



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 103

JUNE 12, 2013

Issue 24—Part I of II



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

NANCY McLAUGHLIN (DISTRICT 3)

STEVE SALVATORI (DISTRICT 3)

JON SNYDER (DISTRICT 2)

AMBER WALDREF (DISTRICT 1)

The Official Gazette

(USPS 403-480)

Published by Authority of City Charter Section 39

The Official Gazette is published weekly by the Office of the City Clerk
5th Floor, Municipal Building, Spokane, WA 99201-3342

Official Gazette Archive:

<http://www.spokanecity.org/services/documents>

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The Official Gazette

USPS 403-480

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Spokane, WA**POSTMASTER:****Send address changes to:**Official Gazette
Office of the Spokane City Clerk
808 W. Spokane Falls Blvd.
5th Floor Municipal Bldg.
Spokane, WA 99201-3342**Subscription Rates:**

Within Spokane County:

\$4.75 per year

Outside Spokane County:

\$13.75 per year

**Subscription checks made
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Address Change:Official Gazette
Office of Spokane City Clerk
808 W. Spokane Falls Blvd.
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Minutes

MINUTES OF SPOKANE CITY COUNCIL**Monday, June 3, 2013****BRIEFING SESSION**

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Stuckart and Council Members Allen, Fagan, Snyder, and Waldref were present. Council Member Salvatori arrived at 3:32 p.m. and Council Member McLaughlin arrived at 3:33 p.m. City Administrator Theresa Sanders, Assistant City Attorney Mike Piccolo, and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

Council received input from staff and reviewed items on the May 20, 2013, Advance Agenda items.

Action to Approve June 10, 2013, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the June 10, 2013, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Salvatori, seconded by Council Member Allen, to approve the Advance Agenda for Monday, June 10, 2013; **carried unanimously.**

ADMINISTRATIVE SESSION**Current Agenda Review**

Council received input from staff and reviewed items on the June 3, 2013, Current Agenda.

Community, Housing and Human Services Board Recommendation to Enter into Contract with Transitions (OPR 2013-0431)

Motion by Council Member Waldref, seconded by Council Member Fagan, **to defer** for one week (to June 10, 2013) the Community, Housing and Human Services Board recommendation and authorization to enter into contract with Transitions, a non-profit agency, to conduct outreach services to homeless singles and to collect client level data; **carried unanimously.**

Resolution 2013-0015 Approving Removal of Certain Parking Spaces for Downtown Bicycle Network (deferred from February 25, 2013)

Motion by Council Member McLaughlin, seconded by Council Member Waldref, **to postpone indefinitely** Resolution 2013-0015 approving the removal of certain parking spaces for the Downtown Bicycle Network Completion Project; **carried unanimously.**

Resolution 2013-0050 Regarding the Annual Budget Adoption Process

Council Member McLaughlin provided an overview of Resolution 2013-0050, and she requested support in suspending the Council Rules in order to bring the resolution forward this evening for Council consideration. Subsequently, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Fagan, to suspend the Council Rules; **carried unanimously.**

Motion by Council Member Fagan, seconded by Council Member Waldref, to add Resolution 2013-0050—regarding the annual budget adoption process—to this evening's (June 3 Legislative) Agenda; **carried unanimously.**

Action to Approve June 3, 2013, Current Agenda

Following staff reports and Council inquiry and discussion regarding the June 3, 2013, Current Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Waldref, seconded by Council Member Allen, to approve the Current Agenda for Monday, June 3, 2013, as amended; **carried unanimously**.

CONSENT AGENDA

Upon motion of Council Member Allen, seconded by Council Member Waldref, Council unanimously approved Staff Recommendations for the following:

One-year extension to Value Blanket Orders with Otto Environmental Systems, LLC (Eloy, AZ) for the purchase of:

- a. Automated Yard Waste Carts—estimated annual expense \$300,000 (including tax). (OPR 2010-0428 / BID 3684-10)
- b. Automated Refuse Carts—estimated annual expense \$300,000 (including tax). (OPR 2010-0429 / BID 3685-10)

Low Bid of Poe Asphalt Paving (Post Falls, ID) for Chip Seal Program 2013—\$498,216.19. An administrative reserve of \$49,821.61, which is 10% of the contract price, will be set aside. (PRO 2013-0012 / ENG 2013040)

Spokane Area Workforce Development Council modification to Career Path Services Spokane, WA) subcontract to increase award of Dislocated Worker funds for additional services—\$100,000. (OPR 2012-0532)

Utility Construction Agreement with Washington State Department of Transportation for reimbursement of costs associated with relocation, removal, and/or construction of utility facilities due to US 195 Cheney-Spokane Road New Interchange Project—\$57,636.56 revenue. (OPR 2013-0430)

Community, Housing and Human Services Board recommendations to enter into contracts with YWCA (Spokane, WA) to provide 4 new permanent supportive housing units for chronically homeless households in Spokane County—\$24,273.82. (OPR 2013-0432)

Community, Housing and Human Services Board recommendations to enter into contract with Catholic Charities (Spokane, WA) to provide 6 new permanent supportive housing units for chronically homeless households in Spokane County—\$36,410.74. (OPR 2013-0433)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through May 24, 2013, total \$13,946,438.72 (Warrant Nos. 468606-469512; ACH Nos. 10526-10671, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$13,621,206.67. (CPR 2012-0002)
- b. Payroll claims of previously approved obligations through May 25, 2013: \$5,634,984.37. (CPR 2012-0003)

Executive Session/Council Recess

The City Council adjourned to an Executive Session at 4:21 p.m. (for approximately 15 minutes) to discuss real estate matters. Assistant City Attorneys Mike Piccolo and James Richman were present during the Executive Session. The City Council reconvened at 6:00 p.m. for the Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref present. Assistant City Attorney Mike Piccolo and City Clerk Terri Pfister were also present.

LEGISLATIVE SESSION**Pledge of Allegiance**

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref were present.

MAYORAL PROCLAMATIONS

June 10-14, 2013 *Spokane Street Music Week*

Council Member Salvatori read the proclamation and presented it to Doug Clark. The proclamation invites citizens to recognize and support the efforts and goals of properly licensed street musicians and their craft.

June 19, 2013 *Juneteenth Day*

Council Member McLaughlin read the proclamation and presented it to Chrissie Davis Jones, Inland Northwest *Juneteenth* Coalition Board member. *Juneteenth* is commemorated as a time to celebrate the rich heritage and significant contributions of African Americans and to recommit ourselves as Americans to the endearing pursuit of liberty, literacy, and livelihood because we recognize as a nation and as a city that we have made progress but there is still work to be done.

COUNCIL SALUTATION

June 8, 2013 *Pride Parade and Rainbow Festival Day*

Council Member Snyder read the Council Salutation and presented it to Michael Jefferson and Taylor Malone. The proclamation encourages the citizens to support this valuable local event and show support for gay, lesbian, bisexual, transgendered or questioning people of our Spokane community.

CITY ADMINISTRATION REPORT**East Central CAFÉ**

Debby Ryan, Sally Schafer, Heather Wallace, and Crystal Bettencourt provided an overview of the Community CAFÉ (Community Action Family Engagement). Ms. Ryan noted the CAFÉ consists of community minded residents of East Central with a vision of what 5th Avenue could look like from Thor to Liberty Park. The residents would like to create a neighborhood they can be proud of and offers good quality of life. The CAFÉ advocates the revitalization project that represents dreams of the future.

COUNCIL APPOINTMENTS

Motion by Council Member McLaughlin, seconded by Council Member Fagan, **to approve** (and thereby confirm) the following re-appointments; **carried unanimously**:

Design Review Board (CPR 1993-0069)

Re-appointment of Steven Meek to serve a three-year term to begin immediately and expire June 3, 2015.

West Quadrant Neighborhood TIF Committee (CPR 2007-0039)

- Re-appointment of Asher Ernst to serve a three-year term to begin immediately and expire March 29, 2016.
- Re-appointment of Elizabeth Thew to serve a three-year term to begin immediately and expire March 29, 2016.
- Re-appointment of John Vlahovich to serve a three-year term to begin immediately and expire March 29, 2016.
- Re-appointment of Gary Pollard to serve a three-year term to begin immediately and expire March 29, 2016.
- Re-appointment of George Craig II to serve a three-year term to begin immediately and expire March 29, 2016.

COUNCIL COMMITTEE REPORTS**Planning, Community, and Economic Development (PCED) Committee**

Council President Stuckart reported on the PCED Committee meeting held earlier today (June 3). Minutes of the PCED Committee meetings are filed with the City Clerk's Office and are available for review following approval by the PCED Committee.

OPEN FORUM

Mr. Henry Valder spoke regarding an article relating to City services for the homeless and the combining of Community Development and Human Services.

Mr. Rick Bocook commented on an incident involving police officers and expressed disagreement with the method called swaddling.

Mr. Kelly Cruz commented about how we can best honor our fallen veterans by making sure their comrades who are returning to us are provided with the tools and skills to transition from military service to civilian life. He challenged the Council and the Administration to provide these tools and skills by requiring that requests for proposals for Mann Hall in Hillyard be geared toward job education and business incubation for our vets.

Mr. Mike Rowles commented on another shooting this week. He also spoke regarding the Otto Zehm case and the Police Department.

Mr. George McGrath spoke in opposition to the Public Facility's District's temporary renaming of the Veteran's Memorial Arena to the Bon Jovi Arena.

Mr. Gabriel Elliott noted he sits with signs of spirituality, Spokane's guided meditation for peace, unity, and love under will. He referenced presidents of the United States of America and noted he has appreciated them very much.

Mr. Mark Hamilton began to remark on an article in the *Inlander* on the Community Bill of Rights; however, Council President Stuckart noted citizens cannot talk about issues on the ballot in open forum.

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCE

Emergency Budget Ordinance C34992

Subsequent to Council comment and the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C34992** amending Ordinance No. C34947 passed the City Council December 10, 2012, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Building Services Fund

FROM: Various Accounts, \$65,000;

TO: Certified Inspector, same amount.

(This action creates two Certified Inspector positions.)

There were no **Emergency Ordinances**.

RESOLUTIONS

Resolution 2013-0044 Confirming Appointment of Kyle Twohig

Subsequent to an introduction of Kyle Twohig by Business and Development Services Division Director Jan Quintrall, Council comment, and the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2013-0044** confirming the appointment of Kyle Twohig as Engineering Operations Manager.

Resolution 2013-0042 Setting Hearing for Vacation

Subsequent to the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2013-0042** setting hearing before the City Council for July 8, 2013 for the vacation of Alley between 6th Avenue and 7th Avenue from McClellan Street to Browne Street requested by Spokane South Medical, LLC. (Cliff-Cannon Neighborhood)

Resolution 2013-0043 Authorizing Donation of Vans to East Central Community Center

Subsequent to the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2013-0043** authorizing the donation of three vans to the East Central Community Center through the East Central Community Organization.

Resolution 2013-0045 and Resolution 2013-0046 Approving Settlements

Subsequent to the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted** the following two Resolutions:

- **Resolution 2013-0045** approving indemnification of Nicholas Lundgren and settlement of *Brook C. Lyon v. City of Spokane, et al.*, Spokane County Superior Court Cause No. 12-2-05287-2 arising out of December 18, 2010 incident—\$62,500.
- **Resolution 2013-0046** approving settlement of a claim from Dan M. Carney arising from an incident on or about January 13, 2011 resulting in injuries to claimant—\$85,000.

Resolution 2013-0047 and Resolution 2013-0048 Declaring Certain Properties Surplus

Subsequent to the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted** resolutions declaring certain properties surplus and authorizing sale of properties located at:

RES 2013-0047 7402 North Five Mile Road, parcel number 35252.0041.

RES 2013-0048 3091 North Freya Street, parcel number 35102.0101.

Resolution 2013-0049 Declaring Vitra Systems as a Sole Source

Subsequent to the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2013-0049** declaring Virtra Systems (Tempe, AZ) as a sole source for the purchase of the Spokane Police Department Academy Training Simulator—\$164,469.62 (including tax).

Resolution 2013-0050 Regarding Annual Budget Adoption Process

Council Member McLaughlin presented a summary of Resolution 2013-0050. Subsequent to the opportunity for public testimony and Council comment, with no individuals requesting to speak, the City Council took the following action:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2013-0050** regarding the annual budget adoption process.

Resolution 2013-0015 was postponed indefinitely. (See section of minutes under 3:30 p.m. Briefing Session.)

FINAL READING ORDINANCES

Final Reading Ordinance C34987 Relating to Adult Bookstores

Subsequent to an overview of Final Reading Ordinance C34987 by Council President Stuckart and the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C34987** relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC Sections 17A.020.010, 17A.020.060, 17A.020.180, 17A.020.190, 17C.305.010 and 17C.305.020; adopting a new SMC Section 17C.305.030 to Chapter 17C.305 of the Spokane Municipal Code; and adopting a new Section 17C.210.100 to Chapter 17C.210 of the Spokane Municipal Code.

Final Reading Ordinance C34988 Relating to the Business Licensing Process

Subsequent to an overview of Final Reading Ordinance C34988 by Council President Stuckart and the opportunity for Council comment and public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C34988** relating to the business licensing process; amending SMC Sections 8.01.020, 8.01.090, 8.01.130, 8.01.180, 8.01.190, 8.01.230, 8.01.280, 8.02.0206 and 8.02.0207.

Due to revisions in Ordinance 34989, it has been moved to First Reading Ordinances to undergo another first reading. (A first reading was previously held on May 20, 2013.)

FIRST READING ORDINANCES

The following Ordinances were read for the First Time with further action deferred:

- ORD C34989** Relating to the parking system fund; amending SMC Section 7.08.130 of the Spokane Municipal Code.
- ORD C34990** Relating to on-street parking regulations; amending SMC Section 16A.61.561.
- ORD C34991** Re-naming Perry Street and Erie Street north of Trent Avenue to "Iron Bridge Way" and "Iron Court" respectively.

(Note: Final Reading of the above ordinances will be held June 17, 2013.)

There were no **Special Considerations**.

There were no **Hearings**.

No individuals requested to speak during the **second Open Forum**.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 6:58 p.m. The June 10, 2013, 6:00 p.m. Legislative Session will be a Town Hall Session held at West Central Community Center.

PCED COMMITTEE MINUTES
Monday, May 20, 2013

Council President Ben Stuckart called the meeting to order at 11:00 a.m.

Members in Attendance: Ben Stuckart, Jon Snyder, Amber Waldref, Mike Fagan, Mike Allen, & Steve Salvatori

Absent: Nancy McLaughlin

Staff present: Debra Robole, Ken Brown, Katherine Miller, Brandon Blankenagel, Mark Serbousek, Mike Taylor, Eldon Brown, Ray Lynn Barden, Susan King, Sheryl McGrath, Mark Papich, Allen Schmelzer, & Kristine Williams

Recording Secretary: Brenda Corbett

I. APPROVAL OF MINUTES

Meeting minutes for the May 6, 2013 meetings were approved as presented.

II. COUNCIL UPDATE:

None presented.

III. STAFF UPDATE:

1. 2013 Single Homeless Outreach Program—Sheila Morley requesting support for Community Development Board recommendation of \$110,000 for the single homeless program to identify an agency to conduct outreach to homeless singles to gather data to design a coordinated assessment system targeted to this population. The Board approved the recommendation to award the contract to a partnership between Transitions and Catholic Charities in the amount of \$110,000. The contract will be for a period of June 1, 2013 – June 30, 2014.

Council Concerns:

- Approximately 1,000 homeless families; request break-down of single individuals and cost benefit ratio to the \$110,000 study; number to be served from latest homeless counts
- Barriers appear evident; amount of money to be allocated in comparison to what to be gained
- Will need to convince Council with the direct outcomes to be expected that are cost effective, coupled with all of the other money that has been spent

Staff spoke of the research and development for that segment of society that will assess the individual needs for the individual services for a more stable program.

Staff Action: Staff will provide Council requested information that will answer Council concerns.

2. Parking Ordinance—Jan Quintrall reported that a workgroup is gathering changes to the language to be brought back for Council consideration.
3. Donation of City owned vans to East Central Community Organization (ECCO)—Jonathan Mallahan briefed the Council on a resolution proposed to donate the vans to ECCO. This donation is allowed under Article VIII, Section VII of the State Constitution (poor & infirm). The value of the vehicles will be amortized over a five year period with the remaining value of the vehicles being refunded to the City in the event of a sale.

Staff Action: To confirm with Tim Dunivant regarding liability issues.

4. RFP Master Plan—Juliet Sinestra provided an overall update on developments related to the Riverfront Park Master Plan including a discussion of the Citizen Advisory Committee; minor contracts relating to appraisals of the North Bank and Bosch Parking lots; the developments around a Citizen Participation Plan; and the need for bridge inspections as recommended by the City Bridge Division. Estimated cost for a combined, certified bridge inspection is \$300,000 to \$350,000. Funding currently is not available for bridge inspections. Parks & Recreation Department would need to find a funding source.
5. The Beacon Hill project proposal includes having the County create a Tax Increment Financing district (part of the TIF is located in the County). The proposal includes the County issuing developer guaranteed bonds against the future increment for \$3 Million. The \$3 M will be used to rebuild Wellesley Avenue from Rebecca Street to Havana Street and for necessary infrastructure improvements for the Beacon Hill Development.

Staff comments:

- Concern that the TIF timeline will not meet Developer expectations for construction this year
- Lack of final documents from County regarding proposal
- Draft documents from developer do not list all of the long-term public improvements
- No time and cost estimates for city design and construction management responsibilities from Engineering
- 3% capture for above - usually 10-15% to cover engineering plans and specs
- NEPDA does not have the current draft proposal for their consideration; supports concept upon these conditions:
 1. Wellesley Avenue, built to city industrial standards as part of phase one;
 2. Broad Avenue as the northern boundary;
 3. City provides due diligence as project moves forward
- Road standards for Wellesley Avenue deviates from width necessary for truck traffic, PDA supports truck capability
- Lift station project details have not been defined

Developer comments:

- Developer proposes to design and manage project, concern with city share of cost recovery becoming excessive
- Boulevard a positive way to address the negative image of area; neighborhood agreed
- County will be issuing the bonds; Developer responsible; City derives benefit
- Problems with specificity for project; City has the control of the projects; propose list to be built within the improvement process as the project progresses

Council comments:

- First step is to agree on Wellesley Avenue standards/improvements
- Explore the 3% comparison to the 10-15% pre-package costs; provide Spokane County average; define Construction Management costs
- Pursue a parallel course of action with City and County
- Developer agreed to provide language in the documents to hold the City harmless for timeline
- Resolve lift station details
- List of public improvements over the next 30 years beyond the first phase

This project would have to move forward with improvements that work for industrial, commercial, along with a residential project; it is the complete package would be the determining product.

Staff Action: Staff will meet to identify Wellesley Avenue design standards and address the outstanding issues. Planning & Development will lead the staff team.

Respectfully submitted by:
Brenda Corbett, Planning & Development

Hearing Notices

NOTICE OF CITY COUNCIL PUBLIC HEARING STREET NAME CHANGE PERRY STREET AND ERIE STREET (PROPOSED ORDINANCE C34991)

Notice is hereby given that there will be a public hearing before the City of Spokane City Council on **Monday, June 17, 2013, at 6:00 p.m.** in the City Council Chambers, Lower Level of City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. This public hearing is for a Street Name Change proposal by a private applicant who proposes to change the names of two public streets as follows:

Change the street name from Erie Street, north of Trent Avenue, to "Iron Court", for one block.

Change the street name from Perry Street, north of Trent Avenue, to "Iron Bridge Way" to coincide with the existing private street also named Iron Bridge Way, for one block.

Applicant: Iron Bridge, LLC, Kent Hull, Manager

All documents relating to these amendments are available for viewing at: www.spokaneplanning.org.

Written comments and oral testimony at the public hearings for these proposed actions will be made part of the public record. Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the City Council.

Any person may submit written comments on the proposed actions or call for additional information at:

*Planning and Development Services
Attn: Scott Chesney, Director Planning and Development Services
808 West Spokane Falls Boulevard
Spokane, WA 99201-3329
Phone (509) 625-6300
schesney@spokanecity.org*

More information on the process: The City Council will be briefed and hold the 1st Reading on the Street Name Change on Monday, June 3, 2013 at 3:30 p.m. and at 6:00 p.m. There is no public testimony. **The 2nd Reading and Public Hearing is scheduled for Monday, June 17, 2013.** At this meeting there will be opportunity for public testimony. The public may also submit written comment to the City Council office. The City Council email is citycouncil@spokanecity.org. The City Council may continue the public hearing to the next meeting. The City Council may also defer deliberations and decisions to the next meetings. To view city council agendas go to: <http://www.spokanecity.org/government/citycouncil/>. City Cable 5 broadcasts City Council meetings at 3:30 and at 6 p.m. on Mondays on Cable 5, and on the internet, go to www.spokanecity.org and follow the links for live streaming.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish: June 5 and 12, 2013

ASSESSMENT ROLL HEARING NOTICE**LID NO. 2009163**

Local Improvement District No. 2009163 for street, sewer and water improvements in Dalke Avenue from Freya Street to Florida Street and Myrtle Street from Dalke Avenue to Francis Avenue.

The Assessment Roll for the above Local Improvement District, prepared under City of Spokane Ordinance No. C34699 enacted February 21, 2011, was filed with the Spokane City Clerk May 29, 2013, and is now open for public inspection.

The Spokane City Council has **fixed Tuesday, July 09, 2013, at 2:30 p.m.**, in the Second Floor Conference Room of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington, as the time and place for the Hearing to be held before the City Hearing Examiner upon said roll.

All persons who may desire to object thereto shall make such objection in writing and file the same with the City Engineer at or prior to the date fixed for such Hearing. Only persons who have submitted written objections will be permitted to testify at the Hearing.

At the time and place fixed, and at such other times as the Hearing may be continued to, the City Hearing Examiner will sit as a Board of Equalization for the purpose of considering said roll, and at such Hearing, or Hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo.

This will be the only Hearing held on the assessment roll and will be final unless appealed to the Spokane City Council. Failure to submit written objections to the Hearing Examiner will be deemed a waiver of the right to appeal. All appeals must comply with Section 7.05.540 of the Spokane Municipal Code.

Specific information regarding this assessment roll may be obtained by contacting the Engineering Services Department, Third Floor, Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington 99201—telephone number (509) 625-6700.

Terri L. Pfister
Spokane City Clerk

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may call, write, or email Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish: June 12 and 19, 2013

ASSESSMENT ROLL HEARING NOTICE**LID NO. 2010042**

Local Improvement District No. 2010042 for street improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue.

The Assessment Roll for the above Local Improvement District, prepared under City of Spokane Ordinance No. C34962 enacted February 22, 2011, was filed with the Spokane City Clerk May 29, 2013, and is now open for public inspection.

The Spokane City Council has **fixed Tuesday, July 09, 2013, at 1:30 p.m.**, in the Second Floor Conference Room of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington, as the time and place for the Hearing to be held before the City Hearing Examiner upon said roll.

All persons who may desire to object thereto shall make such objection in writing and file the same with the City Engineer at or prior to the date fixed for such Hearing. Only persons who have submitted written objections will be permitted to testify at the Hearing.

At the time and place fixed, and at such other times as the Hearing may be continued to, the City Hearing Examiner will sit as a Board of Equalization for the purpose of considering said roll, and at such Hearing, or Hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo.

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Terri L. Pfister
Spokane City Clerk

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may call, write, or email. Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish: June 12 and 19, 2013

**SPOKANE CITY COUNCIL PUBLIC HEARING
FIRE CODE REVISIONS
(PROPOSED EMERGENCY ORDINANCE C34993)**

The Spokane City Council will hold a Public Hearing on **Monday, June 17, 2013**, in the Council Chambers, Lower Level of City Hall, 808 West Spokane Falls Blvd., to hear public testimony regarding revisions to the Fire Code. Proposed Ordinance C34993 is available for viewing by contacting the City Clerk's Office at clerks@spokanecity.org or (509) 625-6350. The purpose of the Fire Code revisions is to accommodate the 2012 International Codes adoption that is taking effect in Washington State as of July 1, 2013.

The title of proposed Emergency Ordinance C34993 is, as follows:

An ordinance relating to the Fire Code; amending SMC Sections 17E.010.300, 17F.040.170, 17F.080.010, 17F.080.030, 17F.080.050, 17F.080.110, and 17F.080.310; repealing SMC Sections 17F.080.020 and 17F.080.440; declaring an emergency and setting an effective date.

Public testimony on the proposed revisions will be taken at the hearing. The public comment period for written comments regarding the Fire Code revisions will be held open until the end of the public hearing on these revisions

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General Notices

SPOKANE CITY-COUNTY HISTORIC LANDMARKS AGENDA

June 19, 2013

City Council Briefing Center, Lower Level, City Hall
808 W. Spokane Fall Blvd.

- I. Agenda Review: 2:30 p.m.
- II. Public Hearing: 3:00 p.m.
 - A. Review Certificate of Appropriateness application: 5108-5112 N Market St., Market Street Historic District
 - B. Review and Comment, Adjacent Development: 5520 W Thorpe (Spokane County), Sarsfield Farmhouse

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Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

NOTE: For Ordinance C34987, See Part II of this Issue (Issue 24) of the *Official Gazette*.

ORDINANCE NO. C34988

AN ORDINANCE relating to the business licensing process; amending SMC sections 8.01.020, 8.01.090, 8.01.130, 8.01.180, 8.01.190, 8.01.230, 8.01.280, 8.02.0206 and 8.02.0207.

WHEREAS, it is necessary to amend the Spokane Municipal Code to reflect the change in processing; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 8.01.020 is amended as follows:

8.01.020 Definitions

Words are to be given their usual meaning except the following terms and their derivations have the meaning given when used in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- A. "Business" includes all activities, occupations, trades, pursuits, professions, and matters located or engaged in within the City with the object of gain, benefit, or advantage to the registrant or to another person or class, directly or indirectly.
- B. "Engaging in business" means commencing, conducting, or continuing in business, including delivery of goods and services, and the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
- C. "Gross income" means the total income to the registering entity from engaging in business within the City without any deductions for taxes, bad debt, or other deductions. It is not computed separately for each individual partner, principal, employee, or other constituent part of the registrant.
- D. "Itinerant Vendor", as used in this section is defined in SMC 10.40.010.
- E. "Nonprofit Corporation" or "Nonprofit Organization", means a corporation, organization or limited liability corporation:
1. formed and organized under chapter 24.03 RCW; and
 2. in accordance with Internal Revenue Code sections 501(c)(3) or 501(c)(4), and as hereafter amended.
- Where the term nonprofit organization is used, it is meant to include a nonprofit corporation or nonprofit limited liability corporation.
- F. ~~((E.))~~ "Personnel" means any person employed by or working for any business located within the City, and/or persons who perform any part of their duties within the City. This includes officer, owner, agent, or other staff function.
1. All officers, agents, dealers, LLC members, etc., of a corporation or business trust, and all partners of a partnership are counted as personnel within this definition.
 2. A sole proprietor, owner and spouse are not counted as personnel.
 3. Each part-time or each temporary person must be counted as one personnel.
 4. Volunteers are not counted as personnel in determining the business registration fee.
- G. ~~((F.))~~ "Registrant" includes any person who:
1. engages in business,
 2. is required to have a business license and/or registration,
 3. is liable for any license fee, registration fee, or tax, or
 4. performs any act for which a license fee, registration fee, or tax is imposed by this chapter.

Section 2. That SMC section 8.01.090 is amended as follows:

8.01.090 Exemptions

Unless otherwise provided, the following exemptions apply to the requirement to obtain a general business registration under this chapter:

~~((A. Accredited public or private schools, colleges, or universities, as to their education endeavors only; churches and other religious bodies, as to their religious activities only.))~~

- A. ~~((B.))~~ Presenters of a show, such as a trade show, that is directly associated with or ancillary to a convention or a major national meeting, when entry is limited to those attending the convention or meeting and the immediate family or associates of the conventioners.
- B. ~~((C.))~~ Consumer Show Exhibitors.
Consumer show organizers remain responsible to purchase a regular business registration unless otherwise exempted.
- C. ~~((D.))~~ Persons or entities otherwise subject to the requirement to obtain a business registration, but only to the extent such requirement arises from operating at locations operated or managed by an airport board pursuant to

interlocal agreement arising under the authority of chapter 14.08 RCW, where such locations have been annexed to the City, said annexation taking effect on or after January 1, 2012; and

D. ~~((E.))~~ Where preempted by the federal or state constitution or laws.

Section 3. That SMC section 8.01.130 is amended as follows:

8.01.130 Term of Registration

- A. A business registration is good for twelve months and must be renewed before expiration for the next twelve months.
- B. In order to convert to the Washington State business ~~((license))~~ licensing service, the existing expiration date may be changed and the respective registration fees may be pro-rated to coincide with the state system. Thereafter, all new registrations will be issued for a term of twelve months after which the renewal of the registration may be pro-rated in order to comply with the common expiration date setting of the business licensing service.

Section 4. That SMC section 8.01.180 is amended as follows:

8.01.180 Computation of Business Registration Fee

- A. As fixed in SMC 8.02.0206, in addition to the basic registration fee, the total business registration fee due includes a per-person fee amount applied to ~~((is measured by))~~ the total number of personnel of the business.
- B. All persons employed at each business location as of the time of a business registration renewal are to be counted in the number of personnel for registration fee purposes. As appropriate, such as in the case of a business with seasonal fluctuations in the work force, the number of personnel by which the fee is measured is the number shown upon the business payroll for each of the payroll periods during that year, added together and divided by the number of payroll periods.
- C. In the case of a new business, the fee for the initial business registration is based upon the registrant's estimated number of personnel.

Section 5. That SMC section 8.01.190 is amended to read as follows:

8.01.190 Fee Reduction

A reduced fee for ~~((renewal of))~~ a business registration in an amount stated in SMC 8.02.0206 may be granted to persons upon application under either of the following circumstances:

- A. Low Gross Income.
Registrants whose gross income does not exceed eighteen thousand dollars per calendar year or prorated for a partial calendar year are entitled to a reduced business registration fee as specified in SMC 8.02.0206. Eighteen thousand dollars per calendar year amount shall be adjusted annually pursuant to SMC 8.02.0206(G). Any applicant for a reduced fee registration must present sufficient proof of gross income to the City of Spokane taxes and licenses division that income earned from business activities in the City is below required limits. Proof of income must be shown by filed tax returns from the prior year.
- B. Nonprofit ~~((Entities))~~ Organizations
~~Nonprofit ((entities which have received certification from the state and/or federal government))~~ organizations are entitled to a reduced business registration fee as specified in SMC 8.02.0206. Any applicant for a reduced fee registration must present sufficient proof of nonprofit status as granted by the state or federal government.

Section 6. That SMC section 8.01.230 is amended as follows:

8.01.230 Name or Location Change

If a business changes names or locations during a registration year, it must notify the Washington State business ~~((license))~~ licensing service and obtain a new registration document to display in the place of business which reflects the change of name or location. A change of location may require the filing of a new application through the business ~~((license))~~ licensing service, as described in this chapter.

Section 7. That SMC section 8.01.280 is amended as follows:

8.01.280 Delinquent Payment

If a registration is not renewed on time, a penalty may be assessed by the Washington State business ~~((license))~~ licensing service as provided in RCW 19.02.085.

Section 8. That SMC section 8.02.0206 is amended as follows:

8.02.0206 Business Registration

- A. A regular business registration basic fee is one hundred ten dollars per twelve-month period. ~~((The fee to register each unique name that identifies the business is twenty dollars per twelve-month period.))~~
- B. The basic fee for a nonresident business registration is one hundred ten dollars per twelve-month period.
- C. In addition to the basic registration fee, each business must pay an additional fee for each personnel, per license year, as follows (all personnel of a business are charged the same amount corresponding to the respective category of the total number of personnel defined below):
1. ~~((Fewer))~~ Businesses with fewer than six personnel in total: Ten dollars per person.
 2. ~~((From))~~ Businesses with six to ten personnel in total: Fifteen dollars per person.
 3. ~~((More))~~ Businesses with more than ten personnel in total: Twenty dollars per person.
- D. Whenever there is a change of ownership, the holder of the registration must notify the Washington State business ~~((license))~~ licensing service within thirty days of such event. The new owner must file an application with the Washington State business ~~((license))~~ licensing service to acquire a new registration, as provided in chapter 8.01 SMC.
- E. For businesses qualifying under SMC 8.01.190(A) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee, ~~((in addition to any))~~ but all applicable personnel, inspection, or other applicable fees or charges apply in full.
- F. For businesses qualifying under SMC 8.01.190(B) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee, ~~((and the applicable personnel fee is one-half of the amounts outlined in subsection C-))~~ Nonprofit businesses are exempt from personnel fees.
- G. Annual Fee Adjustment.
Effective January 1, 2011, and the first of January of each year thereafter, the various business registration fees set forth above shall be adjusted by the City of Spokane treasurer's office for an amount equal to the consumer price index adjustment of the previous July – July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded up to the nearest dollar. In addition, the adjusted fees shall be presented to the city council for approval and a copy of the approved fees filed with the city treasurer before becoming effective. The annual fee adjustment shall not apply to the additional fee per personnel set forth in subsection (C) of this section.

Section 9. That SMC section 8.02.0207 is amended as follows:

8.02.0207 New Business – Fire Department Safety Evaluations

- A. The safety inspection fee~~((s))~~ for fire department safety ~~((evaluations))~~ inspections of new businesses or businesses that change location: ~~((are the following:))~~ Eighty-eight dollars.
- ~~((1. Processing fee for evaluation of low hazard general office operations: Twenty-five dollars.~~
- a. Exceptions:
- i. ~~Home businesses where customers do not come to the residence.~~
 - ii. ~~Peddlers or vendors operating carts or booths where no ignition sources, flammable liquids, gases, or solids are present.~~
2. ~~Safety evaluation fee (which includes the processing fee): Ninety dollars.))~~

1. ~~((a-))~~ Exceptions:

- a. ~~((i-))~~ Home businesses where customers do not come to the residence.
- b. ~~((ii))~~ ~~((Peddlers))~~ Itinerant Vendors or vendors operating carts or booths where no ignition sources, flammable liquids, gases, or solids are present.
- c. ~~((iii))~~ Low hazards ~~((is))~~ defined as "general business office" operations where no life safety systems, ignition sources, flammable liquids, gases, or solids are present (i.e.: insurance office, tax consultant, attorney, accountant, therapy, hair/nail salon, coffee/ espresso stands, photography studios, etc.).

B. Businesses not inspected and originally categorized as low hazard general business office operations that were later determined to be a higher hazard by the fire department will be charged ~~((a sixty-five dollar safety evaluation fee in addition to the processing fee for the))~~ an eighty-eight dollar fee for a fire safety site inspection.

PASSED by the City Council on June 3, 2013.

(Delivered to the Mayor on the 4th day of June 2013.)

ORDINANCE NO. C34992

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage", and declaring an emergency

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the Building Services Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Building Services Fund, and the budget annexed thereto with reference to the Building Services Fund, the following changes be made:

| | | | |
|-------|-------------|-------------------------------|------------------|
| FROM: | 4700-41400 | Building Services Fund | |
| | 24500-03340 | Fire Protection Engineer | 40,000 |
| | | (no change in # of positions) | |
| | 4700-41300 | Building Services Fund | |
| | 24100-08500 | Project Employee | 25,000 |
| | | | <u>\$ 65,000</u> |
| TO: | 4700-41200 | Building Services Fund | |
| | 24600-03080 | Certified Inspector | <u>\$ 65,000</u> |
| | | (from 2 to 4 positions) | |

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to create two Certified Inspector positions, the need for which could not reasonably have been anticipated at the time of adoption of the 2013 budget, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

PASSED by the City Council on June 3, 2013.

(Delivered to the Mayor on the 4th day of June 2013.)

Executive Orders

CITY OF SPOKANE EXECUTIVE ORDER

EO 2013-0001 / LGL 2013-0013

EFFECTIVE DATE: JUNE 3, 2013
REVISION EFFECTIVE DATE: N/A

TITLE: DELEGATION OF SIGNATURE AUTHORITY WHEN POTENTIAL / ACTUAL CONFLICT OF INTEREST

WHEREAS, under section 38 of the City of Spokane charter,

“All written contracts, bonds, and instruments of every kind and description to which the City shall be a party shall be executed in the name of the City by the mayor or the council president under the direction of the city council, or their respective designees, and attested by the city clerk, and when necessary, shall be acknowledged.”

WHEREAS, on occasion there may be a contract or other legal document that involves a familial member of the Mayor as the contractor / consultant, etc., and

WHEREAS, the Mayor does not have a financial interest in these transactions, but wants to avoid the appearance of a conflict of interest due to him having executed the document on behalf of the City of Spokane; --

NOW, THEREFORE, I , David. A. Condon, Mayor, do hereby order and direct that Gavin Cooley, Chief Financial Officer is authorized to execute contracts and other legal documents on my behalf that involve a familial member of mine:

This delegation shall continue until revoked.

David A. Condon June 6, 2013
Mayor

Policies and Procedures

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE

ADMIN 1400-13-11 / LGL 2013-0007

EFFECTIVE DATE: December 9, 1999
REVISION EFFECTIVE DATE: June 5, 2013

TITLE: FILMING AND PHOTOGRAPHY IN PARKS AND RECREATION AREAS OR FACILITIES

1.0 GENERAL

- 1.1 The purpose of this document is to establish policy regarding the use of parks and recreation areas and facilities for filming, video, still photography, documentary, short subject films, movies, or advertisements for commercial purposes. It also adopts operating policies to monitor and regulate filming activities on park land in the City of Spokane.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all parks and recreation areas and facilities owned or managed by the Parks and Recreation Department.

3.0 REFERENCES

City Charter Article V, Parks and Park Board, Section 48 Park Board Powers
Rules of the Park Board Section 14, General Operating Policies and Procedures, Ruling and Appeals

4.0 DEFINITIONS

- 4.1 "Acknowledgments" mean the use of official City of Spokane or Spokane Parks and Recreation Department logo or verbal / print acknowledgment of either as part of commercial film credit line.
- 4.2 "Board" means the Spokane Park Board.
- 4.3 "Certificate of Insurance" means a certificate issued by an insurance company in an amount and in such form as is approved by the City of Spokane Risk Manager, which represents that the user holds general liability insurance which covers the filming activity and which names the City of Spokane and the Parks and Recreation Department as additional insureds.
- 4.4 "Commercial Filming Activities" means any person who uses Parks and Recreation areas or facilities to produce commercials, training films, industrial and short subject films, movies, documentaries, or advertisements for profit or desires to reserve a specific Park and Recreation area.
- 4.5 "Damage Deposit" means a cash deposit of specified dollars (see fee schedule), the amount of which is determined by the Parks and Recreation Director at his/her discretion and the City of Spokane Film Program Manager, and which is to be applied to any damage caused by the filming activities, or refunded in whole or in part. Deposits shall be refunded one (1) year from date of initial deposit or may be continued to the following year by written request from the commercial photographer.
- 4.6 "Department" means the City of Spokane Parks and Recreation Department.
- 4.7 "Director" means the Director of the City of Spokane Parks and Recreation Department.
- 4.8 "Filming Activities" mean the use of still photography cameras, video or movie cameras to capture an image that will be used for commercial or hobby purposes.
- 4.9 "Park Hours" mean the times all parks are open regularly open to the public.
- 4.10 "Park Use Rules" mean standard rules for use of parks and park facilities.
- 4.11 "Parks and Recreation Areas" mean all property owned and/or managed by the Spokane Parks and Recreation Department including all facilities located thereon.
- 4.12 "Photographer" means any person who uses Parks and Recreation areas for portrait settings for individuals or groups or shots of scenery or structures.
- 4.13 "User" means the individual or business entity using Parks and Recreation areas for filming activities, assuming responsibility for same, and paying user fees and/or deposit related thereto.

- 4.14 "Use Fee" means an assessment for privilege of using Parks and Recreation areas and facilities for filming activities.

5.0 POLICY

- 5.1 It is the policy of the City of Spokane Parks and Recreation Department to set specific fees and guidelines for certain uses of Parks and Recreation areas for filming activities.
- 5.2 The Department, at its discretion, may grant a wavier of commercial filming user fees when an exchange for similar value is designated and approved by the Director.
- 5.3 Credit shall be given to the Department in writing or verbally on the finished product. Exceptions: senior class photographs, individual portraits, family portraits, prom and wedding photographs, and wedding videos.
- 5.4 The Board shall set the annual filming fees.
- 5.5 Permission for filming is granted, upon completion of all applicable requirements, within the discretion of the Parks and Recreation Director within the parameters established by this policy from time to time.

6.0 PROCEDURE

- 6.1 Persons (users) desiring to use Parks and Recreation areas for commercial filming activities or photographers desiring to reserve specific areas for photography shall submit to the Department a special event permit application for a Special Event Permit. Persons desiring to use Park and Recreation facilities (such as picnic shelters, buildings, sports complexes, swimming pools and other structures) shall make a Facility Reservation. Authorization to use park property for filming activities or reserved area photography is considered confirmed when a Special Event Permit is signed by the Director or designee, use fees, if applicable, are paid, and the damage deposit and certificate of insurance are received by the Department or the Facility Reservation is completed and all applicable fees and deposits have been paid.
- 6.2 Applicable fees will be determined by referring to the Department filming fee schedule which is part of the Fees and Charges Policy.
- 6.3 Park use rules shall be reviewed by the filming agency / individual to ensure compliance. Additional filming rules may apply to use of Riverfront Park. No commercial filming activities of any kind or photography are allowed in the Nishinomiya Japanese Garden, except for scheduled weddings. No commercial filming activity of any kind or photography is allowed in the Gaiser Conservatory and Greenhouse.
- 6.4 A certificate of insurance, approved by the City of Spokane Risk Manager, must be on file with the Department prior to use for commercial and reservation filming activities.
- 6.5 Filming activities are authorized only during times when Parks and Recreation areas are open and available to the public. Parks are generally open from 4:00 a.m. to 11:00 p.m., Pacific Daylight Savings Time, and 5:00 a.m. to 10:00 p.m. Pacific Standard Time except for Riverfront Park which closes at 12:00 midnight year-round. Variations and conditions to the above stated hours of use will be confirmed in writing by the Parks and Recreation Director or designee. The hours also apply to the arrival and departure of crew(s) and equipment. Park areas are open for public use during park hours and can not be closed for exclusive use of commercial photographers.
- 6.6 There shall be a mandatory refundable damage deposit for all commercial and reservation filming activities to cover any damage to Parks and Recreation areas and to pay for any unforeseen costs to the Department related to the filming activity. Upon completion of filming activity the deposit will be returned if the site(s) is approved by Department personnel and no additional unforeseen costs have been incurred by the Department. For convenience, the commercial photographer may leave its damage deposit on file for future use for up to one (1) year.
- 6.7 Use fees for commercial and reservation filming are refundable if the usage is canceled after the user fee is paid and if written notice is received seven (7) days in advance of usage. A \$15 administrative fee will be charged against refund requests.
- 6.8 Filming with significant impact on neighborhoods adjacent to the park site requires notification to the Neighborhood Services and Code Enforcement Department a minimum of five (5) working days prior to conducting any activities. The user is responsible for obtaining the cooperation of residents adjacent to park

property and is responsible for working out any conflicts or negative financial impacts. Failure to properly comply with this provision may result in revocation of permission to use Parks and Recreation Areas and forfeiture of user fees.

- 6.9 A user fee receipt must be on the filming site at all times and be presented upon request by Department personnel.
- 6.10 Permission granted to a specified user shall not be assigned by that user to another party without the written consent of the Parks and Recreation Director or designee.
- 6.11 Exceptions to this policy may be submitted to the Director for approval/disapproval. Thirty (30) days should be allowed for the Department to process the request.
- 6.12 The Parks Special Event Permit or Facility Reservation must be completed and signed by the Director or designee, approving specified commercial and reservation filming activities, delineating the applicable user fee(s) for such activities, and other matters of regulation applicable thereto.
- 6.13 Enforcement.
 - 6.13.1 Enforcement of the City of Spokane Charter and the Park Code which is within the City of Spokane Municipal Code section 10.10.040 Public Parks lies with the City of Spokane Police Department. Violations should be referred to the Police Department for response.
 - 6.13.2 Enforcement of Park Rules shall be referred to Department staff for response. In the event that Department staff finds activities being conducted by a Parks Special Event Permit user unnecessarily endangers the health or safety of any person, or that activities are or will cause damage to real or personal property, the staff may suspend, rescind, or amend the Parks Special Event Permit.
 - 6.13.3 The Department reserves the right to suspend, rescind, or amend the Parks Special Event Permit at any time without incurring any liability to the user. Also, the Department reserves the right to deny a future Parks Special Event Permit request because of previous damage by a user.

7.0 RESPONSIBILITIES

The Director of Parks and Recreation shall administer this policy.

8.0 APPENDICES

Fee Schedule
Riverfront Park Information Sheet

APPROVED BY:

Barbara Burns
Assistant City Attorney

Leroy Eadie
Director – Parks and Recreation

APPENDIX

SPOKANE PARKS AND RECREATION DEPARTMENT FILMING ACTIVITIES FEE SCHEDULE

Effective Date: June 5, 2013

USE FEES: (Damage deposit required for some activities)

A. All Still Photography and Not for Profit Filming (except weddings)

| | |
|------------------------------------|---|
| Gaiser Conservatory and Greenhouse | Not Permitted |
| Nishinomiya Japanese Garden | Not Permitted (except scheduled weddings) |

All Other Park Areas No Charge if using space "as available"
 \$50.00 per use with damage deposit under Special Event permit process if specific location and schedule is required
 (other fees may apply for large groups or special circumstances)

B. Weddings (Still Photography or Video)

Gaiser Conservatory and Greenhouse Not Permitted
 All Other Park Areas Same Fees (\$300.00) and procedures as wedding ceremonies

C. Motion Pictures or Video (Feature films, movies)

Gaiser Conservatory & Greenhouse Not Permitted
 Nishinomiya Japanese Garden Not Permitted
 Riverfront Park \$625.00 per use, four-hour maximum
 All Other Park and Recreation Areas \$500.00 per use, four-hour maximum

D. Motion Pictures or Video (Documentary, Short Subject, Advertisement, and All Other):

Gaiser Conservatory & Greenhouse Not Permitted
 Nishinomiya Japanese Garden Not Permitted
 All Other Park and Recreation Areas \$250.00 per use, four-hour maximum

REFUNDS: No Refunds

EXCEPTIONS:

1. City of Spokane departments wishing to promote City programs are exempt from all use fees, but must notify the Parks and Recreation Department to obtain a no charge receipt for user fees.
2. News-related events may be filmed or video recorded by the media without payment of fees or advance permit application.

ALL FEES SHOULD BE PAYABLE TO THE:
 CITY OF SPOKANE PARKS AND RECREATION DEPARTMENT

CITY OF SPOKANE PARKS AND RECREATION DEPARTMENT ADMINISTRATIVE POLICY AND PROCEDURE

ADMIN 1400-13-12 / LGL 2013-0012

**EFFECTIVE DATE: June 3, 2013
 REVISION EFFECTIVE DATE: N/A**

TITLE: GOLF DIVISION POLICY & OPERATIONS MANUAL

1.0 GENERAL

- 1.1 This document sets forth the Spokane Parks and Recreation Department's policy and procedure for use of City golf courses by the public.

1.2 TABLE OF CONTENTS

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy and procedure shall apply to all golf courses owned by the Spokane Parks and Recreation Department.

City Charter Section 48. Park Board – Powers
Rules of the Park Board Section 14, General Operating Policies and Procedures, Rulings and Appeals

None

5.1 It is the policy of the Spokane Parks and Recreation Department to provide quality available golf at reasonable and fairly priced rates.

See Appendices

The Director of Parks and Recreation is responsible for administering this policy and procedure.

Golf Division Policy & Operations Manual

Barbara Burns
Assistant City Attorney

Leroy Eadie
Director – Parks and Recreation

APPENDIX

GOLF DIVISION POLICY & OPERATIONS MANUAL

For Golf Professional / Staff Reference
Spokane Parks and Recreation Department
808 West Spokane Falls Boulevard
Spokane, Washington 99201

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GOLF DIVISION PURPOSE AND GOALS

The Golf Division operates as an independent or Enterprise Fund. As such, the Golf Division entirely supports itself and does not depend on monies from the General Fund supported in part by taxpayers.

The Golf Division is responsible for the operation and maintenance of four (4) courses including Downriver Golf Course, Esmeralda Golf Course, Indian Canyon Golf Course and The Creek at Qualchan Golf Course.

The mission of the Golf Division is to provide quality available golf at reasonable and fairly priced rates.

GOALS:

To increase the Golf Reserve Fund in order to meet the demands of the golfing public. The Golf Division will work to consistently ensure the highest quality playing conditions while striving to make continual capital improvements to each of the golf courses.

To continually attract new golfers to the game through junior lessons and tournaments programs directed by the City Parks and Recreation Program.

To cooperate with related agencies and organizations who promote, stimulate and develop the interest and furtherance of golf- with service to the golfing public as the PRIME OBJECTIVE.

To participate in golf-related research studies, projects and professional organizations that provide new, improved concepts and methods in course maintenance and repair.

To provide the highest possible level of personnel efficiency in maintenance and operation at each course.

FACTUAL DATA

Spokane Municipal Golf Courses
 SPOKANE PARKS AND RECREATION
 Director of Parks and Recreation
 Leroy Eadie (509) 625-6204
 808 West Spokane Falls Boulevard
 Spokane, Washington 99201

DOWNRIVER GOLF COURSE

Address: North 3225 Columbia Circle
 Telephone: (509) 327-5269
 Professional: Steve Conner
 Superintendent: Roy Cheney (509) 328-0919
 Description: 6,130 Yards- Par 71
 Wooded, fairly flat view of river on several holes

ESMERALDA GOLF COURSE

Address: East 3933 Courtland Avenue
Telephone: (509) 487-6291
Professional: Rex Schultz
Superintendent: Bob Mielke (509) 483-1889
Description: 6,319 Yards- Par 70
Flat and fairly open

INDIAN CANYON GOLF COURSE

Address: South Assembly and West Drive
Telephone: (509) 747-5353
Professional: Gary Lindeblad
Superintendent: Don Nelson (509) 838-2301
Description: 6,255 Yards- Par 72
Very hilly, tight with sand and trees

THE CREEK AT QUALCHAN GOLF COURSE

Address: 301 East Meadowlane Road
Telephone: (509) 448-9317
Professional: Mark Gardner
Superintendent: Fred Marchant (509) 448-2968
Description: 5,538-6,599 Yard- Par 72
Heavily bunkered and much water

GOLF SEASON

Each golf course will be open when it is determined by the Superintendent and Golf Professional that play will not damage the course.

HOURS OF OPERATION

The golf course and clubhouse will be open during daylight hours during the regular golf season April 1 thru October 31. In the shoulder season, golf course and clubhouse hours will be weather dependant. The golf course may be subject to closure any time during periods of extreme inclement weather.

REPORTS

In case of an accident or injury, a written report must be submitted by golf course personnel to the City Hall Golf Staff within twenty four (24) hours. Incident reports may be obtained through the Golf Professional or the City Clerk's Office.

CLAIMS

All injury claims against the City must be processed through the City Legal Department. Forms may be obtained through the Golf Professional or the City Clerk's Office. The City Hall Golf Staff must be notified of all claims within twenty-four (24) hours.

MEMORIALS AND/OR DONATIONS

Memorials and/or donations will be accepted at the City Golf Courses providing they meet the following requirements:

- (1) memorial or donation requests are made to the Director of Parks and Recreation in writing, including the type of improvement and location;
- (2) the minimum amount of an improvement is \$500.00; and
- (3) no recognition signage may be placed on the improvement. A case located in each clubhouse will list each memorial or donation.

CHECK COLLECTION GUIDELINES

The Parks and Recreation Department Accounting Office will attempt to collect on returned checks if the check has a current address and telephone number and is properly endorsed.

The Golf Professional will be responsible for payment of checks which were accepted without a current address and telephone number and which were not properly endorsed.

An additional NSF charge beyond the check amount may be added by the City Treasurer's Office and by any collection agency used to collect on the check.

The Parks and Recreation Department Accounting Office personnel will notify the Professional involved with the additional amount needed to balance the weekly receipts as soon as a returned check is received from the Treasurer's office.

NIGHTLY RECONCILIATION

The daily tee sheet must be reconciled EACH night with the daily sales.

REFUNDS

Once the golf courses open, golf pass and/or cart permit refunds will only be allowed for extended illness or relocation out of the Spokane area and must be approved by the Director of Parks and Recreation. No refunds will be allowed after November 1st for any reason.

An administrative fee of \$15.00 will be charged for all refunds. The remainder of the refund will be determined by pro-rating the usage of the pass.

Requests for refunds of golf passes and/or cart permits must include the pass or permit and a letter of justification signed and dated. Refunds will not be issued for 10 Play cards. These passes are transferable. Green fees will not be refunded unless approved by the Golf Professional for extenuating circumstances. Rain checks may be issued.

PASS REPLACEMENT

If a pass is lost or destroyed, there will be a \$15.00 replacement charge, unless waived by the Director of Parks and Recreation.

RAIN CHECKS

Rain checks are to be issued to a golfer who has run into unexpectedly poor weather conditions (heavy rain, very unusually high winds, snow) while out on the course and before they have completed over fifty percent (50%) of their paid round or who have been called away from the course due to an unforeseen emergency. Play started during inclement weather will not be issued a Rain Check. Players must pay the current nine hole rate when using a rain check as part of a new 18 hole play. Rain checks are to be used during the season in which they are issued.

JUNIOR/SENIOR CITIZEN PROOF OF AGE

Seniors are eligible to purchase a pass the calendar year they turn sixty (60) years of age. Junior passes may be purchased until the golfer turns eighteen (18) years of age, or if the golfer is currently enrolled in high school.

GOLF COURSE RULES

- (1) All golfers must register with the starter or pro-shop and procure a cash register receipt PRIOR to commencing play. Each golfer must show his or her receipt on the course when requested to do so by an authorized employee of the Spokane Parks and Recreation Department.
- (2) No golfer may begin play at any hole other than the hole designated by the starter or pro-shop. The starting point shall be the first tee unless otherwise directed.
- (3) In order to speed up play, each golfer must possess his or her own set of golf clubs and bag. No sharing of clubs or bags is allowed.
- (4) No golfer may drive balls into golfers in front of him or her on the golf course, or hit a golf ball in any manner that may endanger other players or spectators.
- (5) Slow Play Enforcement:
First: Warning to catch up.
Second: Asked to pick up golf balls and catch up.
Third: Asked to leave the course.
- (6) Golfers who have holed out must move away promptly and not obstruct the green. A golfer may not play more than one ball to the green. A golfer may not putt more than one ball on the green.

- (7) In order to maintain the golf course in the best possible condition, all golfers must:
- (a) Replace divots.
 - (b) Rake tracks in traps.
 - (c) Repair ball marks on the green.
 - (d) Enter and leave traps at the lowest point.
 - (e) Refrain from wearing shoes with long hobnail spikes, ladies' high-heeled shoes or ripple-soled shoes on the golf course.
- (8) NO ANIMALS are permitted ANYWHERE on golf course premises, which includes but is not limited to the clubhouse and pro-shop, except that service animals may be permitted to assist a golfer.
- (9) Golfers shall not stop between nines.
- (10) Driving range balls must not be removed from the facility.
- (11) Golfers must wear shoes, shirts and shorts or pants while on the course, in the clubhouse and the restaurant.
- (12) Children under the age of ten (10) will not be permitted on the course unless accompanied by an adult. No child under the age of six (6) will be permitted on the playing area of the course. No child under the age of six (6) will be permitted on the hitting area of the driving range unless he or she are directly supervised and hitting golf balls themselves. Notice to this effect must be posted at the clubhouse.
- (13) The Golf Professional and Professional Staff have the right to refuse playing privileges to anyone who violates these rules, posted golf course rules, or the accepted rules of golf etiquette.
- (14) Excessive noise, throwing of clubs, use of profane language, or any other offensive behavior will not be permitted on the golf course at any time and may result in expulsion from the course.
- (15) Persons with significant medical disability that inhibits their ability to walk may apply for the use of a handicap flag. This flag on a cart (rental or privately owned) allows a player with a medical disability to drive the cart in areas that are typically considered "no cart" areas as long as the areas are dry, not steeply sloped and are farther than fifteen (15) feet from a putting surface or teeing area. No cart shall ever be driven across a tee or closer than fifteen (15) feet of a green. No cart shall ever be driven between a greenside bunker and a putting surface. Special privileges and responsibilities come with a handicap flag and failure to follow the restrictions listed above will place in jeopardy future granting of the flag privilege.

Only the Professional Staff in the golf shop shall grant the handicap flag privilege, and this privilege will not be unreasonably withheld.

Persons with disabilities requiring the use of a Solo Rider type vehicle in which the game is played in a seated position with a hydraulic seat will be allowed to drive in restricted areas provided the overall course condition is deemed dry enough to support the weight of the vehicle. Only the Professional Staff at the golf course may make this determination.

- (16) Knowledge, respect, and the use of the rules of golf will be expected from all golfers at all times.
- (17) Single players have no standing and must give way to properly constituted groups of players.
- (18) Persons will not be permitted on, in, or near the golf course after the hours of closure or after dark without permission of the Golf Professional.
- (19) All golf course rules must be observed at all times.
- (20) Unauthorized vehicles must be removed from golf course parking lots between sunset and sunrise.
- (21) Drinking in public:

Every person who drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, may be guilty of a misdemeanor under state law.

No person may possess or consume in any park any liquor, except as specifically authorized by law. Spokane Municipal Code section 10.10.040.

Intoxicating beverages can only be consumed if purchased at the golf course and consumed in accordance with course rules and the Golf Professional's liquor license. Any person caught with alcohol not purchased from the golf course will be asked to leave. The alcohol will not be returned to the owner. A minimum of two (2) employees will witness and document the destruction of the alcohol, which will occur in an administrative area of the facility. A report of the destruction shall be maintained.

HIGH SCHOOL GOLF RULES

- (1) It is the responsibility of the coach to assure that the Golf Professionals have a roster of the members for each golf team prior to the team's golf season. Playing privileges are limited to sixteen (16) team members, which include both boys and girls and one (1) coach.
- (2) Each high school will be allowed four (4) tee times, twice per week (the days to be determined by the Golf Professional). Coaches will transmit the list of players to each golf course by 11:00 a.m. on the day of play. The Golf Professional will allow two (2) events per year, which will alternate between the courses. Matches and tournaments will go off the first tee (unless otherwise authorized by the Golf Professional) with a possible fee imposed for match and tournament play.
- (3) For the privilege of using the golf course, each player will volunteer three (3) days per season to assist with golf course maintenance, cleaning and/or improvements.
- (4) Team members must abide by the Spokane Parks and Recreation Department rules if they are to continue with their golf privileges. Any violation will result in immediate loss of golf privileges and possible team sanctions.
- (5) The coach is RESPONSIBLE FOR STARTING his or her team members and supervising their play. The coach must remind all team members to conduct themselves in an adult manner paying particular attention to replacing divots and repairing ball marks.
- (6) The coach must accompany the team to all practice sessions and matches. If the coach cannot be present, the coach must appoint another teacher to take his or her place or the team will not be allowed to practice. It is also advisable that coaches contact the Professionals prior to any meet. Only one (1) coach is allowed playing privileges.
- (7) High school draft golf schedules must be received by August 15 of the upcoming school year for approval.

POLICIES

GOLF LEAGUES

Golf league play will be allowed Monday through Friday between 4:00 p.m. and 6:00 p.m., with a minimum of twenty (20) people necessary to form a league. The Golf Professional may book leagues prior to 4:00 p.m. during slow periods at his or her discretion.

MEN'S AND LADIES' CLUBS

Any men's clubs or ladies' clubs that play weekly during prime time will be required to play on the same day. Clubs playing during prime time will be limited to four (4) tournament days throughout the season. (May 1st—Labor Day)

FIVESOMES

Fivesomes are allowed solely at the discretion of the Professional. Fivesome restrictions will include, but not be limited to, after 11:00 a.m. on weekends and holidays and require the use of two (2) power carts.

PRIVATE GOLF CARTS

Privately owned power golf carts owners must pay the current annual Golf Cart Fee or the current Daily Golf Cart fee for nine (9) or eighteen (18) holes to operate on the courses. All golf cart owners must have minimum liability coverage of \$25,000 for the golf cart. Any person caught operating a power golf cart that is unable to furnish a daily receipt or annual golf cart pass on the course will be penalized as follows:

First offense: Payment of normal golf cart fee. Failure to pay this penalty will result in the indefinite suspension of golf privileges at all City Golf Courses.

Second offense: One (1) year suspension of all golf privileges at all City Golf Courses.

CART SPECIFICATIONS

The only vehicles permitted on the golf course apart from those maintenance vehicles deemed necessary and appropriate by the Course Superintendent, will be standard, four (4) wheeled, motor driven golf cart. The cart must be manufactured by a reputable golf cart maker, designed primarily for use as a golf cart on a golf course and shall not be unduly modified as to affect the vehicles' overall safety. Carts with lift kits are strictly forbidden. Additionally, the golf cart must have tires with a flat surface and a minimum tire width of eight (8) inches to prevent undue damage to the course. The Course Professional and/or the Course Superintendent can deny the use of any cart deemed to be dangerous to the riders or that presents an increased risk of turf damage to the golf course. Three (3)-wheel carts will NOT be permitted.

ANNUAL PRIVATE GOLF CART PASS

As of September 2008, the Annual Private Golf Cart Permit will no longer be sold. However, persons who purchased the permit for the 2008 season may continue to purchase the pass until it is phased out of circulation by the Park Board. The pass fee will be established each year by the Park Board.

Persons purchasing Annual Private Cart Permits must fill out annual cart permit forms in full, naming the insurance company covering for golf cart liability. The insured and City / Professional must BOTH sign this permit. This must be done each year.

PERMITS MUST BE AFFIXED TO THE LEFT FRONT FENDER OF THE CART. ANY CARTS WITHOUT AN AFFIXED PERMIT WILL BE REQUIRED TO PAY THE DAILY TRAIL FEE.

GOLFERS PLAYING WITHOUT PAYING

Anyone caught playing a City course without having first paid appropriate greens fees will be required to pay full green fees immediately. If payment is not made, the golfer will be asked to leave the course. If caught a second time, the golfer will be suspended from play on all City courses for one (1) year. When it is determined that a golfer has not paid adequate green fees, the Golf Professional must notify the City Hall Golf Staff so the name of the golfer can be circulated to the other course Professionals.

FREE GOLF

Free golf privileges will not be extended to any outside agencies or organizations.

GOLFERS WITH DISABILITIES

Golfers with disabilities may be entitled to discounts in accordance with the City of Spokane Administrative Policy and Procedure 1400-12-04.

WAIVER OF GOLF FEES

Complimentary golf will be extended to the following:

- (1) P.G.A. and L.P.G.A. Golf Professionals with a current P.G.A. and L.P.G.A. card, Golf Course Superintendents and Assistant Superintendents actively employed. Reservations for Course Superintendents and Assistant Superintendents must be made through the host Superintendent. This will be limited to twice monthly or with special permission of the Golf Professional.
- (2) Golf Course Superintendents and Assistant Superintendents and permanent golf staff while employed by the City. A complimentary golf card will be issued.
- (3) Designated Park and Recreation Department staff as approved by the Director of Parks and Recreation.
- (4) The Professional's employees (names to be given to Director of Parks and Recreation or designee), with cards issued by the City. The Professional is responsible for the collection of the card upon termination of the employee. The employees must work at least thirty (30) hours per week and play on the course where they are employed.
- (5) Seasonal golf course employees (names to be given to Professional). Privileges are valid only during non prime time and restricted to the course where they are employed. Prime time is defined as Fridays, Saturdays, Sundays and holidays before 1:00 p.m.
- (6) Complimentary golf is extended to the spouse and children of the four (4) Golf Professionals. Golf Professionals will be entitled to purchase fifty (50) Play Passes at twenty-five percent (25%) of current fee for promoting the golf course as well as for public relations. A complimentary golf ticket will also be issued for spouses of the Assistant Golf Professionals.

- (7) On special occasions, the Director of Parks and Recreation may, in his or her sole discretion, provide a complimentary round of golf when such play is in the best interest of the Golf Division. A complimentary pass will be issued to the person.

TWILIGHT NINE

The Twilight Nine is a discounted nine (9) hole round designed to promote play on slow evenings and to provide a lower-priced option for golf. The days of the week used will be determined by the individual Course Professional.

FEE SCHEDULE FOR NON SCHOOL DISTRICT #81 SCHOOLS

Golf teams from non School District #81 high schools, colleges, and universities will be allowed to purchase one hundred (100), one (1)-play passes per competitive season for seventy five percent (75%) of the current years' price of that pass. These passes are good only for practices and/or matches, as the host team is responsible to pay for other team members. Tee times are limited to space available and are to be coordinated with the individual golf professionals. Coaches playing with team members must redeem a one-play pass or pay regular greens fees. One (1)-play pass are to be used during competitive season only. A roster must be submitted to the Course Professional prior to playing season opening.

TEE TIME RESERVATIONS (All Golf Courses)

Tee times may be made as far in advance as desired at the posted rate and guaranteed with a credit card. All other times will be taken beginning at 2:00 p.m. two (2) days in advance for weekdays and Friday beginning at 2:00 p.m. nine (9) days in advance for the weekends.

No-shows will be charged the full rate, including any reserved carts, unless cancelled at least twenty-four (24) hours in advance.

GOLF MARSHAL

The Golf Marshals shall have the duty of enforcing these rules at all four (4) courses. The Marshals duties include: checking golfers on the course for possession of greens fees and trail fee receipts, ensuring cart passes are affixed to the cart, completing Incident Reports, helping to enforce all rules and regulations including those of golf etiquette, keeping play moving, and reporting to the Golf Professional and/or City Hall Golf Staff any problems that occur on the Course.

TOURNAMENTS

- (1) In order to qualify for the tournament rate on weekends and holidays between 7:00 a.m. and 12:00 p.m., the group must be a minimum of forty eight (48) players (May 1st—Labor Day). Monday- Friday and after 12:00 p.m., the group must be a minimum of twenty (20) players.
- (2) Men's and ladies' clubs will be allowed four (4) days of tournaments on the weekends during prime time, 7:00 a.m.-12:00 p.m. (May 1st—Labor Day)
- (3) Discount rates for tournaments are limited to Mondays and Tuesdays.
- (4) The IESGA, SAWGA/Review Cup, and/or any tournament affiliated with these groups are limited to one (1) discounted tournament per year, per course.

GOLF TOURNAMENT SCHEDULING

Each Professional is required to send a monthly listing of tournaments to the Director of Parks and Recreation on the first of each succeeding month.

TOURNAMENT CHARGING

As a matter of policy, the Park Board may modify greens fees for tournaments up to a fifty percent (50%) reduction in actual greens fees. Normally, there will be no discounts for tournaments unless the tournament meets one (1) or more of the following criteria:

- (1) The tournament is of national significance to Spokane.
- (2) The tournament played on a particular course will enhance the course's reputation and increase future business.
- (3) The City invites or hosts a particular tournament.
- (4) The tournament has a major financial impact to the economy of Spokane.

10 - PLAY CARD

Transferable
Non-refundable
Expires at the end of the season
May be used up to four (4) times per day
Must present card at register
Not valid for pre-booked tournaments

ADULT/SENIOR DISCOUNT CARDS

Non-transferable
Non-refundable
Must present card at register
\$15.00 replacement fee required if lost or stolen, unless waived by the Director of Parks and Recreation
Identification may be required
This card not valid for pre-booked tournaments
Seniors must pay the adult rate prior to 2:00 p.m. Saturdays, Sundays, and holidays

ADULT/SENIOR/JUNIOR ANNUAL CARDS

Non-transferable
Non-refundable
Must present card at register
\$15.00 replacement fee required if lost or stolen, unless waived by the Director of Parks and Recreation
Identification may be required
This card not valid for pre-booked tournaments
Seniors/Juniors must pay adult rate prior to 2:00 p.m. Saturdays, Sundays and holidays

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

OFFICE MANAGER SPN 051 PROMOTIONAL ONLY EXAMINATION

DATE OPEN: Monday, June 10, 2013
DATE CLOSED: Friday, June 21, 2013
SALARY: \$53,431 annual salary, payable bi-weekly, to a maximum of \$65,500
OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs responsible supervisory and office management work in the accounting and/or administration of a division or department. Plans, assigns, supervises and trains personnel performing various accounting, administrative, recordkeeping and other duties in a division or department. Coordinates administrative functions of programs within the division or department. Standardizes office procedures; initiates policy and procedure changes; and maintains the efficient flow of work by evaluating office production and revising procedures accordingly.

PROMOTIONAL REQUIREMENTS: (All requirements must be met by date of examination.)

Completion of a two-year course at a recognized business school or college in accounting, administration, office management or closely related field; AND, three years experience in the performance of responsible accounting or office work, one year of which must have been in a supervisory capacity. Additional supervisory experience at the office management level may be substituted for education on a year-for-year basis. **Application is required for this position.**

Note: Qualifying experience may be gained outside of City employment.

EXAMINATION:

The examination will be conducted on the 4th floor of City Hall in the Civil Service Test Room on Wednesday, June 26, 2013 at 9:00 a.m. Approximate duration of the test is 2 hours. The examination will consist of a written test and a promotional evaluation. Weights are assigned as follows: written test 80% and promotional evaluation 20%.

The written test may include such subjects as: Office Management; Accounting; Supervision; Employee and Public Relations; Written Communications.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

TO APPLY:

Because this is a promotional only recruitment, it is not posted on the City's website. This requires an application. Both the job announcement and basic application can be found on iShare/Shared Documents/Civil Service.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 4th day of June 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

**SOLID WASTE EDUCATION COORDINATOR SPN 064
PROMOTIONAL ONLY EXAMINATION**

DATE OPEN: Monday, June 10, 2013

DATE CLOSED: Applications will be accepted until the close of business on Friday, June 21, 2013. Applicants who have filed a basic application will have until the close of business on Monday, June 24, 2013, to return the Training and Experience Evaluation form.

SALARY: \$48,629 annual salary, payable bi-weekly, to a maximum of \$59,424

OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs professional and technical work in developing, promoting, coordinating and conducting activities and programs concerning waste reduction, recycling, composting and disposal of garbage and household hazardous wastes and other dimensions of the Spokane Regional Solid Waste System (SRSWS) activities aimed at students and school personnel, as well as the general public.

PROMOTIONAL REQUIREMENTS: (All requirements must be met by date of examination.)

At least two years of experience in the classification of Education and Outreach Specialist, SPN 043. All applicants must possess a valid driver's license or evidence of equivalent mobility.

EXAMINATION:

The examination will consist of a Training and Experience Evaluation form and a performance evaluation. Weights are assigned as follows: Training and Experience Evaluation form 80% and performance evaluation 20%.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

TO APPLY:

Because this is a promotional only recruitment, it is not posted on the City's website. Current City employees who apply promotionally may send an e-mail to: civilservice@spokanecity.org, no later than 5:00 p.m. on the closing date, requesting your name be added to the Promotional Examination list. **Please include:** 1) your full name, 2) present classification, 3) department and phone number, 4) driver's license number and expiration date, if required; OR go to the Civil Service office on the 4th floor of City Hall during office hours to sign up on the Promotional Examination list.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 4th day of June 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

**SOCIAL RESPONSE MANAGER SPN 065
OPEN ENTRY EXAMINATION**

DATE OPEN: Monday, June 10, 2013

DATE CLOSED: Applications will be accepted until the close of business on Friday, June 21, 2013. Applicants who have filed a basic application will have until the close of business on Monday, June 24, 2013, to return the Training and Experience Evaluation form.

SALARY: \$21.69 per hour, payable bi-weekly, to a maximum of \$26.44 per hour. The position is 20 to 30 hours per week.

OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

APPLICATION PACKETS: Submit the following documents to Civil Service when applying:

- ✓ Completed Civil Service Application
- ✓ Copy of DD 214 for Veterans Preference (Member 4)
- ✓ Copy of required college transcripts or diploma
- ✓ Copy of valid driver's license

DUTIES:

Performs responsible professional work in the management of programs that utilize volunteers and interns within the Fire Department. Manages the Community Assistance Response Team. Responds to calls from the Combined Communication Center. Through interns, assesses and facilitates fulfilling client needs; provides advocacy and follow-up services as needed. Requires ability to communicate effectively, both orally and in writing, including public presentations to groups. Employee will be required to work irregular hours.

OPEN REQUIREMENTS: (All requirements must be met at the time of application.)

Graduation from an accredited four-year college or university with a degree in Social Work, Education, Business, Public Administration, or related field; and two years of professional experience in social services or emergency response program planning, administration and coordination. Additional responsible supervisory experience in the above areas may substitute for the educational requirements on a year for year basis. Applicants must possess a valid driver's license.

EXAMINATION:

The examination will consist of a Training and Experience Evaluation form. Weight is assigned as follows: Training and Experience Evaluation form 100%.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

NOTE: Under continuous testing policy, additional examinations may be scheduled with results merged into one eligibility list according to final ratings.

TO APPLY:

To apply online or download and print an application, go to www.spokanecity.org. To request an application packet be mailed to you, call the Civil Service office at (509) 625-6160. If mailing your application, submit to Civil Service Commission, 808 W. Spokane Falls Blvd., Spokane, WA 99201-3315, post marked no later than the closing date stated above.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 4th day of Jun 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

AMENDMENT

PROGRAMMER ANALYST SPN 164
(Announcement of 3/27/2012)

The above titled announcement is hereby amended to read:

CLOSING DATE: Applications will be accepted until the close of business on Friday, June 14, 2013. Applicants who have filed a basic application will have until the close of business on Monday, June 17, 2013, to return the Training and Experience Evaluation form.

Notice for Bids

Paving, Sidewalks, Sewer, etc.

CALL FOR BIDS

2013 CITY OF SPOKANE RESIDENTIAL GRIND AND OVERLAY PROGRAM

Engineering Services File No. 2013041

NOTE: THIS PROJECT HAS A TWO WEEK BID PERIOD

This project consists of the construction of approximately 16,892 square yards of 2-inch HMA overlay, 461 square yards of sidewalk, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., June 24, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: June 12 and 19, 2013

CALL FOR BIDS**RIVERSIDE AVENUE FROM ALTAMONT STREET TO COOK STREET
COOK STREET FROM SPRAGUE AVENUE TO RIVERSIDE AVENUE****Engineering Services File No. 2012049**

This project consists of the construction of approximately 1,160-cubic yards of excavation and embankment, 4-drainage structures, 725-square yards of 4-inch thick concrete sidewalk, 136-square yards of 6-inch thick concrete driveways, 1,260-linear feet of concrete curb and gutter, 280-ft of concrete curb wall, 3,267-square yards of 4-inch thick hot-mix asphalt (HMA) pavement over 6-inches of crushed rock, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., June 17, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: May 29, June 5 and 12, 2013

CALL FOR BIDS**NEBRASKA AVENUE FROM LINCOLN STREET TO POST STREET****Engineering Services File No. 2012059**

This project consists of the construction of approximately 340-cubic yards of excavation and embankment, 3-drainage structure, 280-square yards of 4-inch thick concrete sidewalk, 84-square yards of 6-inch thick concrete driveways, 125-linear feet of concrete curb, 50-linear feet of concrete curb and gutter, 1,000-square yards of 3-inch thick hot-mix asphalt (HMA) pavement, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., June 17, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: May 29, June 5 and 12, 2013

CALL FOR BIDS

SHILOH HILLS ELEMENTARY SIDEWALKS

Engineering Services File No. 2012135

This project consists of the construction of approximately 720 linear feet of concrete curb, 1,000 square yards of concrete sidewalk, concrete curb and sidewalk removal, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., June 17, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act,

hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: May 29, June 5 and 12, 2013

Notice for Bids

Supplies, Equipment, Maintenance, etc.

REQUEST FOR PROPOSALS

NORTH DIVISION STREET ADAPTIVE SIGNAL CONTROL SYSTEM PROCUREMENT AND INTEGRATION City of Spokane Street Department

RFP #3941-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, JUNE 17, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for North Division Street Adaptive Signal Control System Procurement and Integration for the City of Spokane Street Department.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, June 17, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **"RFP #3941-13, NORTH DIVISION STREET ADAPTIVE SIGNAL CONTROL SYSTEM PROCUREMENT AND INTEGRATION, DUE 6/17/13"**.

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: June 5 and 12, 2013

SAND & GRAVEL
Multiple Departments

BID #3944-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, JUNE 24, 2013** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **SAND & GRAVEL** for the City of Spokane.

Detailed specifications and proposal forms are available from the City of Spokane Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Bid proposal forms may be submitted to City Purchasing **until 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original to:

Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **"SAND & GRAVEL, BID #3944-13 DUE 6/24/13"**.

Thea Prince
Purchasing Division

Publish: June 12 and 19, 2013

REQUEST FOR PROPOSALS

POLICE/YOUTH INTERACTION TRAINING
City of Spokane Police Department

RFP #3945-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, JULY 1, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for Police/Youth Interaction Training for the City of Spokane Police Department.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, July 1, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **“RFP #3945-13, POLICE/YOUTH INTERACTION TRAINING, DUE 7/1/13”**.

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: June 12 and 19, 2013

HIGH VELOCITY SEWER CLEANER JET-RODDER BODY
Fleet Services Department

BID #3948-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, JUNE 17, 2013** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **ONE (1) HIGH VELOCITY SEWER CLEANER JET RODDER BODY** for the City of Spokane Fleet Services Department.

Detailed specifications and proposal forms are available from the City of Spokane Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Bid proposal forms may be submitted to City Purchasing **until 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original to:

Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **“HIGH VELOCITY SEWER CLEANER JET RODDER BODY, BID #3948-13 DUE 6/17/13”**.

Thea Prince
Purchasing Division

Publish: June 5 and 12, 2013

RETREAD TIRES AND TIRE RELATED SERVICES
Fleet Services Department

BID #3949-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, JUNE 24, 2013** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **RETREAD TIRES AND TIRE RELATED SERVICES** for the City of Spokane Fleet Services Department.

Detailed specifications and proposal forms are available from the City of Spokane Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Bid proposal forms may be submitted to City Purchasing **until 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original to:

Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **“RETREAD TIRES AND TIRE RELATED SERVICES, BID #3949-13 DUE 6/24/13”**.

Thea Prince
Purchasing Division

Publish: June 12 and 19, 2013

BACKFLOW PREVENTION DEVICES
Water & Hydro Electric Services Department

BID #3950-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, JUNE 24, 2013** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **BACKFLOW PREVENTION DEVICES** for the City of Spokane Water & Hydroelectric Services Department.

Detailed specifications and proposal forms are available from the City of Spokane Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Bid proposal forms may be submitted to City Purchasing **until 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original to:

Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **“BACKFLOW PREVENTION DEVICES, BID #3950-13 DUE 6/24/13”**.

Thea Prince
Purchasing Division

Publish: June 12 and 19, 2013



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 103

JUNE 12, 2013

Issue 24—Part II of II



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

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The Official Gazette

(USPS 403-480)

Published by Authority of City Charter Section 39

The Official Gazette is published weekly by the Office of the City Clerk
5th Floor, Municipal Building, Spokane, WA 99201-3342

Official Gazette Archive:

<http://www.spokanecity.org/services/documents>

To receive the Official Gazette by e-mail, send your request to:
clerks@spokanecity.org

INSIDE THIS ISSUE

ORDINANCES 662

CONTINUED FROM PART I

OF THIS ISSUE

The Official Gazette

USPS 403-480

0% Advertising

Periodical postage paid at
Spokane, WA**POSTMASTER:****Send address changes to:**Official Gazette
Office of the Spokane City Clerk
808 W. Spokane Falls Blvd.
5th Floor Municipal Bldg.
Spokane, WA 99201-3342**Subscription Rates:**

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Address Change:Official Gazette
Office of Spokane City Clerk
808 W. Spokane Falls Blvd.
5th Floor Municipal Bldg.
Spokane, WA 99201-3342

Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORDINANCE NO. C34987

A permanent ordinance relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC sections 17A.020.010, 17A.020.060, 17A.020.180, 17A.020.190, 17C.305.010, and 17C.305.020; adopting a new SMC section 17C.305.030 to chapter 17C.305 of the Spokane Municipal Code; and adopting a new section 17C.210.100 to chapter 17C.210 of the Spokane Municipal Code.

WHEREAS, adult businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, there is convincing documented evidence that adult businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, see, e.g., *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), dismissed for want of a substantial federal question, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007) (upholding ban on sexual novelty devices); *Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10th Cir. 2003) ("On its face, the Ordinance applies to all 'sexually oriented businesses,' which include establishments such as 'adult motels' and 'adult novelty stores,' which are not engaged in expressive activity."); and

WHEREAS, there is documented evidence of adult sexually oriented businesses, including adult bookstores and adult video stores, manipulating their inventory and/or business practices to avoid regulation while retaining their essentially "adult" nature, see, e.g., *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that "the non-adult video selections appeared old and several of its display cases were covered with cobwebs"); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding "plaintiff's argument that it is not an adult entertainment establishment frivolous at best"); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that "the accuracy and credibility" of the evidence on inventory in a Lion's Den was suspect, and that testimony was "less than candid" and "suggested an intention to obscure the actual amount of sexually explicit material sold"); and

WHEREAS, the manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishments is a sexually oriented business, see, e.g., *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6th Cir. 2009) ("A prominent display advertising an establishment as an 'adult store,' moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials."); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) ("[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such."); see also *Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995) (rejecting First Amendment challenge to statute which used the phrase "holding out" to identify conduct indicative of the practice of public accountancy, and that triggered regulations applicable to such business but did not ban any speech); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010) (O'Scannlain, J., concurring) (concluding that whether an entity "holds itself out" as religious is a neutral factor and that factor helps to ensure that the entity is a bona fide religious entity); and

WHEREAS, the City intends to regulate such businesses as adult businesses through a narrowly tailored ordinance designed to serve the substantial government interest of preventing the negative secondary effects of adult businesses; and

WHEREAS, sexual devices and other sex paraphernalia are often featured in establishments commonly known as adult bookstores and adult video stores, making voluminous reports concerning negative secondary effects of adult bookstores and adult video stores both a rational and substantial basis for the legislative determination to regulate the location of sex paraphernalia stores; and

WHEREAS, any sex paraphernalia stores in enclosed regional shopping malls do not present the same concerns as such stores in other commercial environments, as such stores in enclosed regional shopping malls do not have direct exterior entrances to or from the stores, have shorter hours of operation because of the mall's operating requirements, typically do not have signage or visibility outside of the mall, are on very large parcels with substantial exterior parking lots that buffer the store from surrounding land uses, and are patrolled by security personnel who monitor the mall interior and its surrounding parking lot;

WHEREAS, the City's regulations shall be narrowly construed to accomplish its goal of preventing negative secondary effects; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Washington Constitution, the Revised Code of Washington, and the Washington Rules of Civil Procedure and Washington Rules of Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Washington Constitution, but to enact legislation to further the content-neutral governmental interests of the City, to wit, the controlling of secondary effects of sexually oriented adult businesses; and

WHEREAS, substantial evidence has been brought forward concerning the existence of secondary effects from the operation of adult businesses in proximity to residential neighborhoods, and that such secondary effects have been ongoing for many years; and

WHEREAS, Ordinance C34963 was adopted March 4, 2013 on an interim basis, and on May 6, 2013, extended the effective period for the interim ordinance for an additional sixty days; and

WHEREAS, the Spokane Plan Commission recommended adoption of C34963 on a permanent basis following its April 25, 2013 public hearing, for which notice was properly published and relevant owners were notified; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17A.020.010 is amended to read as follows:

17A.020.010 "A" Definitions

A. Abandoned Sign Structure.

A sign structure where no sign has been in place for a continuous period of at least six months.

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "mother-in-law apartments,"
2. "accessory apartments," or
3. "second units."

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. garages,
 - b. decks,
 - c. fences,
 - d. trellises,
 - e. flagpoles,
 - f. stairways,
 - g. heat pumps,
 - h. awnings, and
 - i. other structures.
3. See also SMC 17A.020.160 ("Primary Structure").

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in SMC 17A.020.190, or "specified sexual activities," as defined in SMC 17A.020.190. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
 - a. at least thirty percent of the establishment's displayed merchandise consists of said items; or
 - b. at least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
 - c. at least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. the establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or

- e. the establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- f. the establishment regularly offers for sale or rental at least two thousand of said items; or
- g. the establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.

- 2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An "adult bookstore or adult video store," an "adult entertainment establishment," or a "sex paraphernalia store."

K. ((L)) Adult Entertainment Establishment.

- 1. An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to "specified sexual activities" as defined in SMC 17A.020.190 or "specified anatomical areas" as defined in SMC 17A.020.190 for observation by patrons therein.
- 2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- 3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. ((J)) Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

((K. Adult-oriented Merchandise.

Any goods, products, commodities, or other ware, including, but not limited to, videos, CD ROMs, DVDs, computer disks, or other storage devices, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which depict, describe, or simulate "specified anatomical area," as defined in SMC 17A.020.190, or "specified sexual activities," as defined in SMC 17A.020.190.))

((L. An "adult retail use establishment" is an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise." For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, or transfer of such adult-oriented merchandise is clearly material to the economic viability of the business. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the business if adult-oriented merchandise accounts for:

- 1. thirty percent or more of the retail dollar value of gross sales over any quarterly period,
- 2. thirty percent or more of the floor area of the store open to the public,
- 3. thirty percent or more of the retail dollar value of all merchandise displayed in the store,
- 4. thirty percent or more of the store's inventory (whether measured by retail dollar value or number of items), or
- 5. thirty percent or more of the store's stock in trade.

In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.))

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

- 1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:

- a. producing, breeding, or increasing agricultural products;
- b. rotating and changing agricultural crops;
- c. allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
- d. allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
- e. allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
- f. conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
- g. maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
- h. maintaining agricultural lands under production or cultivation.

2. The City of Spokane shoreline master program defines agriculture activities as:

- a. ~~((3-))~~ low-intensity agricultural use is defined as passive grazing and plant cultivation; or
- b. ~~((4-))~~ high-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for "all known, available, and reasonable methods to control toxicants" as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. Alley.

See "Public Way" (SMC 17A.020.160).

S. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. ~~((1-))~~ Changes to the facade of a building.
 - b. ~~((2-))~~ Changes to the interior of a building.
 - c. ~~((3-))~~ Increases or decreases in floor area of a building; or
 - d. ~~((4-))~~ Changes to other structures on the site, or the development of new structures.

T. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to SMC 17G.080.030.

U. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

V. Alternative Tower Structure ("Stealth" Technology).

Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also "Low Visual Impact Facility" – SMC 17A.020.120).

W. Antenna Array (Wireless Communication Antenna Array).

1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

X. Antenna Height.

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

Y. Antenna Support Structure.

Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Z. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

AA. Appeal.

A request for review of the interpretation of any provision of Title 17 SMC.

AB. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. the land use decision has prejudiced or is likely to prejudice that person;
 - b. that person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. a judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. the petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

AC. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;

7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

AD. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC 17G.060.090.

AE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

AF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

AG. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

AH. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of SMC 17E.050.260.

AI. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

AJ. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

AK. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

AL. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

AM. Arterial.

See:

1. "Principal Arterials" – SMC 17A.020.160,
2. "Minor Arterials" – SMC 17A.020.130,
3. "Collector Arterial" – SMC 17A.020.030, or
4. "Parkway" – SMC 17A.020.160.

AN. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

AO. Attached Housing.

Two or more dwelling units attached by a common wall at a shared property line. These include:

1. townhouses,
2. row houses, and
3. other similar structures

that are single-family residences on individual lots, sharing a common wall at a shared property line.

AP. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

AQ. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

AR. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

Section 2. That SMC section 17A.020.060 is amended to read as follows:

17A.020.060 "F" Definitions**A. Facade.**

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. the action provides a reasonable likelihood of achieving its intended purpose; and
 - c. the action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. ((H.)) Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. ((I.)) Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. ((J.)) Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. ~~((K.))~~ Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. ~~((L.))~~ Flag.

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."

N. ~~((M.))~~ Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. ~~((N.))~~ Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. ~~((O.))~~ Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. ~~((P.))~~ Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

R. ~~((Q.))~~ Flood-proofing.

Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

S. ~~((R.))~~ Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

T. ~~((S.))~~ Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.

5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. ~~((T.))~~ Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

V. ~~((U.))~~ Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

W. ~~((V.))~~ Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

X. ~~((W.))~~ Freestanding Sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

Y. ~~((X.))~~ Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 3. That SMC section 17A.020.180 is amended to read as follows:

17A.020.180 "R" Definitions

A. RCW.

The Revised Code of Washington, as amended.

B. Real Estate Sign.

A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent.

C. Reasonable Cause.

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.

D. Reconsideration – Request For.

A request to the appeal body to consider again or reverse the decision on the permit application.

E. Recreational Vehicle.

A vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

F. Recycling Drop-off Center.

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.

4. Use by commercial or industrial establishments is not included.
5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

G. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted, or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

H. Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

I. Regional Shopping Mall – Enclosed.

A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

J. ((I-)) Registered Neighborhood Organization.

A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. Represents a specifically designated geographic area;
2. Is governed by bylaws and has elected officers; and
3. Has registered as such with the City and is on the current list of registered neighborhood organizations.

K. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

L. ((J-)) Regulated Substance.

A critical material as referred to in 42 U.S.C. 6991(2).

M. ((K-)) Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

N. ((L-)) Repair (see also “Maintenance”).

An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

O. ((M-)) Reservoir.

A body of water collected and stored in an artificial pool that is intended for future use.

P. ((N-)) Residential Zone.

Those zones from RA through RHD.

Q. ((O-)) Responsible Party.

A person who is either:

1. The property owner or person authorized to act on the owner’s behalf; or
2. Any person causing or contributing to a violation of this chapter.

R. ((P-)) Restoration.

See "Compensatory Mitigation" (SMC 17A.020.030).

S. ((Q-)) Revetment.

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

T. ((R-)) Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:

- a. freeways,
- b. streets,
- c. bike paths,
- d. alleys, and
- e. walkways.

2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

U. ((S-)) Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

V. ((T-)) Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

W. ((U-)) Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

X. ((V-)) Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

Y. ((W-)) River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Z. ((X-)) Riverine.

Situated alongside or associated with a river.

AA. ~~((Y.))~~ Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as "streets." Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as "roads."
2. Within the context of this code, "roadway" refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter 17D.050 SMC.

AB. ~~((Z.))~~ Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

AC. ~~((AA.))~~ Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

AD. ~~((AB.))~~ Rockfall.

The falling of rocks from near vertical cliffs.

AE. ~~((AC.))~~ Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

AF. ~~((AD.))~~ Roof Top Sign.

A sign on a roof that has a pitch of less than one-to-four.

AG. ~~((AE.))~~ Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

AH. ~~((AF.))~~ Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

AI. ~~((AG.))~~ Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 4. That SMC section 17A.020.190 is amended to read as follows:

17A.020.190 "S" Definitions**A. *Salmonid.***

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

B. Sandwich Board Sign.

A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

- F. Sediment.
Mineral or organic matter deposited as a result of erosion.
- G. Sedimentation.
The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.
- H. SEPA Rules.
Chapter 197-11 WAC adopted by the department of ecology.
- I. Service Area.
A geographic area defined by the City, which encompasses public facilities that are part of a plan.
- J. Serviceable.
Means presently useable.
- K. Setback.
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:
1. "Front setback" means a setback that is measured from a front lot line.
 2. "Rear setback" means a setback that is measured from a rear lot line.
 3. "Side setback" means a setback that is measured from a side lot line.
 4. "Street setback" means a setback that is measured from a street lot line.
- L. Sex Paraphernalia Store.
A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:
1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
 2. Any establishment located within an enclosed regional shopping mall.
- M. Sexual Device.
Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- N. ~~((L.))~~ Shall.
Unless the context indicates otherwise, the term "shall" means:
1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
 2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
 3. The future tense of the verb "to be."
- O. ~~((M.))~~ Shallow Groundwater.
Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.
- P. ~~((N.))~~ Shorelands.
Or "shoreline areas" or "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from

the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

Q. ~~((Q-))~~ Shoreline and Ecosystems Enhancement Plan and Program.
See SMC 17E.020.090, Habitat Management Plans.

R. ~~((P-))~~ Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term "buffer area" has the same meaning as "buffer."

S. ~~((Q-))~~ Shoreline Enhancement.
Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

T. ~~((R-))~~ Shoreline Environment Designations.
The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

U. ~~((S-))~~ Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Projects may include shoreline modification actions such as:
 - a. modification of vegetation,
 - b. removal of nonnative or invasive plants,
 - c. shoreline stabilization, dredging, and filling,

provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

V. ~~((T-))~~ Shoreline Jurisdiction.
See "Shorelands."

W. ~~((U-))~~ Shoreline Letter of Exemption.
Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

X. ~~((V-))~~ Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
 - a. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
 - b. Shoreline Regulations (chapter 17E.060 SMC),
 - c. City of Spokane Shoreline Restoration Plan (stand ~~((along))~~ alone document), and
 - d. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Y. ~~((W-))~~ Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

Z. ~~((X-))~~ Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AA. ~~((Y-))~~ Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AB. ~~((Z-))~~ Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

AC. ~~((AA-))~~ Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AD. ~~((AB-))~~ Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AE. ~~((AC-))~~ Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AF. ~~((AD-))~~ Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AG. ~~((AE-))~~ Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AH. ~~((AF-))~~ Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AI. ~~((AG-))~~ Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AJ. ~~((AH-))~~ Sign.

1. Materials placed or constructed, or light projected, that:
 - a. conveys a message or image, and
 - b. is used to inform or attract the attention of the publicbut not including any lawful display of merchandise.
2. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.
3. The scope of the term sign does not depend on the content of the message or image conveyed.

AK. ~~((AL-))~~ Sign – Animated Sign.

A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

AL. ~~((AJ-))~~ Sign – Electronic Message Center Sign.

An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

AM. ~~((AK-))~~ Sign Face.

The portion of a sign which contains lettering, logo, trademark, or other graphic representations. (See SMC 17C.240.140, Sign Face Area.)

AN. ~~((AL-))~~ Sign – Flashing Sign.

1. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
2. Time and temperature signs are excluded from this definition.
3. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.240(J) shall not be considered flashing signs.

AO. ~~((AM-))~~ Sign Maintenance.

Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

AP. ~~((AN-))~~ Sign – Off-premises.

A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.

AQ. ~~((AO-))~~ Sign Repair.

Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

AR. ~~((AP-))~~ Sign Structure.

A structure specifically intended for supporting or containing a sign.

AS. ~~((AQ-))~~ Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AT. ~~((AR.))~~ Single-family Residential Building.
A dwelling containing only one dwelling unit.

AU. ~~((AS.))~~ Single-room Occupancy Housing (SRO).
A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AV. ~~((AT.))~~ Site.
Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AW. ~~((AU.))~~ Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
 - a. location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AX. ~~((AV.))~~ Slump.
The intermittent movement (slip) of a mass of earth or rock along a curved plane.

AY. ~~((AW.))~~ SMC.
The Spokane Municipal Code, as amended.

AZ. ~~((AX.))~~ Soil.
The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BA. ~~((AY.))~~ Sound Contours.
A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BB. ~~((AZ.))~~ Sound Transmission Class (STC).
A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BC. ~~((BA.))~~ Special Drainage District (SDD).
An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

BD. ~~((BB.))~~ Special Event Sign.
A temporary sign used to announce a circus, a carnival, festivals, or other similar events.

BE. ~~((BC.))~~ Species of Concern.
Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BF. ~~((BD.))~~ Specified Anatomical Areas.
They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

BG. ~~((BE.))~~ Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BH. ~~((BF.))~~ Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BI. ~~((BG.))~~ Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the city and county.

BJ. ~~((BH.))~~ Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BK. ~~((BL.))~~ Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BL. ~~((BJ.))~~ Standard Plans.

Refers to the City of Spokane's standard plans.

BM. ~~((BK.))~~ Standard References.

Standard engineering and design references identified in SMC 17D.060.030.

BN. ~~((BL.))~~ State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

BO. ~~((BM.))~~ State Endangered Species.

Any wildlife species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

BP. ~~((BN.))~~ State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

BQ. ~~((BO.))~~ State Sensitive Species.

Any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

BR. ~~((BP.))~~ State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

BS. ~~((BQ.))~~ Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

BT. ~~((BR.))~~ Stewardship.

Acting as supervisor or manager of the city and county's historic properties.

BU. ~~((BS.))~~ Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

BV. ~~((BT.))~~ Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

BW. ~~((BU.))~~ Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. six feet above grade for more than half of the total perimeter, or
 - b. twelve feet above grade at any point.

BX. ~~((BV.))~~ Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

BY. ~~((BW.))~~ Street.

See "Public Way" (SMC 17A.020.160).

BZ. ~~((BX.))~~ Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

CA. ~~((BY.))~~ Street Frontage.

The lot line abutting a street.

CB. ~~((BZ.))~~ Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

CC.((CA-)) Structural Alteration.

1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.
2. Changes in structural materials; or
3. Replacement of electrical components with other than comparable materials.
4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.
5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

CD.((CB-)) Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. buildings,
 - b. decks,
 - c. fences,
 - d. towers,
 - e. flag poles,
 - f. signs, and
 - g. other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.

CE.((CC-)) Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

CF.((CD-)) Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

CG.((CE-)) Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

CH.((CF-)) Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

CI.((CG-)) Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

CJ.((CH-)) Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

CK.((CI-)) Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

CL.((CJ-)) Substantial Improvement – Floodplain.

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

- a. before the improvement or repair is started, or
 - b. if the structure has been damaged and is being restored, before the damage occurred.
2. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
 3. The term does not, however, include either any:
 - a. project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

CM.((CK-)) Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050.020(C).

Section 5. That SMC section 17C.305.010 is amended to read as follows:

17C.305.010 Purpose, Findings and Rationale

~~((Adult businesses including adult retail use and entertainment establishments create adverse secondary effects including health, safety, economic and aesthetic impacts upon neighboring properties and the community as a whole. These standards are intended to address the anticipated effect on the community with respect to the location of these facilities and reduce some of the unwanted effects experienced by the community surrounding the adult retail use and entertainment establishments. Adult business establishments, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, daycare centers, religious facilities, public parks, and schools, thereby having a deleterious impact upon the quality of life in the surrounding areas.))~~

A. Purpose.

It is the purpose of this section to regulate adult businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

B. Basis of Findings.

The city council findings are based on:

1. Evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and
2. Findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *World Wide Video of Washington, Inc. v. City of Spokane*, 103 P.3d 1265 (Wash. App. 2005); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); 84 *Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo*

Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Patterson v. City of Grand Forks, Case No. 18-2012-CV-00742 (Grand Forks Cty. Dist. Ct. Nov. 1, 2012); Enlightened Reading, Inc. v. Jackson County, 2009 WL 792492 (W.D. Mo. Mar. 24, 2009); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Johnson v. California State Bd. of Accountancy, 72 F.3d 1427 (9th Cir. 1995); Spencer v. World Vision, Inc., 633 F.3d 723 (9th Cir. 2010); Plaza Group Props., LLC, v. Spencer County, 911 N.E.2d 1264 (Ind. App. 2009); and

3. Reports concerning secondary effects occurring in and around adult businesses, including, but not limited to, Austin, Texas–1986; Indianapolis, Indiana–1984; Garden Grove, California–1991; Houston, Texas–1983, 1997; Phoenix, Arizona–1979, 1995-98; Tucson, Arizona–1990; Chattanooga, Tennessee–1999-2003; Los Angeles, California–1977; Whittier, California–1978; Spokane, Washington–2001; St. Cloud, Minnesota–1994; Littleton, Colorado–2004; Oklahoma City, Oklahoma–1986; Dallas, Texas–1997; Ft. Worth, Texas–2004; Kennedale, Texas–2005; Greensboro, North Carolina–2003; Amarillo, Texas–1977; Jackson County, Missouri–2008; Louisville, Kentucky–2004; New York, New York Times Square–1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas–2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and various data and articles documenting robbery and other crimes at retail adult establishments.

C. Findings and Rationale.

The city council finds:

1. Adult businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, noise, traffic, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this section, exists independent of any comparative analysis between adult and non-adult businesses. Additionally, the City's interest in regulating adult businesses extends to preventing future secondary effects of either current or future adult businesses that may locate in the City. The City finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
4. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult businesses, including the judicial opinions and reports related to such secondary effects.

Section 6. That SMC section 17C.305.020 is amended to read as follows:

17C.305.020 Use Standards

An adult (~~retail use establishment or adult entertainment establishment~~) business must be located on property of sufficient size and frontage to contain the establishment together with off-street parking, driveways, building setbacks and landscaping as required by this chapter and, further, the location must meet the following requirements.

- A. An (~~retail use establishment or adult entertainment establishment~~) business may not be located or maintained within seven hundred fifty feet, measured from the nearest property line of the adult (~~retail use establishment or adult entertainment establishment~~) business to the nearest property line of any of the following preexisting uses located inside or outside of the City of Spokane:
1. Public library.
 2. Public playgrounds or park.
 3. Public or private school and its grounds, from kindergarten to twelfth grade.
 4. Nursery school, mini-daycare center or daycare center.
 5. Church, convent, monastery, synagogue, or other place of religious worship.
 6. Another adult (~~retail use establishment or adult entertainment establishment~~) business, subject to the provisions of this section.
- B. An adult (~~retail use establishment or adult entertainment establishment~~) business may not be located within seven hundred fifty feet of any of the following zones located within the City of Spokane:
1. RA – Residential Agriculture.
 2. RSF – Residential Single Family.
 3. RTF – Residential Two Family.
 4. RMF – Residential Multifamily.
 5. RHD – Residential High Density.
 6. O – Office Zone.
 7. OR – Office Retail.
- C. An adult (~~retail use establishment or adult entertainment establishment~~) business may not be located within seven hundred fifty feet of any zone in any other jurisdiction abutting the City of Spokane that has listed in their zoning ordinance a residential zone separation standard similar to subsection (B) of this section. Currently, adult (~~retail use establishment or adult entertainment establishment~~) businesses must locate at least seven hundred fifty feet from the following Spokane County zones:
1. Rural Residential-10 – RR-10.
 2. Semi-rural Residential-5 – SRR-5.
 3. Semi-rural Residential-2 – SRR-2.
 4. Suburban Residential-1 – SR-1.
 5. Suburban Residential-1/2 – SR-1/2.
 6. Urban Residential-3.5 – UR-3.5.
 7. Urban Residential-7 – UR-7.
 8. Urban Residential-12 – UR-12.
 9. Urban Residential-22 – UR-22.
 10. Rural Settlement – RS.
- D. Hours of Operation.
An adult (~~retail use establishment or adult entertainment establishment~~) business may not be operated or otherwise open to the public between the hours of two a.m. and ten a.m.

Section 7. That there is adopted a new SMC section 17C.305.030 to read as follows:

17C.305.030 Enforcement

- A. In addition to any penalties, sanctions, enforcement or remedies available to the City under SMC 17I.010.010, the following shall apply to violations of this chapter 17C.305.
1. Any premises, building, dwelling, or other structure in which an adult business is repeatedly operated or maintained in violation of this chapter 17C.305 SMC shall constitute a recurring public nuisance and shall be subject to civil abatement proceedings in a court of competent jurisdiction.
 2. For purposes of this section, "repeatedly operated or maintained in violation" shall mean operating in violation of this chapter 17C.305 SMC during three or more months within a one year period dating from the time of any violation, provided that the City shall not be required to prove that the business operated in violation of this chapter on every day of the three or more months.
 3. If an adult business is declared by a court to be a recurring public nuisance pursuant to this section, the person or entity found to be operating the recurring public nuisance, and any entity controlled by said person or entity or any principal thereof, shall be prohibited from operating any business at the nuisance location for a period of three years from the date of the court's declaration.
- B. The City's legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this chapter 17C.305 SMC to abate, enjoin, prosecute, restrain, or correct any violations of same. Such proceedings shall be brought in the name of the City, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this section, or any of the laws in force in the City or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

Section 8. That there is adopted a new SMC section 17C.210.100 to read as follows:

17C.210.100 Nonconforming Adult Businesses

- A. An adult business that does not meet the standards set forth in SMC 17C.305.020(A) through SMC 17C.305.020(C) is a nonconforming adult business use. A nonconforming adult business use may continue to operate for twelve months following the effective date of this section in order to make a reasonable recoupment of its investment in its current location, but only if the nonconforming adult business use was lawfully existing in all respects under law prior to the effective date of this section SMC 17C.210.100. At the conclusion of the twelve months, such nonconforming adult business use shall be unlawful, unless the nonconforming adult business use applies for and obtains an extension of the twelve-month period by clearly demonstrating an extreme economic hardship ("hardship extension") based upon an irreversible financial investment or commitment made in an arms-length transaction completed prior to the date this section became effective. A demonstration of extreme economic hardship requires the business to show that the subject property cannot be put to any reasonable alternative use. An application for a hardship extension shall be made at least sixty days before the conclusion of the aforementioned twelve-month period.
- B. Procedure for seeking hardship extension. An application for a hardship extension shall be filed in writing with the planning director, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten days after receiving the application, the planning director shall forward the application and attendant materials to the hearing examiner, and shall schedule a public hearing on the application before the hearing examiner, which public hearing shall be conducted within thirty days after the planning director's receipt of the application. Notice of the time and place of such public hearing shall be published at least ten days before the hearing in a newspaper of general circulation published within the City, and shall identify the particular location for which the hardship extension is requested. The planning director may respond in writing to the application, provided that said response is submitted to the hearing examiner at least five days before the hearing. At the hearing, the parties shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the other party's witnesses. The formal rules of evidence shall not apply. The hearing shall take no longer than two days, unless extended at the request of the applicant to meet the requirements of due process and proper administration of justice.
- C. The hearing examiner shall issue a written decision within ten days after the public hearing on the application for a hardship extension. The hardship extension shall be granted only upon the hearing examiner's determination that the applicant has made the required showing of an extreme economic hardship as required in subsection (A) above, and shall be limited in duration to the shortest time necessary to make a reasonable, though not necessarily complete, recoupment of investment.

Section 9. Severability. If any provision of this ordinance or its application to any person, entity or circumstances is for any reason held invalid, the remainder of the ordinance or the application of the provisions to other persons, entities or circumstances, is not affected.

PASSED by the City Council on June 3, 2013.

(Delivered to the Mayor on the 4th day of June 2013.)
