

ORDINANCE NO _____

An ordinance relating to Building Moving and Relocation; amending SMC sections 10.26.010, 10.26.020, 10.26.030, 10.26.040, 10.26.070, 10.28.020, 10.28.040, 10.28.050, 10.28.070, 10.28.080

The City of Spokane does ordain:

Section 1. That SMC section 10.26.010 is amended to read as follows:

Section 10.26.010 Relocation Permit Required

A. A person needs a relocation permit issued by the ~~((building services department))~~ development services center to relocate or place a building or structure upon any property in the City.

B. The applicant must be either the owner of the building or a state-registered contractor.

C. The relocation permit is in addition to the building moving permit and the street obstruction permit as provided in SMC 17G.010.210(B) and (D) and chapter 12.02 SMC. While the moving and street obstruction permits are class III licenses under chapter 4.04 SMC, the relocation permit is a species of building permit.

Section 2. That SMC section 10.26.020 is amended to read as follows:

Section 10.26.020 Condition of Building

A. The ~~((director of building services))~~ building official inspects the building to determine whether it complies with the current building code.

B. If the building does not meet current code, the ~~((director))~~ building official either denies the relocation permit application or conditions the permit on rehabilitation, repair or alteration.

All work of rehabilitation, repair or alteration required by a relocation permit is subject to the normal permit requirements of Title ~~((44))~~ 17 SMC.

Section 3. That SMC section 10.26.030 is amended to read as follows:

Section 10.26.030 Compliance with Zoning

A. The ~~((director of building services))~~ building official inspects the site to which the building is to be moved and determines whether the relocated building would comply with the zoning code and all other applicable provisions of Title ~~44~~17 SMC.

1. If some approval, such as special permit from the hearing examiner, is required, the ~~((director))~~ building official may make such approval a precondition to the issuance of the relocation permit.

Section 4. That SMC section 10.26.040 is amended to read as follows:

Section 10.26.040 Conditions of Permit

- A. The ~~((director of building services))~~ building official imposes such conditions on the relocation permit as are reasonable and necessary to assure code compliance and promote the general welfare.
- B. Such conditions may include that all work in connection with the required rehabilitation, repair or alteration be completed within a certain time and that the owner of the building post a bond to secure the completion of such work.

Section 5. That SMC section 10.26.060 is amended to read as follows:

Section 10.26.060 Default

- A. If a default in the conditions of the permit is not timely cured, the building official applies the bond to either complete the work required to satisfy the permit conditions or demolish and remove the building, taking into account the standards and criteria contained in chapter ~~((44.44))~~ 17F.070 SMC.
- B. After paying the costs of the work of completion or demolition, the building official retains twenty-five percent of the costs by way of reimbursement of administrative expense. Any money remaining is returned to the person who paid on the bond.

Section 6. That SMC section 10.26.070 is amended to read as follows:

Section 10.26.070 Building Moving – Additional Provisions

- A. Notwithstanding and in addition to the provisions of chapter 4.04 SMC, chapter 12.02 SMC and chapter 17G.010 SMC with respect to the permits for relocating a building, moving a building and obstructing a street, the moving of the building is subject to the further provisions of this section.
- B. The building official coordinates review and comment on the proposal among the City departments of police, development services center, engineering services, street, and among all utility companies having lines or other facilities along the proposed route.

- C. Before the moving permit is issued the building official incorporates, by endorsement or attachment, a written description of the approved route and the time and date of the move. At least fifteen days before the move the applicant must sign the permit thereby agreeing to:
1. the route and time frame;
 2. notifying the police department, the street department and affected utilities at least twenty-four hours in advance of the move; and
 3. reimburse the affected departments and utility companies for the actual costs of inspections, moving lines or otherwise enabling the move.

When the holder of a building moving permit gives notice as provided in this section, every owner of utility facilities is required to raise, remove and replace, bypass or take other reasonable action regarding such facilities to accommodate the moving of the building.

Section 7. That SMC section 10.28.020 is amended to read as follows:

Section 10.28.020 – License Class

Sidewalk café licenses are Class III E licenses and are subject to SMC Chapter 04.04.

Section 8. That SMC section 10.28.040 is amended to read as follows:

Section 10.28.040 – Application

- A. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
 2. Whether any liquor as defined in RCW 66.04.010(~~((6))~~) will be sold or consumed in the area to be covered by the permit.
- B. At the time of application the city engineer shall set a time (~~((and place))~~) for an administrative hearing at before which the public may offer objections to the issuance of the license.

Section 9. That SMC section 10.28.050 is amended to read as follows:

Section 10.28.050 – Notice to Abutting Property Owners

- A. The applicant shall mail or serve a notice stating the:
1. Nature of the application;
 2. Sidewalk area sought to be used; and
 3. Date, time and place at which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

- B. The city engineer shall prepare ~~((and post))~~ notices containing the aforesaid information ~~((upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection,))~~ and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

Section 10. That SMC section 10.28.070 is amended to read as follows:

Section 10.28.070 – Liquor Use and Sale

Liquor, as defined in RCW 66.04.010~~((16))~~, as now existing or hereafter amended, may be used and sold at a sidewalk café when authorized in both the use permit provided for herein and by permit of the Washington State liquor control board, and not otherwise.

Section 11. That SMC section 10.28.080 is amended to read as follows:

Section 10.28.080 – Insurance Required

An applicant for a permit for a sidewalk café shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in the amount specified by SMC ~~((7.02.070))~~ 12.02.0718 to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk café purposes, naming the City as an additional insured.

The City of Spokane does ordain:

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date