

**NOT EFFECTIVE – PENDING DEPARTMENT OF ECOLOGY APPROVAL**

ORDINANCE NO. C \_\_\_\_\_

An ordinance relating to land use violation penalties; amending SMC section 1.05.160; and setting an effective date.

The City of Spokane does ordain:

Section 1. That SMC section 1.05.160 is amended to read as follows:

**1.05.160 Penalty Schedule – Land Use Violation**

- A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class – General.
  - 1. Alarm installation or monitoring company failure to:
    - a. report new customers – [SMC 10.48.130](#): Class 1 violation;
    - b. provide customer list – [SMC 10.48.050](#): Class 1 violation.
  - 2. Occupy land or building without certificate of occupancy – IFC 105.3.3, [SMC 17G.010.100\(B\)](#): Class 2 violation.
- C. Infraction/Violation Class – Boiler Code.
  - 1. Failure to:
    - a. cause required inspections of boiler, pressure vessel – [SMC 17F.030.110](#): Class 2 violation;
    - b. report hazard – [SMC 10.29.021](#): Class 1 violation.
  - 2. Improper operation of boiler, pressure vessel – [SMC 17F.030.130](#): Class 1 violation.
  - 3. Leaving boiler room – [SMC 10.29.022](#): Class 2 violation.
  - 4. Operate without elevator operating permit – [SMC 17F.060.050](#): Class 1 violation.
  - 5. Operating boiler without license – [SMC 10.29.020](#): Class 1 violation.
- D. Infraction/Violation Class – Fire Code – International Fire Code (IFC).

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1. Continuance of hazard – IFC 107, IFC 110: Class 1 violation.
2. Failure to:
  - a. clean kitchen hoods, ducts – IFC 904.11.6.3: Class 2 violation;
  - b. flameproof decorative material – IFC 805, IFC 806: Class 2 violation;
  - c. properly maintain vacant building, property – IFC 311: Class 2 violation;
  - d. provide approved electronic monitoring for sprinkler and fire alarm systems – IFC 903.4, IFC 907.15: Class 2 violation;
  - e. provide exit signs – IFC 1011: Class 1 violation;
  - f. remove abandoned underground storage tank – IFC 3404.2.13.1.3: Class 1 violation.
3. Failure to install:
  - a. alarm system – IFC 901.4, [SMC 17F.080.100](#), [SMC 17F.080.150](#): Class 1 violation;
  - b. protection for kitchen hoods, ducts – IFC 901.4: Class 2 violation;
  - c. sprinkler system – IFC 901.4: Class 2 violation;
  - d. standpipe system – IFC 905.3: Class 2 violation.
4. Failure to maintain:
  - a. automatic extinguishing system – IFC 901.6: Class 2 violation;
  - b. fire assemblies for openings – IFC 703.2, IFC 704: Class 2 violation;
  - c. fire-resistive construction – IFC 703.1: Class 2 violation.
  - d. kitchen rangehood extinguishing system – IFC 901.6: Class 2 violation;
  - e. sprinkler system – IFC 901.6: Class 2 violation;

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- f. standpipe system – IFC 901.6: Class 2 violation;
- 5. Improper:
  - a. aboveground storage tank for motor fuel dispensing – Chapter 22 IFC: Class 1 violation;
  - b. storage/accumulation of rubbish, vegetation – IFC 304: Class 2 violation;
  - c. storage, display of aerosols – Chapter 28 IFC: Class 2 violation;
  - d. use of candles, open flame – IFC 308: Class 3 violation.
- 6. Noncompliance with condemnation tag – IFC 109.2.2: Class 1 violation.
- 7. Obstruction of:
  - a. exit – IFC 1003.6: Class 1 violation;
  - b. fire access road – IFC 503.4: Class 2 violation.
- 8. Release of hazardous material – IFC 2703.3: Class 1 violation.
- 9. Removal, destruction of tag, sign – IFC 109.2.4: Class 1 violation.
- 10. Storage, use, handling of miscellaneous combustible material – IFC 304: Class 2 violation.
- 11. Unauthorized:
  - a. storage of explosives – Chapter 33 IFC, Chapter 10.33A SMC: Class 2 violation;
  - b. use, handling, transportation of explosives – Chapter 33 IFC, Chapter 10.33A SMC: Class 1 violation.
- E. Infraction/Violation Class – Spokane Municipal Code.
  - 1. Accessory dwelling units:
    - a. Criteria – [SMC 17C.300.110](#): Class 2 violation;
    - b. General regulations – [SMC 17C.300.100](#): Class 2 violation.
  - 2. Accessory structures (residential) – [SMC 17C.110.225](#): Class 2 violation.

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3. Adult business – Use standards – [SMC 17C.305.020](#): Class 1 violation.
4. Animal keeping – Permitted/prohibited practices – [SMC 17C.310.100 through SMC 17C.310.160](#): Class 2 violation.
5. Approval permit violation – [SMC 17E.010.350\(B\)](#), [SMC 17E.010.540\(B\)](#): Class 2 violation.
6. Aquifer pollution nuisance declared by critical review officer – [SMC 17E.010.080](#): Class 2 violation.
7. Barbed wire fence – [SMC 11.12.020](#): Class 2 violation.
8. Bed and Breakfast:
  - a. monitoring – [SMC 17C.315.150](#): Class 2 violation;
  - b. use-related regulations – [SMC 17C.315.120](#): Class 2 violation.
9. Commercial use of residential street – [SMC 11.19.440](#): Class 3 violation.
10. Detached accessory structures – [SMC 17C.130.300](#): Class 1 violation.
11. Development standards (parking and loading residential) – [SMC 17C.230.145](#): Class 2 violation.
12. Drive-through facilities – [SMC 17C.325.030 through SMC 17C.325.060](#): Class 1 violation.
13. Electric fence – [SMC 11.12.030](#): Class 2 violation.
14. Failure to:
  - a. abide by terms, conditions of permit, license, approval – [SMC 17E.010.160\(C\)](#): Class 1 violation;
  - b. comply with order, decision of critical review officer – [SMC 17E.010.160\(B\)](#), [SMC 17E.010.350\(F\)](#), [SMC 17E.010.540\(F\)](#): Class 1 violation;
  - c. discharge responsibilities of occupant – [SMC 17F.070.390](#): Class 2 violation;
  - d. discharge responsibilities of owner – [SMC 17F.070.380](#): Class 2 violation;

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- e. provide fire protection system verification fees – [SMC 17F.080.260\(B\)](#): Class 2 violation;
  - f. provide semi-annual inspection of private hydrant – [SMC 17F.080.390](#): Class 2 violation;
  - g. remove political campaign sign on private property – [SMC 11.17.332](#): Class 4 violation;
  - h. secure fire-damaged building – [SMC 17F.080.280](#): Class 2 violation.
15. Failure to maintain:
- a. fire alarm system – [SMC 17F.080.250](#): Class 1 violation;
  - b. pedestrian strip – [SMC 12.01.0804](#): Class 2 violation;
  - c. private hydrant – [SMC 17F.080.420](#): Class 2 violation.
16. Fence, hedge, other improvement obstructing view at corner – [SMC 11.12.050](#): Class 1 violation.
17. Fences:
- a. Commercial – [SMC 17C.120.310](#): Class 1 violation;
  - b. Industrial – [SMC 17C.130.310](#): Class 1 violation;
  - c. Residential – [SMC 17C.110.230](#): Class 2 violation.
18. Fill unpermitted underground/aboveground storage tank – [SMC 17E.010.350\(C\)](#), [SMC 17E.010.540\(C\)](#): Class 2 violation.
19. Fire hazard from vegetation and debris – [SMC 10.08.040](#): Class 1 violation.
20. Glare (off-site impacts) – [SMC 17C.220.080](#): Class 1 violation.
21. Harboring excessive, prohibited animals – [SMC 17C.110.120](#): Class 2 violation.
22. Home occupations – [SMC 17C.340.100 through SMC 17C.340.110](#): Class 2 violation.

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23. Illegal off-premise sign – [SMC 11.17.310\(D\)](#): Class 1 violation.
24. Lack of basement sprinkler system in existing building – [SMC 17F.080.440](#): Class 2 violation.
25. Maintain underground storage tank without permit and approval tag – [SMC 17E.010.210\(A\)](#): Class 2 violation.
26. Outdoor activities not permitted:
  - a. [SMC 17C.130.270](#): Class 1 violation;
  - b. in commercial zones – [SMC 17C.120.270](#): Class 1 violation.
27. Poplar, cottonwood tree near utility line – [SMC 13.05.020](#): Class 2 violation.
28. Prohibited activities in:
  - a. fish and wildlife areas and buffers – [Chapter 17E.020 SMC](#): Class 1 violation;
  - b. geological hazard areas and buffers – [Chapter 17E.040 SMC](#): Class 1 violation;
  - c. wetlands and buffers – [Chapter 17E.070 SMC](#): Class 1 violation.
29. Screening – [SMC 17C.120.250](#): Class 1 violation.
30. Screening and impact abatement (landscaping) – [SMC 17C.200.070](#): Class 1 violation.
31. Sidewalk not clear of snow, ice – [SMC 12.02.010](#): Class 3 violation.
32. Sign in violation of:
  - a. shoreline regulations – [SMC 11.17.450 through SMC 11.17.480](#): Class 1 violation;
  - b. zoning – [SMC 11.17.335 through SMC 11.17.426](#): Class 2 violation.
33. Supply false, inaccurate, incomplete information concerning an UST or AST – [SMC 17E.010.350\(A\)](#), [SMC 17E.010.350\(E\)](#), [SMC 17E.010.540\(A\)](#), [SMC 17E.010.540\(E\)](#): Class 2 violation.

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34. Tamper with, fail to maintain inventory, other records – [SMC 17E.010.350\(D\)](#), [SMC 17E.010.540\(D\)](#): Class 2 violation.
35. Temporary permit denied, expired, revoked – [SMC 11.19.315](#): Class 2 violation.
36. Testing underground storage tank without permit – [SMC 17G.010.100\(C\)\(2\)](#): Class 1 violation.
37. Tree, etc. interfering with City sewer – [SMC 13.05.010](#): Class 2 violation.
38. Unfenced swimming pool – [SMC 11.12.040](#): Class 2 violation.
39. Use, alter land, erect, alter, occupy structure within shoreline without compliance with shoreline management regulations – ((~~[SMC 11.15.030](#)~~)) [SMC 17E.060.120](#): Class ((3)) 1 violation.
40. Use not permitted in:
  - a. center and corridor zone – [SMC 17C.122.070](#): Class 1 violation.
  - b. commercial zone – [SMC 17C. 120.100](#): Class 1 violation;
  - c. industrial zone – [SMC 17C.130.100 through SMC 17C.130.110](#): Class 1 violation;
  - d. residential zone – [SMC 17C.110.100](#): Class 2 violation;
41. Use of:
  - a. land, building not in compliance with zoning – [SMC 11.19.020](#): Class 3 violation;
  - b. underground/aboveground storage tank without permit – [SMC 17E.010.230](#), [SMC 17E.010.440](#): Class 1 violation.
42. Violation of Development Standards:
  - a. [SMC 17C.130.100 through SMC 17C.130.110](#): Class 1 violation;
  - b. [SMC 17C.130.210 through SMC 17C.130.250](#): Class 1 violation;
  - c. Commercial – [SMC 17C.120.210](#): Class 1 violation;
  - d. Residential – [SMC 17C.110.200 through SMC 17C.110.220](#): Class 2 violation.

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43. Wireless communication facilities – [SMC 17C.355.040](#): Class 1 violation.

Section 2. Effective Date. This ordinance shall be effective thirty days after its enactment in accordance with section 19 of the City of Spokane charter or the date on which the Washington State Department of Ecology approves the City’s updated Shoreline Master Program as provided by RCW 90.58.090, whichever is later.

Passed by the City Council \_\_\_\_\_, 2008

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Joe Shogan, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mary B. Verner, Mayor  
Bab10-11-08

\_\_\_\_\_  
Date