Division 4 Occupancies, devices which generate a spark, flame or glow capable of igniting gasoline vapors shall not be installed or used within 18 inches of the floor.

Equipment or machinery which generates or emits combustible or explosive dust or fibers shall be provided with an adequate dust-collecting and exhaust system installed in conformance with the Mechanical Code. Equipment or systems that are used to collect, process or convey combustible dusts or fibers shall be provided with an approved explosion venting or containment system.

Combustible fiber storage rooms with a given storage capacity not exceeding 500 cubic feet, shall be separated from the remainder of the building by a one-hour fire-resistive occupancy separation. Combustible fiber storage vaults having a fiber storage capacity of more than 500 cubic feet, shall be separated from the remainder of the building by a two-hour fire-resistive occupancy separation.

Cellulose nitrate film storage and handling shall be in accordance with Chapter 48.

SECTION 17. Amendment of Section 909 of the Uniform Building Code.

Section 909 of the Uniform Building Code is hereby amended to read as follows:

An approved fire alarm system shall be installed in Group H Occupancies as specified in the Fire Code.

SECTION 18. Amendment of Section 910 of the Uniform Building Code.

Section 910 of the Uniform Building Code is hereby amended to read as follows:

Explosion Control; equivalent protective devices, suppression systems or barricades shall be provided to control or vent the gases resulting from deflagrations of dusts, gases or mists in rooms, buildings or other enclosures as required by the Fire Code so as to minimize structural or mechanical damage. If detonation rather than deflagration is considered likely, protective devices or systems such as fully contained barricades shall be provided, except that explosion venting to minimize damage from less than 2.0 grams of TNT (equivalence) is permitted. Walls, floors, and roofs separating a use from an explosion exposure shall be designed to resist a minimum internal pressure of 100 pounds per square foot in addition to the loads required by Chapter 23.

Explosion venting shall be provided in exterior walls or roof only. The venting shall be designed to prevent serious structural damage and production of lethal projectiles. The aggregate clear vent relief area shall be regulated by the pressure resistance of the nonrelieving portions of the building and be designed by persons competent in such design. The design shall recognize the nature of the material and its behavior in an explosion. Vents shall consist of any one or any combination of the following to relieve at a maximum internal pressure of 20 pounds per square foot, but not less than the loads required by Chapter 23.

1. Walls of lightweight material.
2. Lightly fastened hatch covers.

3. Lightly fastened, outward-opening swinging doors in exterior walls.

4. Lightly fastened walls or roof.

Venting devices shall discharge vertically or directly to an unoccupied yard not less than 50 feet in width on the same lot. Releasing devices shall be so located that the discharge end shall be not less than 10 feet vertically and 20 feet horizontally from window openings or exits in the same or adjoining buildings or structures. The exhaust shall always be in the direction of least exposure and never into the interior of the building unless a suitably designed shaft is provided which discharges to the exterior. See Footnote 7 of Table No. 9-A.

SECTION 19. Amendment of Section 911(f) 1. of the Uniform Building Code.

Section 911(f) 1. of the Uniform Building Code is hereby amended to read as follows:

General. HPM piping and tubing shall comply with this subsection and shall be installed in accordance with nationally recognized standards. Piping and tubing systems shall be metallic unless the material being transported is incompatible with such system. Systems supplying gaseous HPM having a health hazard ranking of 3 or 4 shall be welded throughout, except for connections, valves, and fittings, to the systems which are within a ventilated enclosure. HPM supply piping or tubing in service corridors shall be exposed to view.

SECTION 20. Standards for Basic Quantities of Hazardous Materials.

Table No. 9-A of the Uniform Building Code is hereby amended to read as is set forth at Appendix A to this Ordinance.

SECTION 21. Standards for Maximum Quantities of Hazardous Materials.

Table No. 9-B of the Uniform Building Code is hereby amended to read as is set forth at Appendix B to this Ordinance.

SECTION 22. Distances From Property Lines, Wall and Opening Protection.

Table No. 9-C of the Uniform Building Code is hereby amended to read as is set forth at Appendix C to this Ordinance.

SECTION 23. Required Detached Storage. Table No. 9-E of the Uniform Building Code is hereby amended to read as is set forth at Appendix D to this Ordinance.

SECTION 24. Amendment of Section 2312(h) 2. of the Uniform Building Code.

Section 2312(h) 2. of the Uniform Building Code is hereby amended to read as follows:

Where wood diaphragms are used to laterally support concrete or masonry walls, the anchorage shall conform to Section 2312(h) 2. H above. In Seismic Zones Nos. 2, 3 and 4 anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal, nor shall wood ledgers or framing be used in cross-grain tension, and the continuous ties required by paragraph (iii) above shall be in addition to the diaphragm sheathing.

SECTION 25. Amendment of Section 2722(f) 6. of the Uniform Building Code.

Section 2722(f) 6. of the Uniform Building Code is hereby amended to read as follows:

Strength ratio. At any moment frame joint, the following relationship shall be satisfied:

$$Z (F - f) Z F > 1.0$$

where ($f_a > 0$) (22-3)

EXCEPTION: This requirement need not apply in any of the following cases, provided the compactness limitations for beams given in Section 2722(f) 4. shall apply to columns as well:

1. For columns with f_a less than $0.4F$ for all load combinations, except for loads specified in Section 2722(d) 1. Such columns shall have allowable stresses reduced 25 percent when one end frames into a joint not complying with Formula 22-3, and 50 percent when both ends frame into joints not complying with Formula 22-3.
2. For columns in any story which has lateral shear strength 50 percent greater than that of the story above.
3. For any column whose lateral shear strength is not included in the design to resist code-required seismic shears.

SECTION 26. Amendment of Section 2722(f) 7. of the Uniform Building Code.

Section 2722(f) 7. of the Uniform Building Code is hereby amended to read as follows:

Trusses in SMRSF. Trusses may be used as horizontal members in SMRSF if the sum of the truss seismic force flexural strength exceeds the sum of the column seismic force flexural strength immediately above and below the truss by a factor of at least 1.25. For this determination the strengths of the members shall be reduced by the gravity load effects. In buildings of more than one story, the column axial stress shall not exceed $0.4 F$ and the ratio of the unbraced column height to the least radius of gyration shall not exceed 60. Columns shall have allowable stresses reduced 25 percent when one end frames into a truss, and 50 percent when both ends frame into trusses. The connection of the truss chords to the column shall develop the lesser of the following:

- A. The strength of the truss chord.
- B. The chord force necessary to develop 125 percent of the flexural strength of the column.

SECTION 27. Addition of a new subsection to Section 3801 of the Uniform Building Code.

A new subsection is hereby added to Section 3801 of the Uniform Building Code is hereby added to read as follows:

When sprinklers are installed in an insulated ceiling cavity not meeting exceptions of UBC Standard 38-1 or where blocked by ducts or other similar obstructions, a space 6 inches or greater in depth with not less than 12 inches clearance from ducts or other similar obstructions shall be provided under all sprinklers.

SECTION 28. Amendment of Section 3802(h) of the Uniform Building Code.

Section 3802(h) 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 every apartment house three or more levels in height or containing more than 15 dwelling units and every hotel three or more levels in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

SECTION 29. Deletion of Section 5103 of the Uniform Building Code.

Section 5103 of the Uniform Building Code is specifically not adopted and is deleted from the Uniform Building Code for City purposes in order to eliminate conflict with Chapter 296-81 WAC as adopted by the Washington State Department of Labor and Industries pursuant to Chapter 70.87 RCW.

SECTION 30. Amendment of Section 5105 of the Uniform Building Code.

Section 5105 of the Uniform Building Code is hereby amended to read as follows:

Elevator hoistways shall not be vented through an elevator machine room unless such venting is accomplished by an approved duct system installed through the elevator machine room. Cable slots entering the machine room must be installed in a manner that inhibits the passage of smoke into the machine room.

SECTION 31. Conflicts Relating to Ventilation Systems.

In event of conflict between ventilation requirements of Section 605, Section 705, Section 905, and Section 1205 of the Uniform Building Code and the ventilation requirements of Chapter 51-12 WAC, The Washington State Energy Code, the provisions of the latter Code shall govern.

SECTION 32. Sprinkler Systems in Residential Occupancies. There is hereby added a new standard to be known as Standard No. 38-3W, to the Uniform Building Code Standards to read as follows:

WASHINGTON STATE BUILDING CODE STANDARD

NO. 38-3W

INSTALLATION OF SPRINKLER SYSTEMS IN

RESIDENTIAL OCCUPANCIES

Section 38.301W. Except for the limitations, deletions, modifications or amendments set forth in Section 38.302W of this standard, the installation of sprinkler systems in residential occupancies of four stories or less when required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems in Residential Occupancies, NFPA 13R-1988", published by the National Fire Protection Association, copyright 1988, Batterymarch Park, Quincy, Massachusetts, 02269, as if set out at length herein.

Section 38.302W. The National Fire Protection Association standard adopted by Section 38.201W applies to the selection, installation, inspection, maintenance, and testing of residential sprinkler systems, except as follows:

1. Table 1-5.1 is amended to read as follows:

Table 1-5.1

Materials and Dimensions Standard

Spec. for Black and Hot-Dipped Zinc

Coated (Galvanized) Welded and

Seamless Steel Pipe for Fire

Protection Use ASTM A795

Specification for Welded and

Seamless Steel Pipe ASTM A53

Wrought-Steel Pipe ANSI B36.10

Specification for Electric-Resistance

Welded Steel Pipe ASTM A135

Copper Tube (Drawn, Seamless)

Specification for Seamless Copper

Tube ASTM B88

Specification for General Requirements

for Wrought Seamless Copper and

Copper-Alloy Tube ASTM B251

Brazing Filler Metal (Classification

BCuP-3 or BCuP-4) AWS A5.8

Specification for Solder Metal, 9-5

(Tin-Antimony-Grade 95TA) ASTM B32

Specification for CPVC Pipe ASTM F437

ASTM F438

ASTM F439

ASTM F442

Specification for Polybutylene Tube ASTM D 3309

2. Table 1-5.5 is amended to read as follows:

Table 1-5.5

Materials and Dimensions Standard

Cast Iron

Cast Iron Threaded Fittings

Class 125 and 250 ANSI B16.4

Cast Iron Pipe Flanges and
Flanged Fittings ANSI B16.1

Malleable Iron

Malleable Iron Threaded Fittings

Class 150 and 300 ANSI B16.3

Steel

Factory-made Threaded Fittings

Class 150 and 300 ANSI B16.9

Buttwelding ends for Pipe, Valves

Flanges and Fittings ANSI B16.25

Spec. for Piping Fittings of Wrought

Carbon Steel and Alloy Steel for

Moderate and Elevated Temperatures ANSI A234

Pipe Flanges and Flanged Fittings,

Steel Nickel Alloy and Other

Special Alloys ANSI B16.5

Forged Steel Fittings, Socket

Welded and Threaded ANSI B16.11

Copper

Wrought Copper and Copper Alloy-

Solder-Joint Pressure Fittings ANSI B16.22

Cast Copper Alloy Solder-Joint

Pressure Fittings ANSI B16.18

Plastic Fittings for CPVC Pipe ASTM F437

ASTM F438

ASTM F439

ASTM F442

Plastic Fittings for Polybutylene Tube ASTM D 3309

SECTION 33. Additional Requirements of Sprinkler Systems.

In addition to the requirements of the Uniform Building Code and the Uniform Fire Code, 1988 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.

SECTION 34. Fee Schedule for Automatic Fire Sprinkler System.

(a) Permit fees shall be based upon the following schedule:

- (1) Commercial system - \$100.00 plus \$0.75 per sprinkler head in excess of ten sprinkler heads.
- (2) Multi-family - \$75.00 plus \$0.75 per sprinkler head in excess of ten sprinkler heads.
- (3) Single-family - \$50.00 plus \$0.75 per sprinkler head in excess of ten sprinkler heads.

(b) In addition to the aforesaid permit fees, a plan review fee equal to sixty-five percent of the permit fee shall be paid at the time of application.

SECTION 35. Adoption of the Uniform Mechanical Code. The Uniform Mechanical Code, 1988 Edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by the Washington State Building Code Council and published by WAC 51-16 and as may subsequently be amended, is hereby adopted by reference as the Mechanical Code of the City.

SECTION 36. Adoption of the Uniform Plumbing Code

The Uniform Plumbing Code, 1988 Edition, and the Uniform Plumbing Code Standards published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and published as WAC 51-16, and as may subsequently be amended, are hereby adopted by reference as the Plumbing Code of the City.

SECTION 37. Adoption of the Uniform Administrative Code.

The Uniform Administrative Code, 1988 Edition, published by the International Conference of Building Officials, and as may subsequently be amended, is hereby adopted by reference as the Administrative Code of the City.

SECTION 38. Adoption of the Uniform Housing Code The Uniform Housing Code, 1988 Edition, published by the International Conference of Building Officials, and as may subsequently be amended, is hereby adopted by reference as the Housing Code of the City.

SECTION 39. Adoption of the Uniform Abatement of Dangerous Building Code. The Uniform Abatement of Dangerous Buildings Code, 1988 Edition, published by the International Conference of Building Officials, and as may subsequently be amended, is hereby adopted by reference as the Abatement of Dangerous Buildings Code of the City.

SECTION 40. Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code. The Uniform Swimming Pool, Spa and HotTub Code, 1988 Edition, published by the International Conference of Building Officials, and as may subsequently be amended, is hereby adopted by reference as the Swimming Pool, Spa and Hot Tub Code of the City.

SECTION 41. Adoption of the Regulations for Barrier-Free Facilities.

The Regulation for Barrier-Free Facilities, as published by the Washington State Building Code Council on November 09, 1989 and published as WAC 51-10, and as may subsequently be amended, are hereby adopted by reference as the Regulation for Barrier-Free Facilities of the City.

SECTION 42. Adoption of the Washington State Energy Code. The Washington State Energy Code, as published by the Washington State Building Code Council on November 09, 1989 and published as WAC 51-12, and as may subsequently be amended, are hereby adopted by reference as the Washington State Energy Code of the City.

SECTION 43. Adoption of the Washington State Water Conversation Performance Standards. The Washington State Water Conversation Performance Standards, as published by the Washington State Building Code Council on November 09, 1989 and published as WAC 51-18, and as may subsequently be amended, are hereby adopted by reference as the Washington State Energy Code of the City.

SECTION 44. Conflicts Between Codes and Standards.

In event of conflict between the Uniform Code and the Standards recited in Sections 1, 35 and 36 of this Ordinance, respectively, the provisions of the Uniform Code shall govern.

SECTION 45. Enforcement.

In addition to any and all rights of inspection, access and enforcement contained in the Uniform Codes and the Standards adopted by this Ordinance, the City is authorized to enforce all provisions of this Ordinance pursuant to Ordinance No. 90- 148, as presently existing and as may subsequently be amended.

SECTION 46. Repeal.

Sections 2, 4 and 5 of Ordinance No. 90-1021 and Sections 2 and 3 of Ordinance No. 90-1023 are hereby repealed.

SECTION 47. Severability.

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

SECTION 48. Copies to Be Available.

A copy of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 49. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 13th day of November, 1990, and signed in authentication of its passage this 17th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: _____

ORDINANCE NO. 90-1065

AN ORDINANCE of the City Council of the City of SeaTac adopting by reference the Uniform Fire Code and Uniform Standards; providing for sprinkler systems in high-rise apartment or hotel structures; providing requirements for prevention of harm from hazardous materials; providing special definitions; providing for handling of hazardous materials by permit holders; prohibiting release of hazardous materials; requiring identification of hazardous materials; providing for separation of storage areas; requiring familiarity with regulations by persons handling hazardous materials; requiring notice of termination of storage or use of hazardous materials; regulating retail display of hazardous materials; providing density factors for exempt amounts in retail sales; requiring compliance with recognized standards; deleting Section 80.202(b) 4. of the Uniform Fire Code; providing for storage of hazardous materials in containers and tanks; providing for design and construction of containers and tanks; requiring signage; providing for security; prohibition ignition sources; requiring storage plans; providing for ventilation; establishing standards for construction of cabinets; providing for explosion venting or suppression; establishing standards for electrical wiring and equipment; requiring standby power for ventilation; requiring manual alarms; providing for fire access roadways; providing for fire-extinguishing systems; requiring explosion venting or suppression in regard to flammable gases; requiring canopies; requiring gas cabinets for leaking cylinders; requiring explosion venting or suppression as to combustible dusts; providing for indoor storage of oxidizers; establishing exempt amounts for oxidizers; waiving explosion venting or suppression in regard to certain oxidizers; establishing exempt amounts of organic peroxide storage; providing for indoor storage of unstable materials; providing for indoor storage of water-reactive materials; establishing exempt amounts of water-reactives; providing for indoor storage of highly toxic materials; deleting Sections 80.312(c), 80.313(c) and 80.315 of the Uniform Fire Code; providing for indoor storage of corrosive materials; providing for dispensing of hazardous materials; requiring maintenance or removal of tanks out of service; providing for defective containers and tanks; providing for location and protection of underground tanks; establishing standards for piping and tubing connections; requiring excess glow control; providing for standards for electrical equipment and wiring in dispensing and use areas; requiring stand-by power for certain systems; providing for signs prohibiting smoking; providing for security in dispensing, use and handling areas; regulating hazardous materials in open containers or systems; providing additional requirements for explosion venting or suppression; providing for gas detection; deleting Section 80.402(b) 3. F.(viii) of the Uniform Fire Code; providing for dispensing of certain hazard-ranking liquids; providing for gas detection in cabinets and exhausted enclosures; providing for enforcement; and repealing certain Sections of Ordinance No. 90-1022.

WHEREAS, by Ordinance No. 90-1022, the City Council adopted by reference certain provisions of the King County Code relating to the Uniform Fire Code, Fire Regulations for high-rise buildings and fire hydrants and watermains; and

WHEREAS, the Department of Public Works has now proposed adoption of Uniform Codes and Standards with specific amendments tailored to the anticipated needs of the City; and

WHEREAS, the City Council finds that adoption of such amended Uniform Codes and Standards is in the best interests of the public;

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

SECTION 1. Adoption of the Uniform Fire Code.

The Uniform Fire Code, 1988 Edition, and the Uniform Fire Code Standards, 1988 Edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association, as amended by the Washington State Building Code Council on November 27, 1989 and published as WAC 51-16, and as may subsequently be amended, are hereby adopted by reference as the Fire Code of the City, except as specifically amended by Sections 2 through 68 of this Ordinance.

SECTION 2. Amendment of Section 10.306(h) of the Uniform Fire Code.

Section 10.306(h) of the Uniform Fire Code is hereby amended to read as follows:

Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more levels in height or containing more than 15 dwelling units and every hotel three or more levels in height or containing 20 or more guest rooms. Residential or quick response standards sprinkler heads shall be used in the dwelling unit and guest rooms portions of the building. The sprinkler system shall comply with the requirements of the Washington State Building Code Standard No. 38-3W.

SECTION 3. Amendment of Section 80.101 of the Uniform Fire Code.

Section 80.101 of the Uniform Fire Code is hereby amended to read as follows:

The provisions of this article is to provide requirements for the prevention, control and mitigation of physical hazards and health hazards related to hazardous materials and to provide information needed by emergency response personnel. Hazardous materials are those chemicals or substances defined as such in Article 9. See Appendix VI-A for the classification of hazard categories and hazard elevations.

The general provisions and requirements in Division I shall apply to all hazardous materials, including those materials regulated elsewhere in this code, except that when specific requirements are provided in other articles, those specific requirements shall apply. When a material has multiple hazards, all hazards shall be addressed.

The provisions of this article are waived when such provisions are preempted by other codes, statutes or ordinances. Notwithstanding any other provision of this article the chief or other enforcing official charged with enforcement of this code, shall waive the requirements of this article when: 1) there exist other federal, state or local laws or regulations which regulate the same hazard or conditions as this article, and 2) such other laws or regulations address those physical hazards or health hazards for which the fire service is charged with prevention or response. The details of any action granting any such waiver shall be recorded and entered in the files of the code enforcement agency.

The classification system referenced in Division II shall apply to all hazardous materials, including those materials regulated elsewhere in this code.

EXCEPTIONS:

1. The off-site transportation of hazardous materials when in conformance with the Department of Transportation (DOT) regulations.
2. The quantities of alcoholic beverages, medicines, foodstuffs, and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solutions not being flammable, in retail sales occupancies are unlimited when packaged in individual containers not exceeding 4 liters.

For retail display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 retail sales occupancies, see Section 80.108.

Notwithstanding any other language to the contrary, Article 80 is adopted in the State of Washington for the purpose to provide requirements for the prevention, control and mitigation of physical hazards and health hazards only.

SECTION 4. Amendment of Section 80.102(b) of the Uniform Fire Code.

Section 80.102(b) of the Uniform Fire Code is hereby amended to read as follows:

Limited Application. For the purposes of this article, certain terms and words are defined as follows:

BARRICADE is a structure that consists of a combination of walls, floor and roof that is designed to withstand the rapid release of energy in an explosion. Barricades may be fully confined, partially vented or fully vented.

CEILING LIMIT is the maximum concentration of an airborne contaminant to which one may be exposed. The ceiling limits utilized are to be those published in 29 CFR 1910.1000.

CONTAINER is any vessel of 60 U.S. gallons or less capacity used for transporting or storing hazardous materials.

CONTINUOUS GAS-DETECTION SYSTEM is a gas-detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis may be performed on a cyclical basis at intervals not to exceed 30 minutes.

CONTROL AREA is space within a building where the exempt amounts specified in Division III may be stored or the exempt amounts specified in Division IV may be dispensed, used or handled. Storage or use of quantities in excess of those listed in the tables are required by UBC 901 to be rated as the appropriate Group H Occupancy.

CYLINDER is a pressure vessel designed for pressures higher than 40 pounds per square inch absolute and having a circular cross section. It does not include a portable tank, multi-unit tank car tank, cargo tank or tank car.

EXCESS FLOW CONTROL is a fail-safe system designed to shut off flow due to a rupture in pressurized piping systems.

EXCESS FLOW VALVE is a valve inserted into a compressed gas cylinder, portable or stationary tank that is designed to positively shut off the flow of gas in the event that its predetermined flow is exceeded.

HEALTH HAZARD is a classification of a chemical for which there is statistically significant evidence based on at least one reproducible study conducted in accordance with established scientific principles that acute health effects may occur in exposed persons. The term "health hazard" includes chemicals which are toxic or highly toxic agents, irritants, corrosives, hepatotoxins, nephrotoxins, neurotoxins, agents which can have an acute effect on the hematopoietic system, and agents that have acute effects on the lungs, skin, eyes or mucous membranes.

HIGHLY VOLATILE LIQUID is a liquid with a boiling point of less than 68 F.

IDLH (Immediately Dangerous To Life and Health) is a concentration of airborne contaminants, normally expressed in parts per million (ppm) or milligrams per cubic meter, which represents the maximum level from which one could escape within 30 minutes without any escape-impairing symptoms or irreversible health effects. This level is established by the National Institute of Occupational Safety and Health (NIOSH). If adequate data do not exist for precise establishment of IDLH data, an independent certified industrial hygienist, industrial toxicologist or appropriate regulatory agency shall make such determination.

PERMISSIBLE EXPOSURE LIMIT (PEL) is the maximum permitted eight-hour time-weighted average concentration of an airborne contaminant. The maximum permitted time-weighted average exposures to be utilized are those published in 29 CFR 1910.1000.

PHYSICAL HAZARD is a classification of a chemical for which there is scientifically valid evidence that it is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic, peroxide, oxidizer, pyrophoric, unstable (reactive) or water-reactive material.

PORTABLE TANK is any packaging over 60 U.S. gallons capacity and designed primarily to be loaded into or on or temporarily attached to a transport vehicle or ship and equipped with skids, mounting or accessories to facilitate handling of the tank by mechanical means. It does not include any cylinder having less than a 1,000-pound water capacity, cargo tank, tank car tank or trailers carrying cylinders of over 1,000-pound water capacity.

REDUCED FLOW VALVE is a valve equipped with a restricted flow orifice and inserted into a compressed gas cylinder, portable or stationary tank that is designed to reduce the maximum flow from the valve under full flow conditions. The maximum flow rate from the valve is determined with the valve allowed to flow to atmosphere with no other piping or fittings attached.

SEPARATE GAS STORAGE ROOM is a separate enclosed area which is part of or attached to a building and is utilized for the storage or use of highly toxic compressed or liquefied gases.

STATIONARY TANK is packaging designed primarily for stationary installations not intended for loading, unloading or attachment to a transport vehicle as part of its normal operation in the process of use. It does not include cylinders having less than 1,000-pound water capacity.

STORAGE FACILITY is a building, portion of a building or exterior area used for the storage of a hazardous materials in excess of exempt amounts specified in Division III.

USE (Material) is the placing in action or making available for service

by opening or connecting anything utilized for confinement of material whether a solid, liquid or gas.

SECTION 5. Amendment of Section 80.103 of the Uniform Fire Code.

Section 80.103 of the Uniform Fire Code is hereby amended to read as follows:

General. In those jurisdictions which require permits under this article:

1. No person, firm or corporation shall store, dispense, use or handle hazardous material in excess of quantities specified in Section 4.108 unless and until a valid permit has been issued pursuant to this article.

2. A permit shall be obtained when a material is classified as having more than one hazard category if the quantity limits are exceeded in any category.

3. No person, firm or corporation shall install, abandon, remove, close or substantially modify a storage facility or other area regulated by this article until a permit has been issued. (See also Sections 80.107 and 80.108).

EXCEPTIONS:

1. Routine maintenance.

2. For work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

Permittee shall apply for approval to close any storage, use or handling facility at least 30 days prior to the termination of the storage, use or handling of hazardous materials. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 80.107 of this Ordinance. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

Posting Permits. Hazardous materials permits shall be posted in a conspicuous location on the premises or shall be kept on the premises designated therein. Permits shall at all times be subject to inspection by an officer of the fire or police department or other authorized persons.

Hazardous Materials Management Plan. When required by the chief, each application for a permit pursuant to this article shall include a Hazardous Materials Management Plan (HMMP) in accordance with Appendix II-E.

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) will satisfy the requirements of this subsection.

Hazardous Materials Inventory Statement. When required by the chief, each application for a permit pursuant to this article shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Appendix II-E.

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of

the Superfund Amendments and Reauthorizastion Act of 1986 (SARA) will satisfy the requirements of this subsection.

SECTION 6. Amendment of Section 80.104(b) of the Uniform Fire Code.

Section 80.104(b) of the Uniform Fire Code is hereby amended to read as follows:

Release of Hazardous Materials. Hazardous materials shall not be released into sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, or upon the ground, sidewalk, street, highway or into the atmosphere.

EXCEPTIONS:

1. Materials intended for use in weed abatement, erosion control, soil amendment or similar applications, when applied in accordance with the manufacturer's instructions or nationally recognized practices, including; a) pesticides used according to registered label directions and b) fertilizers and soil amendments used according to manufacturers directions.

2. Materials released in accordance with federal, state or local governing regulations or permits of the jurisdictional Air Quality Management Board with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the jurisdictional Water Quality Control Board or with local sewer pretreatment requirements for publicly owned treatment works.

SECTION 7. Amendment of Section 80.104(e) of the Uniform Fire Code.

Section 80.104(e) of the Uniform Fire Code is hereby amended to read as follows:

Identification. Visible hazard identification signs as specified in U.F.C. Standard No. 79-3 shall be placed at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit.

EXCEPTION: The chief may waive this requirement in special cases when consistent with safety, if the owner or operator has submitted a hazardous materials management plan and a hazardous materials inventory statement. See Appendix II-E.

Individual containers, cartons or packages shall be conspicuously marked or labeled in accordance with nationally recognized standards or other approved equivalent systems. See also Section 80.301(d).

SECTION 8. Amendment of Section 80.105 of the Uniform Fire Code.

Section 80.105 of the Uniform Fire Code is hereby amended to read as follows:

Buildings or portions thereof in which hazardous materials are stored, handled or used shall be constructed in accordance with the Building Code, as specified in U.B.C. Chapter 9.

Boundaries of a control area shall be formed by one or more of the following:

1. An occupancy separation with a minimum one-hour fire-resistive rating.

2. The exterior wall, roof or foundation
of the building.

A maximum of four control areas shall be permitted within a building.

EXCEPTION: A maximum of two control areas shall be permitted in buildings or portions of buildings used for retail sales.

SECTION 9. Amendment of Section 80.106 of the Uniform Fire Code.

Section 80.106 of the Uniform Fire Code is hereby amended to read as follows:

Persons responsible for the operation of areas in which hazardous materials are stored, dispensed, handled or used shall be familiar with the chemical nature of the material and the appropriate mitigating actions necessary in the event of fire, leak or spill. Responsible persons shall be designated and trained to be liaison personnel for the fire department. These persons shall aid the fire department in preplanning emergency responses and identification of the location where hazardous materials are located and shall have access to Material Safety Data Sheets and be knowledgeable in the site emergency response procedures.

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) will satisfy the requirements of this subsection.

SECTION 10. Amendment of Section 80.107 of the Uniform Fire Code.

Section 80.107 of the Uniform Fire Code is hereby amended to read as follows:

The permit holder or applicant shall notify the fire department of its intent to terminate storage, dispensing, handling or use of hazardous materials at least 30 days prior to facility closure or placing facility out of service.

SECTION 11. Amendment of Section 80.108 of the Uniform Fire Code.

Section 80.108 of the Uniform Fire Code is hereby amended to read as follows:

Retail Display. When in accordance with this section, the aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials permitted within a single control area of a Group B, Division 2 retail sales occupancy may exceed the exempt amounts specified in Division III, Tables Nos. 80.306-A, 80.309-A, 80.310-A, 80.312-A, 80.314-A, 80-315-A. The maximum allowable quantity in pounds or gallons permitted within a single control area of a retail sales occupancy shall be the amount derived from the formula:

ER = E x p x A

WHERE:

ER = exempt amount permitted in a single control
area of a retail sales occupancy.

E = exempt amount specified in Division III

exempt amount tables.

p = density factor from Table No. 80.108

A = square footage area of the hazardous material retail display or storage.

The maximum aggregate floor area for hazardous material retail display or storage over which the density factor may be applied shall not exceed 1500 square feet per control area.

The area of storage or display shall also comply with the following requirements:

1. Display of solids shall not exceed 200 pounds per square foot of floor area actually occupied by the solid merchandise.
2. Display of solids shall not exceed 20 gallons per square foot of floor area actually occupied by the liquid merchandise.
3. Display height shall not exceed 6 feet.
4. Individual containers less than 5 gallons or less than 25 pounds shall be stored on pallets, racks or shelves.
5. Storage racks and shelves shall be in accordance with the provisions of Section 80.301(i).
6. Containers shall be approved for the use intended.
7. Individual containers shall not exceed 100 pounds or 5-gallon capacity.
8. Incompatible materials shall be separated in accordance with the provisions of Section 80.301(n).
9. Floors shall be in accordance with the provisions of Section 80.301(z).
10. Aisles 4 feet in width shall be maintained on three sides of the display area.
11. Hazard identification signs shall be provided in accordance with the provisions of Section 80.104(e).

SECTION 12. Addition of a Table to the Uniform Fire Code. There is hereby added a new Table, to be designated 80.108, to the Uniform Fire Code, to read as follows:

TABLE NO. 80.108

DENSITY FACTORS FOR EXEMPT AMOUNTS IN RETAIL SALES

HAZARD CATEGORIES CLASS DENSITY FACTOR(p)

Physical Hazards:

Oxidizers; unstable (reactive

materials; water-reactive materials Class 4 N.P.

Class 3 0.075

Class 2 0.006

Class 1 0.003

Health Hazards:

Highly toxic solids and liquids;

corrosives; other health hazard

solids, liquid gases All 0.0013

N.P. = Not permitted

1 Hazard categories are as specified in Division II. Density factors shall not apply to categories other than those listed.

SECTION 13. Addition of new Section to the Uniform Fire Code. There is hereby added a new Section, to be designated 80.109, to the Uniform Fire Code, to read as follows:

Notwithstanding Section 1.103(b) conditions in existence at the time of the adoption of this article may continue if such condition was legal at the time of the adoption of this code, provided such condition is not dangerous to life or does not present a distinct and substantial hazard to property.

SECTION 14. Addition of new Section to the Uniform Fire Code. There is hereby added a new Section, to be designated 80.110, to the Uniform Fire Code, to read as follows:

The intent of this article is to promote compliance with nationally recognized standards, including those identified in Appendix V-A and any guidance or directives from nationally recognized standards developed organizations. Compliance with such standards shall be considered by the chief in judging compliance with the intent of this article.

SECTION 15. Deletion of Section 80.202(b) 4. of the Uniform Fire Code.

Section 80.202(b) 4. of the Uniform Fire Code is specifically not adopted and is deleted from the Uniform Fire Code for City purposes.

SECTION 16. Amendment of Section 80.301(a) of the Uniform Fire Code.

Section 80.301(a) of the Uniform Fire Code is hereby amended to read as follows:

The division applies to the storage of hazardous materials in containers, cylinders and tanks and in excess of the exempt amounts specified in Sections 80.302 through 80.315.

EXCEPTIONS:

1. Hazardous materials regulated by other articles in this code unless specifically indicted in this division.
2. Indoor storage of liquid and solid oxidizers, organic peroxides, unstable (reactive) and water-reactive materials in quantities less than the exempt amount shall be as specified in Sections 80.306, 80.307, 80.309 and 80.310.
3. Underground storage tanks regulated by 40 CFR 280 or state law.

The provisions for toxic compressed gases shall apply only after consideration of the hazard potential, alternatives for controlling the hazard, and the cost and benefits of the alternatives.

SECTION 17. Amendment of Section 80.301(b) of the Uniform Fire Code.

Section 80.301(b) of the Uniform Fire Code is hereby amended to read as follows:

Containers and Tanks. 1. Design and construction. Containers and tanks shall be designed and constructed in accordance with nationally recognized standards. See Section 2.304(b).

Tanks out-of-service 90 days. Any stationary tank not used for a period of 90 days shall be properly maintained or removed in a manner approved by the chief. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained.

Tanks which are to be placed back in service shall be tested in a manner approved by the chief.

Defective containers and tanks. Defective containers and tanks shall be removed from service, repaired, or disposed of in accordance with nationally recognized standards of good practice such as the American Petroleum Institute (API) or American Society of Mechanical Engineers (ASME). See Section 2.304(b).

Empty containers and tanks. Empty containers and tanks previously used for the storage of hazardous materials shall be free from residual material and vapor as defined by D.O.T., R.C.R.A. or other regulating authority or maintained as specified for the storage of the hazardous material.

Underground tanks. Underground tanks not otherwise excepted by this section used for the storage of hazardous materials shall be located and protected in accordance with Sections 79.601 and 79.603 of this code. Secondary containment shall be provided for all new installations of underground tanks.

Aboveground tanks. Aboveground stationary tanks used for the storage of hazardous materials shall be located and protected in accordance with the provisions of exterior storage of the particular material involved and shall be marked as required by Section 80.301(d).

SECTION 18. Amendment of Section 80.301(d) of the Uniform Fire Code.

Section 80.301(d) of the Uniform Fire Code is hereby amended to read as follows:

Signage. In addition to the hazard identification signs required by

Section 80.104(e), stationary aboveground tanks shall be placarded with hazard identification signs as specified in U.F.C. Standard No. 79-3 for the specific material contained.

Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13.

Signs shall not be obscured or removed.

Signs shall be in English as a primary language or in symbols allowed by this code.

Signs shall be durable. The size, color and lettering shall be in conformance with nationally recognized standards.

SECTION 19. Amendment of Section 80.301(e) of the Uniform Fire Code.

Section 80.301(e) of the Uniform Fire Code is hereby amended to read as follows:

Security. The storage of hazardous materials shall be protected against tampering or trespassers by fencing or other control measures.

SECTION 20. Amendment of Section 80.301(f) of the Uniform Fire Code.

Section 80.301(f) of the Uniform Fire Code is hereby amended to read as follows:

Ignition Sources. Smoking, use of open flames or high-temperature devices in a manner which creates a hazardous condition shall not be permitted.

EXCEPTION: Energy-consuming equipment listed for use with the hazardous material stored.

SECTION 21. Amendment of Section 80.301(k) of the Uniform Fire Code.

Section 80.301(k) of the Uniform Fire Code is hereby amended to read as follows:

Storage Plan. A storage plan shall be provided for all storage facilities. The plan shall indicate the intended storage arrangement, including the location and dimensions of aisles. Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) will satisfy the requirements of this subsection.

SECTION 22. Amendment of Section 80.301(m) of the Uniform Fire Code.

Section 80.301(m) of the Uniform Fire Code is hereby amended to read as follows:

Ventilation. Unless exempted or otherwise provided for in Sections 80.302 through 80.315, indoor storage areas and storage buildings shall be provided with mechanical exhaust ventilation. Threshold Limit Values (TLV) as established by the American Conference of Governmental and Industrial Hygienists (ACGIH), OSHA or Washington Industrial Safety and Health Act - Chapter 296-62 WAC will be utilized for establishing minimum standards where ventilation is required.

EXCEPTION: Where natural ventilation can be shown to be acceptable for the materials as stored.

Exhaust ventilation systems shall comply with the following:

1. Installation shall be in accordance with the provisions of the Mechanical Code.
2. Mechanical ventilation shall be at a rate of not less than 1 cubic foot per minute per square foot of floor area over the storage area.
3. Systems shall operate continuously. Alternate designs may be approved by the chief.
4. A manual shutoff control shall be provided outside the room adjacent to the access door into the room or in a location approved by the chief. The switch shall be of the break-glass type and shall be labeled "Ventilation System Emergency Shutoff".
5. Exhaust ventilation shall be arranged to consider the density of the potential fumes or vapors released. For fumes or vapors that are heavier than air, exhaust shall be taken from a point within 12 inches of the floor.
6. The location of both the exhaust and inlet air openings shall be arranged to provide air movement across all portions of the floor or room to prevent the accumulation of vapors.
7. Exhaust ventilation shall not be recirculated within the room or building if the materials stored are capable of emitting hazardous vapors.

SECTION 23. Amendment of Section 80.301(o) of the Uniform Fire Code.

Section 80.301(o) of the Uniform Fire Code is hereby amended to read as follows:

Construction. The interior of cabinets shall be treated, coated and constructed of materials that are nonreactive with the hazardous material stored. Such treatment, coating or construction shall include the entire interior of the cabinet. Cabinet shall either be listed as suitable for the intended storage or constructed in accordance with the following:

(a) Cabinets shall be of steel having a thickness of not less than 0.043 inch. The cabinet, including the door, shall be double walled with 1 1/2-inch airspace between the walls. Joints shall be riveted or welded and shall be tight fitting. Doors shall be well fitted, self-closing and equipped with a self-latching device.

(b) The bottoms of cabinets utilized for the storage of liquids shall be liquid tight to a minimum height of 2 inches.

SECTION 24. Amendment of Section 80.301(q) of the Uniform Fire Code.

Section 80.301(q) of the Uniform Fire Code is hereby amended to read as follows:

Explosion Venting or Suppression. Unless exempted or otherwise provided for in Sections 80.302 through 80.315, indoor storage areas and storage buildings shall be provided with explosion venting, equivalent protective devices, suppression systems or barricades. The design shall be engineered and recognize the nature of the stored material and its likely behavior in an explosion. Areas which are provided with explosion venting shall comply with the following:

1. Walls, ceilings and roofs exposing another occupancy or use shall be designed to resist a minimum internal pressure of 100 pounds per square foot.
2. Explosion venting shall be only in exterior walls, roofs or through specially designed shafts to the exterior of the building.
3. Venting shall be designed to prevent serious structural damage and the production of lethal projectiles.
4. The aggregate clear vent relief area shall be governed by the pressure resistance of the nonrelieving portions of the building.
5. Vents shall be designed to relieve at a maximum internal pressure of 20 pounds per square foot and shall consist of any one or any combination of the following:
 - A. Walls of lightweight material.
 - B. Lightly fastened hatch covers.
 - C. Lightly fastened, out-ward opening swinging doors in exterior walls.
 - D. Lightly fastened walls or roofs.
6. Venting devices shall discharge directly to the open air or to an unoccupied space not less than 50 feet in width on the same lot.
7. Relieving devices shall be so located that the discharge end shall be not less than 10 feet vertically and 20 feet horizontally from window openings or exits in the same or adjoining buildings or structures.
8. Discharge shall be in the direction of least exposure and not into the interior of the building.

SECTION 25. Amendment of Section 80.301(r) of the Uniform Fire Code.

Section 80.301(r) of the Uniform Fire Code is hereby amended to read as follows:

Electrical Wiring and Equipment. Electrical wiring and equipment shall be installed in accordance with the Washington State Electrical Code Chapter 296-46 WAC.

SECTION 26. Amendment of Section 80.301(s) of the Uniform Fire Code.

Section 80.301(s) of the Uniform Fire Code is hereby amended to read as follows:

Standby Power. When mechanical ventilation, treatment systems, temperature control, alarm, detection or other electrically operated systems are required, such systems shall be connected to a secondary source of power to automatically supply electrical power in the event of loss of power from the primary source. See the Washington State Electrical Code Chapter 296-46 WAC.

SECTION 27. Amendment of Section 80.301(u) of the Uniform Fire Code.

Section 80.301(u) of the Uniform Fire Code is hereby amended to read as follows:

Manual Alarm. A local fire alarm manual pull station or approved emergency signal device shall be installed outside of each interior exit door of approved storage buildings, rooms or areas. Activation of the manual alarm shall sound a local alarm.

SECTION 28. Amendment of Section 80.301(y) of the Uniform Fire Code.

Section 80.301(y) of the Uniform Fire Code is hereby amended to read as follows:

Fire access roadways. See the Building Code Act, RCW 19.27.060(5).

SECTION 29. Amendment of Section 80.303(a) 3. of the Uniform Fire Code.

Section 80.303(a) 3. of the Uniform Fire Code is hereby amended to read as follows:

Fire-extinguishing system. In addition to the requirements of Section 80.301(p), the following requirements shall apply.

A. Gas cabinets or exhausted enclosures for the storage of cylinders shall be internally sprinklered.

B. Alternate fire-extinguishing systems shall not be used for either storage areas, gas cabinets or exhausted enclosures.

EXCEPTION: Where water is incompatible with the hazardous material stored, the chief may approve alternate fire suppression methods to an automatic sprinkler system.

SECTION 30. Amendment of Section 80.303(a) 4. of the Uniform Fire Code.

Section 80.303(a) 4. of the Uniform Fire Code is hereby amended to read as follows:

Explosion venting or suppression. When flammable gases which are toxic or highly toxic are stored in rooms outside of gas cabinets or exhausted enclosures, the storage rooms shall be provided with explosion venting or suppression in accordance with the provisions of Section 80.301(q).

SECTION 31. Amendment of Section 80.303(b) 3. of the Uniform Fire Code.

Section 80.303(b) 3. of the Uniform Fire Code is hereby amended to read as follows:

Canopies. Portable tanks and cylinders stored outside of buildings shall be stored under a canopy of noncombustible construction. Such storage shall not be considered indoor storage.

An automatic fire-sprinkler system shall be provided for canopies provided for the storage of highly toxic or toxic compressed gases.

EXCEPTIONS:

1. Anhydrous ammonia (fertilizer grade) portable tanks and cylinders.
2. Where water is incompatible with the hazardous material stored, the chief may approve alternate fire suppression methods to an automatic sprinkler system.

SECTION 32. Amendment of Section 80.303(c) 3. of the Uniform Fire Code.

Section 80.303(c) 3. of the Uniform Fire Code is hereby amended to read as follows:

Gas cabinets for leaking cylinders. At least one gas cabinet or exhausted enclosure shall be provided for the handling of leaking cylinders. The cabinet or enclosure shall be located at follows:

- A. Within or adjacent to exterior storage areas.
- B. Within separate gas storage rooms used for cylinders.

The gas cabinet or exhausted enclosure shall be connected to a treatment system as specified in Section 80.303(a) 6 D.

EXCEPTIONS:

1. A cabinet or exhausted enclosure need not be provided for leaking cylinders if all cylinders are stored within gas cabinets or exhausted enclosures.
2. A cabinet or exhausted enclosure need not be provided for leaking cylinders if a U.S. DOT approved cylinder containment vessel is provided.

SECTION 33. Amendment of the Title of Section 80.305 of the Uniform Fire Code.

The title of Section 80.305 of the Uniform Fire Code is hereby amended to read as follows:

Flammable Solids and Combustible Dusts

SECTION 34. Amendment of Section 80.305(a) 4. of the Uniform Fire Code.

Section 80.305(a) 4. of the Uniform Fire Code is hereby amended to read as follows:

Explosion venting or suppression. Rooms, buildings or equipment used for the storage of combustible dusts shall be provided with explosion venting, equivalent protective devised or suppression in accordance with the provisions of Section 80.301(q).

SECTION 35. Amendment of Section 80.306(a) 1. of the Uniform Fire Code. Section 80.306(a) 1. of the Uniform Fire Code is hereby amended to read as follows:

General. Indoor storage of liquid and solid oxidizers shall be in accordance with Section 80.306(a) and the general provisions specified

in Section 80.301.

EXCEPTION: For retail display of nonflammable solid and nonflammable or non-combustible liquid Class 1, Class 2 and Class 3 oxidizers, see Section 80.108.

SECTION 36. Amendment of Table No. 80.306-A to the Uniform Fire Code.

Table 80.306-A of the Uniform Fire Code is hereby amended to read as follows:

TABLE NO. 80.306-A

LIQUID AND SOLID OXIDIZERS 1 2 3 4

EXEMPT AMOUNTS

CONDITION EXEMPT AMOUNT (Pounds)

	CL1	CL2	CL3	CL4
Unprotected by sprinklers or cabinet	1,000	250	10	0
Within cabinet in unsprinkled building	2,000	500	20	0
In sprinkled building, not in cabinet	2,000	500	20	0
In sprinklered building, within cabinet	4,000	1,000	40	2

1 For liquid oxidizers, a conversion of 10 pounds per gallon shall be used.

2 No exempt amounts of Class 4 oxidizers are allowed in Group R Occupancies, offices or retail sales portions of Group B Occupancies.

3 No exempt amounts of Class 4 oxidizers are permitted in Group A, E, I, or M Occupancies, or in classrooms of Group B Occupancies unless storage is within a hazardous material storage cabinet containing no other storage.

4 A maximum quantity of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers may be permitted in Groups I, M, and R Occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the chief.

SECTION 37. Amendment of Section 80.306(a) 8. of the Uniform Fire Code.

Section 80.306(a) 8. of the Uniform Fire Code is hereby amended to read as follows:

Explosion venting or suppression. Explosion venting or suppression shall not be required in storage areas for Class 1, 2 or 3 oxidizers.

SECTION 38. Amendment of Table No. 80.307-A to the Uniform Fire Code.

Table 80.307-A of the Uniform Fire Code is hereby amended to read as follows:

TABLE NO. 80.307-A ORGANIC PEROXIDE STORAGE EXEMPT AMOUNTS 1 2 3

CONDITION EXEMPT AMOUNT (Pounds)

	UD	CL1	CL2	CL3	CL4
Unprotected by sprinklers or cabinet	0	5	50	125	500
Within cabinet in unsprinklered building	0	10	100	250	1,000
In sprinklered building, not in cabinet	1	10	100	250	1,000
In sprinklered building, within cabinet	2	20	200	500	2,000

1 For organic peroxide liquids, a concentration of 10 pounds per gallon shall be used.

2 No exempt amounts of unclassified detonatable or Class I organic peroxides are permitted in Group R Occupancies or offices or retail sales portions of Group B Occupancies.

3 No exempt amounts of unclassified detonatable or Class I organic peroxides are permitted in Group A, E, I or M Occupancies or in classrooms of Group B Occupancies unless storage is within a hazardous material storage cabinet containing no other storage.

SECTION 39. Amendment of Section 80.309(a) 1. of the Uniform Fire Code.

Section 80.309(a) 1. of the Uniform Fire Code is hereby amended to read as follows:

General. Indoor storage of unstable (reactive) materials shall be in accordance with the provisions of Section 80.309(a) and the general provisions specified in Section 80.301.

EXCEPTIONS:

1. Detonatable, unstable (reactive) materials shall be stored in accordance with Article 77.

2. For retail display of nonflammable solid and nonflammable or noncombustible liquid unstable (reactive) materials, see Section 80.108.

SECTION 40. Amendment of Section 80.310(a) 1. of the Uniform Fire Code.

Section 80.310(a) 1. of the Uniform Fire Code is hereby amended to read as follows:

General. Indoor storage of water-reactive materials shall be in accordance with the provisions of Section 80.310(a) and the general provisions specified in Section 80.301.

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid water-reactive materials, see Section 80.108.

SECTION 41. Amendment of Table No. 80.310-A to the Uniform Fire Code.

Table 80.310-A of the Uniform Fire Code is hereby amended to read as follows:

TABLE	NO.	80.310-A	WATER-REACTIVES				EXEMPT	AMOUNTS	POUNDS	1
CONDITION Class 1 Class 2 Class 3 Class 4										
Unprotected by sprinklers										
or cabinets 125 50 5 _____										
Within cabinet in										
unsprinklered building 250 100 10 _____										
In sprinklered building, not										
in cabinet NL 100 10 _____										
In sprinklered building,										
within cabinet NL 200 20 _____										

NL--Not limited

1 For water-reactive materials, a conversion of 10 pounds per gallon shall be used.

2 For U.F.C. Standard No. 79-3 classification system does not currently provide for Class 4 water-reactive materials.

SECTION 42. Amendment of Section 80.312(a) 1. of the Uniform Fire Code.

Section 80.312(a) 1. of the Uniform Fire Code is hereby amended to read as follows:

Highly Toxic or Toxic Solids and Liquids. Indoor storage of highly toxic or toxic solids and liquids shall be in accordance with the provisions specified in Subsections 80.312(a) and (c) and Section 80.301.

EXCEPTION: For retail display of nonflamm- able solid and nonflammable or noncombustible liquid highly toxic materials, see Section 80.108.

SECTION 43. Amendment of Section 80.312(a) 2. of the Uniform Fire Code.

Section 80.312(a) 2. of the Uniform Fire Code is hereby amended to read as follows:

Exempt amounts. When the amount of highly toxic or toxic solids or liquids stored in one control area exceeds that specified in Table No. 80-312-A, such storage shall be within a room or building conforming to the Building Code requirements for a Group H, Division 7 Occupancy.

SECTION 44. Amendment of Table No. 80.312-A to the Uniform Fire Code.

Table 80.312-A of the Uniform Fire Code is hereby amended to read as follows:

TABLE NO. 80.312-A HIGHLY TOXIC OR TOXIC SOLIDS AND LIQUIDS EXEMPT AMOUNTS 1 2

CONDITION EXEMPT AMOUNT (Pounds)

Unprotected by sprinklers or cabinet 1
Within cabinet in unsprinklered building 2
In sprinklered building, not in cabinet 2
In sprinklered building, in cabinet 4

1 For highly toxic or toxic liquids, a conversion of 10 pounds per gallon shall be used.

2 Toxic liquids within vapor pressure greater than one psia shall be treated as highly toxic liquids.

SECTION 45. Deletion of Section 80.312(c) of the Uniform Fire Code.

Section 80.312(c) of the Uniform Fire Code is specifically not adopted and is deleted from the Uniform Fire Code for City purposes.

SECTION 46. Deletion of Section 80.313(c) of the Uniform Fire Code.

Section 80.313(c) of the Uniform Fire Code is specifically not adopted and is deleted from the Uniform Fire Code for City purposes.

SECTION 47. Amendment of Section 80.314(a) 1. of the Uniform Fire Code.

Section 80.314(a) 1. of the Uniform Fire Code is hereby amended to read as follows:

General. Indoor storage of corrosive materials shall be in accordance with the provisions of Section 80.314(a) and the general provisions specified in Section 80.301.

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid corrosive materials, see Section 80.108.

SECTION 48. Deletion of Section 80.315 of the Uniform Fire Code.

Section 80.315 of the Uniform Fire Code is specifically not adopted and is deleted from the Uniform Fire Code for City purposes.

SECTION 49. Amendment of Section 80.401(a) of the Uniform Fire Code.

Section 80.401(a) of the Uniform Fire Code is hereby amended to read as follows:

Scope. This division applies to the dispensing, use and handling of hazardous materials in excess of the exempt amounts specified in Tables No. 80.402-A and 80.402-B.

EXCEPTIONS:

1. Hazardous materials regulated by other articles in this code.
2. Underground storage tanks regulated by 40 CFR 280 or state law.

The provisions for toxic compressed gases shall apply only after consideration of the hazard potential, alternatives for controlling the hazard, and the cost and benefits of the alternatives.

SECTION 50. Amendment of Section 80.401(b) 3. of the Uniform Fire Code.

Section 80.401(b) 3. of the Uniform Fire Code is hereby amended to read as follows:

Tanks out of service 90 days. Any stationary tank not used for a period of 90 days shall be properly maintained or removed in accordance with nationally recognized standards of good practice. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained.

SECTION 51. Amendment of Section 80.401(b) 4. of the Uniform Fire Code.

Section 80.401(b) 4. of the Uniform Fire Code is hereby amended to read as follows:

Defective containers, cylinders and tanks. Defective containers, cylinders and tanks shall be removed from service, repaired or disposed of in accordance with nationally recognized standards of good practice.

SECTION 52. Amendment of Section 80.401(b) 6. of the Uniform Fire Code.

Section 80.401(b) 6. of the Uniform Fire Code is hereby amended to read as follows:

Underground tanks. Underground tanks not otherwise excepted by this section containing hazardous materials shall be located and protected in accordance with Section 79.601 and 79.603 of this code. Secondary containment shall be provided for all new underground tanks.

SECTION 53. Amendment of Section 80.401(c) 3. A. of the Uniform Fire Code.

Section 80.401(c) 3. A. of the Uniform Fire Code is hereby amended to read as follows:

A. Piping and tubing utilized for the transmission of highly toxic or toxic material shall have welded or brazed connections throughout unless an exhausted enclosure is provided if the material is a gas, or the piping is provided with a receptor for containment of the material is a liquid.

EXCEPTIONS:

1. Nonmetallic piping with approved connections.
2. Nationally recognized standards shall be deemed to be in compliance with this section.

SECTION 54. Amendment of Section 80.401(c) 3. C. of the Uniform Fire Code.

Section 80.401(c) 3. C. of the Uniform Fire Code is hereby amended to read as follows:

C. Where gases or liquids are carried in pressurized piping above 15 psig, excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

EXCEPTION: Where excess flow control is not appropriate according to nationally recognized standards of good practice.

SECTION 55. Amendment of Section 80.401(j) of the Uniform Fire Code.

Section 80.401(j) of the Uniform Fire Code is hereby amended to read as follows:

Electrical Equipment and Wiring. Electrical equipment and wiring in dispensing and use areas shall be installed in accordance with the provisions of the Washington State Electrical Code Chapter 296-46 WAC.

SECTION 56. Amendment of Section 80.401(l) of the Uniform Fire Code.

Section 80.401(l) of the Uniform Fire Code is hereby amended to read as follows:

Standby power. When mechanical ventilation, treatment systems, temperature control, manual alarm, detection or other electrically operated systems are required by other provisions of this division, such systems shall be connected to a standby source of power to automatically supply electrical power in the event of loss of power from the primary source. (See the Washington State Electrical Code Chapter 296-46 WAC).

SECTION 57. Amendment of Section 80.401(n) 1. of the Uniform Fire

Code.

Section 80.401(n) 1. of the Uniform Fire Code is hereby amended to read as follows:

Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13.

SECTION 58. Amendment of Section 80.401(o) of the Uniform Fire Code.

Section 80.401(o) of the Uniform Fire Code is hereby amended to read as follows:

Security. Dispensing, use, and handling areas shall be protected against tampering or trespassing by fencing or other control measures.

SECTION 59. Amendment of Section 80.402(b) 2. of the Uniform Fire Code.

Section 80.402(b) 2. of the Uniform Fire Code is hereby amended to read as follows:

Open systems. Dispensing and use of hazardous materials in open containers or systems shall comply with the following:

A. **Dispensing.** When liquids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed from tanks or drums, dispensing shall be only by approved pumps taking suction from the top or by other methods in accordance with nationally recognized standards of good practice.

B. **Ventilation.** When gases, liquids or solids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed or used, approved ventilation shall be provided to control fumes, mists or vapors at the point of generation.

EXCEPTION: Gases, liquids or solids which can be demonstrated not to create harmful fumes, mists or vapors based on applicable recognized standards.

C. **Fire-extinguishing system.** In addition to the provisions of Section 80.401(r), laboratory fume hoods and spray booths where flammable materials are dispensed or used shall be protected by an automatic fire-extinguishing system.

D. **Explosion venting or suppression.** Explosion venting or suppression shall be provided in accordance with the provisions of Section 80.301(q) when an explosion hazard can occur because of the characteristics or nature of the hazardous materials dispensed or used, or as a result of the dispensing or use process.

E. **Spill control, drainage and containment.** Rooms or areas where hazardous material liquids are dispensed into containers exceeding 1-gallon capacity or used in open containers or systems exceeding 5-gallon capacity shall be provided with a means to control spills. Secondary containment shall be provided in accordance with the provisions of Section 80.301(1) when the capacity of an individual container exceeds 55 gallons or the aggregate of multiple containers exceeds 100 gallons.

SECTION 60. Amendment of Section 80.402(b) 3. of the Uniform Fire Code.

Section 80.402(b) 3. of the Uniform Fire Code is hereby amended to read as follows:

Explosion venting or suppression. Explosion venting or suppression shall be provided in accordance with the provisions of Section 80.301(q) when an explosion hazard can occur because of the hazardous materials dispensed or used, or as a result of the dispensing or use process.

SECTION 61. Amendment of Section 80.402(b) 3. F.(v) of the Uniform Fire Code.

Section 80.402(b) 3. F.(v) of the Uniform Fire Code is hereby amended to read as follows:

(v) **Gas detection.** Gas detection shall be provided in accordance with the provisions of Section 80.303(a) 9. Activation of the monitoring system shall automatically close the shutoff valve on highly toxic or toxic gas-supply lines related to the system being monitored.

EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gas when such reactors are:

1. Operated at pressure less than 15 psig.
2. Constantly attended.
3. Provided with readily accessible

emergency shutoff valves.

SECTION 62. Deletion of Section 80.402(b) 3. F.(viii) of the Uniform Fire Code. Section 80.402(b) 3. F.(viii) of the Uniform Fire Code is specifically not adopted and is deleted from the Uniform Fire Code for City purposes.

SECTION 63. Amendment of Section 80.402(b) 2. of the Uniform Fire Code.

Section 80.402(b) 2. of the Uniform Fire Code is hereby amended to read as follows:

Dispensing. When liquids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed from tanks or drums, dispensing shall be by approved pumps taking suction from the top or by other methods in accordance with nationally recognized standards of good practice.

SECTION 64. Amendment of Section 80.402(c) 6. A. of the Uniform Fire Code.

Section 80.402(c) 6. A. of the Uniform Fire Code is hereby amended to read as follows:

Fire access roadways. See the Building Code Act, RCW 19.27.060(5).

SECTION 65. Amendment of Section 80.402(c) 8. C. of the Uniform Fire Code.

Section 80.402(c) 8. C. of the Uniform Fire Code is hereby amended to read as follows:

Gas detection. Gas detection shall be provided in cabinets and exhausted enclosures in accordance with the provisions of Section 80.303(a) 9. Activation of the monitoring system shall automatically close the shutoff valve on highly toxic or toxic gas supply lines related to the system being monitored.

EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gas is when such reactors are:

1. Operated at pressure less than 15 psig.
2. Constantly attended.
3. Provided with readily accessible emergency shutoff valves.

SECTION 66. Enforcement.

In addition to any and all rights of inspection, access and enforcement contained in the Uniform Code and the Standards adopted by this Ordinance, the City is authorized to enforce all provisions of this Ordinance pursuant to Ordinance No. 90- 1048, as presently existing and as may subsequently be amended.

SECTION 67. Repeal.

Sections 1, 2, 3 and 4 of Ordinance No. 90-1022 are hereby repealed.

SECTION 68. Severability.

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

SECTION 69. Copies to Be Available.

A copy of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 70. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 13th day of November, 1990, and signed in authentication of its passage this 17th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 11/18/90

ORDINANCE NO. 90-1066

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037; amending Section 1 of Ordinance No. 90-1059; amending Section 3 of Ordinance No. 90-1062, Section 2 of Ordinance No. 90-1055 and Section 7 of Ordinance No. 90-1037; designating a waste reduction/ recycling program coordinator; designating a public works supervisor; designating a budget/finance analyst; designating a transportation engineer; designating a public works inspector; and adopting a revised Appendix A Compensation Plan.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1037 establishing personnel policies and procedures; and WHEREAS, the City Council has thereafter amended the earlier personnel policies and procedures by Ordinance No. 90-1055, Ordinance No. 90-1059 and Ordinance No 90-1062; and WHEREAS, the City Council desires to make a further amendment to designate the classifications of waste reduction/recycling program coordinator; public works maintenance supervisor; budget/finance analyst; transportation engineer; and public works inspector;

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

SECTION 1. Classification of Positions.

Section 1 of Ordinance No. 90-1059, Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037 are each amended to read as follows:

(a) Purpose. The purpose of the Classification Plan is to provide for: (a) the orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities; (b) uniform methods of recruitment, examination and selection to positions within each classification; and (c) similar schedules of compensation applied equitably to all positions within each classification.

(b) Position Descriptions. The City Manager, with input and advice of such Department Heads and employees as the City Manager may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, or the City Manager, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) Limitation Of Employment To Classification Plan Positions. No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) Amendments. In preparing the budget for each ensuing year, the City Manager shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the City Manager may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular

meeting of the City Council of each year, the City Manager shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.

(e) The Classification Plan. All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management Job #

City Manager 105

City Clerk 120

Assistant City Manager 140

Court Administrator 615

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Police Chief 655

Personnel Manager 660

Director of Finance 635

Classification: Technical & Professional Job #

Accountant/Entry 500

Rec. Activities Coordinator 505 Personnel Assistant 507 Accountant/Senior/City Treasurer 510

Purchasing Agent/Buyer 515

Planner/Entry 520

Planner/Senior 530

Budget/Finance Analyst 533 Engineer/Entry 540 Engineer/Senior 550
Transportation Engineer 555

Engineer Aide/Entry 560

Engineer Aide/Senior 570

Public Works Maintenance Supervisor 575

Public Works Inspector 578

Building Inspector 580

Code Enforcement Officer 581

Permit Coordinator/Plans Examiner 582

Building Plans Examiner 584

Land Use Administrator 633

Classification: Office & Clerical Job #

General Clerical/Entry 200 Receptionist 205

General Clerical/Senior 210

Court Clerk 215

Court Typist 220 Secretary/Entry 225 Secretary/Senior 230

Executive Secretary 242

Accounting Clerk/Entry 245

Accounting Clerk/Senior 250

Data Entry Operator 270

Waste Reduction/Recycling Program

Coordinator 465

Custodial Worker 475

Classification: Fire Department Job #

Chief 650 Assistance Chief 652

Battalion Chief/Fire Marshal 625 Battalion Chief/Communications 625

Captain 375 Executive Secretary 242 General Clerical/Entry 200

Dispatcher 300 Dispatcher/Probationary 300 Lieutenant/Company Officer 350
Firefighter III 330 Firefighter II 330 Firefighter I 330 Probationary
Firefighter 330

SECTION 2. Compensation Plan.

Section 3 of Ordinance No. 90-1062, Section 2 of Ordinance No. 90-1055 and Section 7 of Ordinance No. 90-1037 are each amended to read as follows:

(a) Purpose. The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:

(i) Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;

(ii) Compensation paid by the City will attract, motivate and promote retention of skilled employees;

(iii) Compensation will be equitably based upon duties, skills and responsibilities, and upon the comparable worth of all positions allocated by the Classification Plan;

(iv) Compensation paid to each employee, and increases in compensation, shall be reflective of the meritorious performance of each such employee;

(v) Compensation may be adjusted to off-set any loss of purchasing power resulting from inflation or increased costs of living;

(vi) The total cost of compensation to the City can be properly funded through the budgetary process.

(b) Annual Review Of Plan. On an annual basis, the Personnel Manager, together with Department Heads and the City Manager as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Manager shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Manager shall obtain the Consumer Price Index for all urban consumers in the Seattle- Everett metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.

(c) Annual Adoption Of Plan. The Personnel Manager, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the City Manager for review. The City Manager shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.

(d) Format of Plan. The Compensation Plan shown on Appendix A is effective during the calendar year 1990. Subsequent Compensation Plans shall conform generally to the format shown.

(e) Pay Periods. There shall be two pay periods in each month ending on the 15th day and the last day of each month. Pay days shall be within two working days after the end of each pay period. No advancements, draws or loans of compensation shall be permitted.

(f) Compensation Of New Employees. New employees shall normally be appointed at the minimum compensation, Step A, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Manager, the City Manager may approve compensation at a higher step level, not to exceed Step C, if qualified applicants cannot be recruited at the minimum rate or if the City Manager determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The City Manager may recommend, and the City Council may approve, compensation at a step level higher than Step C in appropriate cases.

(g) Compensation Upon Re-Employment. The initial compensation upon re-employment of a former employee is governed by the foregoing provision for compensation of new employees.

(h) Compensation Upon Reinstatement. A person who is reinstated in the same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step A, applicable to the position to which such person is reinstated.

(i) Step Increases In Compensation. All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the City Manager with concurrence of the City Council, be permitted more often than once per year of service.

(j) Compensation Upon Promotion. Any employee who is promoted to a position within a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

(k) Compensation Upon Transfer. When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change. However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.

(l) Compensation Upon Demotion. When an employee is demoted for reasons of unsatisfactory performance, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.

(m) On-Call Compensation. Compensation for on-call duty shall be in an amount determined by the City Manager with advice of the Personnel Manager, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.

(n) Overtime Pay. Any employee, other than the City Manager, Assistant City Manager, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.

(o) Health Care, Hospitalization And Medical Aid. Employees shall receive the benefits provided by Washington Physicians Service Medical Guardian Plan, or, at the option of each employee, Health Plus Health Maintenance Organization. The member's premium shall be paid 100% by

the City and the premium for spouse and dependents shall be paid 20% by the employee and 80% by the City: providing, however, that the payment by the City toward the Health Plus premium shall not exceed the amount which would have been paid by the City if the employee had selected the Guardian Plan.

(p) Dental Care. Employees shall receive the benefits provided by Washington Dental Service Plan E. The premium therefore to be paid 100% by the City.

(q) Long Term Disability Insurance. Employees shall receive the benefits provided by Standard Insurance Company, with 90-day elimination. The premium therefore shall be paid 100% by the City.

(r) Cost Not Deemed Additional Compensation. Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance is deemed not to be additional compensation to the employees of the City.

(s) Reimbursement Of Training Costs. It is the policy of the City to provide and encourage, within budget appropriations, training opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the City Manager. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training.

(t) Registration Fees. The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized conferences, seminars, conventions or training sessions. No other expenses shall be made in advance or without a duly certified claim form together with appropriate receipts.

(u) Reimbursement for Use of Personal Automobiles. Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at the rate of \$0.255 per mile upon submission of a duly certified claim form.

(v) Reimbursement of Other Expenses. The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public purposes.

(w) Claims for Reimbursement. All claims for reimbursement shall be certified by the employee on a City of SeaTac Travel Authorization And Expense Claim form and shall be submitted to the Finance Department, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.

(x) Deferred Compensation. Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.

(y) Public Employees' Retirement. All eligible employees shall be covered by the Washington Public Employees' Retirement System.

(z) Additional Retirement Plan In Lieu of Social Security. Employees covered by any retirement system or plan made available by the City shall not be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration.

However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks. An alternative, private retirement plan, or plans, shall be made available to all employees in lieu of the aforesaid federal program.

(aa) Professional Memberships. The City shall pay initiation fees and dues for memberships in professional and technical organizations, if approved by the Department Head or City Manager.

(bb) Part-Time Employee Benefits. In order to accrue prorated vacation, sick leave and holiday benefits a regular part-time employee must work a minimum of 20 hours a week. An employee may choose between vacation, sick leave and holiday benefits or medical benefits paid in full for employee only under the Guardian Plan. In order to receive pro-rated medical benefits, a regular part-time employee must work a minimum of 20 hours a week. An employee may choose these options annually and will be eligible to receive prorated benefits six months after date of hire. An employee who works under 20 hours a week will receive a five percent premium pay increase for benefit reimbursement.

SECTION 3. Adoption of Attachment A Compensation Plan.

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 90-1055 and to Ordinance No. 90-1059.

SECTION 4. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 13th day of November, 1990, and signed in authentication of its passage this 17th day of November, 1990.

CITY OF SEATAC _____ FRANK HANSEN, Mayor
ATTEST: _____

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 11/18/90

ORDINANCE NO. 90-1067

AN ORDINANCE of the City Council of the City of SeaTac relating to business licenses and regulations; and amending Ordinance No. 90-1039, Sections 30 through Sections 44.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1039 which adopted business licenses and regulations; and

WHEREAS, typographical errors have subsequently been found to exist;

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

SECTION 1. Regulation of Amusement Places.

Ordinance No. 90-1039, Section 30 is hereby amended to read as follows:

The following listed sections of Chapter 6.04 6.08 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, and the word "director" shall refer to the City's Director of Finance.

6.08.005 Findings of fact

6.08.010 Definitions

6.08.020 License required - Fee, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

6.08.024 License for managers and entertainers required - fee, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

6.08.030 Due date for license fees - character requirements

6.08.040 Renewal of license, registration or permit - Late payment

6.08.042 License applications

6.08.044 Manager on premises

6.08.050 Standards of conduct and operation, except that appeals shall be governed

by Section 20
of this
Ordinance

6.08.060 Public amusement/entertainment prohibited in certain places

6.08.070 Business houses

6.08.080 Outdoor sports exempt from code

6.08.090 Race tracks and dragstrips

6.08.100 Standards for public amusement/entertain-

ment license, manager and entertainer

license, suspension or revocation

SECTION 2. Regulation of Pool and Billiard Tables.

Ordinance No. 90-1039, Section 31 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 14 of this Ordinance.

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

SECTION 3. Regulation of Closing Out Sales.

Ordinance No. 90-1039, Section 32 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 4. Regulation of Dances.

Ordinance No. 90-1039, Section 33 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 5. Regulation of Fireworks.

Ordinance No. 90-1039, Section 34 is hereby amended read as follows:

The following listed sections of Chapter 6.04 6.26 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, the word "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 14 of this Ordinance.

6.26.010 Scope

6.26.020 Definitions

6.26.030 Permits

6.26.040 Authority to issue permits and enforce

Chapter, except that appeals shall be

governed by Section 16 of this Ordinance

6.26.050 Legal fireworks

6.26.060 Retail sales and discharge of fireworks,

except that the fee and deposit, commencing in 1991, shall be established by Resolution of the City Council

6.26.070 Operation of retail outlets

6.26.080 Public display of fireworks, except that the fee and deposit, commencing in 1991, shall be established by Resolution of the City Council

6.26.090 Prohibited acts

6.26.100 Seizure of fireworks

SECTION 6. Regulation of Go Kart Tracks. Ordinance No. 90-1039, Section 35 is hereby amended read as follows:

The following listed sections of Chapter 6.04 ~~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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

6.26.070 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

SECTION 7. Regulation of Junk Dealers. Ordinance No. 90-1039, Section 36 is hereby amended read as follows:

The following listed sections of Chapter 6.04 ~~6.36~~ 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 14 of this Ordinance.

6.36.010 License required

6.36.020 Definitions

6.36.030 License fee, except that the fee, commencing in 1991, shall be established by Resolution of the City Council

6.36.040 Application for license

- 6.36.060 Personal property tax return
- 6.36.070 Vehicle markings
- 6.36.080 Records required
- 6.36.090 Compliance required
- 6.36.100 Records and articles to be available
for inspection
- 6.36.110 Seller to give true name
- 6.36.120 Certain transactions prohibited
- 6.36.130 No sale within ten days
- 6.36.140 Police officers to be admitted

SECTION 8. Regulation of Massage Parlors and Public Bath Houses. Ordinance No. 90-1039, Section 37 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 Director of Finance, 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 14 of this Ordinance.

- 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 14 of this Ordinance
- 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

SECTION 9. Regulation of Music Machines. Ordinance No. 90-1039, Section 38 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

- 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 rentor'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

SECTION 10. Regulation of Outdoor Musical Entertainments.

Ordinance No. 90-1039, Section 39 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

- 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 prevents 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

SECTION 11. Regulation of Pawnbrokers. Ordinance No. 90-1039, Section 40 is hereby amended read as follows:

The following listed sections of Chapter 6.04 6.56 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 14 of this Ordinance.

- 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
- 6.56.060 Limitations on licensing
- 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

SECTION 12. Regulation of Secondhand Dealers. Ordinance No. 90-1039, Section 41 is hereby amended read as follows:

The following listed sections of Chapter 6.04 ~~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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

- 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
- 6.60.110~~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

SECTION 13. Regulation of Theaters. Ordinance No. 90-1039, Section 42 is hereby amended read as follows:

The following listed sections of Chapter 6.04 ~~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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 14. Regulation of Tobacco Vending Machines. Ordinance No. 90-1039, Section 43 is hereby amended read as follows:

The following listed sections of Chapter 6.04 ~~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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 15. Regulation of Charitable Solicitations. Ordinance No. 90-1039, Section 44 is hereby amended read as follows:

The following listed sections of Chapter 6.04 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 Director of Finance, and that the penalties for late payment of license fees shall be as prescribed at Section 14 of this Ordinance.

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

SECTION 16. Copies to Be Available.

A copy of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 17. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 13th day of November, 1990, and signed in authentication of its passage this 17th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 11/18/90

ORDINANCE NO. 90-1068

An Ordinance of the City Council of the City of SeaTac amending the 1990 budget; amending Section 1 and Section 2 of Ordinance No. 90-1011; and amending Section 1 and Section 2 of Ordinance No. 90-1034.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1011 which adopted the 1990 budget; and

WHEREAS, the City Council made subsequent amendments by enacting Ordinance No. 90-1034; and

WHEREAS, the City Council now desires to effect a final amendment to the 1990 budget to reflect balanced total revenues and expenditures;

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

SECTION 1. Adoption by Reference.

Section 1 of Ordinance No. 90-1011 and Section 1 of Ordinance No. 90-1034 are each hereby amended to read as follows:

The 1990 budget for the City of SeaTac, covering the period from the official date of incorporation, February 28, 1990, to December 31, 1990, with revenues and unencumbered fund

balances of ~~\$8,752,687~~ \$12,470,892 and expenditures of ~~\$7,564,072~~ \$12,470,892, is hereby adopted.

SECTION 2. Summary of Revenues and Appropriations

Section 2 of Ordinance No. 90-1011 and Section 2 of Ordinance No. 90-1034 are each hereby amended to read as follows:

The budget sets forth totals of estimated revenues and expenditures for each separate fund, and the aggregate totals for all such funds, as shown on Exhibits A through D, which are attached hereto and are incorporated herein by this reference.

SECTION 3. Effective Date.

This Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 27th day of November, 1990, and signed in authentication of its passage this 27th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1069

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Section 1 of Ordinance No. 90-1066, amending Section 1 of Ordinance No. 90-1055; and Section 3 of Ordinance No. 90-1037; designating a Assistant City Attorney/Prosecutor; and adopting a revised Appendix A Compensation Plan.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1037 establishing personnel policies and procedures; and **WHEREAS**, the City Council has thereafter amended the earlier personnel policies and procedures by Ordinance No. 90-1055, Ordinance No. 90-1062, and Ordinance No. 90-1066; and

WHEREAS, the City Council desires to designate the classification of Assistant City Attorney/Prosecutor;

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

SECTION 1. Classification of Positions. Section 1 of Ordinance No. 90-1066; Section 1 of Ordinance No. 90-1059, Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037 are each amended to read as follows:

(a) **Purpose.** The purpose of the Classification Plan is to provide for: (a) the orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities; (b) uniform methods of recruitment, examination and selection to positions within each classification; and (c) similar schedules of compensation applied equitably to all positions within each classification.

(b) **Position Descriptions.** The City Manager, with input and advice of such Department Heads and employees as the City Manager may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, or the City Manager, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) **Limitation Of Employment To Classification Plan Positions.** No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) **Amendments.** In preparing the budget for each ensuing year, the City Manager shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the City Manager may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the City Manager shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.

(e) **The Classification Plan.** All positions of employment with the City

are allocated into the following classifications and titles:

Classification: Supervisor - Management Job #

City Manager 105

City Clerk 120

Assistant City Manager 140

Court Administrator 615

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Police Chief 655

Personnel Manager 660

Director of Finance 635

Classification: Technical & Professional Job #

Assistant City Attorney/Prosecutor 116

Accountant/Entry 500

Rec. Activities Coordinator 505

Personnel Assistant 507

Accountant/Senior/City Treasurer 510

Purchasing Agent/Buyer 515

Planner/Entry 520

Planner/Senior 530

Budget/Finance Analyst 533

Engineer/Entry 540

Engineer/Senior 550

Transportation Engineer 555

Engineer Aide/Entry 560

Engineer Aide/Senior 570

Public Works Maintenance Supervisor 575

Public Works Inspector 578

Building Inspector 580

Code Enforcement Officer 581

Permit Coordinator/Plans Examiner 582

Building Plans Examiner 584

Land Use Administrator 633

Classification: Office & Clerical Job #

General Clerical/Entry 200

Receptionist 205

General Clerical/Senior 210

Court Clerk 215

Court Typist 220

Secretary/Entry 225

Secretary/Senior 230

Executive Secretary 242

Accounting Clerk/Entry 245

Accounting Clerk/Senior 250

Data Entry Operator 270

Waste Reduction/Recycling Program

Coordinator 465

Custodial Worker 475

Classification: Fire Department Job #

Chief 650

Assistance Chief 652

Battalion Chief/Fire Marshal 625

Battalion Chief/Communications 625

Captain 375

Executive Secretary 242

General Clerical/Entry 200

Dispatcher 300

Dispatcher/Probationary 300

Lieutenant/Company Officer 350

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary Firefighter 330

SECTION 2. Adoption of Attachment A Compensation Plan.

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 90-1066, Ordinance No. 90-1055 and to Ordinance No. 90-1059.

SECTION 3. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 27th day of November, 1990, and signed in authentication of its passage this 27th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

Date of Publication: 12/02/90

ORDINANCE NO. 90-1070

AN ORDINANCE of the City Council of the City of SeaTac establishing an Equipment Rental Fund.

WHEREAS, State law, RCW 35A.37, requires that code cities establish certain funds for the segregation, budgeting, expenditure and accounting for moneys received, to include an Equipment Rental Fund; and

WHEREAS, State law, RCW 35.21.088 provides that an Equipment Rental Fund may be created, by ordinance, as a revolving fund to be expended for repair, replacement, purchase and operation of equipment; and

WHEREAS, the City Council finds that establishment of an Equipment Rental Fund is in the best interests of the City;

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

SECTION 1. Equipment Rental Fund Established.

There is hereby established an Equipment Rental Fund, which shall be administered by the Director of Finance, 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.

SECTION 2. Transfers.

The City Council may transfer any equipment, materials or supplies of any Department to the Equipment Rental Fund either without charge, or may grant a credit to such Department equivalent to the value of the equipment, materials or supplies transferred. A Department receiving such a credit may use it any time thereafter for renting or purchasing equipment, materials, supplies or services from the Equipment Rental Fund. The City Council may also, from time to time, place money into the Fund.

SECTION 3. Purchase, Sale and Use of Equipment.

Equipment, materials and supplies may be purchased and sold by use of the Equipment Rental Fund, subject to any laws governing the purchase and sale of property. Such equipment, materials and supplies may be rented for the use of the various Departments of the City, or may be rented by the City to other governmental agencies. The proceeds received by the City from the sale or rental of such property shall be placed in the Equipment Rental Fund, and the purchase price of any such property or rental payments made by the City shall be made from moneys available in the Fund.

SECTION 4. Rental Schedule.

Annually, the City Manager, with advice of such Department Heads as may be appropriate, shall recommend to the City Council a schedule of equipment, supplies and materials transferred to the Equipment Rental Fund and the reasonable rental terms and charges for the use of such equipment, supplies and materials by the Departments of the City or by other governmental agencies. The City Council may, by Resolution, adopt the annual Rental Schedule with such changes

as the Council may deem necessary. Interim rental rates as to new and replacement equipment may be established by the City Manager. The Rental Schedule, and any interim rental rates, shall be maintained on file in the office of the City Clerk.

SECTION 5. Effective Date.

This Ordinance shall take effect and be in full force thirty days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 27th day of November, 1990, and signed in authentication of its passage this 29th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1071

An Ordinance of the City Council of the City of SeaTac relating to ad valorem property taxes; establishing the amount to be raised in 1991 by taxation on the assessed valuation of the property of the City; and setting the levy rate for the year 1991.

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 City Manager has previously prepared and submitted to the City Council a preliminary budget which has been duly filed with the City Clerk pursuant to RCW 35A.33.055; 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 \$1,773,526,125.00; and

WHEREAS, the maximum levy rate available to the City is \$3.18868 per thousand dollars of assessed value, but the City Council finds that a lesser rate should be set, consistent with the reasonable financial needs of the City, so as to provide a tax reduction to residents of the City;

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

SECTION 1. Estimated Amount to be Raised by Ad Valorem Taxation.

The amount of revenue to be raised by the City in the fiscal year 1991 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$5,597,930.00.

SECTION 2. Levy Rate Fixed.

The regular ad valorem levy for the fiscal year 1991 is hereby set at \$3.10 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

SECTION 3. Effective Date.

This Ordinance shall take effect and be in full force and effect five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 27th day of November, 1990, and signed in authentication of its passage this 27th day of November, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1072

AN ORDINANCE of the City Council of the City of SeaTac relating to ad valorem property taxes; and setting the excess levy rate for the year 1991.

WHEREAS, King County Fire Protection District No. 24, by vote of the people, has previously issued bonds which must be serviced by an excess levy of ad valorem taxes; and

WHEREAS, the City will establish a municipal fire department effective January 01, 1991 and will neither annex to the said Fire District nor contract for services with the District; and

WHEREAS, the City Council finds that an excess ad valorem levy of \$0.31 per thousand dollars of assessed value is necessary to debt service the bonds issued by the Fire District which are now obligations of property located within the City;

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

SECTION 1. Excess Levy Rate Fixed.

The excess levy rate for the fiscal year 1991, necessary to debt service the bonds issued by King County Fire District No. 24, is hereby set at \$0.31 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City which was previously within the boundaries of the said Fire District No. 24.

SECTION 2. Effective Date.

This Ordinance shall take effect and be in full force and effect five (5) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 04th day of December, 1990, and signed in authentication of its passage this 4th day of December, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1073

AN ORDINANCE of the City Council of the City of SeaTac adopting the 1991 budget.

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 1991 has been prepared and filed; a public hearing has been held for the purpose of fixing the final budget; and the City Council has deliberated and has made adjustments and changes deemed necessary and proper; and

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

SECTION 1. Adoption By Reference.

The 1991 budget for the City of SeaTac, covering the period from January 01, 1991 through December 31, 1991, with revenues and unencumbered fund balances of \$15,878,083

and expenditures of \$15,878,083, is hereby adopted.

SECTION 2. Summary of Revenues and Appropriations

The budget sets forth totals of estimated revenues and expenditures for each separate fund, and the aggregate totals for all such funds, as summarized below:

REVENUE SUMMARY - ALL FUNDS

Description	Fund #:	Estimated Beginning Balance	(1991) Operating Revenues (Resources)	(1991) Other (Resources)	(1991) Total (Re-sources) Available:
General Fund:	001	560,135	11,223,285	0.0	11,783,420
Street Fund:	101	266,065	0.0	658,093	924,158
Arterial Street Fund:	102	12,000	895,200	35,000	942,200
Contingency Fund:	103	530,000	0.0	20,000	550,000
Surface Water Management Fund:	109	122,000	672,000	0.0	794,000
G.O. Fire					

Bonds 1984 Series Building Reserve Fund	200	0.0	319,305	0.0	319,305
Capital Project	301	65,000	0.0	0.0	65,000
	302	0.0	0.0	500,000	500,000

EXPENDITURE SUMMARY - ALL FUNDS

Description	Fund #:	Estimated Ending Fund Balance	(1991) Operating Expendi- tures (Uses)	(1991) Other (Uses)	(1991) Total (Uses) Available:
General Fund:	001	963,804	9,606,523	1,213,093	11,783,420
Street Fund:	101	68,158	856,000	0.0	924,158
Arterial Street Fund:	102	1,200	941,000	0.0	942,200
Contingency Fund:	103	550,000	0.0	0.0	550,000
Surface Water Management Fund:	109	111,000	683,000	0.0	794,000
G.O. Fire Bonds 1984 Series Building Reserve Fund	200	0.0	319,305	0.0	319,305
Capital Project	301	65,000	0.0	0.0	500,000
	302	500,000			

Projects		0.0	0.0	65,000
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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 Association 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.

This Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 11th day of December, 1990, and signed in authentication of its passage this 11th day of December, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1074

AN ORDINANCE of the City Council of the City of SeaTac relating to surface water management; adding a Section 2 Ordinance No. 90-1046 to provide for enforcement; and declaring an emergency.

WHEREAS, by Ordinance No. 90-1016, the City Council adopted a surface water management program and established service charges; and

WHEREAS, by Ordinance No. 90-1046, the City Council provided for comprehensive management of surface and storm waters; and **WHEREAS**, the City Council now finds it necessary to provide for enforcement of the latter surface water management plan through the procedures provided in Ordinance No. 90-1048;

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

SECTION 1. Additional Section to Ordinance No. 90-1046.

There is hereby added to Ordinance No. 90-1046 a new Section to read as follows:

Enforcement.

All provisions of Ordinance No. 90-1046, now existing or as may subsequently be amended, any amendatory ordinances, any resolutions pertaining thereto, and any rules and regulations promulgated thereunder, shall be enforced as provided by Ordinance No. 90-1048 as now existing or as the same may subsequently be amended.

SECTION 2. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 18th day of December, 1990, and signed in authentication of its passage this 18th day of December, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1075

AN ORDINANCE of the City Council of the City of SeaTac relating to enforcement of compliance with land use, public health and business regulatory ordinances; establishing authority of the Director of Public Works; providing definitions; amending Section 1 and 2 of Ordinance No. 90-1048; and declaring an emergency.

WHEREAS, the City Council has enacted Ordinance No. 90-1048 providing for enforcement of compliance with land use, public health and business regulatory ordinances; and

WHEREAS, the City Council now desires to amend the said Ordinance so as to expand and make clear the City's rights to enforce all such ordinances;

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

SECTION 1. Authority of the Director of Public Works.

Section 1 of Ordinance No. 90-1048 is hereby amended to read as follows:

The Director of Public Works, or designee, is authorized to utilize the procedures of this Ordinance 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.

SECTION 2. Definitions.

Section 2 of Ordinance No. 90-1048 is hereby amended to read as follows:

For the purposes of this Ordinance, 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: Ordinance No. 89-1006 relating to tax on gambling activities; ordinance No. 90-1012 relating to animal control; Ordinance No. 90-1028 relating to cable television and communications systems; and Ordinances No. 90-1039 and 90-1067 relating to business licenses and regulations.

(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 Director of Department of Public Works.

(d) "Hearing Examiner", means the hearing examiner of the City of SeaTac as created by Ordinance No. 90-1045.

(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 development of land, including, but not limited to: Ordinance No. 90-1013 relating to road standards; Ordinance No. 90-1019 relating to zoning; Ordinance No. 90-1020 relating to subdivisions; Ordinances No. 90-1021 and (90-1064 relating to building and construction standards; Ordinances No. 90-1022 and 901-65 relating to the fire code; Ordinance No. 90-1025 relating to surface water management; Ordinance No. 90-1061 relating to environmental review procedures; Ordinance No. 90-1076 relating to home occupations; 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: Ordinance No. 90-1017 relating to solid waste; Ordinance No. 90-1026 relating to health and sanitation; Ordinance No. 90-1044 relating to boating, moorage and anchorage; Ordinance No. 90-1049 relating to water and sewer systems; and Ordinance No. 90-1058 relating to litter control.

SECTION 3. Effective Date.

The City Council finds as a fact and declares that a public emergency exists and that this Ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 18th December, 1990, and signed in authentication of its passage this 18th day of December, 1990.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1076

AN ORDINANCE of the City Council of the City of SeaTac relating to zoning standards, requirements, and conditions for regulating the use of public and private land, buildings and structures; amending Section 2 of Ordinance No. 90-1019; providing for home occupations as a permitted use; providing for the regulation of home occupations; establishing sales exempt from regulation; providing for special home occupation permits; and subjecting home occupations to code enforcement action.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1019 establishing zoning standards, requirements and conditions for regulating the use of public and private land, buildings and structures; and

WHEREAS, the City Council finds that an amendment thereto, in regard to home occupations, would be in the best interests of the public;

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

SECTION 1. Zoning Code.

Section 2 of Ordinance No. 90-1019 is hereby amended to read as follows:

Title 21 of King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference as the Zoning Code of the City of SeaTac. Except as to actions taken by King County as agent of the City, and unless the context indicates otherwise, the word "county" and the words "King County" shall refer to the City and references to county departments or officials shall be references to the City departments or officials having similar responsibility and authority, except that Subsection L of Section 21.08.030 is specifically not adopted.

SECTION 2. Home Occupations as a Permitted Use.

Notwithstanding the exclusionary language of Section 21.08.030 of the King County Code, home occupations shall be permitted as an accessory residential use so that certain activities may be undertaken for gain or profit within a dwelling or a building accessory to a dwelling in an RS zone, or any zone in which dwellings are present. The home occupation shall be conducted in such manner that the residence shall not differ from its residential character in either the use of colors, materials, construction, storage, lighting, signs or the emissions of sounds, noise, vibrations or odors.

SECTION 3. Regulation of Home Occupations.

Home occupations shall be required to have a business license pursuant to Ordinance No. 90- 1039, and shall then be permitted providing that each such home occupation:

1. Is carried on exclusively by a member or members of a family residing in the dwelling unit and no more than one employee;
2. Is clearly incidental and secondary to the use of the property for dwelling purposes with the floor area devoted to the home occupation not exceeding twenty-five percent of the living area of the dwelling unit (not to include the grounds, out buildings, garage, unfinished basement, or other areas not prepared for normal dwelling purposes);
3. Has no display or sign other than an unlighted display or sign no larger than two square feet, attached to an existing structure, providing that a home occupation which is conducted by a person who is medically certified as

permanently disabled, and which is located on a state highway, may have a sign no larger than 24 square feet;

4. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property;

5. Does not require truck delivery or pickup not common to a residential dwelling;

6. Does not involve installation and use of heavy equipment, large power tools, or power sources not common to a residential dwelling, or any other usage which creates a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area;

7. Does not create a level of parking demand beyond that which is normal to a residential area;

8. Does not include automobile, truck or heavy equipment repair, body work or painting; nor parking or storage of heavy equipment including trucks of over one-ton load capacity, unless within a fully enclosed building; nor outside storage of used parts of vehicles and used machinery in an inoperable condition; nor outside storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials unless being used to construct a specific structure on the premises, pursuant to City permit;

9. Does not involve production, generation, storage or use of hazardous waste, as defined by the State Department of Ecology;

10. Involves only sales which are an incidental use and which do not constitute regular retail sales on the premises.

SECTION 4. Sales Exempt From Regulation.

Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses shall not be considered home occupations subject to regulation pursuant to Section 3 of this Ordinance, provided that any such use shall not be in existence for more than twenty (20) days in any one (1) calendar year, and shall not be in violation of any City Ordinance, and provided further, that any such garage sales and yard sales involve only the sale of

household goods, none of which were purchased for the purpose of resale.

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SECTION 5. Special Home Occupation Permits.

(a) Special home occupation permits may be granted by the City Hearing Examiner for any uses providing that not less than eight (8) of the ten (10) criteria set forth in Section 3 of this Ordinance shall be met, except that compliance with Criteria No. 9 thereof shall be required.

(b) In considering applications for special home occupations permits, the Hearing Examiner shall consider the nature and conditions of all adjacent uses and structures, and no such special home occupation permit shall be authorized by the Hearing Examiner unless the Hearing Examiner finds that the authorizing of such special home occupation permit will:

(i) Not be materially detrimental to the public welfare;

(ii) Not have adverse impact to adjacent

properties in the zone or vicinity in

which the subject property is located;

and

(iii) Be consistent with the spirit and purpose of this Ordinance.

(c) In authorizing a special home occupation permit, the Hearing Examiner may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this Ordinance and Title 21 of the King County Code, as adopted by reference herein, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

(d) In addition, the Hearing Examiner may permit the applicant for a special home occupation permit a reasonable period of time, not to exceed one (1) year, in which to bring the home occupation into compliance with

existing zoning regulations and the conditions imposed by the Hearing Examiner.

(e) A public hearing shall be conducted on all applications for a special home occupation permit. The hearing shall be held in the same manner as provided by Ordinance No. 90- 1045.

SECTION 6. Home Occupation Subject to Code Enforcement Action.

In addition to any and all rights of inspection, access and enforcement contained in Title 21 of the King County Code as adopted by reference by this Ordinance, the City is authorized to enforce any and all provisions of this Ordinance pursuant to Ordinance No. 90-1048, as presently existing and as may subsequently be amended.

SECTION 7. Copies to Be Available.

A copy of the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

SECTION 8. Effective Date.

This Ordinance shall take effect and be in full force thirty (30) days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 22nd day of January, 1991, and signed in authentication of its passage this 22nd day of January, 1991.

CITY OF SEATAC

FRANK HANSEN, Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1077

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees, including civil service employees, amending Section 1 of Ordinance No. 90-1037; amending Section 1 of Ordinance No. 90-1062 and Section 2 of Ordinance No. 90-1037; amending Section 1 of Ordinance No. 90-1069, Section 1 of Ordinance No. 90-1066, Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037; amending Section 2 of Ordinance No. 90-1066, Section 3 of Ordinance No. 90-1062, Section 2 of Ordinance No. 90-1055 and Section 7 of Ordinance No. 90-1037; amending Section 9 of Ordinance No. 90-1037; adopting general provisions; establishing definitions; providing for classification of positions; providing for temporary employment; designating a Fire Department Public Educator position; designating a Fire Inspector position; designating a Mechanic position; redesignating the job number of the City Prosecutor/Assistant City Attorney position; and adopting a revised Appendix A Compensation Plan.

WHEREAS, the City Council has previously enacted Ordinance No. 90-1037 establishing personnel policies and procedures applicable to employees not within the civil service; and **WHEREAS**, the City Council has thereafter amended the earlier personnel policies and procedures by Ordinance No. 90-1055, Ordinance No. 90-1062, Ordinance No. 90-1066 and Ordinance No. 90-1069, including provisions applicable to all employees, including those within the civil service; and

WHEREAS, the City Council has previously determined to establish a City Fire Department effective January 01, 1991; and

WHEREAS, the City Council desires to further amend the personnel ordinances previously enacted to better provide for all employees and to take into the account the City civil service system;

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

SECTION 1. General Provisions.

Section 1 of Ordinance No. 90-1037 is amended to read as follows:

(a) **Objective.** It is the objective and purpose of these policies and procedures to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to develop and retain a knowledgeable, capable and efficient career work force. These policies and procedures shall not, however, apply to employees holding positions subject to civil service insofar as these policies and procedures conflict with any ~~laws, rules, or regulations relating to civil service, civil service statutes, Ordinance No. 90-1038 and civil service rules adopted thereunder, all as presently existing or as may subsequently be amended.~~

(b) **Interpretation.** Interpretation of these policies and procedures shall be consistent with the following general principals:

- (i) Promote and increase economy and efficiency in the conduct of City business;
- (ii) Provide for equitable and uniform procedures for dealing with personnel matters;
- (iii) Provide for the grouping of positions with comparable

duties and responsibilities into appropriate classes;

(iv) Provide for initial appointment of employees based on merit within a given classification, thus assuring the recruitment and retention of well-qualified employees;

(v) Assure City employment by providing for advancement within the classification whenever practicable;

(vi) Provide for continuous employment in a classification subject to competency, good behavior and efficiency, and for the removal of unqualified or inefficient employees;

(vii) Provide, as authorized by these policies and procedures, for the right of employees to appeal from actions taken which affect them adversely and to be heard on all matters appealed;

(viii) Assure that every employee will, in a timely manner, be informed as to that employee's duties and responsibilities;

(ix) Provide each employee with adequate administrative and supervisory direction, with periodic review of each employee's performance, and with counseling and training to improve the level of each employee's performance and, when necessary, to provide for progressive discipline.

(c) **Effect Of Collective Bargaining.** When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with any provision of these policies and procedures, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

(i) The condition of employment, benefit or procedure created by the collective bargaining agreement is lawful; and

(ii) The collective bargaining agreement has been adopted by the City Council by Resolution.

(d) **Modification Of Policies And Procedures.** The City Council may modify, amend or revise these policies and procedures at any time consistent with needs of the City. Notice shall be given of any such modification, amendments and revisions.

SECTION 2. Definitions.

Section 1 of Ordinance No. 90-1062 and Section 2 of Ordinance No. 90-1037 are each amended to read as follows:

(a) **Absence.** Failure of an employee to report for duty on designated work days and during designated working hours. If any employee's absence is unauthorized, such employee is "absent without leave". If an employee's absence is authorized, such absence is a "leave".

(b) **Absent Without Leave.** Any absence of an employee without specific authorization.

(c) **Allocation.** The assignment of an employment position to its proper class within the Classification Plan in accordance with the duties, authority, and responsibility of the position.

(d) **Anniversary Date.** The annual recurring calendar date on which the employee commenced employment with the City.

- (e) **Applicant.** A person who has applied for employment with the City.
- (f) **Applicant Form.** The official document to be completed by an applicant seeking employment with the City.
- (g) **Appointment.** The selection and employment of an applicant to a position within the Classification Plan.
- (h) **Beneficiary.** The person or persons designated by an employee to receive benefits under the employee's pension or insurance, in event of the employee's death. In the absence of any such designation, the beneficiary is the employee's estate.
- (i) **Candidate.** An employee seeking a promotion or transfer.
- (j) **City.** The City Of SeaTac, a municipal corporation of the State of Washington.
- (k) **City Council.** The legislative body of the City Of SeaTac.
- (l) **City Manager.** The individual appointed by the City Council to have general supervision over the administrative affairs of the City as provided by state law.
- (m) **Classification Plan.** The orderly arrangement of all employment positions with the City into separate and distinct classes, so that each class contains those positions which involve substantially similar or comparable skills, duties and responsibilities.
- (n) **Close Relative.** Any of the following kin or relations: father, mother, son, son-in-law, daughter, daughter-in-law, grandparents, grandchildren, sister, sister-in-law, brother, brother-in-law, mother-in-law, father-in-law, spouse, step-brother, step-sister, step-daughter, step-son, half-brother, half-sister, uncle, aunt, cousin, nephew and niece, foster parent and foster children.
- (o) **Compensation.** Salary or wages, and benefits, paid to an employee for service in a position, but excluding any reimbursement for expenses incurred incidental to employment.
- (p) **Compensation Plan.** A list of all positions, by title, within each classification, showing a schedule of pay ranges, cost of living allowances, and on-call pay, as appropriate.
- (q) **Compensatory Time.** Leave granted with pay in lieu of overtime pay for work performed either on an authorized overtime basis or for authorized work performed on a holiday.
- (r) **Consumer Price Index (CPI).** The index measuring the change in cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of the same goods and services in a base period as published by the Bureau Of Labor Statistics as the Consumer Price Index for all urban consumers in the Seattle- Everett metropolitan area.
- (s) **Continuous Service.** Employment without interruption except for approved leaves of absence.
- (t) **Demotion.** The re-assignment of an employee from a position having a higher rate of pay to a position having a lower rate of pay.
- (u) **Department.** An organizational unit shown on the Classification Plan, complete in itself, the employees of which are responsible to a

Department Head who reports directly to the City Manager.

(v) **Department Head.** An employee designated by the City Manager to be responsible for a Department.

(w) **Discharge.** The separation of an employee by the City for cause.

(x) **Discrimination.** Any action taken in regard to employment, and any threats, harassment or abuse of an employee (including part-time and temporary employees), applicant or candidate, which is illegally based upon such person's race, color, creed, religion, national origin, age, sex, marital status, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

(y) **Employee.** A person employed by the City in a position allocated by the Classification Plan on a regular full-time basis of not less than thirty-five (35) hours per week.

(z) **Equal Employment Opportunity.** The policy set forth by federal and state law requiring that all recruitment, hiring, training, promoting and transferring of employees shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of a sensory, physical handicap which does not constitute a bona fide occupational qualification.

(aa) **Exempt Employee.** An employee who holds an administrative, professional or executive position defined as exempt under the Federal Fair Labor Standards Act. For purposes of civil service, the term refers to employees not within the civil service system pursuant to law, other Ordinances of the City and rules of the Civil Service Commission.

(bb) **Holidays.** Those days declared to be legal holidays by the City Council.

(cc) **Hourly Rate Of Pay.** An employee's normal hourly rate of pay, or, if the employee is salaried, such employee's monthly salary, exclusive of pay for overtime, multiplied by twelve and the product thereof divided by 2080.

(dd) **Layoff.** Termination of service without fault on the part of the employee, due to a "reduction in force".

(ee) **Leave.** Any authorized absence of an employee from designated work days and during designated working hours, with pay.

(ff) **Leave Of Absence.** Any authorized absence of an employee from designated work days and during designated working hours, without pay.

(gg) **Nepotism.** The prohibited practice of appointing persons who are close relatives to positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(hh) **On-call.** The status of an employee when required to be available after normal work hours in order to respond to emergencies.

(ii) **Overtime.** Work performed in excess of the standard eight-hour day or forty-hour work week.

(jj) **Overtime Pay.** The compensation paid to an employee for overtime work performed.

(kk) **Part Time Employee.** A person employed by the City in a position allocated by the Classification Plan on a regular basis of less than thirty-five hours per week.

(ll) **Performance Evaluation.** A formal review and rating of an employee's work performance.

(mm) **Position.** A group of duties and responsibilities requiring the full-time services of an employee, having a definite title, and being allocated by the Classification Plan.

(nn) **Position Description.** A comprehensive, written statement of the distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements inherent in a position allocated by the Classification Plan.

(oo) **Probationary Employee.** An employee of the City who is serving during a probationary period.

(pp) **Probationary Period.** The initial six-month period of employment in a position, during which period an employee may be discharged or demoted without cause.

(qq) **Promotion.** The assignment of an employee to a position having greater responsibility and/or higher compensation.

(rr) **Reduction In Force.** Termination of service due to lack of work, lack of funds, or due to considerations of efficiency unrelated to any employee's job performance.

(ss) **Re-employment.** The appointment to a position of a former employee who had previously separated from employment.

(tt) **Regularly Scheduled Day Off.** A day, designated by an authorized schedule of work, on which an employee is not required to work.

(uu) **Reinstatement.** The appointment to a position of a former employee who had been laid off or who has returned from an approved leave of absence.

(vv) **Reprimand.** A written statement to an employee by the Department Head or City Manager for disciplinary purposes.

(ww) **Resignation.** Termination of employment by the voluntary action of an employee.

(xx) **Retirement.** Termination of employment in conjunction with an employee's election to exercise matured rights to a retirement or pension system.

(yy) **Salary.** The compensation paid to an employee for services rendered, excluding reimbursement for expenses incurred incident to employment.

(zz) **Separation.** Termination of employment regardless of reason.

(aaa) **State Retirement.** The Public Employees' Retirement System of the State of Washington and the Law Enforcement Officers' and Firefighters' Retirement System as established by state law.

(bbb) **Suspension.** A disciplinary leave of absence without pay for a specific period of time.

(ccc) **Temporary Employee.** An employee who is employed for a specific period of time and for a special purpose such as unusual or emergency work loads, vacation relief, or other situations involving fluctuating work requirements.

(ddd) **Transfer.** The assignment of an employee from one position to another position of substantially similar responsibilities and compensation.

(eee) **Vacancy.** A position allocated by the Classification Plan which is not filled.

(fff) **Veteran.** Every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:
 (1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or
 (2) has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil. A "period of war" includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Viet Nam era" means the period beginning August 05, 1964 and ending on May 07, 1975.

(ggg) **Year Of Employment.** The annual interval between any two consecutive anniversary dates during which time the employee shall have been continuously employed.

SECTION 3. Classification of Positions.

Section 1 of Ordinance No. 90-1069; Section 1 of Ordinance No. 90-1066; Section 1 of Ordinance No. 90-1059, Section 1 of Ordinance No. 90-1055 and Section 3 of Ordinance No. 90-1037 are each amended to read as follows:

(a) **Purpose.** The purpose of the Classification Plan is to provide for:
 (a) the orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities; (b) uniform methods of recruitment, examination and selection to positions within each classification; and (c) similar schedules of compensation applied equitably to all positions within each classification.

(b) **Position Descriptions.** The City Manager, with input and advice of such Department Heads and employees as the City Manager may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, or the City Manager, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) **Limitation Of Employment To Classification Plan Positions.** No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) Temporary Employment. Notwithstanding the immediately foregoing subsection, temporary employees may be appointed to positions not allocated within the Classification Plan for a specific period of time and for a special purpose such as unique short-term projects, unusual or emergency workloads, or other situations involving fluctuating work requirements. The City Manager is specifically authorized to employ a temporary employee as an Office Manager/ Comptroller for temporary duty with the City Fire Department commencing January 01, 1991 and continuing no later than June 30, 1991, with compensation of \$2,953.00 per month.

~~(d)~~ (e) **Amendments.** In preparing the budget for each ensuing year, the City Manager shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the City Manager may deem appropriate, and with advice of the Civil Service Commission as to civil service employees, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the City Manager shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.

~~(e)~~ (f) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management Job #

City Manager 105

City Clerk 120

Assistant City Manager 140

Court Administrator 615

Battalion Chief 625

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Director of Finance 635

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Fire Chief Assistant 650

Fire Chief 653

Police Chief 655

Personnel Manager 660

Classification: Technical & Professional Job #

Accountant/Entry 500

City Prosecutor/Assistant City Attorney 502

Recreation Act. Coordinator 505

Personnel Assistant 507

Accountant/Senior/City Treasurer 510

Purchasing Agent/Buyer 515

Fire Department Public Educator 517

Planner/Entry 520

Planner/Senior 530 Budget/Finance Analyst 533

Engineer/Entry 540

Engineer/Senior 550

Transportation Engineer 555

Engineer Aide/Entry 560

Engineer Aide/Senior 570

Public Works Maintenance Supervisor 575

Public Works Inspector 578

Fire Inspector 579

Building Inspector 580

Code Enforcement Officer 581

Permit Coordinator/Plans Examiner 582

Building Plans Examiner 584

Land Use Administrator 633

Classification: Office & Clerical Job #

General Clerical/Entry 200

Receptionist 205

General Clerical/Senior 210

Court Clerk 215

Court Typist 220

Secretary/Entry 225

Secretary/Senior 230

Executive Secretary 242

Accounting Clerk/Entry 245

Accounting Clerk/Senior 250

Data Entry Operator 270

Classification: Labor and Trades Job #

Mechanic 450

Waste Reduction/Recycling Program

Coordinator 465

Custodial Worker 475

Classification: Fire Fighting Job #

Lieutenant 350 Firefighter III 330 Firefighter II 330 Firefighter I 330

Probationary Firefighter 330

SECTION 4. Compensation Plan.

Section 2 of Ordinance No. 90-1066, Section 3 of Ordinance No. 90-1062, Section 2 of Ordinance No. 90-1055 and Section 7 of Ordinance No. 90-1037 are each amended to read as follows:

(a) **Purpose.** The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:

(i) Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;

(ii) Compensation paid by the City will attract, motivate and promote retention of skilled employees;

(iii) Compensation will be equitably based upon duties, skills and responsibilities, and upon the comparable worth of all positions allocated by the Classification Plan;

(iv) Compensation paid to each employee, and increases in compensation, shall be reflective of the meritorious performance of each such employee;

(v) Compensation may be adjusted to off-set any loss of purchasing power resulting from inflation or increased costs of living;

(vi) The total cost of compensation to the City can be properly funded through the budgetary process.

(b) **Annual Review Of Plan.** On an annual basis, the Personnel Manager, together with Department Heads and the City Manager as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Manager shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Manager shall obtain the

Consumer Price Index for all urban consumers in the Seattle-Everett metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.

(c) **Annual Adoption Of Plan.** The Personnel Manager, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the City Manager for review. The City Manager shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.

(d) **Format of Plan.** The Compensation Plan shown on Appendix A is effective during the calendar year ~~1990~~ 1991. Subsequent Compensation Plans shall conform generally to the format shown.

(e) **Pay Periods.** There shall be two pay periods in each month ending on the 15th day and the last day of each month. Pay days shall be within two working days after the end of each pay period. No advancements, draws or loans of compensation shall be permitted.

(f) **Compensation Of New Employees.** New employees shall normally be appointed at the minimum compensation, Step A, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Manager, the City Manager may approve compensation at a higher step level, not to exceed Step C, if qualified applicants cannot be recruited at the minimum rate or if the City Manager determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The City Manager may recommend, and the City Council may approve, compensation at a step level higher than Step C in appropriate cases.

(g) **Compensation Upon Re-Employment.** The initial compensation upon re-employment of a former employee is governed by the foregoing provision for compensation of new employees.

(h) **Compensation Upon Reinstatement.** A person who is reinstated in the same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step A, applicable to the position to which such person is reinstated.

(i) **Step Increases In Compensation.** All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the City Manager with concurrence of the City Council, be permitted more often than once per year of service.

(j) **Compensation Upon Promotion.** Any employee who is promoted to a position within a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

(k) **Compensation Upon Transfer.** When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change. However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.

(l) **Compensation Upon Demotion.** When an employee is demoted for reasons of unsatisfactory performance, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.

(m) **On-Call Compensation.** Compensation for on-call duty shall be in an amount determined by the City Manager with advice of the Personnel Manager, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.

(n) **Overtime Pay.** Any employee, other than the City Manager, Assistant City Manager, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 1/2) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.

(o) **Health Care, Hospitalization And Medical Aid.** ~~Employees shall receive the benefits provided by Washington Physicians Service Medical Guardian Plan, or, at the option of each employee, Health Plus Health Maintenance Organization. The member's premium shall be paid 100% by the City and the premium for spouse and dependents shall be paid 20% by the employee and 80% by the City; providing, however, that the payment by the City toward the Health Plus premium shall not exceed the amount which would have been paid by the City if the employee had selected the Guardian Plan. provided by Resolution of the City Council.~~

(p) **Dental Care.** ~~Employees shall receive the benefits provided by Washington Dental Service Plan E. The premium therefore to be paid 100% by the City provided by Resolution of the City Council.~~

(q) **Long Term Disability Insurance.** Employees shall receive the benefits provided by Standard Insurance Company, with 90-day elimination. The premium therefore shall be paid 100% by the City.

(r) **Cost Not Deemed Additional Compensation.** Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance is deemed not to be additional compensation to the employees of the City.

(s) **Reimbursement Of Training Costs.** It is the policy of the City to provide and encourage, within budget appropriations, training

opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the City Manager. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training.

(t) **Registration Fees.** The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized conferences, seminars, conventions or training sessions. No other expenses shall be made in advance or without a duly certified claim form together with appropriate receipts.

(u) **Reimbursement for Use of Personal Automobiles.** Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at the rate of \$0.255 per mile upon submission of a duly certified claim form.

(v) **Reimbursement of Other Expenses.** The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public purposes.

(w) **Claims for Reimbursement.** All claims for reimbursement shall be certified by the employee on a City of SeaTac Travel Authorization And Expense Claim form and shall be submitted to the Finance Department, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.

(x) **Deferred Compensation.** Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.

(y) **Public Employees' Retirement.** All eligible employees shall be covered by either the Washington Public Employees' Retirement System (PERS) or Law Enforcement Officers and Firefighters Retirement System (LEOFF), whichever is, by law, applicable.

(z) **Additional Retirement Plan In Lieu of Social Security.** Employees covered by any retirement system or plan made available by the City shall not be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration. However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks. An alternative, private retirement plan, or plans, shall be made available to all employees in lieu of the aforesaid federal program.

(aa) **Professional Memberships.** The City shall pay initiation fees and dues for memberships in professional and technical organizations, if approved by the Department Head or City Manager.

(bb) **Part-Time Employee Benefits.** In order to accrue prorated vacation, sick leave and holiday benefits a regular part-time employee must work a minimum of 20 hours a week. An employee may choose between vacation, sick leave and holiday benefits or medical benefits paid in full for employee only under the Guardian Plan. In order to receive pro-rated medical benefits, a regular part-time employee must work a minimum of 20 hours a week. An employee may choose these options annually and will be eligible to receive prorated benefits six months after date of hire. An employee who works under 20 hours a week will receive a five

percent premium pay increase for benefit reimbursement.

SECTION 5. Adoption of Attachment A Compensation Plan.

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 90-1069, Ordinance No. 90-1066, Ordinance No. 90-1055 and to Ordinance No. 90-1059.

SECTION 6. Severability.

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

SECTION 7. Effective Date.

The Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 18th day of December, 1990, and signed in authentication of its passage this 18th day of December, 1990.

CITY OF SEATAC

Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1078

AN ORDINANCE of the City Council of the City of SeaTac relating to the classified civil service system for employees of the Fire Department; amending Section 2 of Ordinance No. 90-1038; amending Section 22 of Ordinance No. 90-1038; designating employees covered by the civil service system; and establishing rights and benefits of transferred employees.

WHEREAS, the City Council has previously determined to establish a municipal fire department utilizing personnel and equipment of King County Fire Protection District No. 24; and

WHEREAS, the City Council has established a classified civil service system by enactment of Ordinance No. 90-1038; and

WHEREAS, the City Council now desires to amend that Ordinance to clarify covered employees and retention of benefits held by firefighters transferring from the Fire District;

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

SECTION 1. Covered Employees.

Section 2 of Ordinance No. 90-1038 is amended to read as follows:

All full paid employees who are officers, or firefighters of the City's fire department, and who devote their whole time to firefighting and emergency services, except the fire chief and assistant fire chief and fire battalion chiefs, and all full paid employees of the City's police department, except the police chief, and assistant police chief shall be covered by and included within the classified civil service.

SECTION 2. Rights and Benefits of Transferred Employees.

Section 22 of Ordinance No. 90-1038 is amended to read as follows:

(a) An eligible employee may transfer into the classified civil service system of the City by filing a written request with the Public Safety Civil Service Commission and by giving written notice thereof to the board of commissioners of the fire protection district. Upon receipt of such request by the Commission the transfer of employment shall be made. The employee so transferring will (i) be on probation for the same period as are new employees of the City in the position filled, except that officers and firefighters so transferring shall be on probation for the statutory minimum three (3) months or until completion of their original probation with the fire district, whichever is longer, (ii) be eligible for promotion after completion of the probationary period ~~as completed~~ (iii) receive a salary at least equal to that of other new employees of the City in the position filled, and (iv) in all other matters, such as retirement, sick leave, and vacation, and notwithstanding a new period of probation, have within the City classified civil service system, all the rights, benefits and privileges to which he or she would have been entitled as a member of the City fire department from the beginning of employment with the fire protection district;

(b) As many of the transferring employees shall be placed upon

the payroll of the City as are determined to be needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided herein shall head the list for employment in the classified civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the City fire department when appropriate positions become available: Provided, however, That employees who are not immediately hired by the City shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by agreement.

SECTION 3. Severability.

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

SECTION 4. Effective Date.

The Ordinance shall take effect and be in full force five days after its passage and publication of a summary of its contents pursuant to law.

PASSED by the City Council at a regular meeting thereof on the 18th day of December, 1990, and signed in authentication of its passage this 18th day of December, 1990.

CITY OF SEATAC

Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 90-1079

AN ORDINANCE of the City Council of the City of SeaTac constituting a City Park Code; establishing facilities use charges; providing rules for use of park facilities; authorizing administrative rules; authorizing land dedications; and declaring an emergency.

WHEREAS, pursuant to Resolution No. 90-150, the City has entered into an Interlocal Agreement with King County providing for a phased transition from County ownership, maintenance and operation of certain parks to City ownership, maintenance and operation of those parks; and

WHEREAS, by terms of Paragraph 5 of the said Interlocal Agreement, the City must adopt a Park Code to be effective January 01, 1991; and

WHEREAS, the City is engaged in an interjurisdictional development of the North SeaTac Park; and

WHEREAS, the City Council finds that establishment of a City Park Code is in the best interests of the public health, welfare and safety;

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

SECTION 1. Facilities Use Charges.

Chapter 7.08 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference, with the exception of Section 7.08.025 (relating to the King County Aquatic Center) and Section 7.08.030 (relating to the King County Fair), and with the provision that all references to King County shall be deemed to be references to the City, and all references to the Natural Resources and Parks Division shall be deemed to be references to the Department of Planning & Community Development, and with the further provision that fees and charges may be set from time to time by Resolution of the City Council.

SECTION 2. Rules For Use of Facilities.

Chapter 7.12 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference, with the exception of Section 7.12.030 (relating to administrative rules) and with the provision that all references to King County shall be deemed to be references to the City, and all references to the Natural Resources and Parks Division shall be deemed to be references to the Department of Planning & Community Development.

SECTION 3. Administrative Rules.

(a) Existing administrative rules governing hours and conditions of park operations, as promulgated by the Natural Resources and Parks Division of the King County Department of Parks, Planning and Resources and filed with the Clerk of the King County Council pursuant to Section 7.12.030 and Chapter 2.98 of the King County Code, are hereby adopted by this reference. Copies of the said rules shall be available for public inspection at the offices of the City Clerk, the Department of Planning & Economic Development, and at City Parks.

(b) The Director of the Department of Planning & Economic

Development, or designee, is hereby authorized and directed to develop such administrative rules as may be necessary and desirable to establish fees and charges, hours of operations and specific conditions of operation of City parks and recreation facilities. Such proposed rules shall be presented to the City Council for adoption by Resolution and shall then be maintained available for public inspection at the offices of the City Clerk, the Department of Planning & Economic Development, and at City Parks.

SECTION 4. Land Dedications.

Chapter 7.16 of the King County Code as now in effect, and as may subsequently be amended, is hereby adopted by reference with the provision that all references to King County shall be deemed to be references to the City and references to the Planning Agency shall be deemed to be references to both the City Planning Commission and the Department of Planning & Economic Development.

SECTION 5. Severability.

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

SECTION 6. Effective Date.

The City Council finds as a fact and declares that this Ordinance is necessary for the immediate preservation and support of the City's existing public institutions, and shall take effect and be in full force on the date of adoption.

PASSED by the City Council at a regular meeting thereof on the 18th day of December, 1990, and signed in authentication of its passage this 18th day of December, 1990.

CITY OF SEATAC

Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

Approved as to Form:

ROBERT L. McADAMS, City Attorney