



## City Ordinances Archive

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ORDINANCE NO. 91-1001

AN ORDINANCE OF THE CITY COUNCIL OF SEATAC, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF TAX ANTICIPATION NOTES OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,500,000; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SALE OF SUCH NOTES; FIXING THE DATE, FORM, INTEREST RATE, TERMS, MATURITY AND COVENANTS OF SUCH NOTES; CREATING A NOTE FUND FROM WHICH THE PRINCIPAL OF AND INTEREST ON SUCH NOTES SHALL BE PAID; AND CONFIRMING THE SALE OF SUCH NOTES.

WHEREAS, the City of SeaTac, Washington (the "City") needs money to finance the costs of operating and maintaining the City pending receipt of taxes and other revenues; and

WHEREAS, RCW 35.02.130 authorizes the City to issue tax anticipation notes; and

WHEREAS, pending receipt of taxes and other revenues, it is in the best interests of the residents of the City that the City issue tax anticipation notes to pay for the City's operation and maintenance expenses; and

WHEREAS, the City requested bids for the purchase of the Notes and U. S. Bank of Washington, Seattle, Washington, submitted the best bid to purchase the notes; and

WHEREAS, the City Council deems it in the best interest of the City that it sell the notes to such firms;

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

Section 1. Definition.

As used in this ordinance, the following terms shall have the following meanings:

"City" means the City of SeaTac, Washington.

"Council" means the general legislative body of the City as the same shall be duly constituted from time to time.

"Notes" means the "SeaTac, Washington Tax Anticipation Notes, 1991" created by this ordinance.

"Note Fund" means the "SeaTac Tax Anticipation Note Redemption Fund, 1991" created by Section 3 of this ordinance.

"Note Register" means the books or records maintained by the Note Registrar for the purpose of registration of the Notes.

"Note Registrar" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, for the purpose of registering and authenticating the Notes, maintaining the Note Register, effecting transfer of ownership of the Notes, and paying principal of and interest on the Notes.

"Purchaser" means U.S. Bank of Washington, Seattle, Washington.

Section 2. Issuance of Notes.

In anticipation of the receipt of general tax revenues or revenues from other sources, the City shall, for the purpose of funding general operating expenses of the City, issue its Notes in the principal amount

of \$1,500,000. Said short-term obligations shall be designated the "City of SeaTac, Washington, Tax Anticipation Notes, 1991," shall be dated the date of their delivery to the Purchaser, shall mature on June 1, 1992 and shall be in the denomination of \$5,000 or any integral multiple thereof. The principal amount of the Notes shall be payable at maturity.

The Notes shall bear interest at a rate of 5.5% per annum, payable at maturity, Interest on the Notes shall be calculated on the basis of a 360-day year consisting of 12 months of 30 days each.

The Notes shall be fully negotiable and issued in registered form. The fiscal agencies of the State of Washington in the cities of Seattle, Washington and New York, New York, shall act as registrar for the Notes. Both principal of and interest on the Notes shall be payable in lawful money of the United States of America at the office of the fiscal agent of the State of Washington in Seattle, Washington, or New York, New York, and shall be general obligations of the City to the extent provided herein.

### Section 3. Note Redemption Fund.

A special fund of the City to be known as the "SeaTac Tax Anticipation Note Redemption Fund, 1991" (the "Note Fund") is hereby authorized to be created by the City. The Note Fund shall be a trust account and shall be drawn upon for the sole purpose of paying the principal of and interest on the Notes. Money on deposit in the Note Fund not immediately needed to pay such interest or principal may temporarily be deposited in such institutions or invested in such obligations which are legal investments for Cit funds. Any interest or profit from the investment of such money shall be deposited in the Note Fund. Any money remaining in the Note Fund after payment in full of the principal of and interest on the Notes may be transferred to the general operating fund of the City, and the Note Fund shall be closed.

The City covenants and agrees that on or before the maturity date of the Notes, it will deposit in the Note Fund, out of all taxes levied by the City within and as a part of the levy permitted by law without a vote of the electors, and out of other revenues received by the City, such tax receipts and other revenues in an amount which, together with other money of the City, if any, legally available for such purposes, will be sufficient to pay the principal of and interest on the Notes.

The City hereby irrevocably pledges that a sufficient portion of such tax receipts and other revenues to be collected by the City prior to the full payment of the principal of and interest on the Notes will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Notes as aforesaid. Such taxes and other revenue so pledged shall be paid directly into the Note Fund in amounts sufficient to pay the principal of and interest on the Notes at maturity, and none of the money in such Fund shall be used for any other purpose than the payment of the principal of and interest on the Notes as the same shall become due.

### Section 4. Redemption Prior to Maturity.

The City does not reserve the right to redeem the Notes prior to their maturity.

### Section 5. Application of the Proceeds of the Notes.

All Note proceeds shall be deposited into the City's General Fund, and may be used by the City to pay the general operating and maintenance

expenses of the City.

Section 6. Form of the Notes.

The Notes shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. \_\_\_\_\_ \$ \_\_\_\_\_

STATE OF WASHINGTON

CITY OF SEATAC

TAX ANTICIPATION NOTE, 1991

REGISTERED OWNER:

MATURITY DATE: June 1, 1992

PRINCIPAL AMOUNT:

SeaTac, Washington (the "City"), a municipal corporation organized and existing under and by virtue of the Constitution and laws of the State of Washington, hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner on the Maturity Date stated above, solely from the sources hereinafter mentioned, the principal amount as set forth above, together with interest at the rate of 5.5% per annum, computed on a 360-day year consisting of 12 months of 30 days each, upon presentation and surrender of this note at the office of the fiscal agent of the State of Washington.

The City has not reserved the right to prepay this note prior to its maturity.

This note is issued pursuant to Ordinance No. 91-\_\_\_ of the City, adopted on January 8, 1991 (the "Note Ordinance"), for the purpose of financing expenses of operating and maintaining the City, in anticipation of the receipt of taxes and other revenues, all in conformity with the Constitution and laws of the State of Washington.

The City hereby irrevocably covenants that it will deposit into the Tax Anticipation Note Redemption Fund, 1991 of the City authorized to be maintained by the Note Ordinance, taxes levied within and as a part of the levy permitted to the City without a vote of the people, and other revenues received by the City in amounts which, together with other moneys of the City legally available therefor, will be sufficient to pay the principal of and interest on this note as the same shall become due.

The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of such principal and interest.

The City has designated this note as a qualified tax-exempt obligation for investment by financial institutions.

It is hereby certified and declared that this note is issued pursuant to and in strict compliance with the constitution and laws of the State of Washington and duly adopted ordinances of the City, and that all acts, conditions and things required to have happened, been done and performed precedent to and in the issuance hereof have happened, been done and performed.

IN WITNESS WHEREOF, SeaTac, Washington, has caused this note to be signed with the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and the seal of the City to be impressed or imprinted hereon as of this \_\_\_ day of \_\_\_\_\_, 1991.

SEATAC, WASHINGTON

[SEAL]

By \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within-mentioned Note Ordinance and is one of the Tax Anticipation Notes, 1991 of SeaTac, Washington, dated \_\_\_\_\_, 1991.

WASHINGTON STATE FISCAL AGENCY

Note Registrar

By \_\_\_\_\_

Authorized Officer

The following abbreviations, when used in the inscription on the face of the within note, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship

and not as tenants in common

INIF GIFT (TRANSFERS) MIN ACT - \_\_\_\_\_ custodian \_\_\_\_\_

(Cust) (Minor)

under Uniform Gifts (Transfers) to Minors Act \_\_\_\_\_

(State)

Additional abbreviations may also be used though not in list above.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_ PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

\_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ (Please print  
 or typewrite name and address, including zip code, of transferee)

\_\_\_\_\_ the within  
 note and does hereby irrevocably constitute and appoint \_\_\_\_\_ of  
 \_\_\_\_\_, or its successor, as registrar to transfer said  
 note on the books kept for registration thereof with full power of substitution  
 in the premises.

DATED: \_\_\_\_\_

SIGNATURE GUARANTEED:  
 \_\_\_\_\_

#### Section 7. Execution of the Notes.

The Notes shall be executed on behalf of the City by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the seal impressed or imprinted thereon.

Only such Notes as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Note Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance, Such Certificate of Authentication shall be conclusive evidence that the Notes so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

#### Section 8. Note Registrar.

The City hereby specifies and adopts the system of registration for the Notes approved by the Washington State Finance Committee. The Note Registrar shall keep, or cause to be kept, at its principal corporate trust office sufficient books for the registration and transfer of the Notes which shall at all times be open to inspection by the City. The Note Registrar is authorized, on behalf of the City, to authenticate and deliver the Notes transferred or exchanged in accordance with the provisions of such Notes and this ordinance and to carry out all of the Note Registrar's powers and duties under this ordinance.

The Note Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Notes. The Note Registrar may become the owner of Notes with the same rights it would have if it were not the Note Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of Note owners.

#### Section 9. Lost, Destroyed or Mutilated Note.

In the event any Note is lost, destroyed, or mutilated, the City will cause to be issued a new Note, substantially similar to the original, to replace the same, in such manner and upon such reasonable terms and conditions as the Finance Director may determine.

#### Section 10. Sale of Notes; Authorization to Officials and Agents; Ratification of Prior Actions.

The Council hereby authorizes the sale of the Notes to the Purchaser pursuant to the Purchaser's bid attached hereto. The appropriate City officials, agents and representatives are hereby authorized and directed to do everything necessary for the prompt issuance, execution and delivery of the Notes and for the proper use and application of the proceeds of the sale thereof as provided in this ordinance.

All actions heretofore taken by the City's officials, agents and representatives in connection with the issuance and sale of the Notes are hereby ratified, approved and confirmed.

Section 11. Notes Not Arbitrage Bonds; Not Private Activity Bonds.

The City covenants and agrees that throughout the term of the Notes no part of the proceeds of the Notes or any other money or obligations held under this ordinance shall at any time be used for any purpose or invested in such a manner, nor shall the City take any other action, which would cause the Notes to be (i) "arbitrage bonds" under the Internal Revenue Code of 1986, as amended, and applicable regulations (the "Code") or (ii) "private activity bonds" under the Code.

The City hereby designates the Notes as "qualified tax-exempt obligations" under Section 265(b) of the Code. The City does not expect to issue tax-exempt obligations in an aggregate principal amount in excess of \$5,000,000 during calendar year 1991.

Section 11. Effective Date.

This ordinance shall become effective five days after its passage and publication as required by law.

ADOPTED by the City Council of the City of SeaTac at a regular meeting held this 8th day of January, 1991.

SEATAC, WASHINGTON

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney

**ORDINANCE NO. 91-1002**

AN ORDINANCE of the City Council of the City of SeaTac relating to building and construction standards; amending Ordinance No. 90-1064; adding a Subsection to Section 1807 (g) of the Uniform Building Code; amending Section 1907 of the Uniform Building Code; amending Section 28 of Ordinance No. 90-1064 and Section 3802 (h) of the Uniform Building Code; amending Section 3803 of the Uniform Building Code; and amending Section 48 of Ordinance No. 90-1064.

**WHEREAS**, by Ordinance No. 90-1064, the City Council adopted by reference the Uniform Building Code with certain exceptions, amendments and additions; and

**WHEREAS**, the Fire Department has reviewed the said Ordinance and has recommended certain changes to the Department of Public Works; and

**WHEREAS**, the City Council finds that the recommended changes would be 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. Addition to Section 1807 (g) of the Uniform Building Code.**

There is hereby added to the 1988 edition of the Uniform Building Code an additional requirement under Section 1807 (g) to read as follows:

4. All elevator shafts shall be pressurized with a supply of air from the outdoors to a minimum of 0.15 inch of water column in a fire alarm mode.

**SECTION 2. Amendment of Section 1907 of the Uniform Building Code.**

Section 1907 of the 1988 edition of the Uniform Building Code is hereby amended to read as follows:

Group B, Division 2 office buildings and Group R, Division 1 occupancies of type II F.R. construction, having floors used for human occupancy located more than 65 feet above the lowest level of approved Fire Department Vehicle access, shall comply with the special provisions on high rise buildings in Section 1807.

**SECTION 3. Amendment of Section 3802 (h) of the Uniform Building Code.**

Section 28 of Ordinance No. 90-1064 is hereby amended to read as follows:

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~~ 5 dwelling units and every hotel three or more levels in height or containing ~~20~~ 10 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 4. Amendment of Section 3803 of the Uniform Building Code.**

Section 3803 of the 1988 edition of the Uniform Building Code is hereby amended to read as follows:

Automatic sprinkler systems shall be supervised by the City of SeaTac Fire Department. The fee for supervision shall be as established within this Ordinance for maintenance of the Fire Department system. Automatic sprinkler system supervision is required when the number of heads is:

1. 20 or more in Group I, Division I

Occupancies;

2. 100 or more in all other occupancies;

3. When a sprinkler system is required in a Group R, Division 3 Occupancy,

supervision shall also be required.

The fee schedule for the supervision of automatic sprinkler systems shall be as follows for the year 1991, and, thereafter, as may be, from time-to-time, set by Resolution of the City Council:

1. The monthly fee for each single zone

within a system shall be two dollars

(\$2.00).

2. The minimum monthly fee shall be not

less than twenty dollars (\$20.00) in

all cases.

**SECTION 5. Copies to be Available.**

Section 48 of Ordinance No. 90-1064 is hereby amended to read as follows:

A copy of ~~the King County Code~~ all of the Uniform Codes 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 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 08th day of January, 1991, and signed in authentication of its passage this 09th day of

January, 1991.

**CITY OF SEATAC** \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1003**

AN ORDINANCE of the City Council of the City of SeaTac adopting by reference the Uniform Fire Code and Uniform Standards; amending Section 2 of Ordinance No. 90-1065; and providing for automatic sprinkler systems.

**WHEREAS**, by Ordinance No. 90-1065, the City Council adopted by reference the Uniform Fire Code with certain exceptions, amendments and additions; and

**WHEREAS**, the Fire Department has reviewed the said Ordinance and has recommended certain changes to the Department of Public Works; and

**WHEREAS**, the City Council finds that the recommended changes would be 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. Amendment of Article 10.306 (h) of the Uniform Fire Code.**

Section 2 of Ordinance No. 90-1065 is hereby amended to read as follows:

Article 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~~ 5 dwelling units and every hotel three or more levels in height or containing ~~20~~ 10 or more guest rooms. Residential or quick response 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 the Washington Building Code Standard No. 38-3W.

**SECTION 2 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 08th day of January, 1991, and signed in authentication of its passage this 09th day of January, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1004**

AN ORDINANCE of the City Council of the City of SeaTac vacating certain portions of South 144th Street and South 145th Street; providing for compensation to the City; requiring a Land Use Agreement in lieu of plat vacation; and providing for effectiveness upon recording of the Ordinance.

**WHEREAS**, the Boeing Company and Port of Seattle are owners of real estate abutting South 144th Street and South 145th Street lying westerly of 24th Avenue South, and have petitioned the City of SeaTac to vacate such streets; and

**WHEREAS**, the City Council adopted Resolution 90-148 assigning the petition to the Hearing Examiner for the purpose of conducting a public hearing and preparing a report and recommendation to the City Council; and

**WHEREAS**, the Hearing Examiner conducted a public hearing to consider the subject street vacation on December 20, 1989, after publication of public notice as required by law; and

**WHEREAS**, there was no abutting property owners in opposition to the street vacation, nor were there any expressions of interest by other neighboring property owners; and

**WHEREAS**, the subject rights-of-way are not needed for the local or regional transportation system, and the land once accessed by the subject rights-of-way has been consolidated under two ownerships and is no longer needed for access to individual parcels; and

**WHEREAS**, a Land Use Agreement recommended by the Hearing Examiner will assure that the remaining lots within the plat of Sunset Court will remain under one ownership or otherwise be provided with improved access and easement; and

**WHEREAS**, the public use and interest will be served by eliminating the unused right-of-way from the City system of streets; and

**WHEREAS**, an acceptable value for the vacated rights-of-way has been established;

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

**SECTION 1. Road Vacation Approved.**

The road vacation petition, File VAC 2058, for portions of South 144th Street and South 145th Street lying west of 24th Avenue South is hereby approved. The rights-of-way as legally described in Section 2 of this Ordinance are vacated and ownership transferred to the abutting property owners effective upon meeting the following conditions as certified by the Department of Public Works:

(a) The petitioner shall provide evidence that U.S. West, Washington Natural Gas, and King County Water District No. 75 each have either relocated their facilities out of the subject street vacation or have been provided a suitable utility easement.

(b) The petitioner and City shall execute a Land Use Agreement as recommended by the Hearing Examiner, and in the form of Agreement attached to this Resolution.

(c) The petitioner shall provide proof of ownership of all parcels having access from the streets being vacated, and the petitioners shall consolidate all such parcels into one tax parcel.

(d) The petitioner shall compensate the City in the amount of \$138,139.50.

**SECTION 2. Legal Description of the Property Vacated.**

(a) That portion of South 144th Street generally lying westerly of 24th Avenue South, being legally described as:

A parcel of land situated in the Southwest one-quarter of Section 16 and the Northwest one-quarter of Section 21, Township 23 North, Range 4 East of the Willamette Meridian, King County, being more particularly described as follows:

The Southerly 30.00 feet of the East one-half of the Southeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 16 except for the Easterly 30.00 feet dedicated as right-of-way for 24th Avenue South,

Also, the Northerly 30.00 feet of the East one-half of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 21 except for the Easterly 30.00 feet dedicated as right-of-way for 24th Avenue South.

(b) That portion of South 145th Street generally lying westerly of 24th Avenue South, being legally described as:

A parcel of land situated in the Northwest one-quarter of Section 21, Township 23 North, Range 4 East of the Willamette Meridian, King County, being more particularly described as follows:

Beginning at the Northeast corner of lot 1 "Sunset Court", as recorded in Volume 66, page 1, plat records of King County; thence North 89 54'12" West along the North side of lot 1, a distance of 34.77 feet to a point of tangent curvature; thence along a 45.00 foot radius curve to the right through a central angle of 180 , and arc distance of 141.37 feet (the chord bears North 00 05'48" East 90.00 feet); thence South 89 54'12" East, a distance of 31.47 feet; thence South 1 14'30" West, a distance of 40.00 feet; thence South 89 54'12" East, a distance of 119.58 feet to the westerly right-of-way line of 24th Avenue South being a 60.00 foot right-of-way; thence South 1 11'59" West along said westerly right-of-way, a distance of 75.50 feet; thence along a 25.00 foot radius curve to the left through a central angle of 91 06'11", an arc distance of 39.75 feet (the chord bears North 44 21'06" West 36.69 feet); thence North 89 54'12" West, a distance of 89.03 feet to the point of beginning.

**SECTION 3. Title to Vacated Portions of the Streets.**

The real property within the limits vacated by this Ordinance shall, upon payment as specified in this Ordinance and upon recordation with the King County Recorder of a certified copy of this Ordinance, together with a fully executed Land Use Agreement as specified in this Ordinance, belong to the abutting property owners, pursuant to law.

**SECTION 4. Effective Date.**

This Ordinance shall not take effect or be in full force sooner than five (5) days following its passage and publication of a summary of its contents pursuant to law, but shall thereafter take effect and be in

full force upon recordation with the King County Recorder of a certified copy of this Ordinance together with a fully executed Land Use Agreement.

**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**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

# **91-1005**

**Never Generated**

**ORDINANCE NO. 91-1006**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees, establishing a leave sharing program, and declaring an emergency.

**WHEREAS**, State law, RCW 41.04.650 through 41.04.800 established a leave sharing program; and

**WHEREAS**, the City provides sick leave and vacation leave to its employees as a vested right subject to certain restrictions as to use and accumulation; and

**WHEREAS**, public employees historically have joined together to help their fellow employees who may suffer from, or have relatives or household members suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which prevents such fellow employee from working and causes great economic and emotional distress to the employee and the employee's family; and

**WHEREAS**, the aforesaid circumstances are typically exacerbated when affected employees use all of their accrued sick leave and vacation leave and, in the absence of disability insurance or other benefits, are forced to take leave without pay or to terminate their employment; and

**WHEREAS**, the City Council finds it appropriate and in the public interest to permit City employees to share sick leave and vacation leave in carefully defined circumstances with employees who, in the absence of a leave sharing program, would be forced to take leave without pay or to terminate employment; and

**WHEREAS**, the City Council finds that an emergency exists necessitating the immediate institution of a leave sharing program;

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

**SECTION 1. Leave Sharing Policy Established.**

A leave sharing program is hereby established for the purpose of permitting City employees, at no additional cost to the City other than the administrative costs of administering the program, to come to the aid of a fellow City employee who is suffering from, or has a relative or household member suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment.

**SECTION 2. Conditions For Receipt Of Shared Leave.**

(1) May permit an employee to receive leave under the leave sharing program, when the following circumstances exist:

(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment with the City;

(b) The employee's absence and the use of shared leave are justified;

(c) The employee has depleted or will shortly deplete that employee's accrued sick leave, vacation leave, compensatory

time and any other paid leave;

(d) The employee has diligently pursued, and been found to be ineligible for, state industrial insurance benefits, disability insurance benefits, and any other benefits which might be available, with the exception of state public assistance;

(e) The employee has abided by the City's sick leave policy, prior to requesting shared leave;

(f) The use of shared leave will not significantly increase the City's costs other than the administrative costs of administering the shared leave program.

(2) If deemed appropriate, the City Manager may require that the employee provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. The City Manager shall then determine the amount of shared leave, if any, which an employee may receive, provided, that, no employee shall receive more than a total of one hundred sixty-one (161) days of leave.

### **SECTION 3. Conditions For Donation Of Shared Leave.**

Employees may request the transfer of a specified amount of accrued sick leave, or vacation leave to an employee who has been authorized to receive shared leave, subject to the following conditions:

- (a) Transfers shall be in increments of one (1) day of leave;
- (b) The donating employee must retain a total of ten (10) days, or more, of total accrued sick leave and vacation leave, after the transfer of shared leave;
- (c) The transfer of leave from a donating employee shall not exceed the amount specified by that employee;
- (d) All donations of shared leave shall be entirely voluntary;
- (e) Resigning or retiring employees, who have donated shared leave, shall not be eligible to receive payment for such donated leave.

### **SECTION 4. Interdepartmental Transfers of Leave.**

Shared leave may be transferred without regard to the City Department in which donating employees and donee employees may be assigned.

### **SECTION 5. Employment Status Of Employees Using Shared Leave.**

While an employee is using shared leave, he or she shall continue to be classified as a City employee and shall receive the same treatment in respect to salary and employee benefits as he or she would normally receive if using accrued sick leave or vacation leave. All salary payments made to an employee while using shared leave shall be made by the Department to which that employee is assigned. The salary rate, total salary, and earned benefits of an employee using shared leave shall not change as a result of the employee being on shared leave, but shall continue as if the employee were using accrued sick leave or vacation leave.

**SECTION 6. Responsibility of the Personnel Department.**

The Personnel Department shall be responsible for computing the values of shared leave as donated and as used, and shall provide appropriate information to the Department of Finance to ensure adjusting of accrued leave balances to reflect the shared leave and to permit determination of fund transfers and budget amendments as necessary. An appropriate record of all leave transferred shall be maintained in the event that any unused leave time is returned to the donating employee or employees.

**SECTION 7. Return of Unused Shared Leave.**

At such time as the City Manager finds that shared leave is no longer needed, nor will not be needed beyond a particular time, by the employee for which leave was transferred, then the value of any shared leave which remains unused shall be returned at its original value to the employee or employees who donated that leave. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.

**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 or legislation shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**SECTION 9. 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 the health and welfare of City employees, and shall take effect and be in full force on the date of adoption, provided, that, City employees desiring to make request for or to donate shared leave may request that the same be effective as of the pay period commencing February 01, 1991 for accounting purposes.

**PASSED** by the City Council at a regular meeting thereof on the 13th day of February, 1991, and signed in authentication of its passage this 12th day of February, 1991.

**CITY OF SEATAC**

\_\_\_\_\_ Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1007**

AN ORDINANCE of the City Council of the City of SeaTac relating to the Municipal Court; amending Section 12 of Ordinance No. 90-1035; and establishing the salary of the Municipal Judge and providing for costs, including jurors' fees and mileage.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1035 which established the Municipal Court of the City of SeaTac effective January 01, 1991; and

**WHEREAS**, Section 12 of the said Ordinance provided for the salary of the Municipal Judge and for payment of all costs of operation of the Municipal Court, but did not establish jurors' fees and mileage; and

**WHEREAS**, state law, RCW 3.50.135 authorizes the City Council to set the compensation to be paid to jurors within the range of not less than ten dollars (\$10.00) per day and not more than twenty-five dollars (\$25.00) per day, and also to establish reimbursement for mileage as allowed by RCW 43.03.060; and

**WHEREAS**, RCW 43.03.060 makes reference to United States Treasury Department Regulations which, at the present time, permit a mileage allowance of \$0.275 per mile;

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

**SECTION 1. Salaries - Costs.**

Section 12 of Ordinance No. 90-1035 is hereby amended to read as follows:

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 supplied shall be paid wholly out of the funds of the City. Jurors shall be paid a fee of twenty dollars (\$20.00) per day and mileage allowance pursuant to RCW 43.03.060. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

**SECTION 2. 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 26th day of February, 1991, and signed in authentication of its passage this 26th day of February, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1008**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Section 1 of Ordinance No. 90-1069; amending Section 1 of Ordinance No. 90-1066, amending Section 1 of Ordinance No. 90-1055; and amending Section 3 of Ordinance No. 90-1037; designating a Human Services Coordinator; designating a Transportation Technician; adopting a cost of living allowance for the calendar year 1991; 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, Ordinance No. 90-1066, and Ordinance No. 90-1069; and

**WHEREAS**, the City Council desires to designate the classifications of Human Services Coordinator and Transportation Technician; and

**WHEREAS**, Section 7(c) of Ordinance No. 90-1037 provides that the City Manager shall annually submit to the Council for consideration at an appropriate regular meeting the Compensation Plan and any recommended cost of living allowance; and

**WHEREAS**, the City Manager has now recommended a cost of living allowance to be added to the last adopted Compensation Plan; and

**WHEREAS**, state law, RCW 35A.33.105, permits the City Council, by Ordinance, to change the wages of employees not withstanding appropriations for salary and salary ranges adopted in the final budget, providing that sufficient funds are available for appropriation to such purposes; and

**WHEREAS**, the City Council finds that sufficient funds are available to permit payment of a cost of living allowance;

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

**SECTION 1. Classification of Positions.** Section 1 of Ordinance No. 90-1069; 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) **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

Human Services Coordinator 519

Planner/Entry 520

Planner/Senior 530

Budget/Finance Analyst 533

Engineer/Entry 540

Engineer/Senior 550

Transportation Engineer 555

Transportation Technician 556

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 Cost of Living Allowance For 1991.**

Each employee not represented by a collective bargaining unit shall be entitled to a cost of living allowance equal to 5.5% of each such employee's monthly salary as shown on the Attachment A Compensation Plan in effect immediately prior to the effective date of this Ordinance, which cost of living allowance shall be retroactive to January 01, 1991. The retroactive percentage adjustment shall be based upon each employee's actual monthly salary during each pay period from January 01, 1991 until the effective date of this Ordinance so as to account for step increases, promotions or other increases in regular pay.

**SECTION 3. Adoption of Attachment A Compensation Plan.**

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 90-1069, Ordinance No. 90-1066, Ordinance No. 90-1055 and to Ordinance No. 90-1059, and shall include the 1991 cost of living allowance of 5.5%.

**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, except that, for accounting purposes, the cost of living increase adopted in Section 2 of this Ordinance shall be retroactive to January 01, 1991 as set forth in the said Section.

**PASSED** by the City Council at a regular meeting thereof on the 05th day of March, 1991, and signed in authentication of its passage this 03 day of March, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1009**

AN ORDINANCE of the City Council of the City of SeaTac establishing a city employee wellness program and implementation policies; and declaring an emergency.

**WHEREAS**, the City Council recognizes that employees' health is related to lifestyle decisions and many illnesses and injuries can be prevented by positive individual health practices; and

**WHEREAS**, the City Council further recognizes that improvements to employee health, achievable through active work place health promotion programs and activities, can result in better morale, reduced absenteeism, and enhanced productivity and performance; and

**WHEREAS**, the City Council wishes to implement a City Employee Wellness Program aimed at preventing illnesses and injuries and promoting better morale, reduced absenteeism, and enhanced productivity and performance among City employees;

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

**SECTION 1. Adoption and Purpose Statement.**

A City Employee Wellness Program is hereby adopted. The purpose of the Employee Wellness Program is to develop, promote, and carry out those policies, programs, and activities that improve the health and well-being of the City employees, contribute to a healthful work environment, and provide employees with sufficient information to make informed lifestyle decisions.

**SECTION 2. Voluntary Participation.**

Any participation in the program and activities of the City Employee Wellness Program will be strictly on a voluntary basis.

**SECTION 3. Program Coordinator.**

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

**SECTION 4. City Wellness Team.**

Each Department Head shall notify the Program Coordinator of the voluntary department representative who will serve as a member of the City Wellness Team. In the event that any Department is unable to obtain the voluntary services of a department representative, then the City Wellness Team shall consist of those members of each Department willing to so serve.

**SECTION 5. Meetings.**

To promote active participation in the City Employee Wellness Program, the Program Coordinator will schedule a regular monthly meeting of the City Wellness Team, provided, that, such meetings shall not take place during normal working hours. At the monthly meetings, the City Wellness Team may plan programs and activities and perform evaluations of ongoing programs and activities. The City Wellness Team may, through

the Program Coordinator, provide input to the City Manager in regard to suggested appropriations during the annual budget process.

#### **SECTION 6. Resources.**

Existing resources within the City which are available to the general public, such as the North SeaTac Park, the Community Activities Center, other City parks and programs and activities will be considered for utilization by the City Wellness Team in preparing their plans. In addition, the City Wellness Team shall utilize the resources and assistance of the Association of Washington Cities Wellness Program.

#### **SECTION 7. Program Liability.**

Before any employee engages in exercise or fitness programs and activities of the City Employee Wellness Program, the employee shall be required to undergo a fitness evaluation and screening provided by the City Fire Department, through qualified emergency medical technicians, and by the City Recreation Activity Coordinator.

#### **SECTION 8. Consent Form.**

Upon completion of a fitness evaluation and screening, and prior to participation in exercise or fitness programs and activities, each employee shall be required to have on file with the Program Coordinator a City Employee Wellness Program Consent and Waiver form.

#### **SECTION 9. Program Support.**

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

#### **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.**

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 the health and welfare of City employees, 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 05th day of March, 1991, and signed in authentication of its passage this 05 day of March, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1010**

AN ORDINANCE of the City Council of the City of SeaTac extending the benefits of the Association of Washington Cities' Employee Assistance Program to employees of the City and authorizing payment of premiums.

**WHEREAS**, unresolved personal problems, whether work-related or home-related, may result in higher absenteeism, more on-the-job injuries, lower productivity, greater employee turnover and increased medical cost due to delayed intervention; and

**WHEREAS**, the Association of Washington Cities offers an Employee Assistance Program which can alleviate such problems and assist City employees and their families in resolving life's many complexities and challenges; and

**WHEREAS**, the Association requires that the Program be made available to all City employees and that the City pay one hundred percent (100%) of the required monthly contributions;

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

**SECTION 1. Employee Assistance Program Established.**

The Employee Assistance Program sponsored by the Association of Washington Cities is hereby established and is made available to all City employees, and the City shall pay one hundred percent (100%) of the premiums therefore charged by the Association.

**SECTION 2. 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 05th day of March, 1991, and signed in authentication of its passage this 05 day of March, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney



**ORDINANCE NO. 91-1011**

AN ORDINANCE of the City Council of the City of SeaTac relating to building and construction standards; adopting by reference the National Electrical Code; adopting by reference Chapter 19.28 RCW relating to Electricians and Electrical Installations; adopting by reference Chapter 296-48 WAC relating to safety standards - installing electric wires and equipment - administrative rules; adopting by reference Chapter 296-401 WAC relating to certification of competency for journeyman electricians; and establishing fees.

**WHEREAS**, the Department of Public Works has proposed adoption of the National Electrical Code and of related state statutes and regulations; and

**WHEREAS**, the City Council finds that adoption of such codes, statutes and regulations is in the best interest of the City;

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

**SECTION 1. Adoption of the National Electrical Code.**

The National Electrical Code, 1989 Edition, published by the National Fire Protection Association, and as may subsequently be amended, is hereby adopted by reference.

**SECTION 2. Electricians and Electrical Installations.**

The following sections of Chapter 19.28 RCW as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish regulations pertaining to electricians and electrical installations, except that "Department" shall mean the City Department of Public Works:

19.28.005 Definitions

19.28.010 Electrical wiring requirements - General - Exceptions

19.28.060 Rules, regulations, and standards

19.28.070 Enforcement - State electrical inspectors - Qualifications - Salaries and expenses.

19.28.120 License required - General or specialty licenses - Fees - Application - Bond - Cash deposit in lieu of bond

19.28.125 Electrical contractors - Designee of firm to take administrator's examination - Certificate duration, renewal, nontransferable - Administrator's duties.

19.28.180 Licensee's bond - Action on - Priorities - Cash deposit, payment from.

19.28.190 Actions - Local permits - Proof of insurance.

19.28.200 Licensing - Exemptions.

19.28.210 Inspections - Notice to repair and change - Disconnection - Entry - Concealment - Connection to utility - Permits, fees.

19.28.250 Inspection reports

19.28.260 Nonconforming installations - Disputes - Reference to board

19.28.300 Board - Request for rulings - Fee - Costs

19.28.310 Revocation or suspension of license - Grounds - Appeal to board - Fee - Costs

19.28.340 Liability for injury or damage

19.28.350 Violations of RCW 19.28.010 through 19.28.360 - Schedule of penalties - Appeal

19.28.360 RCW 19.28.210 inapplicable in certain cities and towns, electricity supply agency service areas, and rights of way of state highways.

19.28.370 RCW 19.28.010 through 19.28.380 inapplicable to telegraph or telephone companies exercising certain functions.

19.28.390 Devices for diagnosis or treatment of disease or injury - Compliance with chapter

19.28.510 Certificate of competency required - Electrical training certificate - Fee

19.28.600 Powers and duties of director - Administration of RCW 19.28.510 through 19.28.620 by the department

19.28.610 Exemptions from RCW 19.28.510 through 19.28.620

19.28.620 Violations of RCW 19.28.510 through 19.28.620 - Schedule of penalties - Appeal

**SECTION 3. Safety Standards - Installing Electric Wires and Equipment - Administrative Rules.**

Chapter 296-45 WAC as now in effect, and as may subsequently be amended, is hereby adopted by reference to establish safety standards in installing electric wires and equipment and to provide administrative rules.

**SECTION 4. Certification of Competency for Journeyman Electricians.**

Chapter 296-401 WAC as now in effect, and as may subsequently be amended, is hereby adopted by reference to provide for certification of competency for journeyman electricians.

**SECTION 5. Fee Schedule.**

The following schedule of fees shall apply to all electrical work during the calendar year 1991. Thereafter, the fees may be as prescribed by an annual Resolution of the City Council establishing fees and charges.

**FEE SCHEDULE**

For issuance of each permit \$ 15.00

For supplemental permits 5.00

SINGLE FAMILY DWELLINGS

NEW

3,000 square feet and under \$ 55.00

Over 3,00 square feet 75.00

Low voltage systems 30.00

REMODEL AND SERVICE CHANGES

Adding or extending 0 - 5 circuits \$ 35.00

Adding or extending 6 or more circuits 55.00

Noise remedy modification permit 50.00

Low voltage systems 30.00

MULTI-FAMILY AND COMMERCIAL

Contract Amount Fee

\$ 250 or less \$ 30

251 - 1,000 30 plus 4% of cost over 250

1,000 - 5,000 60 plus 1.5% of cost over 1,000

5,001 - 50,000 120 plus 1.4% of cost over 5,000

50,001 - 250,000 750 plus 1% of cost over 50,000

250,000 - 1,000,000 2,750 plus .8% of cost over 250,000

One million and up 8,750 plus .4% of cost over one million

Low voltage systems fees shall be computed based on contract amount and said fee shall be 50% of the fee outlined in the above schedule.

MISCELLANEOUS

Electrical safety inspection \$ 100.00

Temporary service (for each panel) 35.00

Mobile home service 35.00

Swimming pool and spas 45.00

Signs (electrical) 45.00

Carnivals

Base fee 50.00

Each concession 10.00

Plan review for revisions or modifications 35.00/hr.

INVESTIGATION FEE

The established fees set forth within this fee schedule may be doubled or increased by \$100, whichever is greater, in the event that work has been commenced without first obtaining a permit to perform said work. This

investigation fee if imposed shall, be collected in all cases whether or not a permit is subsequently issued.

**SECTION 5. Enforcement.**

In addition to any and all rights of inspection, access and enforcement contained in the National Electrical Code and the statutes and regulations 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 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. Copies to Be Available.**

A copy of the National Electric Code and the statutes and regulations adopted by reference herein 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 09th day of April, 1991, and signed in authentication of its passage this 9th day of April, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1012**

AN ORDINANCE of the City Council of the City of SeaTac relating to building and construction standards; deleting electrical permit fees of the Uniform Administrative Code; adding to the Uniform Administrative Code fees relating to mobile home installations and minimum housing inspections; and amending Section 37 of Ordinance No. 90-1064.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1064 which adopted by reference the Uniform Codes and Standards necessary to building and construction; and

**WHEREAS**, Section 37 of the said Ordinance adopted by reference the Uniform Administrative Code; and

**WHEREAS**, the Department of Public Works has now requested an addition to the table of building permit fees contained in the Uniform Administrative Code to set the fee for mobile home installation inspections and minimum housing inspections; and

**WHEREAS**, the Department of Public Works has also requested an Ordinance adopting a schedule of electrical permit fees rather than the schedule set forth in the Uniform Administrative Code;

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

**SECTION 1. Adoption of the Uniform Administrative Code.**

Section 37 of Ordinance No. 90-1064 is hereby amended to read as follows:

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, except Table No. 3-B - Electrical Permit Fees, and the following fees are added to Table No. 3-A - Building Permit Fees:

Mobile home installation \$175.00

Minimum housing inspection \$125.00

**SECTION 2. 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 09th day of April, 1991, and signed in authentication of its passage this 9th day of April, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1013**

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 certain civil penalties; and amending Section 10 of Ordinance No. 90-1048.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1048 providing for enforcement of compliance with land use, public health and business regulatory ordinances; and

**WHEREAS**, Section 10 of the said Ordinance provides a schedule of civil penalties for violations; and

**WHEREAS**, the City Council now desires to amend the said Ordinance and schedule of civil penalties;

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

**SECTION 1. Schedule of Civil Penalties.**

Section 10 of Ordinance No. 90-1048 is hereby amended to read as follows:

(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 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, and

work without a required permit, or

any violation of the uniform codes

adopted by City Ordinances \$ 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, and

work without a required permit, or

any violation of the uniform codes

adopted by City Ordinances \$ ~~100~~ 250 per violation

All other violations of any land use, public health, or business regulatory ordinance \$ ~~25~~ 100 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 2. 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 09th day of April, 1991, and signed in authentication of its passage this 9th day of April, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1014**

AN ORDINANCE of the City Council of the City of SeaTac relating to land use and public health; establishing minimum property maintenance requirements; establishing definitions; declaring a public nuisance; providing for enforcement; and denying third party liability.

**WHEREAS**, State law, RCW 35A.21.160 and RCW 35.23.440, vests the City with authority to declare nuisances, to remove and abate nuisances at the expense of persons creating the same, and to levy liens against land or premises whereon nuisances exist so as to reimburse the City for costs of abatement; and

**WHEREAS**, the City Council finds that failure of owners and occupants of real property to provide minimum maintenance creates unsanitary and unsafe conditions, negatively impacts the aesthetic value of the community, and reduces property values, thus constituting a public nuisance;

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

**SECTION 1. Definitions.**

The definitions set forth in Ordinance No. 90-1019, as presently existing or as may subsequently be amended, shall apply to this Ordinance and, in addition, the following definitions shall apply:

(a) Junk. "Junk" means discarded, broken or disabled material including, but not limited to: furniture; appliances; toys; or other items that are not in functioning condition.

(b) Litter. "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.

(c) Owner. "Owner" means any person owning property, as shown on the real property records of King County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

(d) Property. "Property" means land and any buildings or structures located thereon.

(e) Trash. "Trash" means waste food products and other household garbage.

**SECTION 2. Duty to Maintain Property.**

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City ordinance, any of the following conditions visible from any public street or alley:

(a) Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

(b) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

(c) Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

(d) Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;

(e) Dead, decayed, diseased or hazardous trees, or any other vegetation to include a majority of vegetation (other than vegetation located in flowerbeds, or trees or shrubbery) which exceeds twelve (12) inches in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;

(f) Graffiti or signs, not in compliance with the City zoning code, on the exterior of any building, fence or other structure in any front yard, side yard or rear yard or vacant lot;

(g) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(h) Utility trailers or unmounted campertops located in any front yard except in the driveway;

(i) Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of three (3) feet, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health or safety hazard;

(j) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents.

### **SECTION 3. Declaration of Public Nuisance.**

Any property found to be maintained in violation of Section 2 of this Ordinance is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, trimming, demolition or repair.

### **SECTION 4. Enforcement.**

The provisions of this Ordinance shall be enforced pursuant to Ordinance No. 90-1048, as amended by Ordinance No. 90-1075, as both presently exist or as may subsequently be amended.

### **SECTION 5. Third Party Liability.**

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Ordinance.

It is the specific intent of this Ordinance to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers and employees, for whom the implementation or enforcement of this Ordinance shall be discretionary and not mandatory.

Nothing contained in this Ordinance is intended to be, nor shall be, construed

to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this Ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Ordinance, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 1991, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1015**

AN ORDINANCE of the City Council of the City of SeaTac relating to land use; regulating the storage of certain vehicles and components; establishing definitions; prohibiting storage of such vehicles and components; providing for exceptions; declaring a public nuisance; providing for enforcement; and denying third party liability.

**WHEREAS**, State law, RCW 35A.21.160 and RCW 35.23.440, vests the City with authority to declare nuisances, to remove and abate nuisances at the expense of persons creating the same, and to levy liens against land or premises whereon nuisances exist so as to reimburse the City for costs of abatement; and

**WHEREAS**, the City Council finds the retention or storage of wrecked, dismantled, inoperative, or unlicensed vehicles and components by owners and occupants of real property creates unsanitary and unsafe conditions, negatively impacts the aesthetic value of the community, and reduces property values, thus constituting a public nuisance; and

**WHEREAS**, the City Council has, by Ordinance No. 90-1030, previously provided for the impoundment of unauthorized vehicles from public and private property; and

**WHEREAS**, the City Council has, by Ordinance No. 90-1048, declared junk vehicles on private property to be a nuisance which may be abated; and

**WHEREAS**, the City Council finds that the existing City Ordinances do not adequately cover the retention and storage of wrecked, dismantled, inoperative or unlicensed vehicles and components;

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

**SECTION 1. Definitions.**

The definitions set forth in Ordinance No. 90-1019, as presently existing or as may subsequently be amended, shall apply to this Ordinance and, in addition, the following definitions shall apply:

(a) Owner. "Owner" means any person owning property, as shown on the real property records of King County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

(b) Property. "Property" means land and any buildings or structures located thereon.

(c) Recreational Vehicle. "Recreational Vehicle" means a camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motive power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit.

**SECTION 2. Storage of Certain Vehicles and Components Prohibited.**

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall retain or store, except as may be permitted by any other City ordinance, any of the following:

(a) One or more wrecked, dismantled or partially dismantled, inoperative, or unlicensed (vehicle licensing plates and current tabs)

and un- insured vehicles;

(b) Body parts, engines or drive-train parts, or any other parts, assemblies or components of automobiles and other motor vehicles;

(c) More than one (1) recreational vehicle, boat or trailer or any recreational vehicle within the required front yard (unless the one recreational vehicle, boat or trailer is stored within the driveway) or within required side yard setbacks;

(d) Any pickup truck campers or canopies (not mounted on a pickup truck), unless safely located within the driveway or side yard, but not within the required side yard setback.

### **SECTION 3. Exceptions.**

The prohibitions of Section 2 of this Ordinance, shall not apply to the following:

(a) A vehicle, recreational vehicle, boat, trailer, or component thereof which is completely enclosed within a building in lawful manner where it is not visible from the street or other public or private property; or

(b) A vehicle, recreational vehicle, boat, trailer, or component thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, and is fenced according to applicable State law.

### **SECTION 4. Declaration of Public Nuisance.**

The retaining or storage of any vehicle or component in violation of Section 2, and not within the exception of Section 3, of this Ordinance is hereby declared to be a public nuisance and shall be abated by removal.

### **SECTION 5. Enforcement.**

The provisions of this Ordinance shall be enforced pursuant to Ordinance No. 90-1048, as amended by Ordinance No. 90-1075, as both presently exist or as may subsequently be amended, provided that the following additional provisions shall be followed:

(a) The code enforcement officer shall give notice to the last registered owner of record of the vehicle and to the property owner of record that a hearing may be requested but that, if no hearing is requested, the vehicle will be removed and impounded;

(b) If a request for a hearing is received, the City shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance, which notice shall be mailed, by certified mail with return receipt requested, to the owner of the land as shown on the last equalized assessment role and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) The owner of the land on which the vehicle, recreational vehicle, boat, trailer, or component thereof, is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle or item on the land, with his or her reasons for the denial and, if it is determined at the hearing that the vehicle or item was placed on the

land without the consent of the owner, and that the owner has not subsequently acquiesced in its presence, then the City Hearing Examiner shall not assess costs of administration or removal against the property upon which the vehicle or item is located; and

(d) After notice has been given of the intent of the City to dispose of the vehicle and, after a hearing, if requested, the vehicle shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.

#### **SECTION 6. Third Party Liability.**

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Ordinance.

It is the specific intent of this Ordinance to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers and employees, for whom the implementation or enforcement of this Ordinance shall be discretionary and not mandatory.

Nothing contained in this Ordinance is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this Ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Ordinance, or by reason of any action or inaction on the part of the City related in any manner to the

enforcement of this Ordinance by its officers, employees or agents.

#### **SECTION 7. 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 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 \_\_\_\_\_ day of \_\_\_\_\_, 1991, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1016**

AN ORDINANCE of the City Council of the City of SeaTac relating to building and construction standards; establishing requirements for off-site improvements; establishing construction specifications; and providing for deferral of construction improvements.

**WHEREAS**, the City Council, by Ordinance No. 90-1021, has adopted uniform building and construction codes and otherwise provided for building and construction standards; and

**WHEREAS**, Section 2 of Ordinance No. 90-1021 was repealed by Ordinance No. 90-1064, which re-adopted the Uniform Building Code with certain specific amendments; and

**WHEREAS**, by Ordinance No. 91-1002, the City Council made further amendments to the Uniform Building Code; and

**WHEREAS**, the City Council now finds that the aforesaid Ordinances do not adequately address the necessity for off-site improvements relating to certain developments;

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

**SECTION 1. Off-Site Improvements.**

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

**SECTION 2. Construction Specifications.**

All sidewalks, curbs, gutters, street paving and other improvements shall be constructed in accordance with the standard specifications adopted by the City and all applicable City Ordinances. All plans and specifications for such improvements shall be submitted at the time of making application for the building permit.

**SECTION 3. Deferral of Construction of Improvements.**

The construction of required off-site improvements may be deferred pursuant to the procedure set forth in Ordinance No.

91-1017.

**SECTION 4. Severability.**

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or

otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**SECTION 5. Effective Date.**

This Ordinance shall 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 23rd day of April, 1991, and signed in authentication of its passage this 23rd day of April, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

Date of Publication: 4/28/91

**ORDINANCE NO. 91-1017**

AN ORDINANCE of the City Council of the City of SeaTac relating to subdivisions; requiring on-site and off-site improvements prior to plat approval; authorizing deferral of improvements by bond; establishing the deferral period; authorizing security in lieu of a bond; providing for action against the bond; providing for substitution of parties; authorizing deferral of improvements by restrictive covenant; authorizing a maintenance bond; and repealing Section 5 of Ordinance No. 90-1020.

**WHEREAS**, the City Council has, by Ordinance No. 90-1020, provided for the comprehensive regulation of subdivisions; and **WHEREAS**, the City Council now finds that a procedure should be established to permit deferral of construction of required

on-site and off-site improvements under certain conditions;

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

**SECTION 1. On-Site and Off-Site Improvements Required.**

No plat shall be approved until all required on-site and off-site improvements are constructed in a satisfactory manner as determined by applicable Departments of the City providing, however, that the construction of such improvements may be deferred in accordance with this Ordinance.

**SECTION 2. Bond to Defer Improvements.**

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

**SECTION 3. Deferral Period.**

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

**SECTION 4. Security in Lieu of Bond.**

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

**SECTION 5. Action Against the Bond.**

The City shall have the right, in addition to all other remedies available by law, to proceed against the bond, or other security in lieu thereof, without notice. In event of any suit or action pursuant to this Section, the City shall be entitled to recover all costs and expenses of such litigation, including a reasonable attorney's fees.

#### **SECTION 6. Substitution of Parties.**

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

#### **SECTION 7. Restrictive Covenant to Defer Improvements.**

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

- (a) The restrictive covenant shall require that the property owner or owners join in any future Local Improvement District (LID) established to construct the required improvements, and, without waiving the right to object to individual assessments, to pay the pro-rata fair share of the final assessment computed by determining the assessment applicable to the original parcel as if it had not been short platted and then dividing that sum by the total number of short platted lots;
- (b) There are no similar improvements in the vicinity and there is no likelihood that the improvements will be necessary within the following five-year period;
- (c) There will be no detrimental effect on the public health, safety or welfare if the improvements are not installed;
- (d) There is no likelihood that the zoning or land use of the subject property adjacent to the site, will change to a higher classification (which would accelerate the need for the improvements), within the ensuing five-year period; and
- (e) The restrictive covenant stipulates that the property owner shall immediately construct the deferred improvements at his or her expense upon determination by the Director of the Department of Public Works that the improvements have become necessary, or in event the City determines to construct the improvements as part of a public works project, then the property owner, or owners, shall make payment to the City of their pro-rata share of the cost of the project, computed by determining the charge applicable to the original parcel as if it had not been short platted and then dividing that sum by the total number of short platted lots.

#### **SECTION 8. Maintenance Bond.**

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

**SECTION 9. Repeal.**

Section 5 of Ordinance No. 90-1020 is hereby repealed.

**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 23rd day of April, 1991, and signed in authentication of its passage this 23rd day of April, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1018**

AN ORDINANCE of the City Council of the City of SeaTac regarding road standards; adopting the 1991 Standard Specifications for Road, Bridge, and Municipal Construction; and amending Section 4 of Ordinance No. 90-1013.

**WHEREAS**, the City Council previously enacted Ordinance No. 90-1013 which adopted by reference applicable portions of Title 14 of the King County Code establishing road standards; and

**WHEREAS**, Chapter 14.20 of the King County Code, which was adopted by reference at Section 4 of Ordinance No. 90-1013, makes further reference to the 1988 Standard Specifications for Road, Bridge, and Municipal Construction published by the American Public Works Association; and

**WHEREAS**, the American Public Works Association has now published a 1991 version of the Standard Specifications;

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

**SECTION 1. Standard Specifications For Road and Bridge Construction.**

Section 4 of Ordinance No. 90-1013 is hereby amended to read as follows:

The 1991 edition of the Standard Specifications for Road, Bridge and Municipal Construction, published by the American Public Works Association and the Washington State Department of Transportation, as presently existing or as may subsequently be amended, is hereby adopted by reference.

**SECTION 2. Copies to be Available.**

A copy of the Standard Specifications for Road, Bridge and Municipal Construction 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 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 23rd day of April, 1991, and signed in authentication of its passage this 23rd day of April, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1019**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; designating the positions of Electrical Inspector, Beach Manager, Assistant Beach Manager, and Lifeguard; 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, Ordinance No. 90-1066, Ordinance No. 90-1069, Ordinance No. 90-1077, and Ordinance No. 91-1008; and

**WHEREAS**, the City Council desires to designate the classification of Electrical Inspector, Beach Manager, Assistant Beach Manager, and Lifeguard; and

**WHEREAS**, the City Council desires to amend the existing Appendix A Compensation Plan;

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

**SECTION 1. Classification of Positions.**

Section 1 of Ordinance No. 91-1008; Section 3 of Ordinance No. 90-1077; 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: (1) 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; (2) uniform methods of recruitment, examination and selection to positions within each classification; and

(3) 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.

(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.

(f) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Elective And Appointive Job #

City Manager 105

Assistant City Attorney/Prosecutor 116

City Clerk 120

Assistant City Manager 140

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: Public Safety Job #

Dispatcher 300

Dispatcher/Probationary 300

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary Firefighter 330

Lieutenant/Company Officer 350

Captain 375

Classification: Labor And Trades Job #

Waste Reduction/Recycling Program

Coordinator 465

Custodial Worker 475

Classification: Technical & Professional Job #

Accountant/Entry 500

Rec. Activities Coordinator 505

Personnel Assistant 507

Accountant/Senior/City Treasurer 510

Purchasing Agent/Buyer 515

Fire Department Public Educator 517

Human Services Coordinator 519

Planner/Entry 520

Planner/Senior 530

Budget/Finance Analyst 533

Engineer/Entry 540

Engineer/Senior 550

Transportation Engineer 555

Transportation Technician 556

Engineer Aide/Entry 560

Engineer Aide/Senior 570

Public Works Maintenance Supervisor 575

Electrical Inspector 576

Public Works Inspector 578

Fire Inspector 579

Building Inspector 580

Code Enforcement Officer 581

Permit Coordinator/Plans Examiner 582

Building Plans Examiner 584

Classification: Supervisory & Management Job #

Court Administrator 615

Battalion Chief/Fire Marshal 625

Battalion Chief/Communications 625

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Land Use Administrator 633

Director of Finance 635

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Chief 650

Assistant Chief 652

Police Chief 655

Personnel Manager 660

Classification: Miscellaneous Job #

Beach Manager 702

Assistant Beach Manager 703

Lifeguard 704

**SECTION 2. Adoption of Appendix A Compensation Plan.**

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 91-1008, Ordinance No. 90-1069, Ordinance No. 90-1066, Ordinance No. 90-1055 and to Ordinance No. 90-1059.

**SECTION 3. 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 14th day of May, 1991, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney

ORDINANCE NO. 91-1020

AN ORDINANCE of the City Council of the City of SeaTac regulating residential burning and outdoor fires; establishing definitions; authorizing residential burning with permits; providing for contents of permits; establishing permittee's duties; permitting inspection by the Fire Department; prohibiting emission of air contaminants and particulate matter; prohibiting other outdoor fires; providing for revocation of permits; establishing penalties for violations; establishing liability for fire suppression costs; acknowledging concurrent jurisdiction of the Puget Sound Air Pollution Control Agency; and declaring an emergency.

WHEREAS, King County Fire Protection District No. 24 previously implemented the provisions of RCW 52.12.101 through 52.12.108 in regard to open fire burning permits; and

WHEREAS, the City has now formed a municipal fire department which includes the personnel and equipment of District No. 24 and, therefore, the District can no longer regulate outdoor burning within the City; and

WHEREAS, the City Council declares it to be the policy of the City to achieve and maintain high levels of air quality and, to this end, to minimize to the greatest extent reasonably possible, the burning of outdoor fires and, consistent with this policy, to allow such fires only on a limited basis under strict regulation and close control; and

WHEREAS, it is essential that such regulations and controls be implemented immediately in order to prevent unregulated burning;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC DO

ORDAIN AS FOLLOWS:

SECTION 1. Definitions.

For purposes of this Ordinance, the following terms shall be defined as indicated below:

(a) "Agricultural Burning" means outdoor fires consisting of natural vegetation resulting from the growing of crops, the raising of fowl, animals or bees as a gainful occupation and burned on the lands on which the material originated.

(b) "Land Clearing Burning" means outdoor fires consisting of natural vegetation resulting from land clearing projects and burned on the lands on which the material originated.

(c) "Outdoor Fire" means the combustion of material in the open or in a container with no provision or control of such combustion or control of the emissions of combustion products.

(d) "Residential Burning" means outdoor fires consisting of natural vegetation resulting from the maintenance of lands immediately adjacent and in close proximity to a residential dwelling and burned on the lands on which the material originated.

SECTION 2. Residential Burning Authorized With Permit.

No person, firm, or corporation shall start, permit, or cause to be started or permitted, any residential burning on any land within the City, without a written permit issued by the City Fire Department.

SECTION 3. Contents of Permit.

The permit shall designate the premises and location where the fire may be started and permitted, the nature of the material to be burned, the permissible hours of burning which shall be during

daylight hours only, the duration of the permit which shall be from January 01 to December 31 of any given year, and a summary of the permittee's duties.

SECTION 4. Permittee's Duties.

The permittee shall be responsible for complying with the following duties, and failure to so comply shall automatically void the permit:

(a) Permittee shall inform the Fire Department by telephone prior to commencing any burning during the duration of the permit.

(b) Burning shall be limited to residential burning of untreated natural vegetation, such as leaves, clippings, prunings, and other yard and garden refuse.

(c) Material to be burned shall be in hand built piles no more than four feet in diameter and no more than three feet in height.

(d) Only one pile shall be burned at a time and each pile shall be extinguished before lighting another pile.

(e) Materials to be burned shall be placed on bare soil, green grass, or non-combustible areas free of flammable materials for a distance adequate to prevent the escape of the fire.

(f) No burning shall be conducted within fifty (50) feet of any building or structure, including fences, decks, sheds, carports, or other structures.

(g) During the period of burning, the fire shall be attended by at least one responsible adult. All fires must be completely extinguished prior to leaving the same unattended. All fires shall be completely extinguished if so directed by Fire Department personnel.

(h) Permittee shall have on hand a charged garden hose or sufficient supply of water in containers adequate to

extinguish the fire.

(i) Burning shall take place only during daylight hours, from 10:00 a.m. to dusk.

(j) No burning shall take place during any stage of an air pollution episode or during any period of impaired air quality as determined and announced by the Puget Sound Air Pollution Control Agency.

#### SECTION 5. Inspection by Fire Department.

Application for, and acceptance of, a burning permit shall constitute consent to inspection by Fire Department personnel of the premises upon which burning shall take place and of actual burning to ensure compliance with permittee's duties and all terms and conditions of this Ordinance and the permit.

#### SECTION 6. Emission of Air Contaminants and Particulates Prohibited.

No person, firm or corporation shall cause or allow the emission of particulate matter from outdoor burning which becomes deposited upon the property of others, or any emission of air contaminants, in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life or property.

#### SECTION 7. Other Outdoor Fires Prohibited.

The following outdoor fires are prohibited within the City:

(a) Any residential burning in the absence of a valid permit as authorized by this Ordinance, to be available at the location of the burning for inspection by Fire Department personnel.

(b) Any outdoor fire, other than residential burning authorized by permit, with the exception of fires from torches, incense burners, insects pots, gas burners, and household barbecues,

for pleasure, cooking or like social purposes.

(c) Any agricultural burning.

(d) Any outdoor fire containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, processed lumber, or any substance other than natural vegetation grown or utilized on the premises.

(e) Any land clearing burning or other outdoor fires for the purpose of demolition, salvage or reclamation of materials, unless specifically authorized in writing, based upon special needs and circumstances, by the City Fire Department and the Puget Sound Air Pollution Control Agency.

#### SECTION 8. Revocation of Permits.

A burning permit shall be automatically suspended during any stage of an air pollution episode or during any period of impaired air quality. A burning permit shall automatically be revoked upon failure of the permit holder to comply with permittee's duties pursuant to this Ordinance and terms of the permit. In addition, the City Fire Department shall have the authority to suspend or revoke a permit for the protection of life or property, or to prevent or abate any nuisance caused by the burning, or for any other reason deemed appropriate by the Fire Department. The permit fee shall not be refunded upon revocation of the permit.

#### SECTION 9. Violations and Penalties.

The violation of, or failure to comply with, any provision of this Ordinance pertaining to outdoor fires, residential burning, and permits, and of any duties placed upon the permittee by this Ordinance or terms of the permit, shall be a misdemeanor and shall be punishable by a jail term not to exceed ninety (90) days, or a fine not to exceed the sum of one thousand dollars (\$1,000.00), or both. It shall be prima facie evidence that the

person who owns or controls real property on which an outdoor fire occurs has caused or allowed the said outdoor fire.

SECTION 10. Liability for Fire Suppression Costs.

If any person, firm or corporation causes or allows an outdoor fire without a permit, or if a permit holder fails to comply with any provision of this Ordinance or the permit, and as a result of that failure the City is required to suppress a fire, the said person or permit holder shall be liable to the City for reimbursement of costs of the fire suppression services.

SECTION 11. Concurrent Jurisdiction of the Puget Sound Air Pollution Control Agency.

The City recognizes the concurrent jurisdiction of the Puget Sound Air Pollution Control Agency in the matter of outdoor fires and adopts, by this reference, the applicable regulations of the said Agency as presently existing, or as may subsequently be amended.

SECTION 12. 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 13. 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 May, 1991, and signed in authentication of its  
passage this 31st day of May, 1991.

CITY OF SEATAC

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

Approved as to Form:

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1021**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees, including civil service employees; providing for a meal allowance for instructors at training academies; and amending Subsection (s) of Section 4 of Ordinance No. 90-1077.

**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 then amended the said Ordinance by Ordinance No. 90-1077 to better provide for all employees and to take into account the City civil service system;

**WHEREAS**, the City Council now desires to clarify Subsection (s) of Section 4 of Ordinance No. 90-1077 so as to provide for a meal allowance for employees assigned to instructor duty at firefighter and police academies;

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

**SECTION 1. Reimbursement of Training Costs.**

Subsection (s) of Section 4 of Ordinance No. 90-1077 is amended to read as follows:

(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. Lieutenants assigned to instructor duty at the Washington State Firefighting Academy shall receive a meal allowance of ten dollars (\$10.00) for each day so assigned and served.

**SECTION 2. 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, and shall then apply to employees assigned to instructor duty during the immediately passed 1991 Firefighting Academy, Class of 91-1.

**PASSED** by the City Council at a regular meeting thereof on the 28th day of May, 1991 and signed in authentication of its passage this 31st day of May, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1022**

AN ORDINANCE of the City Council of the City of SeaTac relating to land use and zoning of places of adult entertainment, adult theater, and adult use establishments, and to licensing of adult entertainment, adult theater and adult use establishments; establishing a moratorium on acceptance of applications for, and issuance of, use permits and building permits for adult entertainment, adult theater, and adult use establishments; establishing a moratorium on acceptance of applications for, and issuance of, business licenses for adult entertainment, adult theater, and adult use establishments; and declaring an emergency.

**WHEREAS**, based upon the testimony of law enforcement officers and members of the public, and on other evidence, information, documents and materials submitted to and reviewed by the City Council, by the King County Council, and by the Councils of other cities within the region, the City Council finds that the use of property to operate, conduct or maintain adult entertainment, adult theater, and adult use establishments is a use which, because of its very nature, has serious objectionable operational characteristics, which include a wide range of criminal and other unlawful activities that have regularly and historically occurred, including prostitution, narcotics and liquor law violations, breaches of the peace, assaults and sexual conduct involving contact between patrons and between entertainers and patrons, some of whom have been minors; and

**WHEREAS**, the City Council has previously enacted Ordinances which adopted by reference applicable portions of the King County Code by reference, as then existing and as might subsequently be amended; and

**WHEREAS**, by Ordinance No. 9915, the King County Council substantially amended the said provisions of the King County Code both in regard to zoning and in regard to business regulations; and

**WHEREAS**, during the 1991 Regular Session, the Washington State Legislature considered two bills, substitute Senate Bill 5644 and Substitute House Bill 1275, both of which would impose strict location restrictions on adult entertainment and use establishments throughout the State; and

**WHEREAS**, the Washington State Legislature adjourned on April 28, 1991 at the end of its 105-day regular session, without having passed the said adult entertainment regulatory legislation; and

**WHEREAS**, the Governor has called the Legislature back into special session and the aforesaid regulatory bills may be considered during that session or the next regular session of the Legislature; and

**WHEREAS**, the previous amendment of the King County Code, the potential enactment of State legislation, and the pending development of a new Comprehensive Plan and implementing zoning regulations by the City both as a result of its recent incorporation and as a result of the 1990 Growth Management Legislation requires that the City thoroughly considered all aspects of zoning and business regulations relating to adult entertainment, adult theater and adult use establishments; and

**WHEREAS**, in the absence of a moratorium, new applications for such businesses and premises could establish vested rights to locate in neighborhoods and places contrary to State Legislative intent and contrary to the intent of the City Council to carefully and thoroughly provide for appropriate locations and regulations; and

**WHEREAS**, the City Council therefore finds that the protection of the public

health, safety and welfare requires establishment of the said moratorium;

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

**SECTION 1. Moratorium Established.**

Through June 30, 1992, or until the City's new comprehensive land use plan and zoning regulations governing the location of places of adult entertainment, adult theater and adult use establishments shall take effect, whichever is sooner, no application for use permits or building permits for places of adult entertainment, adult theater, and adult use establishments shall be accepted, no use permits or building permits for adult entertainment, adult theater, and adult use establishments shall be issued, no applications for business licenses for adult entertainment, adult theater, and adult use establishments shall be accepted, and no adult entertainment, adult theater, and adult use establishment licenses shall be issued.

**SECTION 2. SEPA Exemption.**

Pursuant to City Ordinance No. 90-1061, and Washington Administrative Code WAC 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under the existing regulations. SEPA review of any permanent regulations proposed for replacement of the existing zoning shall be conducted.

**SECTION 3. Emergency.**

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 June, 1991, and signed in authentication of its passage this 13th day of June, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1023**

AN ORDINANCE of the City Council of the City of SeaTac relating to business licenses and regulations: providing for specific regulation and licensing of public places of amusement; providing for specific regulation and licensing of businesses offering adult entertainment, adult theater, and adult use establishments; repealing Section 30 of Ordinance No. 90-1039; adopting by reference the State Moral Nuisance Act; and declaring an emergency.

**WHEREAS**, state law, RCW 35.82.020 permits the City to license, inspect, and regulate 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 has previously enacted Ordinance No. 90-1039 providing for licensing and regulation of business enterprises, primarily through adoption by reference of portions of the King County Code; and

**WHEREAS**, based upon the testimony of law enforcement officers and members of the public, and on other evidence, information, documents and materials submitted to and reviewed by the City Council, by the King County Council, and by the Councils of other cities within the region, the City Council finds that the commercial offering of adult entertainment, adult theater, peep shows and panorams, because of the very nature of such business, has serious objectionable operational characteristics, which include a wide range of criminal and other unlawful activities that have regularly and historically occurred, such as prostitution, narcotics and liquor law violations, breaches of the peace, assaults and sexual conduct involving contact between patrons and between entertainers and patrons, some of whom have been minors; and

**WHEREAS**, the City Council finds that the protection of public health, safety and welfare requires the immediate establishment of appropriate regulation of businesses offering adult entertainment, adult theater, peep shows or panorams on an emergency basis;

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

**SECTION 1. License Required for Public Places of Amusement.**

No public place of amusement or commercial business offering public amusement/entertainment or public entertainment shall be operated within the City unless a business license shall have been obtained pursuant to Ordinance No. 90-1039. Any such license shall be obtained not less than two (2) weeks prior to the opening of any such entertainment.

**SECTION 2. Fees for Public Places of Amusement.**

The fee for various public places of amusement, public amusement/entertainment and public entertainment licenses shall be as set by Resolution of the City Council. A late penalty shall be charged on all applications submitted later than two (2) weeks prior to the opening of the public amusement, or received after the expiration date of the previously issued license, pursuant to Section 14 of Ordinance No. 90-1039.

**SECTION 3. Definitions Applicable to Public Places of Amusement.**

For purposes of these regulations pertaining to public places of amusement, public amusement/entertainment, and public entertainment, the words and phrases used herein shall have the following meanings:

A. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance;

B. "Operator" means any person operating, conducting or maintaining a public place of amusement, public amusement/entertainment, or public entertainment;

C. "Public place of amusement", "public amusement/entertainment" and "public entertainment" mean an amusement, diversion, entertainment, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, direct or indirect;

#### **SECTION 4. Business Hours.**

No public place of amusement, public amusement/entertainment or public entertainment shall be conducted between the hours of 2:00 a.m. and 10:00 a.m., except as otherwise provided for public dancing by Section 33 of Ordinance No. 90-1039.

#### **SECTION 5. Outdoor Sports Exempt.**

No business license shall be required for any recognized outdoor sports.

#### **SECTION 6. Racing.**

Applicants for any amusement license pertaining to races, whether foot, bicycle, automobile or other, where the expected attendance will exceed one thousand people at any single scheduled event, shall submit information as deemed appropriate by the City to ensure that adequate traffic control and crowd protection policing has been arranged either through private security agencies or has been contracted for with the City. A written notice that the applicant has complied with this requirement shall be issued by the Chief of Police Services before an amusement place license shall be issued. If any applicant should contract for traffic control and crowd protection policing with the City, then the sum agreed upon in payment for such control and policing shall be based upon the actual expenses incurred by the City in providing such services.

#### **SECTION 7. License Required For Adult Entertainment, Adult Theater and Adult Use Establishments.**

It shall be unlawful for any person or entity to operate any adult entertainment, adult theater, adult use establishment or to act as manager, or act as entertainer, without a valid license from the City for the specific business, employment and location of the enterprise or employment.

#### **SECTION 8. Fees for Adult Entertainment, Adult Theater and Adult Use Establishments.**

The fee for a license to operate adult entertainment, adult theater, or adult use establishment and the fee for manager's and entertainer's licenses shall be as set by Resolution of the City Council.

#### **SECTION 9. Definitions Applicable to Adult Entertainment, Adult Theater, and Adult Use Establishments.**

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

A. "Adult entertainment" means any exhibition or dance of any type conducted in premises where such exhibition or dance involves the exposure to view of any

portion of the breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

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

- (1) Human genitalia in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Erotic fondling, touching or display of human genitalia, public region, or buttock or female breast.

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

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

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

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

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

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

I. "Panoram" or "Peep show" means any device which, upon insertion of a coin or by any other means, exhibits or displays a picture or view in person or by film, video, or by any other means.

**SECTION 10. License Applications for Adult Entertainment, Adult Theater, and Adult Use Establishments.**

A. All applications for a license to conduct or operate adult entertainment, adult theater, adult use establishments, shall be submitted in the name of the person or entity proposing to conduct such activity on the business premises and shall be signed by such person or and shall be notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director of Financing, which shall require the following information. Failure to provide the information required will constitute an incomplete application, and such application shall not be processed.

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

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

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

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

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

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

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

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

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

B. All applications for a manager's or entertainer's license shall be signed by the applicant and shall be notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the Director, which shall require the following information:

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

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

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

(4) With the application, the applicant shall present documentation that he or she has attained the age of eighteen (18) years. Any of the following shall be accepted as documentation of age: (a) motor vehicle operator's license issued by any state bearing the applicant's

photograph and date of birth (b) an identification card bearing the applicant's photograph and date of birth issued by a federal or state government agency; (c) an official passport issued by the United State of America;

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

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

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

#### **SECTION 11. Standards for Denial of License.**

The Director shall deny any license for adult entertainment, adult theater, or adult use establishment if the Director determines that the applicant has:

A. Made any materially false statement in the application for a license. "Materially false statement" shall mean any false statement, oral or written;

B. Proposed a place of business or establishment to be licensed which could not comply with all applicable requirements of the fire, safety, sanitary building and zoning codes of the City;

C. Been convicted of any felony within the period of five (5) years preceding the date of the application or of any misdemeanor or gross misdemeanor involving moral turpitude, prostitution, sexual offenses, or violation of any adult entertainment, adult theater, adult use establishment, or massage parlor business regulations, within the period of five (5) years preceding the date of the application;

D. Previously suffered any denial or revocation of any adult entertainment, adult theater, adult use establishment, or massage parlor business license or permit or of any manager's or entertainer's license, in the State of Washington or any other state, within the period of five (5) years preceding the date of the application.

E. Previously operated any adult entertainment, adult theater, adult use establishment, or massage parlor, within the City or elsewhere, within the period of five years preceding the date of application, and caused or permitted violation of the standards of conduct and operation then applicable within the jurisdiction.

#### **SECTION 12. Responsibilities of Manager.**

A. A licensed manager shall be on the premises of any public place offering adult entertainment, adult theater, adult use establishments, at all times that such entertainment or business is being offered or provided;

B. It shall be the responsibility of the manager to verify that all persons who offer or provide adult entertainment within the premises possess a current and valid entertainer's license issued by the City for that specific premises;

C. It shall be the responsibility of the manager, as well as of the owner or operator, to ensure that all entertainers and all patrons abide by and comply with the standards of conduct set forth in this Ordinance;

D. It shall be the responsibility of the manager, as well as of the owner or operator, to ensure that no patron is admitted into the premises or is served or entertained therein if such patron is obviously under the influence of alcohol or drugs;

E. The manager shall, upon request of any law enforcement officer or business license inspector, make available for inspection the premises, all materials offered for display, exhibit, rent or sale, and all entertainer licenses required to be on the premises pursuant to this Ordinance.

### **SECTION 13. Display of Licenses.**

The license issued pursuant to this Ordinance for adult entertainment, adult theater, or adult use establishment shall be prominently displayed on the licensed premises. Entertainer licenses issued pursuant to this Ordinance must be immediately available on the premises for inspection by any law enforcement officer or business license inspector, either on the person of the entertainer or in custody of the manager.

### **SECTION 14. Person Under Eighteen Prohibited.**

A. It shall be unlawful for any person under the age of eighteen (18) years to be on or within any premises offering adult entertainment, adult theater, or adult use establishment, whether as patron, employee or independent contractor.

B. It shall be unlawful for any owner, operator, manager, or other person in charge of any premises or business offering adult entertainment, adult theater, or adult use establishments to knowingly permit or allow any person under the age of eighteen (18) years to be in or upon such premises, either as employee, independent contractor, or patron.

### **SECTION 15. Standards of Conduct and Operation.**

A. The following standards of conduct and operation shall be adhered to by owners, operators, managers, entertainers and employees of any business or place open to the public which offers, conducts, or maintains adult entertainment, adult theater, or adult uses:

(1) No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals except as provided for in Subdivision (6) of this Subsection.

(2) No employee or entertainer mingling with the patrons shall be unclothed or in such attire, costume or clothing as described in Subdivision (1), above.

(3) No employee or entertainer shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of that employee or entertainer or of any other person.

(4) No employee or entertainer shall wear or use any device or covering

exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic hair.

(5) No employee or entertainer shall perform actual acts of, or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

(b) The touching, caressing or fondling of the breasts, buttocks or genitals; or

(c) The displaying of the pubic hair, anus, vulva or genitals, except as provided for in Subdivision (6) of this Subsection.

(6) A licensed entertainer, only, may be unclothed or in such attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic hair, vulva, genitals, anus or buttocks, but only when upon a stage at least eighteen inches above the immediate floor level and removed by at least six feet from the nearest patron. The stage and the entire interior portion of any booths, cubicles, rooms or stalls, complying with the requirements of the aforesaid stage, when adult entertainment is provided, shall be completely visible from all common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

(7) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.

(8) The owner, operator, or manager shall immediately remove from the licensed premises any person who exposes to public view any portion of the breast below the top of the areola, or any portion of the pubic hair, anus, buttocks, vulva or genitals except as expressly provided for in Subdivision (6) of this Subsection.

(9) There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed.

(10) No activity or entertainment occurring on the premises shall be visible at any time from any public place, and no entertainer shall be visible from any public place during the hours of his or her employment, or apparent hours of such employment, on the premises.

(11) No entertainer at a place offering adult entertainment shall demand or collect all or any portion of a fee from a patron for entertainment before its completion.

(12) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF SEATAC.

(13) Sufficient lighting shall be provided in and about all parts of the premises which are open to and used by the public so that all objects are plainly visible at all times.

(14) Neither any performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, vulva, buttocks, genitals or anus may be visible outside of the licensed premises.

(15) Exterior signs and any interior sign or notice visible to the public may announce the name of the business and the nature of the business by the terms "adult entertainment", "adult theater" or "adult use establishment" but shall not contain any representation of the human body or make any statement pertaining to the human body, whether of entertainers, patrons or the public.

(16) No adult entertainment, adult theater, or adult uses shall be offered to, or shall be made available to, the public between the hours of 2:00 o'clock a.m. and 11:00 o'clock a.m.

B. The following additional requirements shall be followed by all licensees operating adult use establishments:

(1) The interior of the adult use establishment shall be arranged in such a manner as to insure that customers are fully visible from the waist down while viewing peep shows or panoramas, shall be visible from the entrance of such premises;

(2) The licensee shall not permit any doors to public areas on the premises to be locked during business hours;

(3) Any room or area on such premises shall be readily accessible at all times for inspection by any law enforcement officer or license inspector;

(4) The licensee shall maintain adequate illumination generally distributed in all parts of the premises at all times when the establishment is open or when the public is permitted to enter or remain therein.

C. This Ordinance shall not be construed to prohibit:

(1) Plays, operas, musicals, dances or other dramatic works which are not obscene; or

(2) Classes, seminars and lectures held for serious scientific or educational purposes.

D. For purposes of Subsection C, above, an activity is "obscene" if:

(1) Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;

(2) The activity depicts patently offensive representations of: ultimate sexual acts, normal or perverted, actual or simulated; or masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(3) The activity taken as a whole lacks serious literary, artistic, political, or scientific value.

E. For purposes of Subsection C of this Section, an activity is "dramatic" if

the activity is of, relating to, devoted to, or concerned specifically or professionally with current drama or the contemporary theater.

F. This Ordinance shall not be deemed to permit any activity, in taverns, bars, cocktail lounges, or any premises maintaining liquor licenses, not permitted by the State Liquor Control Board.

**SECTION 16. Prohibition of Adult Entertainment, Adult Theater, and Adult Use Establishments In Certain Locations.**

No business operating or conducting adult entertainment, adult theater, or adult use establishments, shall be located in any area of the City where such use is not specifically allowed by zoning ordinances and, in no event, closer than 1,320 feet from the premises of any church, chapel, school (whether private, parochial, or public), licensed daycare center, public park, community center, or public library.

**SECTION 17. Standards for Revocation of License for Adult Entertainment, Adult Theater, or Adult Use Establishments and License for Manager or Entertainer.**

The Director shall revoke any license for adult entertainment, adult theater, or adult use establishments, and any manager's or entertainer's license, if it is determined that the licensee has:

- (A) Made, with the intent to mislead, a materially false statement in the application for a license or a renewal of a license.
- (B) Violated, or encouraged, permitted, or authorized any violation of, any provisions of this Ordinance by any person, specifically including, but not limited to, violations of the standards of conduct and operation contained in Section 14 of this Ordinance;
- (C) Been convicted of any felony within the period of five (5) years preceding the date of the application or any misdemeanor or gross misdemeanor involving moral turpitude, prostitution, sexual offenses, or violation of any adult entertainment, adult theater and adult use establishment or massage parlor business regulations, within the period of five (5) years preceding the date of the application;
- (D) Previously suffered any denial, suspension or revocation of any adult entertainment, adult theater, adult use establishment, or massage parlor business license or permit or any of any manager's or entertainer's license, in the State of Washington or any state, within the period of five (5) years preceding the date of the application.

**SECTION 18. Abatement As Moral Nuisance.**

In addition to all penalties and civil actions contained in this Ordinance, in Ordinance No. 90-1039, as now existing or as may be subsequently amended, and in any other Ordinances of the City, any violations of this Ordinance, or any other Ordinance or administrative regulation pertaining to adult entertainment, adult theater, adult use establishments, massage parlors and any obscene display or activity carried on as a commercial enterprise may be declared a moral nuisance and may be abated pursuant to the actions and procedures contained in Chapter 7.48A RCW, which is hereby adopted, as presently existing, by this reference.

**SECTION 19. Copies to Be Available.**

A copy of Chapter 7.48A RCW 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 20. Repeal.**

Section 30 of Ordinance No. 90-1039 is hereby repealed.

**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 or legislation shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**SECTION 22. 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 June, 1991, and signed in authentication of its passage this 11th day of June, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1024**

AN ORDINANCE of the City Council of the City of SeaTac relating to animal control; providing definitions; regulating dangerous dogs on premises; regulating dangerous dogs off premises; providing for City immunity; amending Section 2 of Ordinance No. 90-1012 and adding sections thereto; and declaring an emergency.

**WHEREAS**, the City Council previously enacted Ordinance No. 90-1012 adopting by reference portions of the King County Code providing animal control regulations and appointing the King County Animal Control Section as agent for the City; and

**WHEREAS**, the City Council finds that the public health, safety, and welfare would be furthered by the adopting of additional regulations for the control of dangerous dogs;

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

**SECTION 1. General Provisions and Licensing.**

Section 2 of Ordinance No. 90-1012 is hereby amended to read as follows:

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, and in addition

thereto, the following

definitions are adopted:

A. "Dangerous Dog" means:

(1) Any dog that, when unprovoked, has inflicted bites or severe injury on a human or a domestic animal either on public or private property; or

(2) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause severe injury or to otherwise endanger the safety of humans or domestic animals; or

(3) Any dog which attacks a human being or other domestic animal without provocation; or

(4) Any dog known by the owner to be a Pit Bull Terrier, which shall herein be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

B. "Potentially dangerous dog" means:

(1) Any dog that, when unprovoked, inflicts bites on a human or a domestic animal either on public or private property; or

(2) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

(3) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause severe injury, or to cause injury or otherwise threaten the safety of humans or domestic animals; or

(4) Is known by the owner to be a Pit Bull Terrier, which shall herein be defined as any American Pit Bull Terrier, or Staffordshire Bull Terrier or American Staffordshire Terrier breed of any dog or any mix of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

C. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

D. "Unconfined" means not securely confined indoors or not confined in a securely enclosed and locked pen or structure. Such pen or structure must have attached sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

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

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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 2. Regulation of Dangerous Dog on Premises.**

A new section is hereby added to Ordinance No. 90-1012 to read as follows:

A. The owner of a dangerous dog shall not permit such dog to go unconfined upon the premises of such owner.

B. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime on the premises.

**SECTION 3. Regulation of Dangerous Dog Off Premises.**

A new section is hereby added to Ordinance No. 90-1012 to read as follows:

The owner of a dangerous dog shall not permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting or causing severe injury to any person or animal.

**SECTION 4. Immunity.**

The City of SeaTac, the animal control authority, and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this Ordinance, or for any failure to take action to enforce the provisions of this Ordinance. It is not the purpose or intent of this Ordinance to create on the part of the City or its agents any special duties or relationships with specific individuals. This Ordinance has been enacted for the welfare of the public as a whole.

**SECTION 5. Severability.**

If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

**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 25th day of June, 1991, and signed in authentication of its passage this 25th day of June, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1025**

AN ORDINANCE of the City Council of the City of SeaTac relating to the SeaTac Criminal Code; declaring unlawful acts of prostitution or pandering; declaring unlawful prostitution loitering; establishing the crime of patronizing a prostitute; amending Section 1 of Ordinance No. 90-1036 and Section 28 of Ordinance No. 90-1029; amending Section 29 of Ordinance No. 90-1029; amending Section 30 of Ordinance No. 90-1029; 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 was subsequently amended by Ordinance No. 90-1036; and

**WHEREAS**, certain District Courts have recently held that failure to recite the judicially implied element of "intent" in prostitution statutes and complaints may lead to dismissal; and

**WHEREAS**, the City Council finds it appropriate to add a specific "intent" element so as to avoid any judicial question in this regard;

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

**SECTION 1. Unlawful Acts of Prostitution or Pandering.**

Section 1 of Ordinance No. 90-1036 and Section 28 of Ordinance No. 90-1029 are each 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 intentionally engage in or offer to engage in an act of prostitution; or
- (b) To intentionally secure or offer to secure another person for the purpose of engaging in an act of prostitution; or
- (c) To intentionally transport a person into or within the county with purpose to promote that person's engaging in an act of prostitution, or procuring or paying for transportation with that purpose; or
- (d) To intentionally receive, offer or agree to receive a person into any place or building for the purpose of performing an act of prostitution, or to knowingly permit a person to remain there for any such purpose; or
- (e) To intentionally direct a person to any place for the purpose of engaging in an act of prostitution; or
- (f) To intentionally in any way aid, abet or participate in an act of prostitution.

**SECTION 2. Unlawful Prostitution Loitering.**

Section 29 of Ordinance No. 90-1029 is hereby amended to read as follows:

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 engaging in, inducing, enticing, soliciting or procuring a person 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 3. Patronizing a Prostitute.**

Section 30 of Ordinance No. 90-1029 is hereby amended to read as follows:

(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 intentionally pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct or sexual contact with him or her; or

(ii) He or she intentionally 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 or sexual contact with him or her; or

(iii) He or she intentionally solicits or requests another person to engage in sexual conduct or sexual contact 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 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 25th day of June, 1991, and signed in authentication of its passage this 25th day of June, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1026**

AN ORDINANCE of the City Council of the City of SeaTac creating an advisory Human Services Commission; providing for membership; providing for appointment of members; establishing terms of office; authorizing rules of procedure; providing for compensation; providing for expenses; requiring abstaining in event of conflicts of interest; requiring meetings; authorizing joint meetings; establishing responsibilities; and requiring reports of progress.

**WHEREAS**, the City Council desires to create and establish a Human Services Commission to serve in an advisory capacity to the Council;

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

**SECTION 1. Human Services Commission Created.**

There is hereby created an advisory commission to be known as "The Human Services Commission of the City of SeaTac".

**SECTION 2. Membership.**

There shall be five members of the Human Services Commission. At least three of the members shall be residents of the City. Other members shall own, operate or be employed by business entities located within the City.

**SECTION 3. Appointment.**

The members of the Human Services Commission shall be appointed by the Mayor, subject to confirmation by the City Council.

**SECTION 4. Terms of Office.**

Members of the Human Services Commission shall serve for a term of three years. However, the initial members shall be appointed to serve the following terms: two members shall serve a one year term; two members shall serve a two year term; and one member shall serve a three year term. If a member of the Human Services Commission shall be absent, without prior notification or excuse, from three consecutive, regularly scheduled meetings of the Commission, the Chairperson of the Human Services Commission may declare the position held by that member vacant and a new member may be appointed in the manner set forth at Section 3 of this Ordinance.

**SECTION 5. Rules of Procedure.**

The Human Services 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 Human Services 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 Human Services Commission shall be deemed to be the action of the Commission. The Human Services 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 Human Services Commission shall serve without compensation.

**SECTION 7. Expenses.**

The City Council may appropriate a budget for use of the Human Services

Commission in meeting such expenses and expenditures as may be necessary. The City shall provide to the Human Services 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 Human Services Commission concludes that such member has a conflict of interest with respect to a matter pending before the Commission, that member shall disqualify himself or herself from participating in the deliberations and decision-making process with respect to that matter.

**SECTION 9. Meetings.**

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

**SECTION 10. Joint Meeting Authorized.**

The Human Services Commission may hold joint meetings with one or more city or county planning or human service agencies and may engage in regional human service planning activities.

**SECTION 11. Commission Responsibilities.**

The Human Services Commission shall make reports and recommendations to the City Council concerning human services issues and shall discharge the following responsibilities:

- (a) Review and recommend human services needs assessments and needs assessment updates.
- (b) Develop recommendations for the City Council on priorities of needs within the community.
- (c) Review and recommend human services plans and policies, including the human services element of the City's comprehensive plan.
- (d) Evaluate funding requests and make recommendations on human services funding.
- (e) Evaluate and review the performance of individual human services organizations and agencies.
- (f) Participate in collaborative planning efforts involving citizen groups, human services agencies and local organizations, such as the Human Services Roundtable, United Way and the South King County Council of Human Services, which contribute to enhanced regional coordination.
- (g) Review City actions which may affect the accessibility or quality of human services available to City residents.
- (h) Conduct other human services research, review and advocacy as requested by the City Council in response to emerging human services issues.

**SECTION 12. Annual Reports of Progress.**

The Human Services Commission shall annually provide to the City Council a report on progress made in carrying out the Commission's responsibilities and on the status of human services policies and procedures within the City.

**SECTION 13. Severability.**

Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstances, 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 legisla-tion shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**SECTION 14. 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 June, 1991, and signed in authentication of its passage this 25th day of June, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1027**

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; adopting the Uniform Mechanical Code; adopting the Uniform Plumbing Code and Uniform Plumbing Code Standards; 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; and amending Sections 1, 35 through 43, and 48 of Ordinance No. 90-1064.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1064 which adopted by reference various uniform codes relating to building and construction standards, with specific reference to the edition in effect at the time of enactment of the said Ordinance; and

**WHEREAS**, the said uniform codes and standards are subject to periodic revision; and

**WHEREAS**, the City Council finds that regular amendment of the ordinance or ordinances adopting such uniform codes and standards will not be required if the adopting language refers to the current editions rather than specifying the actual date of such current editions;

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

**SECTION 1. Adoption of the Uniform Building Code.**

Section 1 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Uniform Building Code and the Uniform Building Code Standards, published by the International Conference of Building Officials, as amended by the Washington State Building Code Council 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 Ordinance No. 90-1064.

**SECTION 2. Adoption of the Uniform Mechanical Code.**

Section 35 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Uniform Mechanical Code, 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 3. Adoption of the Uniform Plumbing Code.**

Section 36 of Ordinance No. 90-1064 is hereby amended to read

as follows:

The Current Edition of the Uniform Plumbing Code, 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 4. Adoption of the Uniform Administrative Code.**

Section 37 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Uniform Administrative Code 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 5. Adoption of the Uniform Housing Code.**

Section 38 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Uniform Housing Code 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 6. Adoption of the Uniform Abatement of Dangerous Buildings Code.**

Section 39 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Uniform Abatement of Dangerous Buildings Code 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 7. Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code.**

Section 40 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Uniform Swimming Pool, Spa and Hot Tub Code 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 8. Adoption of the Regulations for Barrier-Free Facilities.**

Section 41 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Regulations for Barrier-Free

Facilities, as published by the Washington State Building Code Council and published as WAC 51-10, and as may subsequently be amended, are hereby adopted by reference as the Regulations for Barrier-Free Facilities of the City.

**SECTION 9. Adoption of the Washington State Energy Code.**

Section 42 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Washington State Energy Code, as published by the Washington State Building Code Council 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 10. Adoption of the Washington State Water Conservation Performance Standards.**

Section 43 of Ordinance No. 90-1064 is hereby amended to read as follows:

The Current Edition of the Washington State Water Conservation Performance Standards, as published by the Washington State Building Code Council and published as WAC 51-18, and as may subsequently be amended, are hereby adopted by reference as the Washington State Water Conservation Performance Standards of the City.

**SECTION 11. Copies to Be Available.**

Section 48 of Ordinance No. 90-1064 is hereby amended to read as follows:

A copy of Each Code and Standard 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 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 09th day of July, 1991, and signed in authentication of its passage this 9th day of July, 1991.

**CITY OF SEATAC**

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FRANK HANSEN, Mayor

**ATTEST:**

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NACELLE J. HEUSLEIN, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

Ordinance No.: 91-1027

Passed by the City Council: 9th July, 1991

Date of Publicatin: 7/14/91

Effective Date: 8/13/91

**ORDINANCE NO. 91-1028**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees, including civil service employees, amending Section 2 of Ordinance No. 90-1077, Section 1 of Ordinance No. 90-1055, Section 1 of Ordinance No. 90-1062 and Section 2 of Ordinance No. 90-1037; amending Section 4 of Ordinance No. 90-1077, 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 Ordinances No. 90-1037; amending Section 5 of Ordinance No. 90-1062 and Section 10 of Ordinance No. 90-1037; amending Section 13 of Ordinance No. 90-1037; providing for sick leave; providing for vacation; and providing for sexual harassment policies.

**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; Ordinance No. 90-1069; and Ordinance No. 90-1077 to better provide for all employees and to take into account the City civil service system; and

**WHEREAS**, the City Council desires to make a further amendment to clarify the formula for determining use and accumulation of sick leave and vacation leave to its employees for employees working a 37.5 hours per week; and

**WHEREAS**, the City Council finds it appropriate to specify the City's policies as to sexual harassment in its work environment;

**SECTION 1. Definitions.**

Section 2 of Ordinance No. 90-1077; Section 1 of Ordinance No. 90-1055; 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, with the exception of employees working a 37.5 hour work-week, then such employee's normal hourly rate of pay, or, if the employee is salaried, such employees monthly salary, exclusive of pay for overtime, multiplied by twelve and the product thereof divided by 1950.

(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 2. Compensation Plan.**

Section 4 of Ordinance No. 90-1077; 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 Ordinances 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 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 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, with the exception of employees who work a 37.5 hour work-week, then 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 1950. 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 Resolution of the City Council.

(p) **Dental Care.** Employees shall receive the benefits 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) **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 medical plan offered by the City. 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 six months after date of hire.

### **SECTION 3. Sick Leave.**

Section 5 of Ordinance No. 90-1062 and Section 10 of Ordinance No. 90-1037 are each amended to read as follows:

(a) **Accrual of Sick Leave.** An employee, with the exception of any employee working a 37.5 hour work-week, 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. Employees working a 37.5 hours per week shall accrue sick leave at the rate of seven and one-half (7.5) hours for each month of employment in paid status, including the probationary period of employment. LEOFF I employees shall receive five (5) days of non-accumulative sick leave annually to be used in lieu of disability. After three (3) consecutive days of personal sick leave usage a LEOFF I employee will be required to file a disability claim with the City Disability Board. LEOFF I employees may use these days for family leave if documented. LEOFF I employees will not be eligible to receive payment of sick leave as provided in Subsection (f), below.

(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, 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, 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, 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%) of 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 of accumulated sick leave and vacation leave exceed two hundred forty (240) hours. The twenty-five percent (25%) payment will not be made for unused sick leave if an employee leaves the City during his or her probationary period.

#### **SECTION 4. Vacation.**

Section 13 of Ordinance No. 90-1037 is amended to read as follows:

(a) **Accrual of Vacation Time.** Each employee, with the exception of employees working a 37.5 hour work-week, 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 = 80.0 hours

Sixth thru Tenth year: 12 days = 90.0 hours

Eleventh thru Fifteenth year: 15 days = 120.0 hours

Sixteenth year and all others: 20 days = 160.0 hours

All employees working a 37.5 hour work-week shall be entitled to the following number of vacation days to be awarded at the employee's anniversary date:

First thru Fifth year: 9.37 days = 75.0 hours

Sixth thru Tenth year: 11.25 days = 90.0 hours

Eleventh thru Fifteenth year: 14.06 days = 112.5 hours

Sixteenth year and all others: 18.75 days = 150.0 hours

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 5. Sexual Harassment.**

There is hereby added a new section to Ordinance No. 90-1037, as amended, to read as follows:

(a) It is the policy of the City to provide a work environment for its employees which is free from discrimination and intimidation. The City will not tolerate any form of sexual harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of sexual harassment.

(b) Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive intimidating, degrading or hostile work environment, or adversely interferes with or affects an employee's work performance.

(c) Any employee who believes he or she is being sexually harassed by supervisors or co-workers should immediately notify his or her Department Head. In the event that the harassment involves the Department Head, he or she should notify the City Manager. The City Manger will not retaliate against an employee who complains of sexual harassment. In the alternative, any employee who believes he or she is being sexually harassed by supervisors or co-workers may report such behavior to the Equal Employment Opportunity Commission or the Human Rights Commission under Section 20(xii) of the Personnel Ordinance.

#### **SECTION 7. 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 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 23rd day of July, 1991, and signed in authentication of its passage this 23rd day of July, 1991.

**CITY OF SEATAC**

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FRANK HANSEN, Mayor

**ATTEST:**

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NACELLE J. HEUSLEIN, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1029**

AN ORDINANCE of the City of SeaTac adopting Chapter One: Annexation Element Goals and Policies of the Comprehensive Plan; and establishing interim urban growth boundaries, annexation of lands within these designated urban growth boundaries and procedures for annexation.

**WHEREAS**, the City Council finds that adoption of a comprehensive land use and growth management plan is essential to the public health, safety and welfare; and

**WHEREAS**, the State Legislature has enacted Chapter 17, laws of 1990, First Extraordinary Session (SHB No. 2929), which became effective July 1, 1990 and SHB No. 1025, which became effective July 1, 1991, for the purpose of ensuring that citizens, communities, local governments and the private sector cooperate and coordinate with one another in comprehensive growth management planning and economic development programs; and

**WHEREAS**, by Ordinance No. 90-1018, the City Council required preparation of a new comprehensive land use plan by a City Planning Agency and adopted by reference the SeaTac Area Update, together with other documents, as the comprehensive plan of the City; and

**WHEREAS**, by Ordinance No. 90-1047, the City Council created the City of SeaTac Planning Commission and authorized that Commission to prepare a comprehensive plan and development regulations, as required by the State Legislature; and

**WHEREAS**, by Resolution No. 90-112, the City Council declared it's intent that the City, its staff, Planning Commission, and other advisory boards and commissions, continue the process which commenced prior to July 1, 1990 to ensure that a coordinated comprehensive plan and development regulations are adopted in accordance with the provisions and time-schedules of State law;

**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, and adds Chapter One: Interim Annexation Element goals and policies of a new City of SeaTac Comprehensive Plan; and establishing interim urban growth boundaries, annexation of lands within these designated urban growth boundaries and procedures for annexation.

**SECTION 2. 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 23rd day of July, 1991, and signed in authentication of its passage this 23rd day of July, 1991.

**CITY OF SEATAC**

Mayor

ATTEST:

Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1030**

AN ORDINANCE of the City Council of the City of SeaTac establishing an Aviation Business Center zone; providing for permitted uses; providing for conditional uses; establishing minimum building setbacks; establishing bufferyard requirements; establishing building height requirements; establishing minimum lot size requirements; establishing parking requirements; establishing maximum lot coverage; establishing building plan requirements; requiring an urban design plan; requiring additional development conditions; and providing for an effective date.

**WHEREAS**, the City Council previously enacted Ordinance No. 90-1019 adopting by reference Title 21 of the King County Code as the zoning code of the City; and

**WHEREAS**, following notice and public hearing, the City Council now finds that establishment of a new zoning classification, to be known as the Aviation Business Center (ABC) zone is in the public interest;

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

**SECTION 1. Purpose of Classification.**

- A. To promote a major commercial center, supporting high concentrations of customers, visitors, employees, and pedestrian activity;
- B. To promote quality development in which people can work, shop, and access child care;
- C. To promote a market geared toward businesses and professions that can take advantage of the proximity to the airport;
- D. To promote such a market in which development is compatible with airport operations;
- E. To encourage a flexible development program to improve the design, character, and quality of new development; to facilitate the provision of streets and utilities; and to preserve natural and scenic features;
- F. To establish a minimum lot size to encourage projects of a sufficient scale to increase the viability of high capacity transit and encourage rideshare alternatives.
- G. To promote a balanced multi-modal transportation network consisting of motor vehicle transportation, public transportation, pedestrian circulation, and integrated parking.

**SECTION 2. Permitted Uses.**

The following uses are permitted in the Aviation Business Center (ABC) zone:

1. Business and professional offices;
2. Hotels and motels;
3. Restaurants;
4. Convention, conference, and trade centers;
5. Corporate headquarters
6. Research and development facilities;

7. Public offices and support facilities;

8. High  
technology  
assembly.

9. Retail sales and consumer service establishments provided that said use is incorporated within the structure of permitted uses.

**SECTION 3. Conditional Uses.**

The following are classified as conditional uses in the ABC Zone.

1. Commercial and off-site parking facilities;
2. Wholesale business and accessory storage;
3. Distribution centers;
4. Parcel service delivery;
5. Rental car businesses and parking lots;

Within the ABC Zone, conditional uses are subject to approval by the Planning Commission. Approval for such conditional uses shall be based upon the conditions set forth in the Zoning Code.

**SECTION 4. Minimum Building Setback.**

Minimum building setbacks shall be as follows:

Front yard 0 feet

Side yard 0 feet

Rear yard 0 feet

Where applicable, the placement of buildings and/or structures shall be determined by the bufferyard requirements of this Ordinance.

**SECTION 5. Bufferyard Requirements.**

Bufferyard requirements shall be as follows:

A. Type I, 20' wide landscaping when adjacent to residential uses.

B. Type III, 15' wide landscaped berm to conceal service areas, backs of buildings, and parking areas from street level view.

**SECTION 6. Building Height.**

The maximum building height for parcels located north of South 208 Street shall be consistent with Federal Aviation Administration regulations. The maximum building height for parcels south of South 208th Street shall not exceed 50 feet.

**SECTION 7. Minimum Lot Size.**

To encourage large projects a minimum lot size of 5 acres is established. The development shall relate open space and pedestrian facilities to other development within the same and adjoining street blocks. Projects of less than 5 acres may be approved by City Council after review and recommendation by the Planning Commission. Approval shall be based upon a determination that the project is consistent with the purpose of the Zone and is in the public interest.

### **SECTION 8. Parking Requirements.**

The minimum off-street parking and loading requirements shall be based on the specific use as required in the Zoning Code. In order to encourage transit alternatives and to provide for off-street parking to meet special needs of particular uses, alternative parking and loading requirements may be set by City Council upon recommendation of the Planning Commission. It is a goal of the Zone to support a plan to reduce commuter trips.

### **SECTION 9. Maximum Lot Coverage.**

A. The total permitted lot coverage for each business park development shall not exceed 75 percent for building and parking areas. A maximum of 85 percent lot coverage for building and parking areas may be allowed provided that the applicant meets specific incentive criteria. Landscaping required by the Code may not be counted toward the open space requirement.

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

C. Upon a finding that the request for lot coverage bonuses meet the purpose of the Zone and is in the public interest, the Planning Commission shall recommend to City Council whether or not to accept the benefit option(s) and the amount of additional lot coverage. The benefit options include the following:

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

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

(c) Art Exhibit Area - A lot coverage bonus of 1% may be granted for each 1,000 square feet designated for an outdoor art exhibit. A minimum of 2,000 square feet for exhibiting art must be granted in order to use this option. The maximum bonus of 3% may be established. The art exhibit areas must be

established in building and site plans furnished at the time of submitting building permit applications. The art exhibit must be easily accessible to the general public.

(d) Transit Center - A lot coverage bonus to 10% may be granted for property dedicated for a transit center. Land donated shall be transferred to and accepted (must be an acceptable site and size to the transit operator) by the local agency who is responsible to develop the transit center site. Proof of an acceptable site must be furnished at the time of submitting building permit applications. Land area dedicated may be included in determining the maximum lot coverage for the development.

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

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

#### **SECTION 10. Development Plan Required.**

A development plan must be submitted for all projects that will be developed in phases. The Business Park should be a phased development to ensure that infrastructure is in place or that the financing of the required improvements has been identified to provide said improvements within a specific time frame as approved by the City. Types of improvements may include: road improvements, sewers, utilities, drainage systems, etc. An estimated time period for completion of all phases is to be provided by the developer when the City first reviews the entire proposal. Initiation of new phases will be prohibited until conditions imposed on previous phases have been met or assured. Any minor deviation that is consistent with the purpose and development criteria of the District from the original building development must be approved by the Director of Planning and Community Development.

#### **SECTION 11. Urban Design.**

A. A landscaping plan shall be submitted at the time of site plan review.

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

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

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

(4) Modifications may be allowed by the Director of Planning and Community Development provided the applicant demonstrates a plan superior to the standards cited above.

B. Landscaping for surfaced parking lots:

Type IV landscaping shall be provided within all surface (open air) parking lots as follows:

(1) At least five percent of the interior parking area, excluding any other required landscaping, shall be used for landscaping when said areas exceed twenty parking stalls;

(2) At least one interior landscape island for every twelve parking stalls shall be provided, to be reasonably distributed throughout the parking lot;

(3) At least one tree must be provided in each landscaped island;

(4) At least one tree for every twelve parking stalls shall be provided and reasonably distributed throughout the parking lot. Trees required for landscaped islands may not be counted toward meeting this requirement.

(5) Permanent curbs and/or structural barriers shall be provided to protect the plantings from vehicle overhang.

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

D. No parking shall be located between any required sidewalk and the building.

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

F. New utilities shall be located underground.

G. All business signs shall be an integral part and architecturally similar to the architectural design of the business park, and shall be reviewed in the site plan. Billboard and portable signs are not allowed in the business park development.

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

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

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

K. An internal circulation plan shall be developed to assure smooth pedestrian and vehicular traffic flow in and between developments. The access and internal circulation must be approved by City Department of

Public Works.

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

## **SECTION 12. Additional Development Conditions.**

A. In order to reduce the use of single occupancy vehicles, a Transportation System Management (TSM) Program shall be established based on a transportation study findings and/or as determined by the Director of Public Works. At a minimum, the property owner shall provide vanpool/carpool loading and parking facilities contained within the parking and circulation plan.

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

- (1) An in-house recycling program.
- (2) An on-site collection program for recyclable material.
- (3) Additional development conditions may be imposed as mitigating measures on business park development as part of the SEPA, site plan review, and rezone process.

## **SECTION 13. 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 14. 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 27th day of August, 1991, and signed in authentication of its passage this 27th day of August, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1031**

AN ORDINANCE of the City Council of the City of SeaTac adopting by reference the interim comprehensive plan of the City, to include the Sea-Tac Area Update with revision; and amending Section 1 of Ordinance No. 90-1018.

**WHEREAS**, the City Council previously enacted Ordinance No. 90-1018 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; and

**WHEREAS**, following notice and public hearing, the City Council now finds that establishment of a new zoning classification, to be known as the Aviation Business Center (ABC) zone is in the public interest; and

**WHEREAS**, reference in the Sea-Tac Area Update to the Manufacturing Park zone with development conditions (MP-P) as the appropriate zoning for a business park should be changed to refer to the ABC zone;

**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., except that the reference to the Manufacturing Park zone with development conditions (MP-P) and business park development conditions at pages 28 through 31 of the Sea-Tac Area Update is changed to refer to the Aviation Business Center (ABC) zone.

**SECTION 2. 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 27th day of August, 1991, and signed in authentication of its passage this 27th day of August, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1032**

AN ORDINANCE of the City Council of the City of SeaTac providing for the rezoning of certain property in the City; substituting the Aviation Business Center (ABC) zoning classification for the existing Manufacturing Park zone with development conditions (MP-P); and authorizing amendment to the City zoning map.

**WHEREAS**, the City Council previously enacted Ordinance No. 90-1018 adopting by reference the Sea-Tac Area Update, together with other documents, as the comprehensive plan of the City; and

**WHEREAS**, the City Council has taken steps to establish a new zoning classification to be known as the Aviation Business Center (ABC) zone to be substituted for the Manufacturing Park zone with development conditions (MP-P) as the appropriate zoning within the area identified by the Sea-Tac Area Update for a business park;

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

**SECTION 1. Zoning reclassification.**

The property located in the City of SeaTac as shown on the map attached to this Ordinance is hereby reclassified from Manufacturing Park zone with development conditions (MP-P) to the Aviation Business Center (ABC) zone to permit development as a business park as contemplated by the Sea-Tac Area Update.

**SECTION 2. 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, and the Director of the Department of Planning and Community Development is authorized to take all actions necessary to so amend the zoning map.

**SECTION 3. 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 27th day of August, 1991, and signed in authentication of its passage this 27th day of August, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1033**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; designating the positions of Building Plans Examiner I, Building Plans Examiner II, and Victim Advocate; changing the designation of Permit Coordinator/Plans Examiner to Permit Coordinator and changing the designation of Transportation Engineer to Public Works Engineer; 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, Ordinance No. 90-1066, Ordinance No. 90-1069, Ordinance No. 90-1077, Ordinance No. 91-1008, and Ordinance No. 91-1019; and

**WHEREAS**, the City Council desires to designate the classifications of Building Plans Examiner I and Building Plans Examiner II, and to change the designation of Permit Coordinator/ Plans Examiner to Permit Coordinator and to change the designation of Transportation Engineer to Public Works Engineer; and

**WHEREAS**, the City Council desires to amend the existing Appendix A Compensation Plan;

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

**SECTION 1. Classification of Positions.** Section 1 of Ordinance No. 91-1019; Section 1 of Ordinance No. 91-1008; Section 3 of Ordinance No. 90-1077; 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: (1) 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; (2) uniform methods of recruitment, examination and selection to positions within each classification; and

(3) 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.

(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.

(f) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Elective And Appointive Job #

City Manager 105

Assistant City Attorney/Prosecutor 116

City Clerk 120

Assistant City Manager 140

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: Public Safety Job #

Dispatcher 300

Dispatcher/Probationary 300

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary Firefighter 330

Lieutenant/Company Officer 350

Captain 375

Classification: Labor And Trades Job #

Waste Reduction/Recycling Program

Coordinator 465

Custodial Worker 475

Classification: Technical & Professional Job #

Accountant/Entry 500

Rec. Activities Coordinator 505

Personnel Assistant 507

Accountant/Senior/City Treasurer 510

Purchasing Agent/Buyer 515

Fire Department Public Educator 517

Human Services Coordinator 519

Planner/Entry 520

Planner/Senior 530

Budget/Finance Analyst 533

Engineer/Entry 540

Engineer/Senior 550

Public Works Engineer 555

Transportation Technician 556

Engineer Aide/Entry 560

Engineer Aide/Senior 570

Public Works Maintenance Supervisor 575

Electrical Inspector 576

Public Works Inspector 578

Fire Inspector 579

Building Inspector 580

Code Enforcement Officer 581

Permit Coordinator 582

Building Plans Examiner I 583

Building Plans Examiner II 584

Classification: Supervisory & Management Job #

Court Administrator 615

Battalion Chief/Fire Marshal 625

Battalion Chief/Communications 625

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Land Use Administrator 633

Director of Finance 635

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Chief 650

Assistant Chief 652

Police Chief 655

Personnel Manager 660

Classification: Miscellaneous Job #

Beach Manager 702

Assistant Beach Manager 703

Lifeguard 704

Victim Advocate (part-time) 730

## **SECTION 2. Adoption of Appendix A Compensation Plan.**

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 91-1008, Ordinance No. 90-1069, Ordinance No. 90-1066, Ordinance No. 90-1055, Ordinance No. 90-1059, and to Ordinance No. 91-1019.

## **SECTION 3. 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 27th day of August, 1991, and signed in authentication of its passage this 27th day of August, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1034**

AN ORDINANCE of the City Council of the City of SeaTac adopting the SeaTac Municipal Code; providing for title, citations and references; making references applicable to amendments; providing statement of codification authority; providing definitions; providing for effect of chapter and section headings; providing for reference to specific ordinances; establishing effect on past actions and obligations; providing for "reserved" subject matter; and establishing provision for severability.

**WHEREAS**, RCW 35A.21.130 grants to the City authority for compilation, codification, and revision of ordinances as governed by provisions RCW 35.21.500 through 35.21.570; and

**WHEREAS**, the City Council previously adopted Resolution No. 91-025 awarding a contract for codification of City ordinances to Code Publishing Company and a codification has been duly prepared pursuant to the said Resolution; and

**WHEREAS**, a public hearing has been held before the City Council, pursuant to RCW 35.21.530, and the Council finds that the codification should be adopted as the official code of ordinances of the City;

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

**SECTION 1. Code Adopted.**

The SeaTac Municipal Code, as compiled with the ordinances of the City, and edited and published by Code Publishing Company, of Seattle, Washington, is adopted as the official code of the City.

**SECTION 2. Title, Citation and Reference.**

This code shall be known as the "SeaTac Municipal Code", and it shall be sufficient to refer to said code as the "SeaTac Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. A copy of the Code shall be received without further proof as the ordinances of permanent and general effect of the City in all courts and administrative tribunals of the State of Washington. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "SeaTac Municipal Code". Further reference may be had to the titles, chapters, sections and subsections of the "SeaTac Municipal Code", and such reference shall apply to that numbered title, chapter, section or subsection as it appears in that code.

**SECTION 3. Reference Applies to Amendments.**

Whenever a reference is made to this code as the "SeaTac Municipal Code" or to any portion thereof, or to any ordinances of the City, that reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. Any ordinances amending the codification shall set forth in full the section or sections, or subsection or sub-sections, of the codification being amended, as the case may be, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or section thereof shall be revised or amended unless the new ordinance sets forth the revised or amended ordinance or section in full.

**SECTION 4. Codification Authority.**

This code consists of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to RCW 35A.21.130. Code Publishing

Company, or any successor appointed by the City as its Code Revisor, shall have the following specific authority as to editing, rearranging, and/or grouping of ordinances:

- A. Editing ordinances to the extent deemed necessary or desirable for the purpose of modernizing and clarifying the language of such ordinances, but without changing the meaning of any such ordinance.
- B. Substituting for the term "this Ordinance", where necessary, the term "section", "part", "code", "chapter", "title", or reference to specific section or chapter numbers, as the case may require.
- C. Correcting manifest errors in reference to other ordinances, laws and statutes, and manifest spelling, clerical or typographical errors, additions, or omissions.
- D. Dividing long sections into two or more sections and rearranging the order of sections to ensure a logical arrangement of subject matter.
- E. Changing the wording of section captions, if any, and providing captions to new chapters and sections.
- F. Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

#### **SECTION 5. Definitions.**

Unless the context otherwise requires, the following words and phrases where used in the ordinances of the City shall have the meaning and construction given in this section:

- (a) "Code" means the SeaTac Municipal Code;
- (b) "City" means the City of SeaTac;
- (c) "City Council" means the City Council of the City of SeaTac;
- (d) "County" means the county of King;
- (e) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer or employee of any of them;
- (f) "State" means the state of Washington;
- (g) "Oath" includes affirmation;
- (h) "Gender". The masculine gender includes the feminine and neuter;
- (i) "Number". The singular number includes the plural, and the plural includes the singular.
- (j) "Tenses." The present tense includes the past and future tenses, and the future tense includes the present tense";
- (k) "Shall" is mandatory, "may" is permissive;
- (l) "Title of office". The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City of SeaTac;
- (m) "Owner" when pertaining to a building or land includes any part

owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land;

(n) "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in the City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

(o) "Tenant" or "occupant" when pertaining to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others;

(p) "Goods" includes wares and merchandise;

(q) "Operate" or "engage in" includes carry on, keep, conduct, maintain, or cause to be kept or maintained;

(r) "Across" includes along, in or upon;

(s) "Sale" includes any sale, exchange, barter or offer for sale;

(t) "Ex-officio" means by virtue of office.

#### **SECTION 6. Headings.**

Title, chapter and section heading contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

#### **SECTION 7. Reference to Specific Ordinances.**

The provisions of this code shall not be in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

#### **SECTION 8. Effect of Code on Past Actions and Obligations.**

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or any part of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

#### **SECTION 9. Adoption of Code Not to Affect Ordinances Relating to "Reserved" Subject Matter.**

The adoption of this code shall not be construed to repeal, supersede or modify any existing ordinances of a penal or regulatory nature relating to subject matter for which titles and chapters of this code have been assigned and designated herein as "reserved".

#### **SECTION 10. Severability.**

If any section, subsection, sentence, clause, phrase, part or portion of this

code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The City Council declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

**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 10th day of September, 1991, and signed in

authentication of its passage this 10th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1035**

AN ORDINANCE of the City Council of the City of SeaTac adopting a Vision Statement as policy direction for the City Comprehensive Plan.

**WHEREAS**, as directed by the Council and pursuant to mandate of growth management legislation, the City Planning Commission has been developing the various elements of a new Comprehensive Plan; and

**WHEREAS**, on July 29, 1991, the Planning Commission held a public hearing in regard to a Vision Statement to provide policy direction for the City Comprehensive Plan, received public comment, and has now recommended the said Vision Statement to the Council for adoption;

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

**SECTION 1. Adoption Of The Vision Statement Element Of The Comprehensive Plan.**

The Vision Statement providing policy direction for the City Comprehensive Plan is hereby adopted by reference.

**SECTION 2. Copies to Be Available.**

A copy of the Vision Statement 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 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 10th day of September, 1991, and signed in authentication of its passage this 10th day of September, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1036**

AN ORDINANCE of the City Council of the City of SeaTac adopting an interim Chapter Four, "Environmental Management Goals and Policies" of the City Comprehensive Plan.

**WHEREAS**, as directed by the Council and pursuant to mandate of growth management legislation, the City Planning Commission has been developing the various elements of a new Comprehensive Plan; and

**WHEREAS**, on July 29, 1991, the Planning Commission held a public hearing in regard to an Environmental Management Goals and Policies element to provide policy direction for the City Comprehensive Plan, received public comment, and has now recommended the said Environmental Management Goals and Policies to the Council for adoption;

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

**SECTION 1. Adoption Of The Environmental Management Goals And Policies Element Of The Comprehensive Plan.**

Chapter Four "Environmental Management Goals And Policies" element to the City Comprehensive Plan is hereby adopted by reference.

**SECTION 2. Copies to Be Available.**

A copy of the Environmental Management Goals and Policies 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 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 10th day of September, 1991, and signed in authentication of its passage this 10th day of September, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1037**

AN ORDINANCE of the City Council of the City of SeaTac adopting an interim Chapter Five, "Parks, Recreation, and Open Space Goals and Policies" of the City Comprehensive Plan.

**WHEREAS**, as directed by the Council and pursuant to mandate of growth management legislation, the City Planning Commission has been developing the various elements of a new Comprehensive Plan; and

**WHEREAS**, on July 29, 1991, the Planning Commission held a public hearing in regard to an Parks, Recreation, and Open Space Goals and Policies element to provide policy direction for the City Comprehensive Plan, received public comment, and has now recommended the said Parks, Recreation, and Open Space Goals and Policies to the Council for adoption;

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

**SECTION 1. Adoption Of The Parks, Recreation, And Open Space Goals and Policies Element Of The Comprehensive Plan.**

Chapter Five "Parks, Recreation, And Open Space Goals And Policies" element to the City Comprehensive Plan is hereby adopted by reference.

**SECTION 2. Copies to Be Available.**

A copy of the Parks, Recreation, and Open Space Goals and Policies 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 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 10th day of September, 1991, and signed in authentication of its passage this 10th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1038**

AN ORDINANCE of the City Council of the City of SeaTac prohibiting signs and posters within City rights-of-way and on utility poles; providing for exceptions, defining criminal violations; authorizing assessment of civil penalties; and providing for exceptions.

**WHEREAS**, the City Council has previously adopted Chapter 12.74 of the King County Code which prohibits political signs and posters on public property; and

**WHEREAS**, the said Chapter does not address the issue of other forms of advertising, signs and posters; and

**WHEREAS**, the City Council finds that it is in the best interests of the City to maintain rights-of-way and public property free from advertising, signs and posters and from graffiti;

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

**SECTION 1. Signs and Posters Prohibited.**

It shall be unlawful for any person to erect, post, paste, paint, affix or fasten any sign, poster, bill or other advertising materials, or to deface, mark or place graffiti, within City streets, sidewalks or rights-of-way, on utility poles or traffic sign posts within such rights-of-way, or upon any public building, structure of property, except as provided in Section 2 of this Ordinance.

**SECTION 2. Exceptions.**

The foregoing prohibition shall not apply to the following, providing, however, that no obstruction of, or interference with, vehicular or pedestrian traffic or line of sight and vision is created:

A. Public notices required by law or ordinance;

B. Private notices pertaining to the sale of personal property conducted at residences, providing that such notices are posted not earlier than two days prior to the sale and are removed within one day after the sale, and providing further, that such signs are not affixed to traffic sign posts or to utility poles;

C. Sandwich boards or A-Frame signs not exceeding five square feet per side, or free-standing signs not exceeding five square feet total surface, which announce the sale of real property and open house for that purpose, providing that such signs are posted only during the hours of the open house event and are removed at dusk;

D. Signs, posters and other such materials allowed by a special use permit for City rights-of-way, pursuant to Ordinance No. 90-1013 and Ordinance No. 90-1023, as now existing or as may subsequently be amended, and providing further that the use is found to be reasonably connected to public interest, welfare or safety.

**SECTION 3. Criminal Violations.**

Any person who wilfully or knowingly violates, or fails to comply with the provisions of 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 One

Thousand Dollars (\$1,000.00) or imprisonment for a term not to exceed ninety (90) days, or both. The City shall have full authority to commence criminal proceedings as an alternative to any other judicial or administrative remedy provided in this or any other Ordinance.

**SECTION 4. ASSESSMENT OF CIVIL PENALTIES.**

A. Any person or organization who violates, or fails to comply with the provisions of this Ordinance, or who, by any act of commission or omission procures, aids, or abets such violation, shall be subject to a civil penalty in the sum of Fifty Dollars (\$50.00) per each violation, and each day during which such violation continues shall be considered an additional violation.

B. Civil penalties for the second separate violation by the same person or organization shall be doubled. Civil penalties for any separate violation beyond a second violation by the same person or organization shall be tripled.

C. The procedures for assessment of civil penalties shall be governed by the provisions of Ordinance No. 90-1048, as currently existing or as may be subsequently be amended.

**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 10th day of September, 1991, and signed in authentication of its passage this 10th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1039**

AN ORDINANCE of the City Council of the City of SeaTac regarding road standards; adopting by reference, with modifications, the King County Road Construction Rules; and amending Section 5 of Ordinance No. 90-1013.

**WHEREAS**, the City Council previously enacted Ordinance No. 90-1013 which adopted by reference applicable portions of Title 14 of the King County Code establishing road standards; and

**WHEREAS**, the City Council, by Ordinance No. 91-1018, amended Section 1 of the aforesaid Ordinance to make reference to the 1991 edition of the Standard Specifications for Road, Bridge and Municipal Construction; and

**WHEREAS**, portions of the King County Road Construction Rules referenced in Chapter 14.24 of the King County Code, and adopted by reference at Section 5 of Ordinance No. 90-1013, are not appropriate to the City;

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

**SECTION 1. Road Construction Rules.**

Section 5 of Ordinance No. 90-1013 is hereby amended to read as follows:

The King County Road Construction Rules, as authorized by Section 14.24.010 of the King County Code, are hereby adopted by reference as the City Road Construction Rules, except Sections 2.02, 2.03 and 2.04 thereof, which are hereby replaced with the City's Standards for Urban Public Streets promulgated by the City Department of Public Works. The Department of Public Works shall print copies of the said City Standards, and subsequent revisions and additions thereto, and make the same available to anyone proposing to do work on City rights-of-way. The said Department shall also prepare and periodically update a City bonding schedule for use in determining appropriate construction, maintenance or restoration bonds for road and drainage facilities developed in compliance with the adopted Standards.

**SECTION 2. Copies To Be Available.**

A copy of the King County Road Construction Rules and the City Standards for Urban Public Streets, adopted by reference, shall be authenticated and recorded by the City Clerk and not less than one 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 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 10th day of September, 1991, and signed in authentication of its passage this 10th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1040**

AN ORDINANCE of the City Council of the City of SeaTac relating to the Municipal Court and Violations Bureau; eliminating out-of-date provisions authorizing the King County District Court to act as the City's agent; and repealing Sections 1, 2 and 5 of Ordinance No. 90-1035.

**WHEREAS**, during the codification process, it was noted that certain provisions of Ordinance No. 90-1035 relating to appointment of the King County District Court as agent for the City expired on December 31, 1990, but were still carried as applicable ordinances of the City; and

**WHEREAS**, the City Council finds it appropriate to repeal all such provisions inasmuch as the City's Municipal Court and Violations Bureau is fully operational;

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

**SECTION 1. Repeal.**

Sections 1, 2 and 5, inclusive, of Ordinance No. 90-1035 are hereby repealed.

**SECTION 2. 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 24th day of September, 1991, and signed in authentication of its passage this 24th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1041**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees, establishing a leave sharing program, and amending Section 2 of Ordinance No. 91-1006.

**WHEREAS**, during the codification process, a grammatical error was discovered at Section 2 of Ordinance No. 91-1006; and

**WHEREAS**, the City Council finds it appropriate to amend the said Section 2 to make the language grammatical;

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

**SECTION 1. Conditions For Receipt Of Shared Leave.**

Section 2 of Ordinance No. 91-1006 is hereby amended to read as follows:

(1) An employee may be permitted to receive leave under the leave sharing program, when the following circumstances exist:

(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment with the City;

(b) The employee's absence and the use of shared leave are justified;

(c) The employee has depleted or will shortly deplete that employee's accrued sick leave, vacation leave, compensatory time and any other paid leave;

(d) The employee has diligently pursued, and been found to be ineligible for, state industrial insurance benefits, disability insurance benefits, and any other benefits which might be available, with the exception of state public assistance;

(e) The employee has abided by the City's sick leave policy, prior to requesting shared leave;

(f) The use of shared leave will not significantly increase the City's costs other than the administrative costs of administering the shared leave program.

(2) If deemed appropriate, the City Manager may require that the employee provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. The City Manager shall then determine the amount of shared leave, if any, which an employee may receive, provided, that, no employee shall receive more than a total of one hundred sixty-one (161) days of leave.

**SECTION 2. 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 24th day of September, 1991, and signed in

authentication of its passage this 24th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1042**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees and amending Section 18 of Ordinance No. 90-1037.

**WHEREAS**, during the codification procedure, an inappropriate reference to the Washington Public Employees' Retirement System (PERS) was found at Subsection (a) of Section 18 of Ordinance No. 90-1037; and

**WHEREAS**, the more appropriate language is set forth at Section 7 of the Ordinance, as amended; and

**WHEREAS**, the City Council finds it appropriate to delete the aforesaid provision of Section 18;

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

**SECTION 1. Retirement.**

Section 18 of Ordinance No. 90-1037 is hereby amended to read as follows:

(a) **Retirement Procedure.** 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 2. 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 24th day of September, 1991, and signed in

authentication of its passage this 24th day of September, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1043**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; designating the part-time positions of After School Program Coordinator, After School Program Counsel, Recreation Leader (Teen Center), and Recreation Attendant (Teen Center); adopting a revised Appendix A, Compensation Plan, and declaring an emergency.

**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, Ordinance No. 90-1066, Ordinance No. 90-1069, Ordinance No. 90-1077, Ordinance No. 91-1008, Ordinance No. 91-1019, and Ordinance No. 91-1033; and

**WHEREAS**, the City Council desires to designate the part-time classifications of After School Program Coordinator, After School Program Counsel, Recreation Leader (Teen Center), Recreation Attendant (Teen Center); and

**WHEREAS**, the City Council desires to amend the existing Appendix A Compensation Plan;

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

**SECTION 1. The Classification Plan.**

SMC 2.65.110 and Section 1(f) of Ordinance No. 90-1033; Section 1(f) of Ordinance No. 91-1019; Section 1(e) of Ordinance No. 91-1008; Section 3(f) of Ordinance No. 90-1077; Section 1(e) of Ordinance No. 90-1069; Section 1(e) of Ordinance No. 90-1066; Section 1(e) of Ordinance No. 90-1059, Section 1(e) of Ordinance No. 90-1055 and Section 3(e) of Ordinance No. 90-1037 are each amended to read as follows:

(f) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Elective And Appointive Job #

City Manager 105

Assistant City Attorney/Prosecutor 116

City Clerk 120

Assistant City Manager 140

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: Public Safety Job #

Dispatcher 300

Dispatcher/Probationary 300

Firefighter III 330

Firefighter II 330

Firefighter I 330

Probationary Firefighter 330

Lieutenant/Company Officer 350

Captain 375

Classification: Labor And Trades Job #

Waste Reduction/Recycling Program

Coordinator 465

Custodial Worker 475

Classification: Technical & Professional Job #

Accountant/Entry 500

Rec. Activities Coordinator 505

Personnel Assistant 507

Accountant/Senior/City Treasurer 510

Purchasing Agent/Buyer 515

Fire Department Public Educator 517

Human Services Coordinator 519

Planner/Entry 520

Planner/Senior 530

Budget/Finance Analyst 533

Engineer/Entry 540

Engineer/Senior 550

Public Works Engineer 555

Transportation Technician 556

Engineer Aide/Entry 560

Engineer Aide/Senior 570

Public Works Maintenance Supervisor 575

Electrical Inspector 576

Public Works Inspector 578

Fire Inspector 579

Building Inspector 580

Code Enforcement Officer 581

Permit Coordinator 582

Building Plans Examiner I 583

Building Plans Examiner II 584

Classification: Supervisory & Management Job #

Court Administrator 615

Battalion Chief/Fire Marshal 625

Battalion Chief/Communications 625

Planning Director 630

Land Use Supervisor 631

Com. Development Supervisor 632

Land Use Administrator 633

Director of Finance 635

Public Works Director 645

Buildings Official 646

Transportation Supervisor 647

Chief 650

Assistant Chief 652

Police Chief 655

Personnel Manager 660

Classification: Miscellaneous Job #

Beach Manager 702

Assistant Beach Manager 703

Lifeguard 704

After School Program Coordinator (part-time) 705

After School Program Counsel

(Teen Center part-time) 706

Recreation Leader (Teen Center part-time) 708

Recreation Attendant (part-time) 709

Victim Advocate (part-time) 730

**SECTION 2. Adoption of Appendix A Compensation Plan.**

The Compensation Plan attached to this Ordinance is hereby adopted as Appendix A to Ordinance No. 91-1033, Ordinance No. 91-1019, Ordinance No. 91-1008, Ordinance No. 90-1069, Ordinance No. 90-1066, Ordinance No. 90-1055, and 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 24th day of September, 1991, and signed in authentication of its passage this 24th day of September, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney



**ORDINANCE NO. 91-1044**

AN ORDINANCE of the City Council of the City of SeaTac relating to highway and street safety; prohibiting inattentive driving; imposing a penalty; and adding new Sections to Title 9 S.M.C.

**WHEREAS**, certain police officers have conveyed the need for an inattention ordinance in certain situations; and

**WHEREAS**, the City Council finds that the adoption of such an ordinance would be in the best interest of the community;

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

**SECTION 1. Inattentive Driving Prohibited.**

A new section is hereby added to Title 9 of the SeaTac Municipal Code to read as follows:

It is a traffic infraction for any person to operate a motor vehicle within the City in an inattentive manner. For purposes of this section, "inattentive manner" means the operation of a motor vehicle in a manner which evidences a lack of that degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including but not limited to, the nature and condition of the roadway, presence of other traffic, presence of pedestrians and weather conditions.

**SECTION 2. Monetary Penalty Imposed.**

A new section is hereby added to Title 9 of the SeaTac Municipal Code to read as follows:

A monetary penalty of seventy dollars (\$70.00), plus statutory assessments, shall be imposed for every violation of Section 1 of this Ordinance.

**SECTION 3. 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 08th day of October, 1991, and signed in authentication of its passage this 08th day of October, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1045**

AN ORDINANCE of the City Council of the City

of SeaTac relating to the SeaTac Traffic

Code; providing for the admission into evidence

at a criminal trial of the refusal to submit to a

blood alcohol or breath test; adopting RCW 46.61.517; and declaring an emergency.

**WHEREAS**, Ordinance No. 90-1030 was adopted by the City Council on February 28, 1990, to establish a the SeaTac Traffic Code; and

**WHEREAS**, certain municipal courts have recently held that theevidence of a refusal to submit to a blood alcohol or breath test may lead to suppression of such evidence when an ordinance allowing for the admission of such evidence has not been adopted; and

**WHEREAS**, the City Council finds it appropriate to adopt RCW 46.61.517 so as to avoid any judicial question in this regard;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC DO**

**ORDAIN AS FOLLOWS:**

**SECTION 1. Refusal of blood Alcohol or Breath Test -**

**Admissibility.**

RCW 46.61.517 is hereby adopted as follows:

The refusal of a person to submit to a test of

the alcohol content of the person's blood or

breath under RCW 46.20.308 is admissible into

evidence at a subsequent criminal trial.

**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 12th day of November, 1991, and signed in authentication of its passage this 12th day of

November, 1991.

CITY OF SEATAC

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

Approved as to form:

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Robert L. McAdams, City Attorney

**ORDINANCE NO. 91-1046**

AN ORDINANCE of the City Council of the City of SeaTac annexing certain real property, commonly known as the Eaton Annexation, being City File No. ANN0001-91, pursuant to the direct petition method set forth in Chapter 35A.14 RCW; retaining existing zoning classifications of the said property; and requiring the said property to be assessed and taxed at the same rate and basis as other property within the City, without assumption of any additional indebtedness.

**WHEREAS**, a Notice of Intent to Annex, signed by the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property for which annexation is sought, was filed with the City on May 24, 1991 and was assigned File No. ANN0001-91; and

**WHEREAS**, the proposed area to be annexed is bounded by the City limits of the City of Tukwila on the north, east and south and by the easterly edge of the right-of-way of Military Road South on the west, and is more particularly described on Exhibit A, and depicted on Exhibit B, attached to this Ordinance; and

**WHEREAS**, the City has the authority to effect annexation by the direct petition method pursuant to RCW 35A.14.120 through 35A.14.230; and

**WHEREAS**, the City Council met with the petitioners, at a regular meeting of the City Council, within sixty (60) days of receipt of the Notice of Intent to Annex, and then adopted Resolution No. 91-045 declaring the intent of the City Council to accept the proposed annexation; and

**WHEREAS**, the City Council has received a petition for annexation of the said property signed by owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property for which annexation is sought, and the validity and sufficiency of the said petition has been established; and

**WHEREAS**, notice of the pending annexation was filed with the King County Boundary Review Board and no request for review was received by the Board within the statutory time limits, and the annexation is therefore deemed approved by the Boundary Review Board; and

**WHEREAS**, the City Council has previously enacted Ordinances adopting by reference the existing King County zoning regulations applicable to the said property, which will not, at this time, be changed or revised; and

**WHEREAS**, the annexation petition was considered at a public hearing as required by State law;

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

**SECTION 1. Annexation.**

The real property commonly known as the Eaton Annexation, being City File No. ANN0001-91, and being more particularly described on Exhibit A to this Ordinance, which is incorporated herein by this reference, is hereby annexed to and made a part of the City of SeaTac.

**SECTION 2. Zoning.**

The existing zoning covering parcels located within the aforesaid real property commonly known as the Eaton Annexation, as set forth in the King County Code and adopted by re-ference by the City, shall remain in full force and effect as of the date of annexation.

**SECTION 3. Indebtedness.**

All real property within the aforesaid Eaton Annexation shall be assessed and taxed at the same rate and on the same basis as other property within the City without any additional assumption of bonded indebtedness not presently pertaining thereto.

**SECTION 4. Filing With the County Council.**

The City Clerk is hereby directed to file a certified copy of this Ordinance with the King County Council and to file triplicate certificates of annexation with the State Office of Financial Management pursuant to state law.

**SECTION 5. 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 12th day of November, 1991, and signed in authentication of its passage this 12th day of November, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1047**

AN ORDINANCE of the City Council of the City of SeaTac relating to City employment and employees; amending Section 2.65.490 SMC relating to registration fees; amending Section 2.65.520 SMC relating to claims for reimbursement; authorizing use of credit cards for travel purposes; requiring Authorization and Expense Claim vouchers for credit card use; and requiring repayment of disallowed charges.

**WHEREAS**, state law, RCW 42.24.115 authorizes the City to use charge cards for the sole purpose of covering expenses incident to authorized travel, subject to certain controls; and

**WHEREAS**, City staff has procured charge cards for such use; and

**WHEREAS**, the City Council finds it necessary and appropriate to provide for the use of such charge cards subject to restrictions and safeguards;

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

**SECTION 1. Registration Fees.**

SMC 2.65.490 and Section 2(t) of Ordinance No. 90-1028, Section 4(t) of Ordinance No. 90-1077, Section 2(t) of Ordinance No. 90-1066, Section 3(t) of Ordinance No. 90-1062, Section 2(t) of Ordinance No. 90-1055, and Section 7(t) of Ordinance No. 90-1037 are each amended to read as follows:

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., except as specifically provided in this Chapter.

**SECTION 2. Claims for Reimbursement.**

SMC 2.65.520 and Section 2(w) of Ordinance No. 90-1028, Section 4(w) of Ordinance No. 90-1077, Section 2(w) of Ordinance No. 90-1066, Section 3(w) of Ordinance No. 90-1062, Section 2(w) of Ordinance No. 90-1055, and Section 7(w) of Ordinance No. 90-1037 are each amended to read as follows:

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., for the purpose of statutory audit.

**SECTION 3. Use of Credit Cards for Travel Purposes.**

There is hereby added a new Section to Chapter 2.65 SMC to read as follows:

The City may obtain charge cards which shall be held by, and shall be used under authority of, the City Manager, the Director of Finance and the Fire Chief for the sole purpose of covering expenses incident to authorized travel by City officers and employees. Such charge cards may be used from the City offices for advance payment of airline fares, lodging, registration fees, and tuition. Charge cards shall not, except in extraordinary circumstances authorized by the City Manager with advance notice to the Council, be carried by officers and employees, during authorized travel, for payment of lodging, meals, or other expenses as incurred. Notwithstanding the foregoing, charge cards in the form of gasoline credit cards may be temporarily carried by officers and employees while traveling, for authorized purposes, in City vehicles and fire apparatus when access to usual City sources of petroleum

products is not feasible.

**SECTION 4. Authorization and Expense Claim Vouchers for Credit Card Use.**

There is hereby added a new Section to Chapter 2.65 SMC to read as follows:

Upon billing or no later than ten (10) days of the billing date, the officer or employee using a charge card issued under the foregoing section shall submit a fully itemized Travel Authorization and Expense Claim voucher. Any charges against the charge card not properly identified by the Travel Authorization and Expense Claim voucher or not allowed following the audit required by Section 2.65.520 shall be paid by the official or employee by check, United States currency, or salary deduction.

**SECTION 5. Repayment of Disallowed Charges.**

There is hereby added a new Section to Chapter 2.65 SMC to read as follows:

If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, the City shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the official or employee in the amount of the disallowed charges and interest at the same rate as charged by the company which issued the charge card. Any official or employee who has been issued a charge card by the City shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand to the City Manager. The City shall have unlimited authority to revoke use of any charge card and, upon such revocation order being delivered to the charge card company, shall not be liable for any costs.

**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 26th day of November, 1991, and signed in authentication of its passage this 26th day of November, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1048**

AN ORDINANCE of the City Council of the City of SeaTac relating to zoning standards; and establishing a moratorium on placement of mobile homes on lots within residential zone classifications.

**WHEREAS**, by Ordinance No. 90-1019, the City Council has adopted by reference Title 21 of the King County Code as the Zoning Code of the City; and

**WHEREAS**, the Planning Commission and the City Council are presently involved in complete revision of the Zoning Code, as has been determined necessary, and as mandated by the State Growth Management Act; and

**WHEREAS**, the Planning Commission and the City Council will be comprehensively studying the use of mobile homes both within mobile home parks and within other zoning classifications in an effort to balance the need for affordable housing and the need to support economic concerns of existing residential communities; and

**WHEREAS**, in the absence of a moratorium, new applications for placement of mobile homes upon residential lots would be granted as a matter of right, despite the City's need and desire to thoroughly study the issues; and

**WHEREAS**, the City Council therefore finds that the protection of the public health, safety and welfare requires establishment of the said moratorium immediately in order to preserve the status quo and to permit orderly consideration of the issues;

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

**SECTION 1. Moratorium Established.**

Through June 30, 1992, or until the City's new comprehensive land use plan and zoning regulations governing the location of mobile homes and other manufactured homes, shall take effect, whichever is sooner, no application for placement of a mobile home or mobile homes on a lot or lots within residential zoning classifications shall be accepted, and no such permit shall be issued.

**SECTION 2. SEPA Exemption.**

Pursuant to City Ordinance No. 90-1061, and Washington Administrative Code WAC 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under the existing regulations. SEPA review of any permanent regulations proposed for replacement of the existing zoning shall be conducted.

**SECTION 3. Emergency.**

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 November, 1991, and signed in authentication of its passage this 26th day of November, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1049**

AN ORDINANCE of the City Council of the City of SeaTac relating to zoning standards, requirements and conditions for regulating the use of land, buildings and structures; amending Section 21.08.040 of the King County Code as to conditional use permits for nonresidential uses; and providing for availability of codes adopted by reference.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1019, amended by Ordinance No. 90-1048 and 90-1076, now codified as Sections 15.10.010 and 15.10.020 of the SeaTac Municipal Code, establishing zoning standards, requirements and conditions for regulating the use of public and private land, buildings and structures; and

**WHEREAS**, the Planning Commission has recommended certain amendments to the official controls contained within the City's zoning code and a public hearing having been held pursuant to SMC 2.25.100; and

**WHEREAS**, the City Council finds that amendments to the existing zoning code would be in the best interest of public;

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

**SECTION 1. Amendment to King County Code Section 21.08.040.**

Section 21.08.040 of the King County Code is hereby amended to read as follows:

The following nonresidential uses only are permitted by the approval of a Conditional Use Permit in an RS zone, subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46, and subject to the provisions of the King County shoreline management master program where applicable:

**SECTION 2. 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 3. 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 26th day of November, 1991, and signed in authentication of its passage this 26th day of November, 1991.

**CITY OF SEATAC** \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1050**

AN ORDINANCE of the City Council of the City of SeaTac relating to zoning standards, requirements and conditions for regulating the use of land, buildings and structures; repealing SMC 15.10.010 and Section 1 of Ordinance No. 90-1019; amending SMC 15.10.020 and Section 2 of Ordinance No. 90-1019; and providing for availability of codes adopted by reference.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1019, amended by Ordinance No. 90-1048 and 90-1076, now codified as Sections 15.10.010 and 15.10.020 of the SeaTac Municipal Code, establishing zoning standards, requirements and conditions for regulating the use of public and private land, buildings and structures; and

**WHEREAS**, King County and its Division of Building and Land Development were originally designated as agent for the City to receive and process land use applications, but no longer so acts; and

**WHEREAS**, the Planning Commission has recommended certain amendments to the official controls contained within the City's zoning code and a public hearing having been held pursuant to SMC 2.25.100; and

**WHEREAS**, the City Council finds that amendments to the existing zoning code would be in the best interest of public;

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

**SECTION 1. Repeal of Appointment of Land Use Authority.**

Section 15.10.010 of the SeaTac Municipal Code and Section 1 of Ordinance No. 90-1019 are hereby each repealed.

**SECTION 2. Zoning Code.**

Section 15.10.020 of the SeaTac Municipal Code, Section 2 of Ordinance No. 90-1019 and Section 1 of Ordinance No. 90-1076 are each 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, subject, however, to the amendments set forth in any Ordinances of the City amending the said provisions, and providing further that the following Sections and Subsections are specifically not adopted:

KCC 21.08.030(C)

KCC 21.08.030(L)

KCC 21.08.080(C)(2)

KCC 21.08.150(A)(2)

KCC 21.08.150(A)(3)

KCC 21.08.150(B)(2)

KCC 21.08.150(B)(3)

KCC 21.10.100(A)(2)

KCC 21.10.100(A)(3)

KCC 21.10.100(B)(2)

KCC 21.10.100(B)(3)

KCC 21.10.100(B)(4)

KCC 21.12.100(A)(2)

KCC 21.12.100(A)(3)

KCC 21.12.100(B)(2)

KCC 21.12.100(B)(3)

KCC 21.12.100(B)(4)

KCC 21.14.100(A)(2)

KCC 21.14.100(A)(3)

KCC 21.14.100(B)(2)

KCC 21.14.100(B)(3)

KCC 21.14.100(B)(4)

KCC 21.16.110(A)(2)

KCC 21.16.110(A)(3)

KCC 21.16.110(B)(2)

KCC 21.16.110(B)(3)

KCC 21.16.110(B)(4)

KCC 21.18.100(B)

KCC 21.51.050(A)(1)

KCC 21.51.050(A)(2)

KCC 21.51.050(A)(3)

KCC 21.51.050(A)(4)

KCC 21.51.050(A)(5)

KCC 21.51.050(A)(6)

KCC 21.51.050(A)(7)

KCC 21.51.050(A)(8)

KCC 21.51.050(B)

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. 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 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.

**PASSED** by the City Council at a regular meeting thereof on the 26th day of November, 1991, and signed in authentication of its passage this 26th day of November, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1051**

AN ORDINANCE of the City Council of the City of SeaTac relating to zoning standards, requirements and conditions for regulating the use of land, buildings and structures; amending Subsection 21.28.020(N) of the King County Code as to signs in an B-C or C-G zone; amending Section 21.32.020(B) of the King County Code as to signs in an M-L zone; amending Section 21.34.020(D) of the King County Code as to signs in an M-P zone; and providing for availability of codes adopted by reference.

**WHEREAS**, the City Council has previously enacted Ordinance No. 90-1019, amended by Ordinance No. 90-1048 and 90-1076, now codified as Sections 15.10.010 and 15.10.020 of the SeaTac Municipal Code, establishing zoning standards, requirements and conditions for regulating the use of public and private land, buildings and structures; and

**WHEREAS**, the Planning Commission has recommended certain amendments to the official controls contained within the City's zoning code and a public hearing having been held pursuant to SMC 2.25.100; and

**WHEREAS**, the City Council finds that amendments to the existing zoning code would be in the best interest of public;

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

**SECTION 1. Amendment to King County Code Subsection 21.28.020(N).**

Subsection 21.28.020(N) of the King County Code is hereby amended to read as follows:

N. One on premises monument sign not exceeding eight (8) feet in overall height, and not exceeding eighty-five (85) square feet of area, per face, without limitation on the number of wall or canopy signs, used exclusively for advertising services rendered on-site. Billboards subject to the provisions of Chapter 21.53 King County Code, Signs and Billboards.

**SECTION 2. Amendment to King County Code Section 21.32.020(B).**

Section 21.32.020(B) of the King County Code is hereby amended to read as follows:

N. One on premises monument sign not exceeding eight (8) feet in overall height, and not exceeding eighty-five (85) square feet of area, per face, without limitation on the number of wall or canopy signs, used exclusively for advertising services rendered on-site. Billboards subject to the provisions of Chapter 21.53 King County Code, Signs and Billboards.

**SECTION 3. Amendment to King County Code Section 21.34.020(D).**

Section 21.34.020(D) of the King County Code is hereby amended to read as follows:

D. One on-premise monument sign not exceeding eight (8) feet in overall height, and not exceeding eighty-five (85) square feet of area, per face, without limitation on the number of wall or canopy signs, provided the sign is used exclusively to advertise a business conducted, services rendered, goods produced or sold upon the premises, or any other lawful activity conducted upon such premises, or to identify permitted uses, provided if such sign is lighted it shall be

stationary and nonflashing and shall not be located closer than twenty feet to any property line.

**SECTION 4. 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 5. 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 26th day of November, 1991, and signed in authentication of its passage this 26th day of November, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1052**

AN ORDINANCE of the City Council of the City of SeaTac relating to the City's comprehensive plan; amending the comprehensive plan so as to permit RM-900 (maximum density multiple dwelling) zoning in place of the pre-existing B-C (community business) zoning in a particular area; and amending SMC 15.05.010 and .020 and Sections 1 and 2 of Ordinance No. 90-1018 and Section 1 of Ordinance No. 91-1031.

**WHEREAS**, the City Council has enacted Ordinance No. 90-1018 adopting the King County Comprehensive Plan and ancillary publications as the interim comprehensive plan of the City; and

**WHEREAS**, the City Council has enacted Ordinance No. 91-1031 which made certain amendments thereto; and

**WHEREAS**, pursuant to RCW 35A.63.073, the City's planning agency has held at least one public hearing and has recommended certain amendments to the City Council; and

**WHEREAS**, the City Council finds such recommended changes to be in the best interests of the public;

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

**SECTION 1. Adoption by Reference of Interim Comprehensive Plan.**

Section 15.05.010 of the SeaTac Municipal Code, Section 1 of Ordinance No. 90-1018 and Section 1 of Ordinance No. 91-1031 are each hereby amended to read as follows:

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, except that the reference to the Manufacturing Park zone with development conditions (MP-P) and business park development conditions at pages 28 through 31 of the Sea-Tac Area Update is changed to refer to the Aviation Business Center (ABC) zone., and except that the western one-third of the parcel located at 15060 Des Moines Way South shall be zoned RM-900, maximum density multiple dwelling.

**SECTION 2. Adoption by Reference of Zoning Map.**

Section 15.05.020 and Section 2 of Ordinance No. 90-1018 are each hereby amended to read as follows:

The zoning map and assignment of specific land use zones to be geographic area now within the corporate limits of the City, as adopted by King County Ordinances identified in Section 20.12.230 of the King County Code, 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 the land within the City is hereby retained until amended by the City or until adopted by the City of a Comprehensive Plan and ordinances thereunder pursuant to this chapter., except that the western one-third of the parcel located at 15060 Des Moines Way South shall be zoned RM-900, maximum density multiple dwelling.

**SECTION 3. 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 10th day of December, 1991, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

**CITY OF SEATAC**

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_

ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1053**

AN ORDINANCE of the City Council of the City of SeaTac providing for the rezoning of certain property in the City; and changing the zoning classification from B-C (community business) to RM-900 (maximum density multiple dwelling).

**WHEREAS**, the City Council has amended the Comprehensive Plan to provide for a change in the zoning classification as to the western one-third of that certain real property located at 15060 Des Moines Way South, within the City; and

**WHEREAS**, a public hearing was held on the matter of reclassification by the City Hearing Examiner, upon publication of notice; and

**WHEREAS**, the City Council finds that the reclassification is in conformity with the Comprehensive Plan and is in the best interests of the proper regulation of land uses;

**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 B-C (community business) classification to RM-900 (maximum density multiple dwelling) classification:

The western, approximately one-third of the real property located at 15060 Des Moines Way South, being on the east side of Des Moines Way South and south of SR-518.

**SECTION 2. Amendment of Zoning Map.**

The zoning map of the City is hereby amended to reflect the reclassification established by this Ordinance.

**SECTION 3. 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 10th day of December, 1991, and signed in authentication of its passage this 10th day of December, 1991.

**CITY OF SEATAC**

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1054**

AN ORDINANCE of the City Council of the City of SeaTac adopting the 1992 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 1992 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 1992 budget for the City of SeaTac, covering the period from January 01, 1992 through December 31, 1992, with regular revenues and unencumbered fund balances of \$21,572,860, tax anticipation note revenues of \$1,500,000, and interfund loan receipts of \$600,000, being a total of all revenues and unencumbered fund balances of \$23,769,000, and expenditures of \$23,769,000, 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

Fund Name:	Fund No.:	Beginning Fund Balance	Operating Revenues	Other Financing Sources	Total
General:	001	2,645	12,263	0	14,907
City Street:	101	999	1,059	234	2,292
Arterial Street:	102	50 550	1,299	1,425	2,774
Contingency:	103	798 0 500 0 148 0	0	0	550
	109	5,690	615	75	1,488
Surface Water	200				323
G.O. Fire					

Series 1984			323	0	
Building					850
Reserve:	302				
	303				
	304		0	350	
Fire Equip Reserve:	501			318	318
Fire Bldg. Reserve:			0		
Equipment Rental:				0	148
TOTAL:				10	23
			13	2,412	23,673
			15,571		

EXPENDITURE SUMMARY - ALL FUNDS

Fund Name:	Fund No.:	Ending Fund Balance	Operating Expenditures (Uses)	Other Financing (Uses)	Total (Uses) Available:
General:	001	686	13,543	678	14,907
City Street:	101	5	1,007	1,280	2,292
Arterial Street:	102	4	2,770	0	2,774
Contingency:	103	550	0	454	550
		126			
Surface Water	109		908	0	1,448
G.O. Fire		0			

Series 1984	200			0	
			323		323
Building		850			
Reserve	302			0	
Fire Equip. Reserve		318	0		850
	303			0	
	304				
Fire Bldg. Reserve	501	148	0		318
				0	
Equipment Rental		10	0		148
				0	
TOTAL:		2,697	13		23
				2,412	
			18,564		23,673

**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 10th day of December, 1991, and signed in authentication of its passage this 10th day of December, 1991.

CITY OF SEATAC

\_\_\_\_\_  
FRANK HANSEN, Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

\_\_\_\_\_

ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1055**

An Ordinance of the City Council of the City of SeaTac relating to ad valorem property taxes; establishing the amount to be raised in 1992 by taxation on the assessed valuation of the property of the City; and setting the levy rate for the year 1992.

**WHEREAS**, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be raised by ad valorem taxes; and

**WHEREAS**, the said statute further requires that, upon fixing of the amount to be so raised, the City Clerk shall certify the same to the Clerk of the King County Council; and

**WHEREAS**, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has now certified the assessed valuation of all taxable property situated within the boundaries of the City at \$1,645,992,603.00; and

**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 1992 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$5,102,600.

**SECTION 2. Levy Rate Fixed.**

The regular ad valorem levy for the fiscal year 1992 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 10th day of December, 1991, and signed in authentication of its passage this 10th day of December, 1991.

**CITY OF SEATAC**

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FRANK HANSEN, Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

Approved as to Form:

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1056**

AN ORDINANCE of the City Council of the City of SeaTac relating to adult entertainment; providing for regulation of patron conduct; adding a new section to Chapter 5.30 SMC; amending Section 5.30.170 SMC and Section 15 of Ordinance No. 91-1023 governing standards of conduct and operation; and declaring an emergency.

WHEREAS, the City Council has previously enacted Ordinance no. 901-1023 providing for the standards of conduct and operation of adult entertainment establishments; and

**WHEREAS**, certain King County police officers have observed conduct in adult entertainment establishments wherein patrons initiate physical contact with employees or entertainers; and

**WHEREAS**, existing standards of conduct and operation applicable to owners and operators does not specifically prohibit improper touching of patrons by employees or entertainers; and

**WHEREAS**, the City Council therefore finds that amendment of the adult entertainment code to prohibit such conduct would be in the best interest of the public;

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

**SECTION 1. Prohibited Conduct of Patrons.**

There is hereby added a new section to Chapter 5.30 of the SeaTac Municipal Code, to read as follows:

No patron of any business or place open to the public which offers, conducts, or maintains adult entertainment, adult theater, or adult uses shall touch, fondle or caress any employee or entertainer or himself or herself for the purpose of arousing or exciting the sexual desires of either party.

**SECTION 2. Standards of Conduct and Operation.**

Section 5.30.170 of the SeaTac Municipal Code and Section 15 of Ordinance No. 91-1023 are each hereby amended to read as follows:

A. The following standards of conduct and operation shall be adhered to by owners, operators, managers, entertainers and employees of any business or place open to the public which offers, conducts, or maintains adult entertainment, adult theater, or adult uses:

(1) No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals except as provided for in Subdivision (6) of this Subsection.

(2) No employee or entertainer mingling with the patrons shall be unclothed or in such attire, costume or clothing as described in Subdivision (1), above.

(3) No employee or entertainer shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of that employee or entertainer or of any other person.

(4) No employee or entertainer shall touch, fondle or caress any patron, or other employee or entertainer for the purpose of arousing or

exciting the sexual desires of such patron, other employee or entertainer, or of any other person.

(5) No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic hair.

(6) No employee or entertainer shall perform actual acts of, or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

(b) The touching, caressing or fondling of the breasts, buttocks or genitals; or

(c) The displaying of the pubic hair, anus, vulva or genitals, except as provided for in Subdivision (6) of this Subsection.

(7) A licensed entertainer, only, may be unclothed or in such attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic hair, vulva, genitals, anus or buttocks, but only when upon a stage at least eighteen inches above the immediate floor level and removed by at least six feet from the nearest patron. The stage and the entire interior portion of any booths, cubicles, rooms or stalls, complying with the requirements of the aforesaid stage, when adult entertainment is provided, shall be completely visible from all common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

(8) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.

(9) The owner, operator, or manager shall immediately remove from the licensed premises any person who exposes to public view any portion of the breast below the top of the areola, or any portion of the pubic hair, anus, buttocks, vulva or genitals except as expressly provided for in Subdivision (6) of this Subsection.

(10) There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed.

(11) No activity or entertainment occurring on the premises shall be visible at any time from any public place, and no entertainer shall be visible from any public place during the hours of his or her employment, or apparent hours of such employment, on the premises.

(12) No entertainer at a place offering adult entertainment shall demand or collect all or any portion of a fee from a patron for entertainment before its completion.

(13) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF SEATAC.

(14) Sufficient lighting shall be provided in and about all parts of the premises which are open to and used by the public so that all objects are plainly visible at all times.

(15) Neither any performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, vulva, buttocks, genitals or anus may be visible outside of the licensed premises.

(16) Exterior signs and any interior sign or notice visible to the public may announce the name of the business and the nature of the business by the terms "adult entertainment", "adult theater" or "adult use establishment" but shall not contain any representation of the human body or make any statement pertaining to the human body, whether of entertainers, patrons or the public.

(17) No adult entertainment, adult theater, or adult uses shall be offered to, or shall be made available to, the public between the hours of 2:00 o'clock a.m. and 11:00 o'clock a.m.

B. The following additional requirements shall be followed by all licensees operating adult use establishments:

(1) The interior of the adult use establishment shall be arranged in such a manner as to insure that customers are fully visible from the waist down while viewing peep shows or panorams, shall be visible from the entrance of such premises;

(2) The licensee shall not permit any doors to public areas on the premises to be locked during business hours;

(3) Any room or area on such premises shall be readily accessible at all times for inspection by any law enforcement officer or license inspector;

(4) The licensee shall maintain adequate illumination generally distributed in all parts of the premises at all times when the establishment is open or when the public is permitted to enter or remain therein.

C. This Ordinance shall not be construed to prohibit:

(1) Plays, operas, musicals, dances or other dramatic works which are not obscene; or

(2) Classes, seminars and lectures held for serious scientific or educational purposes.

D. For purposes of Subsection C, above, an activity is "obscene" if:

(1) Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;

(2) The activity depicts patently offensive representations of: ultimate sexual acts, normal or perverted, actual or simulated; or masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(3) The activity taken as a whole lacks serious literary, artistic, political, or scientific value.

E. For purposes of Subsection C of this Section, an activity is "dramatic" if the activity is of, relating to, devoted to, or concerned specifically or professionally with current drama or the contemporary theater.

F. This Ordinance shall not be deemed to permit any activity, in taverns, bars, cocktail lounges, or any premises maintaining liquor licenses, not permitted by the State Liquor Control Board.

**SECTION 3. Violations - Penalty.**

There is hereby added a new Section to Chapter 5.30 of the SeaTac Municipal Code, to read as follows:

Any person violating or failing to comply with any of the standards of conduct and operation, or with any other 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 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 10th day of December, 1991, and signed in authentication of its passage this 10th day of December, 1991.

**CITY OF SEATAC**

\_\_\_\_\_  
FRANK HANSEN, Mayor

ATTEST:

\_\_\_\_\_  
Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney

**ORDINANCE NO. 91-1057**

AN ORDINANCE of the City Council of the City of SeaTac relating to business licenses and regulations; amending Section 5.05.050 SMC and Section 5 of Ordinance No. 90-1039 relating to exemptions from business license requirements; amending Section 5.05.070 SMC and Section 7 of Ordinance No. 90-1039 relating to fees so as to correct a typographical error; amending Section 5.05.260 SMC and Section 26 of Ordinance No. 90-1039 relating to violations and penalties; amending Section 5.05.270 SMC and Section 27 of Ordinance No. 90-1039 as to separate offenses; adding a new Chapter to Title 5 SMC; providing for the licensing and regulation of private detective agencies and private detectives; providing for the licensing and regulation of private security companies and private security guards; repealing Chapter 5.20 SMC and Ordinance No. 90-1015; and establishing effective dates.

**WHEREAS**, certain technical corrections to the general business license and regulation code contained within Chapter 5.05 of the SeaTac Municipal Code should be provided for; and

**WHEREAS**, the violation and penalty provisions of the general regulations were intended to apply to all businesses affected by Title 5 of the SeaTac Municipal Code, but, upon codification, the term "ordinance" was replaced by the more limiting "chapter", thus making questionable the application of violation and penalty provisions to the various regulated businesses contained in Chapters other than Chapter 5.05 of the Code; and

**WHEREAS**, by Resolution No. 90-51, the City Council authorized entry into an Interlocal Agreement whereby King County provided licensing and enforcement services relating to the conduct of private security businesses; and

**WHEREAS**, the City Council then enacted Ordinance No. 90-1015 which provided for regulation of such businesses by King County, as agent for the City, in accordance with provisions of the King County Code adopted by reference; and

**WHEREAS**, by Chapter 3.28 and Chapter 3.34, Laws of 1991, the State Legislature pre-empted the field of regulating private detectives and private security guards and established a state- wide licensing system; and

**WHEREAS**, by letter dated September 06, 1991 advised that, due to the aforesaid legislation, it would no longer enforce private security regulations within the City; and

**WHEREAS**, Section 11, Chapter 328 and Section 14, Chapter 334 of the said laws permit cities to levy a business fee on such businesses despite the State pre-emption; and

**WHEREAS**, Section 15(7), Chapter 328 and Section 16(7), Chapter 334 of the said laws impose upon cities the duty of enforcing the criminal provisions of those laws;

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

**SECTION 1. Exemptions.**

Section 5.05.050 of the SeaTac Municipal Code and Section 5 of Ordinance No. 90-1039 are each hereby amended to read as follows:

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:

(1) Persons engaged in the business of operating taxi cabs and for-hire vehicles within the City, which are subject to SeaTac Ordinance No. 90-1014 codified in Chapter 5.15, and the "For-Hire Interlocal Agreement" between King County and the City.

(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 2. Fee.**

Section 5.05.070 and Section 7 of Ordinance No. 90-1039 are each hereby amended to read as follows:

The fee for a license to engage in any business not specifically regulated pursuant to Sections 5.05.280 through 5.05.450 and 5.10.010 through 5.10.090, 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 by Sections 5.05.280 through 5.05.450 and Section 5.10.010 through 5.10.090, 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 3. Violations - Penalties.**

Section 5.05.260 and Section 26 of Ordinance No. 90-1039 are each hereby amended to read as follows:

Any person violating or failing to comply with any provision of this Title or any other business license or regulation 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 4. Separate Offenses.**

Section 5.05.270 and Section 27 of Ordinance No. 90-1030 are each hereby amended to read as follows:

Each day that any person engages in any business without having a valid business license or is otherwise in violation of this Title 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 5. Regulation of Private Detective Agencies, Private Detectives and Armed Private Detectives.**

No person shall operate a private detective agency within the City, or perform functions and duties as a private detective or armed private detective within the City, without first applying for and obtaining a business license and paying the fee therefore, as prescribed in this Title, and, in addition, without being licensed pursuant to State law; and the following penalties shall apply in addition to those otherwise specified in this Title:

A. After June 30, 1992, any person who performs the functions and duties of a private detective in the City without being licensed in accordance with state law, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the Director of the State Department of Licensing in obtaining a license, or any person who falsely impersonated any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any provision of the State law regulating private detectives is guilty of a gross misdemeanor.

B. After January 01, 1992, a person is guilty of a gross misdemeanor if he or she owns or operates private detective agency in the City without first obtaining a state private detective agency license.

C. After June 30, 1992, the owner or qualifying agent of a private detective agency is guilty of a gross misdemeanor if he or she employe any person to perform the duties of a private detective without the employee having in his or her possession a permanent private detective license issued by the state. This shall not preclude a private detective agency from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

D. After June 30, 1992, a person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private detective in the City unless the person holds a valid armed private

detective license issued by the State.

E. After June 30, 1992, it is a gross misdemeanor for a private detective agency to hire, contract with, or otherwise engage the services of an unlicensed armed private detective knowing that the private detective does not have a valid armed private detective license issued by the State.

F. It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

**SECTION 6. Regulation of Private Security Companies, Private Security Guards and Armed Private Security Guards.**

No person shall operate a private security company within the City, or perform functions and duties as a private security guards and armed private security guards within the City, without first applying for and obtaining a business license and paying the fee therefore, as prescribed in this Title, and, in addition, without being licensed pursuant to State law; and the following penalties shall apply in addition to those otherwise specified in this Title:

A. After June 30, 1992, any person who performs the functions and duties of a private security guard in the City without being licensed in accordance with state law, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the Director of the State Department of Licensing in obtaining a license, or any person who falsely impersonated any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any provision of the State law regulating private detectives is guilty of a gross misdemeanor.

B. After January 01, 1992, a person is guilty of a gross misdemeanor if he or she owns or operates private security company in the City without first obtaining a state private security company license.

C. After June 30, 1992, the owner or qualifying agent of a private security company is guilty of a gross misdemeanor if he or she employee any person to perform the duties of a private security guard without the employee having in his or her possession a permanent private security guard license issued by the state. This shall not preclude a private security company from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

D. After June 30, 1992, a person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private security guard in the City unless the person holds a valid armed private security guard license issued by the State.

E. After June 30, 1992, it is a gross misdemeanor for a private security company to hire, contract with, or otherwise engage the services of an unlicensed armed private security guard knowing that the private security guard does not have a valid armed private security guard license issued by the State.

F. It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

**SECTION 7. Repeal.**

Ordinance No. 90-1015 is hereby repealed.

**SECTION 8. Effective Date.**

As to Sections 1, 3, 5, 6 and 7, 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. As to Sections 3 and 4, 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 10th day of December, 1991, and signed in

authentication of its passage this 10th day of December, 1991.

CITY OF SEATAC

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Mayor

ATTEST:

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Nacelle J. Heuslein, City Clerk

**Approved as to Form:**

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ROBERT L. McADAMS, City Attorney