

ORDINANCE _____

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2 AN ORDINANCE relating to Seattle Public Utilities, amending Seattle Municipal Code
3 Chapters 21.16 and 21.24, to clarify existing requirements, consolidate fee language,
4 clarify authority, update definitions, modify enforcement process and provisions, modify
5 build-over requirements, clarify side sewer reuse requirements, and clarify grease
6 pretreatment requirements.

7 WHEREAS, the purpose of the City of Seattle's Side Sewer Code (SMC 21.16) is to promote the
8 public health, safety, and welfare in relation to side sewers and general sewer discharges
9 to the public utility; and

10 WHEREAS, the Side Sewer Code has not been substantively revised since 1988; and

11 WHEREAS, the existing Side Sewer Code requires updating to reflect current permitting and
12 construction practices, NOW, THEREFORE,

13 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

14 Section 1. Seattle Municipal Code Section 21.16.010, last amended by Ordinance 97016,
15 is hereby amended to read as follows:

16 **21.16.010 Chapter title and purpose.**

17 This chapter 21.16 shall be known as the "Side Sewer Code", and may be cited as
18 such. This chapter is declared to be an exercise of the police power of the state and
19 of the City to promote the public health, safety and welfare, and its provisions shall
20 be liberally construed for the accomplishment of that purpose. This chapter is not
21 intended to create or otherwise establish or designate any particular class or group of
22 persons who will or should be especially protected or benefited by its terms.

23 Section 2. Seattle Municipal Code Section 21.16.020, last amended by Ordinance
24 114298, is hereby amended to read as follows:

25 **21.16.020 Chapter provisions as minimum standards.**

THIS VERSION IS NOT ADOPTED



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2 The requirements of this chapter are declared to be minimum standards and shall not
3 be construed to prevent the enforcement of more stringent standards imposed by
4 other ordinances, or by or under the authority of state law. Unless specifically stated
5 to the contrary, all provisions herein apply to both service drains and to side sewers
6 located within areas served by the City's sewer and drainage infrastructure~~((The City
7 of Seattle's sewer service area)).~~

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9 Section 3. Seattle Municipal Code Section 21.16.030, last amended by Ordinance
10 122036, is hereby amended to read as follows:

11 **21.16.030 Definitions.**

12 Words and phrases used in this chapter, unless the same shall be contrary to or
13 inconsistent with the context, shall mean as follows:

14
15 1. "Authorized Agent" means someone who is employed by a registered side sewer
16 contractor, but has not passed the registered side sewer contractor exam.

17 2. "Building" is as defined in Chapter 22.204 of the Seattle Municipal Code.

18 3. "Certified Individual" means someone who has successfully passed the registered
19 side sewer contractor exam.

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21 ~~((1))~~4. "City" means The City of Seattle.

22 ~~((2. "Comprehensive plans" means plans which are large in scope and intended to~~
23 ~~provide for the ultimate development of the drainage basins served by the sewers and~~
24 ~~drains, as determined by the Director of Seattle Public Utilities at the time the plan~~
25 ~~was proposed.))~~

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~~((3))~~5. "Cover" means the depth of material between the top of the side sewer or service drain pipe and the finished grade immediately above it.

6. "Director" means the Director of the department authorized to take particular action, and the Director's designee, who may be employees of that department or another City department.

~~((4))~~7. "Director of Health" means the Director of Public Health, his or her designee, or employees of the Seattle-King County Department of Public Health.

~~((5))~~8. "Director of the Department of Planning and Development" means the Director ~~((or employees))~~ of The City of Seattle Department of Planning and Development, his or her designee, or employees of the Department of Planning and Development.

~~((6))~~9. "Director of Seattle Public Utilities" means the Director of Seattle Public Utilities, ~~((or))~~his or her designee, or employees of Seattle Public Utilities.

~~((7))~~10. "Downspout" means a pipe which conveys~~((conducts))~~ water from a roof of a building.

11. "Drainage water" is as defined in Chapter 22.801 of the Seattle Municipal Code.

12. "Drainage system" is as defined in Chapter 22.801 of the Seattle Municipal Code.

13. "Food Waste" means putrescible solid waste not properly shredded, and liquid waste from the preparation, cooking, and dispensing of food that is capable of settling and restricting or blocking flows in the public sewer system, at a sewage

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1 treatment plant, or at a pumping station.

2 ~~((8))14.~~ "Footing drain" means an open joint or perforated pipe located near the
3 foundation of a building or other structure, intended to intercept and ~~((carry))~~convey
4 groundwater.

5 ~~((9))15.~~ "Garbage" means putrescible waste from the preparation, cooking and
6 dispensing of food, and from the handling, storage and sale of produce.

7 ~~((10.~~ "Garbage, properly shredded" means garbage that has been shredded to such a
8 degree that it will be carried or suspended freely under the flow conditions normally
9 prevailing in public sewers, with no particle larger than three eighths inch (3/8") in
10 any dimension.))

11 16. "Grease Interceptor" means a plumbing appurtenance or appliance that is
12 installed in a wastewater system to intercept non-petroleum fats, oil, and grease
13 (FOG) and food waste from a wastewater discharge.

14 ~~((11))17.~~ "Industrial waste" means a liquid, solid or gaseous substance, or
15 combination thereof, resulting from any process of industry, manufacturing, food
16 processing, business, trade or research, including the development, recovering or
17 processing of natural resources and including garbage, but distinguished from
18 sanitary sewage or ~~((storm))~~drainage water.

19 ~~((12))18.~~ "Main sewer" means a pipe which is part of the public sewer system and to
20 which a side sewer is connected.

21 ~~((13.~~ "Metro" means King County.))

22 ~~((14))19.~~ "Natural outlet" means a watercourse, pond, lake, sound, stream, river,
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ditch, or other body of surface water.

~~((15))~~20. "Owner, operator, or occupant" means the owner of real or personal property, or the ~~((agent or))~~lessee, permittee, licensee, or agent of the owner.

~~((16))~~21. "Permit face~~((card))~~" means a document~~((card))~~ issued in conjunction with a permit (or a~~((carbon))~~ copy of the permit) which shall be posted on the premises of the work being accomplished.

~~((17))~~22. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

~~((18))~~23. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance.

~~((19))~~24. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure which ~~((carries))~~conveys the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily designed to ~~((carry))~~convey stormwater or unpolluted drainage water.

~~((20))~~25. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which conveys~~((carries))~~ stormwater or unpolluted drainage water.

~~((21))~~26. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the Director of Seattle Public Utilities.

27. "Properly shredded" means shredded to such a degree that the waste has no particle larger than 3/8 inch in any dimension and that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers.

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1 ~~((22))28. "Public place((;))" means all public areas pursuant to Chapter 15.02 of the~~
2 ~~Seattle Municipal Code. ("public area" or "street area" means and includes streets,~~
3 ~~avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips,~~
4 ~~squares, triangles and rights-of-way dedicated for the use of the public, and the space~~
5 ~~above or beneath the surface of the same.))~~

6 ~~((24))29. "Public sewer system" means the sewer or((storm)) drainage facilities~~
7 ~~owned and maintained by the City or other agencies having jurisdiction (e.g.~~
8 ~~((Rainer Vista Sewer District))Valley View Sewer District, Southwest Suburban~~
9 ~~Sewer District, King County)((or Metro)), or any sewer((age)) or drainage facilities~~
10 ~~acquired((;)) or constructed((or maintained)) by such agencies.~~

11 ~~((23))30. "Registered Side Sewer Contractor" means a company approved and~~
12 ~~registered by the Director of Seattle Public Utilities to construct or repair side sewers~~
13 ~~in the public place.~~

14 ~~31. "Responsible party" means all of the following persons:~~

- 15 ~~1. Owners, operators, and occupants of property; and~~
16 ~~2. Any person causing or contributing to a violation of the provisions of this~~
17 ~~chapter.~~

18 ~~((25))32. "Service drain" means a privately owned and maintained drainage system~~
19 ~~which ((carries))conveys only stormwater runoff, surface water,~~
20 ~~((foundation))subsurface drainage, and/or other unpolluted drainage water((s and~~
21 ~~which discharges at an approved outlet as defined by the Director of Seattle Public~~
22 ~~Utilities)). Service drains include, but are not limited to, conveyance pipes, catch~~

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1 basin connections, downspout connections, detention pipes, and subsurface drainage
2 connections to an approved outlet. Service drains do not include
3 ~~((groundwater))~~ subsurface drainage collection systems ~~((upstream from the point of~~
4 ~~connection to a service drain))~~.

5 ~~((26))~~ 33. "Sewage" means waste discharged from sanitary plumbing outlets of
6 buildings.

7 ~~((27))~~ 34. "Sewage treatment plant" means an arrangement of devices, structures, and
8 equipment for treating wastewater.

9 ~~((28))~~ 35. "Sewer, combined" means a publicly owned and maintained sewerage
10 system which ~~((carries))~~ conveys surface runoff water, polluted water, unpolluted
11 water, industrial waste, effluent from storm plumbing outlets, sewage, and ~~((water~~
12 ~~from foundation drains))~~ subsurface drainage.

13 ~~((29))~~ 36. "Sewer, sanitary" means a publicly owned and maintained sewage system
14 which ~~((carries))~~ conveys wastewater, and is not designed to ~~((carry stormwater or~~
15 ~~unpolluted))~~ convey drainage water.

16 ~~((30))~~ 37. "Side sewer" means a privately owned and maintained pipe system which
17 is designed to convey wastewater ~~((carry sewage))~~ and/or drainage water
18 ~~((stormwater runoff, surface water, foundation drainage,))~~ to the public sewer system
19 or approved outlet. This includes the pipe system up to, but not including, the tee,
20 wye, or connection to the public main.

21 ~~((31.~~ "Sidewalk" means the walkway in a public area lying generally parallel to the
22 roadway.))

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1 ((32))38. "Standard Plans and Specifications" means the City of Seattle Standard
2 Plans and Specifications for Road, Bridge, and Municipal Construction in effect on
3 the date of permit application.~~((standard plans and specifications in effect on the date~~
4 ~~of issuance of the permit.))~~

5 ((33))39. "Storm drain" is as defined in Chapter 22.801 of the Seattle Municipal
6 Code.~~((means a publicly owned and maintained drainage system which carries~~
7 ~~stormwater runoff, surface water, foundation drainage, and other unpolluted water.))~~

8 40. "Stormwater" is as defined in Chapter 22.801 of the Seattle Municipal Code.

9 41. "Structure" is as defined in Chapter 22.204 of the Seattle Municipal Code.

10 ((34))42. "Suspended solids" means solids that either float on the surface of or are in
11 suspension in water, sewage, or other liquids, and which are removable by filtering
12 the liquid, and includes matter which, upon dilution with water or sewage, results in
13 the formation of suspended solids.

14 ((35))43. "Unpolluted water" means water in its natural state, or water which, after
15 use for any purpose, is not substantially changed as to chemical or biochemical
16 qualities. The Director of Health or the Director of Seattle Public Utilities has the
17 authority to determine which waters are unpolluted waters.

18 ((36. "Use" means and includes use or occupancy of a public place pursuant to
19 Chapter 15.02 of the Seattle Municipal Code for the purpose of doing work,
20 disturbing the surface, or erecting any structure under, along or over the public
21 place.))

22 ((37))44. "Wastewater" is a comprehensive term including industrial waste, sewage,
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1 and other unpolluted waters, as determined by the Director of Health or Director of
2 Seattle Public Utilities.

3 ~~((38))~~45. "Watercourse" is as defined in Chapter 22.801 of the Seattle Municipal
4 Code.~~((means a channel in which a natural flow of stormwater and/or groundwater
5 occurs either continuously or intermittently.))~~

6 Section 4. Seattle Municipal Code Section 21.16.040, last amended by Ordinance
7 121276, is hereby amended to read as follows:
8

9 **21.16.040 Connection or abandonment of side sewers.**

10 A. Wastewater Side Sewer Connections. The owner or occupant of any lands,
11 premises or habitable structures shall connect all buildings, habitable structures, sanitary
12 plumbing outlets, and other sources of polluted water located thereon, unless exempt
13 under subsection C of this section, with the nearest accessible sanitary sewer or combined
14 sewer, whenever such sewer is located within ~~((three hundred))~~300 feet~~((300'))~~ of the
15 closest point of the building, habitable structure, sanitary plumbing outlet, or source of
16 polluted water. Except in conjunction with activity requiring a development permit, the
17 Director of Seattle Public Utilities shall determine whether a sanitary sewer or combined
18 sewer is accessible and whether the connection shall be made by a side sewer or by an
19 extension of the public sewer system. In conjunction with activity requiring a
20 development permit, the Director of the Department of Planning and Development,
21 ~~in((after))~~ consult~~((ing))~~ation with the Director of Seattle Public Utilities, shall
22 communicate the decision to the owner or occupant based on the determination of the
23 Director of Seattle Public Utilities~~((make such determination)).~~
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1 B. Service Drain Connections. Connections of service drains to combined sewers or
2 public storm drains shall meet the requirements~~((be as))~~ specified in Chapters 22.800
3 through~~((and))~~ 22.80~~((2))~~8 of the Seattle Municipal Code.

4 C. Exemptions from Connection. In conjunction with activity requiring a
5 development permit, the Director of the Department of Planning and Development, after
6 consulting with the Director of Seattle Public Utilities, may exempt any otherwise
7 accessible developed property from connecting to the public sewer system; and except in
8 conjunction with activity requiring a development permit the Director of Seattle Public
9 Utilities may exempt any otherwise accessible developed property from connecting to the
10 public sewer system; provided, in all cases, that the following conditions are met:

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12 1. The owner or occupant has agreed to pay to the City a charge in an amount equal
13 to the charge that would be made for sewer service if the property were connected to
14 the sewer system, which amount shall be paid and collected at the times and in the
15 manner provided by ordinance for the payment and collection of sewer service
16 charges; and

17
18 2. The Director of ~~((Health))~~Seattle Public Utilities has waived the requirement as
19 provided in subsection A of this section that properties within ~~((three hundred))~~300
20 feet~~((300))~~ of a sanitary sewer or combined sewer must connect to that sewer; and

21
22 3. The property has a currently functioning on-site sewage disposal system as
23 determined by the Director of Health. ~~((The exemption will remain in effect until the~~
24 ~~on-site sewer system fails, or the property is sold or otherwise transferred, or the~~
25 ~~owner or occupant fails to timely pay the charges referred to in subsection C1,~~

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1 ~~whichever occurs first, at which time the property shall be connected to the public~~
2 ~~sewer system as required in subsection A herein.))~~

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4 The exemption will remain in effect until the on-site sewer system fails, or the property is
5 sold or otherwise transferred, or the owner or occupant fails to timely pay the charges
6 referred to in subsection C1 of this section, whichever occurs first, at which time the
7 property shall be connected to the public sewer system as required in subsection A
8 herein.

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10 D. Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or
11 occupant shall secure a permit from the Director of Seattle Public Utilities to cap the side
12 sewer.

13 Section 5. Seattle Municipal Code Section 21.16.055, last amended by Ordinance
14 122036, is hereby amended to read as follows:

15 **21.16.055 Work in a public place--Registered contractor, supervision and permit**
16 **required.**

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18 No work may be performed in a public place to construct or repair side sewers except by
19 a registered side sewer contractor under~~((pursuant to))~~ a permit issued in accordance
20 with~~((pursuant to))~~ Section 21.16.080. Direct onsite supervision ~~((shall be provided))~~ of
21 all work to be performed in a public place shall be provided by a~~((or on behalf of the))~~
22 registered side sewer contractor. The onsite supervision must be by a person who: 1)
23 ~~((who))~~ has successfully completed the examination provided for in subs~~((S))~~ection
24 21.16.060A2, and 2) ~~((who))~~ is listed on the roster required by Section 21.16.068 as the
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1 registered side sewer contractor(~~or as a current employee of the registered side sewer~~
2 ~~contractor~~)).

3 Section 6. Seattle Municipal Code Section 21.16.060, last amended by Ordinance
4 122036, is hereby amended to read as follows:

5 **21.16.060 Registered side sewer contractor--Qualification--Registration--**
6 **Insurance--Bond--Registration expiration and renewal.**

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8 A. To register as a registered side sewer contractor(~~RSSC~~), each applicant must:

9 1. Pay a registration fee of \$200 to the Director of Seattle Public Utilities(~~the~~
10 ~~Department of Planning and Development~~);

11 2. Successfully complete a(~~an oral and~~) written examination administered by the
12 Director of (~~the Department of Planning and Development~~)Seattle Public Utilities,
13 or employ an individual who has successfully completed the examination. Each
14 applicant for the(~~oral and~~) written exam must pay to the Director of the
15 ~~Department of Planning and Development~~)Seattle Public Utilities an examination
16 fee of \$100 to take the examination required by this subsection;

17 3. Provide to the Director of the ~~Department of Planning and Development~~)Seattle
18 Public Utilities a roster of all certified individuals and authorized agents employed
19 by the (~~applicant who have passed the examination provided for in subsection A2 of~~
20 ~~this Section~~) side sewer contractor registration applicant who are allowed to obtain
21 side sewer permits on behalf of the side sewer contractor registration applicant for
22 work in the public place;

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25 4. Provide evidence to the (~~Department of Planning and Development~~)Director of
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1 Seattle Public Utilities that the applicant possesses a current Washington State
2 Contractor's license;

3 5. Provide evidence to the ~~((Department of Planning and Development))~~ Director of
4 Seattle Public Utilities that the applicant possesses a current City Business license
5 issued pursuant to Section 5.55.030 of the Seattle Municipal Code;

6 6. File with the Risk Management Division of the Department of Finance and
7 Administrative Services ~~((Executive Administration))~~ a certificate of insurance that
8 meets the standards of subsection B of this section, and maintain the insurance as
9 required by subsection B of this section;

10 7. Post with the City Clerk and maintain in full force and effect a bond as required
11 by subsection C of this section;

12 8. Agree in writing, to defend, indemnify and ~~((hold))~~ save harmless the City from all
13 claims, actions, or damages of every kind and description, including reasonable
14 attorney fees and necessary litigation expenses incurred by the City, that may accrue
15 to or be suffered by any person arising out of any opening in any street, alley,
16 avenue, or other public place made by the registered contractor or those in the
17 registered contractor's employ, in making any connection with any public or private
18 sewer, or for any other purpose or object associated with side sewer construction and
19 related activities, except for such losses that directly result from the sole negligence
20 of the City; and

21 9. Agree in writing to provide direct on-site supervision in compliance with Section
22 21.16.055 of all work located in a public place that is to be performed by or on
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THIS VERSION IS NOT ADOPTED



1 behalf of the registered side sewer contractor, including without limitation all work
2 relating to installation, alteration, extension, connection to or repair of the side
3 sewer.

4 B. Insurance. Each applicant for side sewer contractor registration shall file with the
5 Risk Management Division of the Department of Finance and Administrative
6 Services~~((Executive Administration))~~ certification of insurance, and each registered side
7 sewer contractor shall maintain in full force and effect insurance from insurers acceptable
8 to the Risk Management Division of the Department of Finance and Administrative
9 Services~~((Executive Administration))~~. The certification shall state that the
10 applicant/contractor carries comprehensive general liability insurance with limits of not
11 less than \$1,000,000~~((-00))~~ for each occurrence combined single limit bodily injury and
12 property damage. Such policy shall contain an endorsement or policy wording naming
13 the City as an additional insured or, in lieu of naming the City as an additional insured,
14 insuring the obligation described in subsection A8 above to indemnify the City, and
15 providing for not less than 30 days prior written notice to the City of any change,
16 cancellation or expiration of such policy.
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19 C. Each registered side sewer contractor shall post with the City Clerk and maintain
20 in full force and effect a bond in the sum of \$30,000~~((-00))~~ conditioned that the contractor
21 shall replace and restore such street, alley, avenue or other public place as required by
22 ~~((SMC))~~Section 21.16.280. If a claim is made on the bond, the registered side sewer
23 contractor shall immediately post with the City Clerk a new bond with the same terms
24 and conditions.
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THIS VERSION IS NOT ADOPTED



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2 D. Expiration of Registration. All registrations issued under this chapter
3 automatically expire on January 31 of each year and must be renewed pursuant to the
4 provisions of subsection E of this section.

5 E. Renewal of Registration. In order to renew a registration, the contractor shall:

6 1. Submit a completed Registration Renewal Form.

7 ~~((1.))~~ 2. Pay a renewal fee of \$150((.00)).

8 ~~((2.))~~ 3. Provide proof of compliance with the requirements of subsections
9 21.16.060A(2) through (9).

10 ~~((3.))~~ 4. Provide a current roster as specified in subsection 21.16.060A(3)((the
11 name(s) of the person or persons who have successfully passed the oral and written
12 examination required by Subsection A(2) and who are currently employed by the
13 side sewer contractor applying for renewal)).

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16 F. Failure to Renew. A contractor seeking to renew a side sewer contractor
17 registration more than one year after its expiration must provide proof of compliance with
18 all of the initial registration requirements of Subsection A of this section.

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20 Section 7. Seattle Municipal Code Section 21.16.065, last amended by Ordinance
21 122036, is hereby amended to read as follows:

22 **21.16.065 Suspension of registration.**

23 A. In addition to other penalties provided by law, the Director of Seattle Public
24 Utilities((the Department of Planning and Development)) may suspend the registration of
25 a registered side sewer contractor for any of the following causes:
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- 2 1. Failure to successfully complete the examination or to employ an individual who
- 3 has successfully completed the examination required by Section 21.16.060;
- 4 2. Failure to maintain the insurance or bond required by Section 21.16.060;
- 5 3. Failure to comply with the provisions of this chapter of the Seattle Municipal
- 6 Code or any rules and regulations issued by the Director of Seattle Public
- 7 Utilities~~((the Department of Planning and Development))~~ under this chapter;
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- 9 4. Fraud or misrepresentation in registering as a side sewer contractor; or
- 10 5. Nonpayment in excess of 90 days from the date of invoice for work performed by
- 11 the City for which the side sewer contractor is liable.

12 B. Upon information and belief that a registered side sewer contractor's registration
13 should be suspended for any of the causes enumerated in subsection A of this section, the
14 Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ shall
15 send notice to the contractor in the form of a Director's Order or Notice of Violation
16 pursuant to Section 21.16.320 that the contractor's registration may be suspended in not
17 less than ~~((10))~~ ten days from the date of the ~~((notice))~~ order. The ~~((notice))~~ order shall
18 contain a statement of the basis for the suspension.

19 C. If the registered side sewer contractor wishes to appeal the suspension, the
20 suspension shall be stayed during the appeal until a final order is entered. Appeals shall
21 follow the procedure required by subsection 21.16.320 D. (Review by Director).
22 ~~((contractor must file with the Hearing Examiner within 10 days of the date of service or~~
23 ~~mailing of the notice required by subsection B, whichever is earlier, a request for a~~
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1 hearing detailing the reasons why the proposed suspension should not be imposed, with a
2 copy to the Director of the Department of Planning and Development. The registered side
3 sewer contractor shall submit the Hearing Examiner's filing fee with the request as well
4 as a copy of the notice of suspension)).

5 ((D. If a timely request for a hearing is filed by the contractor, a hearing shall be
6 scheduled before the Hearing Examiner and shall be conducted by the Hearing
7 Examiner.))

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9 ((E. When a hearing has been requested regarding a suspension of a registration, the
10 registration shall remain in effect pending the determination made as a result of such
11 hearing; provided, that in cases involving a substantial and immediate threat to the public
12 health, safety or welfare, the registration may be summarily suspended by the Director.
13 Any notice of a summary suspension must state that it is a summary suspension and state
14 the facts surrounding the substantial and immediate threat to the public health, safety or
15 welfare.))

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17 ((F. If a timely appeal is not filed, the notice of the Director of the Department of
18 Planning and Development suspending the registration shall be final.))

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20 ((G. The Director of the Department of Planning and Development's decision shall be
21 reversed only if the Hearing Examiner finds that the decision was arbitrary and
22 capricious.

23 ((H. The record shall be established at the hearing before the Hearing Examiner, which
24 shall be conducted according to the Hearing Examiner's rules for contested cases.

25 ((I. The Hearing Examiner shall issue a written decision within 15 days after closing
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1 the record. The Hearing Examiner may affirm, reverse, remand or modify the decision of
2 the Director of the Department of Planning and Development to suspend the registration.
3 ~~Written findings and conclusions supporting the Hearing Examiner's decision shall be~~
4 ~~made. The Director of the Department of Planning and Development and all parties of~~
5 ~~record shall be bound by the terms and conditions of the Hearing Examiner's decision.~~

6 ((J. The Hearing Examiner's decision shall be mailed on the day the decision is issued to
7 the parties of record and to all those requesting notice.

8 ((K. Within fifteen (15) calendar days from the date of issuance of the Hearing
9 Examiner's decision, a party of record may appeal the decision to the King County
10 Superior Court through application for a writ of review.

11 ((L))D. Whenever a registration is suspended, no new applications for registration or
12 renewal of that contract may be made during the period of suspension.

13 ((M))E. The period of suspension may be for any period up to ((1))one year,
14 commencing on the date the Period of suspension provided for in the Directors notice((;
15 Hearing Examiner's decision)) or order to suspend actually begins.

16 ((N))F. After the period of suspension, the registered contractor must apply for and
17 obtain a license renewal pursuant to ((S))subsection 21.16.060E in order to be reinstated
18 as a registered side sewer contractor.

19 Section 8. Seattle Municipal Code Section 21.16.068, last amended by Ordinance
20 122036, is hereby amended to read as follows:

21 **21.16.068 Registered contractor roster required.**

22 Each registered side sewer ((sub))contractor shall provide to the Director of Seattle



1 Public Utilities~~((the Department of Planning and Development))~~ a current roster as
2 described in subsection 21.16.060A(3)~~((of current employees who have passed the~~
3 ~~examination described in SMC 21.16.060A2))~~. Each registered side sewer contractor
4 shall notify the Director of Seattle Public Utilities~~((the Department of Planning and~~
5 ~~Development))~~ within ~~((10))~~ten days of any changes to the~~((in the employment status of~~
6 ~~any employees who are or should be on this))~~ roster.

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8 Section 9. Seattle Municipal Code Section 21.16.070, last amended by Ordinance
9 122036, and repealed from 21.24.010 (Section 49 in this ordinance), is hereby amended to read
10 as follows:

11 **21.16.070 Permit and fee required for connection and repairs.**

12 A. ~~((A side sewer permit issued by the Director of Seattle Public Utilities require for~~
13 ~~any work on a side sewer including, but not limited to, construction, alteration, repair,~~
14 ~~removal, and capping))~~It is unlawful to connect any property or premises to a sanitary or
15 combined sewer, or storm drain, as defined in Section 21.16.030, or to construct or to
16 make repairs, alterations, additions to, or to abandon, remove, or cap any side sewer or
17 service drain connecting to the sanitary or combined sewer, or storm drain, without first
18 applying for and securing a permit for such work from the Director of Seattle Public
19 Utilities and without first paying the fee as prescribed in Section 21.16.071. This
20 requirement shall apply to all property, including that of the United States of America,
21 the State of Washington, and any political subdivisions thereof.

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23
24 B. When an existing structure is removed from a site and a new structure is
25 constructed, a side sewer permit is required to connect the new structure to the public
26

sewer system or approved outlet.

C. Unless an emergency exists, as determined by the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~, a side sewer permit must be obtained from the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~ before any work may be started on a side sewer located within areas served by the City's sewer and drainage infrastructure~~((the City's sewer service area))~~, either on private property or within a public place.

D. No work shall be performed on a side sewer other than that work provided for in the permit or any revised permit issued by the Director of Seattle Public Utilities~~((Department of Planning and Development))~~. If additional work is necessary, the Director ~~((of the Department of Planning and Development))~~ may require a permit revision, an additional permit, and/or additional fees.

Section 10. Seattle Municipal Code Section 21.16.071, repealed from 21.24.021 (Section 50 in this ordinance), is hereby added as follows:

21.16.071 Permit application and fees.

Fees for side sewer permits shall be:

A. Side Sewers.

1. Installation, Connection, Relocation, or Alteration -- All Structures

First connection....\$375

Each pump installation (single, duplex, etc.)...\$75

Each additional connection....\$280

Inspection time in excess of one hour will be billed separately.

2. Additional Connections to Existing Side Sewers -- All Structures

Each additional connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Inspection time in excess of one hour will be billed separately.

3. Additional Direct Connections to Public Sewer -- All Structures

Each additional connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Inspection time in excess of one hour will be billed separately.

4. Reconnection to Public Sewer -- All Structures

Each reconnection....\$375

Each pump installation (single, duplex, etc.)....\$75

Inspection time in excess of one hour will be billed separately.

5. Temporary Services for Side Sewers -- All Structures

Each temporary service....\$225

Inspection time in excess of one hour will be billed separately.

B. Repairs to Side Sewers -- All Structures

Each repair....\$280

Each pump repair (single, duplex, etc.)....\$75

Inspection time in excess of one hour will be billed separately.

C. Capping Existing Side Sewers -- All Structures

Each line capped....\$375

Inspection time in excess of one hour will be billed separately.

THIS VERSION IS NO LONGER IN EFFECT



1 D. Service Drains and Ancillary Facilities.

2 1. Installation, Connection, Relocation or Alteration to Storm Drain, Combined
3 Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving Waters

4 -- All Structures.

5 Each connection....\$375

6 Each pump installation (single, duplex, etc.)....\$75

7 Each additional connection....\$280

8 Inspection time in excess of one hour will be billed separately.

9 2. Additional Connections to Existing Service Drains -- All Structures

10 Each additional connection....\$375

11 Each additional pump installation (single, duplex, etc.)....\$75

12 Inspection time in excess of one hour will be billed separately.

13 3. Additional Direct Connections to Storm Drain, Combined Sewer, Curb Discharge,
14 On-site Infiltration or Direct Discharge to Receiving Waters.

15 Each additional connection....\$375

16 Each additional pump installation (single, duplex, etc.)....\$75

17 Inspection time in excess of one hour will be billed separately.

18 4. Reconnection to Storm Drain, Combined Sewer, Curb Discharge, On-site
19 Infiltration or Direct Discharge to Receiving Waters.

20 Each reconnection....\$375

21 Each pump reconnection (single, duplex, etc.)....\$75

22 Inspection time in excess of one hour will be billed separately.

THIS VERSION IS NOT FOR USE
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1
2 5. Temporary Services for Service Drains -- All Structures

3 Each temporary service....\$225

4 Inspection time in excess of one hour will be billed separately.

5
6 6. Repairs to Service Drains -- All Structures

7 Each repair....\$375

8 Each pump installation repair (single, duplex, etc.)....\$75

9 Inspection time in excess of one hour will be billed separately.

10 E. Legal Document Fee.

11 For each document prepared by the City....\$50

12 F. Inspection Fee.

13 For the purpose of this section inspection time in excess of the base fee will be

14 charged per hour at \$160 or the current hourly fee as established by the applicable

15 Department of Planning and Development Director's Rule.

16
17 In all cases of dispute regarding fees, permits, or other matters relating to this section, the
18 decision of the Director of Seattle Public Utilities shall be final and conclusive.

19
20 Section 11. Seattle Municipal Code Section 21.16.077, repealed from 21.24.090 (Section
21 54 in this ordinance), is hereby added as follows:

22 **21.16.077 Refund of sewer permit fees.**

23 A. Applicants may request a refund of fees, less any administrative costs incurred by
24 Seattle Public Utilities or the Department of Planning and Development up to the date of
25 the refund request, at any time prior to any work or inspections occurring. Starting work
26

THIS VERSION IS NOT ADOPTED



1 signifies a use of the rights granted by the permit and thus the loss of a right to request a
2 refund.

3 B. Notwithstanding the conditions of subsection A of this section, side sewer repair
4 permits are not eligible for refunds.

5 Section 12. Seattle Municipal Code Section 21.16.080, last amended by Ordinance
6 122036, is hereby amended to read as follows:

7 **21.16.080 Permit--Application--Authority of the Director of Seattle Public**
8 **Utilities~~((the Department of Planning and Development))~~.**

9
10 A. For side sewer work in a public place, a permit shall only be issued to a registered
11 side sewer contractor, unless authorized by the Director of Seattle Public Utilities~~((an~~
12 ~~individual who has successfully completed the examination required by Section~~
13 ~~21.16.060 of the Seattle Municipal Code and who is a registered side sewer contractor or~~
14 ~~an employee of a registered side sewer contractor))~~.

15
16 B. For side sewer work in other than a public place, a permit may be issued to the
17 owner or occupant of the property or agent thereof.

18
19 C. Application for the permit required by this section~~((chapter))~~ shall be filed with
20 the Director of Seattle Public Utilities~~((the Department of Planning and~~
21 ~~Development))~~ with the following:

- 22 1. The name, address and telephone number of the applicant;
- 23 2. Name, mailing address, and telephone number of the property owner;
- 24 3. ~~((Legal description and a))~~ Address of the property to be served;
- 25 4. A scale drawing showing the location of all structures on the property, dimensions
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THIS VERSION IS NOT ADOPTED



1 of the structures, and the location of all existing and proposed utilities, including side
2 sewers;

3 5. Purposes for which all structures are to be used;

4 6. Proof that all necessary permits have been obtained in conjunction with or prior to
5 issuance of the side sewer permit;

6 7. Proof that all necessary easements, releases, and/or permissions to connect have
7 been obtained and ~~((provided to the Director of Department of Planning and~~
8 ~~Development for))~~ recorded ~~((ing))~~ with the King County Department of Records and
9 Elections;

10 8. Proof of payment of all permit fees and other charges required by Section
11 21.16.070~~((Chapter 21.24 of the Seattle Municipal Code))~~.

12 D. The Director of Seattle Public Utilities~~((the Department of Planning and~~
13 ~~Development))~~ may change or modify the application and designate the manner and
14 place where the side sewer shall connect to the public sewer system, may specify the
15 material, size and grade of the side sewer, and determine whether or not a permit
16 shall be granted. The Director of Seattle Public Utilities~~((the Department of Planning~~
17 ~~and Development))~~ may require the applicant to furnish plans prepared and stamped
18 by a professional engineer, licensed in The State of Washington. ~~((The Director of~~
19 ~~the Department of Planning and Development shall keep such records as the Director~~
20 ~~deems necessary of all side sewer permits and inspection reports.))~~

21 E. Notwithstanding any other provisions of this chapter, the Director of Seattle
22 Public Utilities~~((the Department of Planning and Development))~~ may refuse, until the
23



1 condition is corrected, to issue a permit for work in a public place to a registered side
2 sewer contractor for any of the following conditions:

- 3 1. Failure to pay within 60 days any bill for work performed by the City ~~((and-))~~for
4 which the owner or contractor is liable;
5 2. Failure to maintain the insurance or the bond required by Section 21.16.060~~((of~~
6 ~~the Seattle Municipal Code))~~);
7 3. Failure to comply with a notice posted pursuant to Section 21.16.358~~((360 of the~~
8 ~~Seattle Municipal Code))~~);
9 4. Failure to have a current business license issued under Section 5.55.030 of the
10 Seattle Municipal Code; or
11 5. Failure to have a current Washington State Contractor's license.

12 F. Notwithstanding any other provisions of this chapter, the Director of Seattle
13 Public Utilities may refuse, until the condition is corrected, to issue a permit for work in
14 any place other than a public place as provided for in subsection E of this section to an
15 applicant for any of the following conditions:

- 16 1. Failure to comply with a notice posted pursuant to Section 21.16.358;
17 2. Failure to pay within 60 days any bill for work performed by the City for which
18 the owner or contractor is liable.

19 Section 13. Seattle Municipal Code Section 21.16.090, last amended by Ordinance
20 122036, is hereby amended to read as follows:

21 **21.16.090 Permits--Period of validity--Restrictions--Posting.**

22 A. Unless authorized by the Director of Seattle Public Utilities, no permit shall be
23

1 issued for side sewer connection before the public or private main sewer system has met
2 requirements set by the Director of Seattle Public Utilities.

3 B. Side sewer permits are not transferable.

4 C. All side sewer permits shall expire 18 months after issuance unless extended by
5 the Director of Seattle Public Utilities~~((the Department of Planning and Development))~~
6 prior to the date of expiration. Expired permits are not subject to refunds pursuant to
7 Section 21.16.077~~((21.24.090 of the Seattle Municipal Code))~~.
8

9 D. One ~~((1))~~ copy of the permit shall be posted at the work site in a conspicuous
10 place which is readily and safely accessible to the Director of Seattle Public Utilities.

11 Section 14. Seattle Municipal Code Section 21.16.100, last amended by Ordinance
12 118396, is hereby amended to read as follows:

13
14 **21.16.100 Police officer's authority.**

15
16 It shall be the duty of any police officer and of the Director of Health, finding any
17 person breaking ground for the purpose of making connection with a public or
18 private sewer system, to ascertain if such person has a permit ~~((therefor))~~ and if not
19 to immediately report the fact to the Director of Seattle Public Utilities.

20 Section 15. Seattle Municipal Code Section 21.16.130, last amended by Ordinance
21 114298, is hereby repealed and replaced by Section 21.16.071 (Section 10 of this ordinance):

22
23 **21.16.130 Reserved~~((Permit fees))~~.**

24 ~~((Fees for side sewer permits shall be as prescribed by Chapter 21.24 of the Seattle
25 Municipal Code.))~~



1 Section 16. Seattle Municipal Code Section 21.16.140, last amended by Ordinance
2 118396, is hereby amended to read as follows:

3 **21.16.140 Inspections.**

4 A. Any person performing work pursuant to the provisions of this chapter shall
5 notify the Director of Seattle Public Utilities when the work will be ready for inspection,
6 and shall specify in such notification the location of the premises by address and the file
7 number of the permit.

8 B. The Director of Seattle Public Utilities shall schedule inspection times. On any
9 call for inspection, ~~((forty eight (48)))~~ 48(()) hours(()) notice plus Saturday, Sunday, and
10 holidays may be required by the Director of Seattle Public Utilities.

11 C. If the Director of Seattle Public Utilities finds the work performed or materials
12 used not in accordance with this chapter and rules and regulations and/or the City
13 (()) Standard Plans and Specifications(()) for side sewer construction, ~~((he/she))~~ the
14 Director shall notify the person doing the work and/or the owner or occupant of the
15 premises by posting a notice on or near the permit face or near said work~~((card))~~. Such
16 posted notice shall be all the notice that is required to be given of the defects in the work
17 or materials found in such inspection.

18 D. The inspection shall include a test in the presence of the Director of Seattle Public
19 Utilities to determine that the side sewer is of tight construction and does not allow
20 infiltration or exhalation of water. Specifications for such a test shall be included in the
21 rules and regulations referred to in Section 21.16.350~~((of the Code))~~.

1 E. If the permittee is a registered side sewer contractor, either the contractor or a
2 competent representative shall be on the premises, whenever so directed to meet the
3 inspector. A property owner shall also meet the inspector at a mutually convenient time
4 during the regular hours of business when requested.

5 Section 17. Seattle Municipal Code Section 21.16.150, last amended by Ordinance
6 118396, is hereby amended to read as follows:
7

8 **21.16.150 Trenches and excavations.**

9 A. Trenches and excavations shall be subject to the requirements established by the
10 Director of Seattle Public Utilities. ~~((No excavation shall be made in any public area
11 except at the times and in the manner prescribed by the Director of Seattle Public
12 Utilities.))~~

13 B. No ~~((trench shall be filled nor any sewer or drain))~~ new, repaired, or altered side
14 sewer shall be covered until the work has ~~((shall have))~~ been inspected and approved by
15 the Director of Seattle Public Utilities, with said approval ~~((noted on the card-))~~ posted
16 ~~((on))~~ at the job site.

17 C. All trenches or excavations within ~~((four))~~ 4 feet ~~((4'))~~ of any public place and all
18 obstructions or encroachments upon a public place shall be barricaded as required by the
19 Street Use Ordinance (Title 15 of the Seattle Municipal Code). The lateral support of any
20 public place shall be maintained while constructing, altering or repairing any side sewer.
21 All trenches or excavations within ~~((four))~~ 4 feet ~~((4'))~~ of any public place shall be safely
22 covered during hours of inactivity of work on the side sewer.
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1 D. All work in public places shall conform to the requirements of the current edition
2 of The City of Seattle Traffic Control Manual for In-street Work, Title 15 of the Seattle
3 Municipal Code, SDOT Street & Sidewalk Pavement Opening and Restoration Rules,
4 and the City Standard Plans and Specifications as applicable.

5 Section 18. Seattle Municipal Code Section 21.16.160, last amended by Ordinance
6 120794, is hereby amended to read as follows:
7

8 **SMC 21.16.160 Filling of excavations.**

9 ~~((A. For side sewers in King County, all excavations in any public area by a registered~~
10 ~~side sewer contractor shall be filled and/or covered in such a manner that no significant~~
11 ~~settlement shall occur for a period of two (2) years.))~~

12 ~~((B.))~~ Work within a ~~((the limits of any))~~ public place ~~((area))~~ shall be
13 performed ~~((prosecuted))~~ to completion with due diligence, and if any excavation is left
14 open, whether covered or uncovered, beyond a time reasonably necessary to fill the same,
15 the Director of Seattle Public Utilities may cause the same to be backfilled and the public
16 place ~~((area))~~ restored forthwith. Cost incurred by the City ~~((Director of Seattle Public~~
17 ~~Utilities))~~ in such work plus ~~((fifteen))~~ 15 percent ~~((15%))~~ for administrative costs shall
18 be charged to the side sewer contractor in charge of such work and shall be immediately
19 payable to the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and
20 Administrative Services by the contractor upon written notification of the amount thereof
21 given to the contractor or posted on the premises.
22

23 Section 19. Seattle Municipal Code Section 21.16.170, last amended by Ordinance
24 118396, is hereby amended to read as follows:
25

THIS VERSION IS NOT ADOPTED



1 **21.16.170 Failure to complete work--Completion by City.**

2
3 If any work performed on a side sewer is not completed in accordance with the
4 provisions of this chapter and the plans and specifications as approved by the
5 Director of Seattle Public Utilities, and if the contractor or person doing the work
6 shall refuse to properly construct and complete such work, notice of such failure or
7 refusal shall be posted on the property or premises where the work is being done, and
8 the Director of Seattle Public Utilities may cause the work to be completed and the
9 sewer connected in the proper manner, and the cost of such work and any materials
10 necessary ~~((therefor))~~ plus ~~((fifteen))~~ 15 percent ~~((+15%))~~ for administrative costs
11 shall be charged to the owner or contractor and be payable by the owner or
12 contractor immediately upon the Director of Seattle Public Utilities giving written
13 notice of the amount to the owner or contractor ~~((thereof))~~ or posting a notice
14 ~~((thereof))~~ on the property or premises where the work is being done. The amount of
15 said costs or any portion ~~((thereof))~~ which becomes delinquent shall immediately
16 become a lien upon the premises and such lien may be foreclosed by the City as
17 provided by State law.

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20
21 Section 20. Seattle Municipal Code Section 21.16.180, last amended by Ordinance
22 120794, is hereby amended to read as follows:

23 **21.16.180 Repair of inoperative or inadequate side sewer or ~~((drain))~~ drainage**
24 **system.**

25 Where it is determined by the Director of Health or the Director of Seattle Public
26
27

THIS VERSION IS NOT ADOPTED



1 Utilities that a side sewer(~~(, drain, ditch,))~~ or drainage system(~~(natural watercourse))~~
2 is obstructed, broken, inoperative, or inadequate and is a menace to health, or is
3 likely(~~(Hable))~~ to cause damage to public or private property, the (~~(Director of Health~~
4 ~~and/or the))~~Director of Seattle Public Utilities may give notice to the owner of the
5 side sewer or drainage system and, if different than the owner of the side sewer or
6 drainage system, to the owner or occupant of the property or premises in or on which
7 such condition exists and may order that the condition be corrected. The owner or
8 occupant shall correct such condition within the time specified in the written notice.
9 If the owner or occupant shall fail to correct such condition within the time specified
10 in such notice, the Director of Seattle Public Utilities may perform such work as may
11 be necessary to comply with this chapter. The cost of such work performed(~~(done))~~
12 by the City(~~(Director of Seattle Public Utilities))~~, plus (~~(fifteen))~~15 percent (~~((15%))~~)
13 for administrative costs, shall be charged to the property owner or occupant and shall
14 become immediately payable to the (~~(City))~~ Director of (~~(Executive~~
15 ~~Administration))~~Finance and Administrative Services upon written notice of such
16 amount being given to the property owner or occupant or posted upon the premises.
17 The amount of said costs or any portion thereof which becomes delinquent shall
18 immediately become a lien upon the premises and such lien may be foreclosed by the
19 City as provided by state law.

20 Section 21. Seattle Municipal Code Section 21.16.190, last amended by Ordinance
21 114298, is hereby amended to read as follows:
22

1 **21.16.190 Ownership of side sewers.**

2 Side sewers, whether located in a public or private place, shall be owned, installed,
3 operated, and maintained by the owner or occupant of the property or premises
4 served. This includes the pipe system up to, but not including, the tee, wye, or
5 connection to the public main.

6 Section 22. Seattle Municipal Code Section 21.16.200, last amended by
7 Ordinance 121276, is hereby repealed:

8 **21.16.200 Reserved**~~((Use of existing sewer for new building)).~~

9 ~~((Where a new or converted building or new installation replaces an old one, the use
10 of an existing side sewer will be permitted when approved by the Director of the
11 Department of Planning and Development as conforming to all requirements of this
12 chapter.))~~

13 Section 23. Seattle Municipal Code Section 21.16.210, last amended by Ordinance
14 118396, is hereby amended to read as follows:

15 **21.16.210 Mechanical lifting or backwater sewage valves.**

16 A. In any building, structure, or premises in which the plumbing outlets or other
17 drainage facilities are too low in elevation as determined by the Director of Seattle Public
18 Utilities to permit gravity flow to the public sewer system, wastewater shall be lifted
19 mechanically and discharged into the public sewer via gravity flow.

20 B. Whenever a situation exists involving danger of backups of sewage or drainage
21 from the public sewer system, the Director of Seattle Public Utilities may prescribe a
22

THIS VERSION IS NOT ADOPTED



1 minimum elevation at which the plumbing outlet or side sewer may be discharged to the
2 public sewer system. Wastewater from drains or side sewers below such minimum
3 elevations shall be lifted mechanically to an elevation determined by the Director of
4 Seattle Public Utilities, or if approved by the Director of Seattle Public Utilities, a
5 backwater sewage valve may be installed provided the property owner shall record with
6 the King County Department of Records and Elections an instrument as described in
7 Section 21.16.27~~((6))0~~~~((of the Seattle Municipal Code))~~. The effective operation of the
8 backwater sewage valve shall be the responsibility of the owner of the side sewer.

9
10 Section 24. Seattle Municipal Code Section 21.16.220, last amended by Ordinance
11 118396, is hereby amended to read as follows:

12 **21.16.220 Drainage of hard-surfaced or graded areas.**

13 Hard-surfaced or graded areas such as parking lots, service station yards and storage
14 yards shall be drained in such manner as will protect adjacent public and private
15 property from damage and such drainage shall enter the public sewer system or other
16 outlet approved by the Director of Seattle Public Utilities and as required by
17 Chapters 22.800 through~~((and))~~ 22.80~~((2))~~8 of the Seattle Municipal Code. Such
18 stormwater~~((drainage))~~ shall not be ~~((connected))~~conveyed to or enter a sanitary
19 sewer.
20
21

22 Section 25. Seattle Municipal Code Section 21.16.230, last amended by
23 Ordinance 114298, is hereby amended to read as follows:

24 **21.16.230 ~~((Reserved))~~ Connections to new or converted buildings.**

25 A. Only one residential-use building shall be connected to a side sewer unless
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1 otherwise approved by the Director of Seattle Public Utilities.

2 B. Only one commercial, industrial, institutional, or mixed-use property or building
3 shall be connected to a side sewer.

4 Section 26. Seattle Municipal Code Section 21.16.240, last amended by Ordinance
5 114298, is hereby amended to read as follows:

6 **21.16.240 ((Reserved)) Use of existing side sewer.**

7 A. The Director of Seattle Public Utilities may approve the use of an existing side
8 sewer for a new or converted building or dwelling unit provided the permit application
9 meets all requirements of this chapter and the permit applicant:

10 1. Submits to the Director of Seattle Public Utilities an evaluation prepared and
11 certified by a licensed professional engineer that the existing side sewer from the public
12 sewer main to the new or converted buildings or dwelling units:

13 a) has passed a pressure test per City standards; and

14 b) is in a condition and has the capacity to serve the existing and proposed
15 connections.

16 Other existing side sewer lines connected to the evaluated and certified line are not
17 subject to this evaluation and certification requirement; or

18 2. Rehabilitates or replaces the existing side sewer from the public sewer main to the
19 new or converted buildings or dwelling units requiring a side sewer connection. The
20 permit applicant shall submit to the Director of Seattle Public Utilities a plan for such
21 rehabilitation or replacement. A licensed professional engineer shall certify to the
22 Director of Seattle Public Utilities that:

1 a) The existing side sewer pipe has passed a pressure test or has been
2 rehabilitated so that pipe joints are water-tight;

3 b) The side sewer rehabilitation complies with accepted industry practices;
4 and

5 c) The rehabilitated side sewer is in a condition and has the capacity to serve
6 the existing and proposed connections.

7
8 Other existing side sewer lines connected to the rehabilitated or replaced line are not
9 subject to rehabilitation or replacement or certification.

10 B. If the number of buildings or dwelling units using an existing side sewer does not
11 increase, in lieu of meeting the requirements of Section 21.16.240A, the permit applicant
12 may instead elect to comply with the requirements of Section 21.16.250B.

13
14 C. If the number of buildings or dwelling units using an existing side sewer
15 increases, the permit applicant shall:

16 1. At least 30 days prior to the permit application date, the permit applicant shall
17 notify all other owners of properties served by the existing side sewer that a side
18 sewer permit to connect to the existing side sewer is being sought. Notification shall
19 be by certified mail, return-receipt requested, on a form approved by the Director of
20 Seattle Public Utilities, to the street address of all properties served by the existing
21 side sewer and mailing address of taxpayers of the same properties as recorded with
22 the office of the King County Department of Records and Elections; and
23



1 2. Attest on a form approved by the Director of Seattle Public Utilities that notice
2 was mailed. The permit applicant shall submit the signed attest form with a copy of
3 the notice to the Director of Seattle Public Utilities before a permit is issued.

4 Section 27. Seattle Municipal Code Section 21.16.250, last amended by Ordinance
5 118396, is hereby amended to read as follows:

6 **21.16.250 Easements and agreements.**

7 A. Before a new side sewer may be located on property~~((a building site))~~ other than
8 the property~~((site))~~ being served by the new side sewer, and before the Director of Seattle
9 Public Utilities shall issue a side sewer permit, the owner of the new side sewer shall
10 secure a written easement from the owner of the property to be crossed. The easement
11 shall be ~~((duly))~~acknowledged, and shall grant the right to occupy the property for side
12 sewer or utility purposes. The easement shall be recorded with~~((in))~~ the office of the King
13 County Department of Records and Elections, ~~((by the owner of the side sewer,))~~ and the
14 ~~((recording number shall be exhibited to the Director of Seattle Public Utilities))~~permit
15 applicant shall provide a copy of the recorded easement to the Director of Seattle Public
16 Utilities before a permit is issued.

17 B. ~~((When two (2) or more structures are allowed to connect to one (1) side sewer,~~
18 ~~an instrument(s) which identifies all affected properties and which shall save harmless~~
19 ~~and indemnify the City from any damage or injury resulting from the installation,~~
20 ~~operation and maintenance of said side sewer must be executed by all affected property~~
21 ~~owners and recorded with the King County Department of Records and Elections for~~

THIS VERSION IS NOT ADOPTED



1 ~~each affected property. The instrument(s) shall be upon a form approved by the Director~~
2 ~~of Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the~~
3 ~~affected properties.))Notwithstanding the requirements in Section 21.16.230, before the~~
4 ~~Director of Seattle Public Utilities may issue a side sewer permit authorizing a~~
5 ~~connection to an existing or new side sewer used by another building or dwelling unit, an~~
6 ~~instrument which identifies all properties served by the shared side sewer and that saves~~
7 ~~harmless and indemnifies the City from any damage or injury resulting from the~~
8 ~~installation, operation, and maintenance of the shared side sewer must be executed by the~~
9 ~~property owners of the new or converted buildings or dwelling units. The Director of~~
10 ~~Seattle Public Utilities shall approve the form of the instrument. The instrument shall be~~
11 ~~recorded with the King County Department of Records and Elections against all~~
12 ~~properties identified on the permit application. The permit applicant shall provide a copy~~
13 ~~of the recorded instrument to the Director of Seattle Public Utilities before a permit is~~
14 ~~issued.~~

15
16
17 C. Before the Director of Seattle Public Utilities may issue a side sewer permit
18 authorizing a side sewer line to serve more than one new building or dwelling unit, a joint
19 use and maintenance agreement shall be executed by owners of all properties that will be
20 subject to the approved side sewer permit. The instrument shall be recorded with the
21 King County Department of Records and Elections against all properties identified in the
22 permit application. The permit applicant shall provide a copy of the recorded instrument
23 to the Director of Seattle Public Utilities before a permit is issued.
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THIS VERSION IS NOT ADOPTED



1 D. No property owner may construct a new or modify an existing structure over a
2 public sewer or storm drain.

3 E. Notwithstanding the prohibition in subsection D of this section, the Director of
4 Seattle Public Utilities may grant a variance to permit construction over a public sewer or
5 storm drain, provided that the property owner:

- 6 1. Demonstrates to the satisfaction of the Director that there is no other feasible
7 alternative;
8
9 2. Enters into a build-over agreement with the Director that must include those
10 terms and conditions the Director determines are reasonably necessary or advisable
11 to protect and maintain the sewer and storm drains and to preserve public health and
12 safety;
13
14 3. Provides the City with an easement to allow Seattle Public Utilities to perform
15 necessary maintenance and repair of the sewer and storm drains and to preserve the
16 public's health and safety; and
17
18 4. Properly files and records the build-over agreement and easement with the King
19 County Department of Records and Elections.

20 Section 28. Seattle Municipal Code Section 21.16.260, relocated in this Chapter under
21 Section 30 of this ordinance, is hereby repealed:

22 ~~((21.16.260 Installation when compliance is impractical--Conditional permit.~~

23 ~~If, in the opinion of the Director of the Department of Planning and Development,~~
24 ~~after consulting with the Director of Seattle Public Utilities, physical conditions~~
25 ~~make compliance with the provisions of this chapter impracticable, the Director of~~

THIS VERSION IS NOT ADOPTED



1 ~~Seattle Public Utilities, may issue a permit for installation of a side sewer requiring~~
2 ~~compliance with the provisions insofar as is reasonably possible, and such permit~~
3 ~~shall be issued only upon the condition that the property owner shall record with the~~
4 ~~King County Department of Records and Elections an instrument acceptable to the~~
5 ~~Director of Seattle Public Utilities agreeing to save harmless and indemnify the City~~
6 ~~from any damage or injury resulting from the installation, operation and maintenance~~
7 ~~of said side sewer. Such instrument shall be upon a form approved by the Director of~~
8 ~~Seattle Public Utilities. This section is not intended to be used to allow storm~~
9 ~~drainage connections to a sanitary sewer.))~~

11 Section 29. Seattle Municipal Code Section 21.16.270, last amended by
12 Ordinance 119688, is hereby amended to read as follows:

13 **21.16.260((270)) Construction requirements and specifications.**

14
15 A. Materials and workmanship in connection with the installation of any side sewer
16 ~~((or service drain))~~ shall be as required by this chapter, the City's ((^c))Standard Plans and
17 Specifications((-of the City²)), ~~((and))~~ Chapters 22.800 ~~((and))~~ through 22.80((2))8 of the
18 Seattle Municipal Code, all associated rules issued by the Director, and as designated by
19 the Director of Seattle Public Utilities. If any requirements or standards conflict, or if
20 special circumstances exist, the Director of Seattle Public Utilities will determine which
21 requirements or standards will be applicable.

22
23 B. Unless authorized by the Director of Seattle Public Utilities, an owner or occupant
24 who is required, or wishes, to connect to a public sewer shall be required to build a main
25 sewer line extension if a public sewer is not accessible within an abutting public
26

1 ~~place((area, or if the building, habitable structure, plumbing outlet or source of polluted~~
2 ~~water is more than two hundred (200) feet from the public sewer. In the case of certain~~
3 ~~housing development or redevelopment projects for households with aggregate annual~~
4 ~~incomes no higher than fifty (50) percent of median income, the Director shall, prior to~~
5 ~~December 31, 2003, in accordance with SMC Section 21.04.280, fund a portion of the~~
6 ~~costs of construction of a main sewer line extension)).~~

7
8 C. Unless authorized by the Director of Seattle Public Utilities, no more than one
9 ~~((1))~~ building shall be connected to a side sewer. If more than one building is allowed to
10 connect to one side sewer, in addition to requirements in Section 21.16.250,~~((Where a~~
11 ~~dual connection of two (2) single family dwellings, or a multiple dwelling or commercial~~
12 ~~building connected with a single family dwelling, is permitted by the Director of Seattle~~
13 ~~Public Utilities,))~~ the pipe downstream of~~((below))~~ the point of shared~~((dual))~~ connection
14 shall be not less than ~~((six (6)))~~6 inches in diameter.

15
16 D. All multiple-unit ~~((dwellings))~~ buildings, ~~((and))~~ industrial buildings, and
17 commercial buildings shall be connected with not less than ~~((six (6)))~~6 inch diameter pipe
18 on private property~~((; provided, with the permission of the Director of Seattle Public~~
19 ~~Utilities, no more than three (3) two (2) inch downspouts, or one (1) motel unit, may be~~
20 ~~connected with four (4) inch diameter pipe on private property)).~~

21
22 E. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall
23 be constructed with not less than ~~((two (2)))~~2 percent grade and not more than ~~((one~~
24 ~~hundred (100)))~~100 percent grade.

25
26 F. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall

THIS VERSION IS NOT VALIDATED



1 have not less than ~~((sixty-))60(())~~ inches of cover at the curblineline or in a public alley,
2 ~~((thirty-))30(())~~ inches of cover at the property line, and ~~((eighteen-))18(())~~ inches of
3 cover on private property.

4 G. Unless authorized by the Director of Seattle Public Utilities, a~~((A))~~ll side sewers
5 serving one ~~((+))~~ dwelling unit shall have minimum pipe size of ~~((four-))4(())~~ inches
6 in private property and ~~((six-))6(())~~ inches in the public ~~((areas))~~place.

7
8 H. Ductile or cast iron pipe shall be used for all side sewers crossing over water
9 mains for a distance of at least ~~((five-))5(())~~ feet measured perpendicular from the center
10 of the water main. Side sewer lines must be laid at least ~~((six-))6(())~~ inches below and
11 ~~((one-))1(())~~ foot away from any water service line or water main, unless ductile or cast
12 iron pipe is used for the side sewer.

13
14 I. Whenever a side sewer is to be abandoned, said sewer shall be capped as close to
15 the property line as possible without interrupting service to any other building.

16 Section 30. Seattle Municipal Code Section 21.16.270, repealed and relocated in this
17 Chapter from Section 28 of this ordinance, is hereby added as follows:

18 **21.16.270 Installation when compliance is impractical--Conditional permit.**

19 If, in the opinion of the Director of Seattle Public Utilities, or the Director of the
20 Department of Planning and Development, after consulting with the Director of Seattle
21 Public Utilities, physical conditions make compliance with the provisions of this chapter
22 impracticable, the Director of Seattle Public Utilities may issue a permit for installation
23 of a side sewer requiring compliance with the provisions insofar as is reasonably
24 possible, and such permit shall be issued only upon the condition that the property owner

1 shall record with the King County Department of Records and Elections an instrument
2 acceptable to the Director of Seattle Public Utilities agreeing to save harmless and
3 indemnify the City from any damage or injury resulting from the installation, operation,
4 and maintenance of said side sewer. Such instrument shall be in a form approved by the
5 Director. This section is not intended to be used to allow drainage connections to a
6 sanitary sewer.

7
8 Section 31. Seattle Municipal Code Section 21.16.275 is hereby added as follows:

9 **21.16.275 Side sewer construction as-builts (record drawings).**

10 As-built (or record) drawings are required for all side sewer work that requires a side
11 sewer permit. As-built drawings shall be prepared by the permit holder using the
12 standards and requirements as established by the Director of Seattle Public Utilities.

13 Drawings that do not meet these requirements, as determined by the Director, shall be
14 returned to the permit holder for revision and resubmittal as part of the side sewer permit
15 work requirements.

16
17 Section 32. Seattle Municipal Code Section 21.16.280, last amended by Ordinance
18 122036, is hereby amended to read as follows:

19 **21.16.280 Restoration of streets and other public areas.**

20 Streets, sidewalks, planting strips, and other public areas, except as mentioned in Section
21 21.16.260((270)), disturbed or altered in the course of any side sewer or drainage work,
22 shall be restored to the standards and in the manner required by the Seattle Department of
23 Transportation.
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THIS VERSION IS NOT



1 Section 33. Seattle Municipal Code Section 21.16.300, last amended by Ordinance
2 119192, is hereby amended to read as follows:

3 **21.16.300 Prohibited discharge of certain substances.**

4 A. Unless approved in writing by the Director of Seattle Public Utilities, it shall be a
5 violation of this chapter for any person to discharge, ~~((or to))~~ cause to be discharged, or
6 allow to be discharged any of the following substances in the public sewer system or any
7 storm drain~~((, ditch))~~ or natural outlet:
8

- 9 1. Liquid or vapor having temperature higher than ~~((one hundred fifty (°))~~150~~((°))~~
10 degrees Fahrenheit;
11 2. Wastewater which contains more than ~~((one hundred (°))~~100~~((°))~~ parts per million
12 by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;
13 3. Flammables capable of causing explosion or supporting combustion in the public
14 sewer system, including but not limited to the following: gasoline, benzene, naphtha,
15 cleaning solvent, kerosene, fuel oil, crankcase oil, and acetylene generation sludge;
16 4. Food Waste~~((Garbage that has not been properly shredded))~~;
17 5. Ashes, cinders, sand, cat litter, mud, straw, hair, shavings, metal, glass, utensils,
18 rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or
19 viscous substance capable of causing obstruction to the flow of sewers or other
20 interference with the proper operation of the public sewer system;
21 6. Wastewater having a pH lower than ~~((five and five tenths (°))~~5.5~~((°))~~ or higher
22 than 12, or having the capacity to cause damage to structures or equipment, or which
23 is hazardous to personnel of the public sewer system;
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1 7. Wastewater containing a hazardous, toxic, or poisonous substance including but
2 not limited to chlorinated hydrocarbons in sufficient quantity to injure or interfere
3 with any sewage treatment process, constitute a hazard to humans, animals, fish, or
4 fowl, or create any hazard in the receiving waters or in the sewage treatment plant;

5 8. Wastewater containing suspended solids of such character and quantity that
6 unusual attention or expense is required to handle such materials in a main sewer, at
7 a sewage treatment plant, or a pumping station; or
8

9 9. Noxious or malodorous gas or substance capable of creating a public nuisance.

10 B. Every owner, occupant, or operator of any property or premises served by a side
11 sewer shall be in violation of this chapter if there exists in such side sewer a visually
12 evident accumulation of fat, oil, or grease of animal, vegetable, or mineral petroleum
13 origin (~~originating from the owner's or operator's property~~) and which either alone or in
14 combination with other wastes is reasonably likely to be capable of obstructing flow or
15 interfering with the operations or performance of any part of the sewer system.
16

17 Section 34. Seattle Municipal Code Section 21.16.310, last amended by Ordinance
18 119192, is hereby amended to read as follows:
19

20 **21.16.310 Pretreatment facilities.**

21 A. Grease, oil, sand, and liquid waste containing grease or flammable material or
22 other harmful ingredients shall be intercepted prior to being discharged to the public
23 sewer system by the installation and operation of pretreatment facilities which shall be of
24 a type and capacity sufficient to meet the requirements of this chapter and shall be so
25 located as to be readily accessible for maintenance and inspection.
26



1 B. ~~((When pretreatment facilities are installed for private use, they shall be~~
2 ~~maintained by the owner or occupant at his or her expense in continuously efficient~~
3 ~~operation at all times. The Director of Seattle Public Utilities has the option to determine~~
4 ~~whether such equipment shall be allowed or required to be installed, and whether the~~
5 ~~effluent produced is satisfactory, and has the option to issue an order regarding the~~
6 ~~installation and/or maintenance of any such facility))~~Pretreatment facilities, including but
7 not limited to all grease interceptors, shall be maintained by the owner, occupant, or
8 operator at his or her expense in continuously efficient operation at all times. The
9 Director of Seattle Public Utilities has the option to determine whether such facility,
10 equipment, or device shall be allowed or required to be installed, and whether the effluent
11 produced is satisfactory, and has the option to issue an order upon any owner, occupant,
12 or operator regarding the installation and/or maintenance of any such facility, equipment,
13 or device.

14 C. For purposes of this subsection, a grease interceptor is not in continuously
15 efficient operation and is in violation of this chapter if the total volume of grease, solids,
16 or food waste at any time displaces more than 25 percent of the effective volume of any
17 chamber of the grease interceptor, or if the total volume of grease, solids, or food waste at
18 any time exceeds the grease interceptor manufacturer's specifications.

19 D. Removal of grease, solids, or food waste from a grease interceptor shall be done
20 through manual or mechanical means only. At no time shall an emulsifying agent,
21 enzyme, bio-additive, or similar chemical be introduced into a grease interceptor or any
22 chamber of a grease interceptor.

THIS VERSION IS NOT ADOPTED



1 ((C))E. The Director of Seattle Public Utilities has the option to issue an order that plans,
2 specifications, and any other pertinent information relating to proposed preliminary
3 treatment facilities be submitted for approval of the Director of Seattle Public Utilities;
4 and has the option to issue an order that construction of such facilities shall not begin
5 until such approval is noted on the plan.

6 ((D))F. In determining appropriate action under subsections B through E((or C)) of this
7 ((S))section ((21.16.310-))with respect to a location, the Director of Seattle Public
8 Utilities will consider the existing or planned uses which discharge or will discharge to
9 the public sewer system, any current pretreatment capacity, and, if applicable, the history
10 of noncompliance, sewer blockage or backup, and attempts to comply.

11 ((E.—The Director of Seattle Public Utilities shall serve an order pursuant to this
12 Section 21.16.310 on the owner and/or other person responsible for the condition. The
13 order shall identify the condition to be corrected and the Director's requirements for
14 corrective action and shall specify a time for compliance. The time for compliance shall
15 be determined by the Director who shall consider: the type of violations or conditions
16 found, the past history of attempts to comply, the complexities of compliance, and other
17 relevant factors known to the Director. The order shall be served upon the person
18 responsible for the condition by personal service, or certified mail with return receipt
19 requested, at the person's last known address. Service by certified mail shall be effective
20 on the date of mailing. If the whereabouts of the person responsible is unknown and
21 cannot be ascertained in the exercise of reasonable diligence, and the Director makes an
22 affidavit to that effect, then service may be accomplished by publishing the notice once
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1 each week for two (2) consecutive weeks in the City official newspaper. If the order is
2 directed to a person responsible for the condition other than the owner, a copy shall be
3 sent via first class mail to the owner. If no request for informal review is made pursuant
4 to Section 21.16.310, the order shall immediately become final.))

5 ((F. — Any failure to comply with a final order of the Director shall be a violation of this
6 Code.))

7 ((G. — Any party affected by an order of the Director of Seattle Public Utilities pursuant
8 to this Section 21.16.310 may obtain an informal review of the order by requesting such
9 review in writing to the Director within ten (10) days after service of the order. When the
10 last day of the period is a Saturday, Sunday, or federal or City holiday, the period shall
11 run until five (5:00) p.m. of the next business day. The director shall notify the person
12 requesting review, all persons served with the order, and all other persons who have
13 requested notice of review, of the date, time and place of the informal review. The review
14 will consist of an informal review meeting held at Seattle Public Utilities. A
15 representative of the Director who is familiar with the case and the applicable ordinances
16 will attend. The Director's representative shall explain the reasons for the issuance of the
17 notice of violation and will consider any information presented by the persons attending.
18 At or within a reasonable time after the review, the Director shall issue a decision in
19 writing that sustains or withdraws the order, amends the order, or continues the review to
20 a future date to allow further consideration. The decision shall be served in the manner
21 provided in this Section 21.16.310 for service of an order. Upon service of a decision
22 sustaining an order, the order shall immediately become final. Upon service of a decision
23 amending an order, the order shall immediately become final as amended by the
24 decision.))
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1 Section 35. Seattle Municipal Code Section 21.16.330, last amended by Ordinance
2 118396, is hereby amended to read as follows:

3 **21.16.330 Standards for measurements and analyses.**

4 Measurements, tests, and analyses of the characteristics of waters and waste to which
5 reference is made in this chapter shall be determined in accordance with the standards
6 prescribed by the most recent edition of "Standard Methods for the Examination of Water
7 and ((Sewage))Wastewater" (edited by Lenore S. Clesceri et alia, published by American
8 Waterworks Association et alia)((filed in the City Clerk's office under Clerk's File No.
9 260956)). Other standards, such as Washington State Department of Ecology's Analytical
10 Methods for Petroleum Hydrocarbons and other USEPA test methods may also apply,
11 depending on analytes and appropriate parameters, as determined by the Director of
12 Seattle Public Utilities. In or on any property served by a side sewer carrying industrial
13 wastes, the owner, ((or))occupant, or operator shall install a manhole in the side sewer to
14 facilitate observation, sampling, and measurement of the wastes, when required by the
15 Director of Seattle Public Utilities. Such manhole shall be accessible, safely located, and
16 shall be constructed and installed in accordance with plans approved by the Director of
17 Seattle Public Utilities. Such manhole shall be installed on the owner's property and shall
18 be installed and maintained by the owner, ((or))occupant, or operator at his or her
19 expense.

20 Section 36. Seattle Municipal Code Section 21.16.352 is hereby added as follows:

21 **21.16.352 Violations.**

22 **A. Civil Violations.**

THIS VERSION SUPERSEDES ALL PREVIOUS VERSIONS



1 1. The following are civil violations of this chapter, subject to a maximum civil
2 penalty of up to \$5,000 per day for each violation:

3 a. General. It is a violation to not comply with any requirement of, or to act in a
4 manner prohibited by, this chapter, or a permit, approval, rule, manual, order, or
5 Notice of Violation issued pursuant to this chapter;

6 b. Aiding and Abetting. It is a violation to aid, abet, counsel, encourage,
7 commend, incite, induce, hire, or otherwise procure another person to violate this
8 chapter;

9 c. Dangerous Condition. It is a violation to allow to exist, or cause or contribute
10 to, a condition of a side sewer that is likely to endanger the public health, safety or
11 welfare, the environment, or public or private property;

12 d. Interference. It is a violation for any person to interfere with or impede the
13 correction of any violation, or compliance with any Notice of Violation,
14 emergency order, stop work order, or the abatement of any nuisance;

15 e. Altering a Posted Order. It is violation for any person to remove, obscure, or
16 mutilate any posted order of the Director, including a stop work or emergency
17 order; and

18 f. Continuing Work. It is a violation for any work to be done after service or
19 posting of a stop work order, except work necessary to perform the required
20 corrective action, until authorization is given by the Director.

21 B. Criminal Violations.
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THIS VERSION IS NOT ADOPTED



1 1. The following are criminal violations, punishable upon conviction by a fine of not
2 more than \$5,000 per day of each violation or imprisonment for each violation for
3 not more than 360 days, or both such fine and imprisonment:

4 a. Failing to comply with a Notice of Violation or Director's order issued
5 pursuant to this chapter;

6 b. Failing to comply with a court order;

7 c. Tampering with or vandalizing any part of a public sewer system, private side
8 sewer, or notice posted pursuant to this chapter; and

9 d. Anyone violating this chapter who has had a judgment, final Director's order,
10 or Director's review decision against them for a prior violation of this chapter in
11 the preceding five years.

12 Section 37. Seattle Municipal Code Section 21.16.354 is hereby added as follows:

13 **21.16.354 Liability and defenses of responsible parties.**

14 A. Who Must Comply. It is the specific intent of this chapter to place the obligation
15 of complying with its requirements upon the responsible parties, as defined in Section
16 21.16.030. The City and its agencies are intended to have the same obligation for
17 compliance when the City is a responsible party. No provision of this chapter is intended
18 to impose any other duty upon the City or any of its officers or employees.

19 1. Joint and Several Liability. Each responsible party is jointly and severally liable
20 for a violation of this chapter. The Director may take enforcement action, in whole or
21 in part, against any responsible party. All applicable civil penalties may be imposed
22 against each responsible party.

THIS VERSION IS NOT ADOPTED



1 2. Allocation of Damages. In the event enforcement action is taken against more
2 than one responsible party, recoverable damages, costs, and expenses may be
3 allocated among the responsible parties by the court based upon the extent to which
4 each responsible party's acts or omissions caused the violation. If this factor cannot
5 be determined the court may consider:

- 6 a. Awareness of the violation;
7
8 b. Ability to correct the violation;
9
10 c. Ability to pay the damages, costs, and expenses;
11
12 d. Cooperation with government agencies;
13
14 e. Degree to which any impact or threatened impact on water or sediment
15 quality, human health, the environment, or public or private property is related to
16 acts or omissions by each responsible party;
17 f. Degree to which the responsible parties made good-faith efforts to avoid a
18 violation or to mitigate its consequences; and
19 g. Other equitable factors.

20 B. Defenses. A responsible party shall not be liable for civil violations under this
21 chapter when the responsible party proves, by a preponderance of the evidence, one of
22 the following:

- 23 1. The violation was caused solely by an act of God;
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THIS VERSION IS NOT APPROVED



1 2. The violation was caused solely by another responsible party over whom the
2 defending responsible party had no authority or control and the defending
3 responsible party could not have reasonably prevented the violation;

4 3. The violation was caused solely by a prior owner or occupant when the defending
5 responsible party took possession of the property without knowledge of the violation,
6 after using reasonable efforts to identify violations. However, the defending
7 responsible party shall be liable for all continuing, recurrent, or new violations after
8 becoming the owner or occupant; or

9 4. The responsible party implemented and maintained all appropriate side sewer
10 structures, equipment, treatment facilities, and pretreatment facilities identified in
11 rules promulgated by the Director or as otherwise identified and required of the
12 responsible party by the Director in writing.

13 Section 38. Seattle Municipal Code Section 21.16.356 is hereby added as follows:

14 **21.16.356 Right of entry for enforcement.**

15 With the consent of the owner or occupant of a building, premises, or property, or
16 pursuant to a lawfully issued warrant, the Director may enter a building, premises, or
17 property at any reasonable time to perform the duties imposed by this chapter.

18 Section 39. Seattle Municipal Code Section 21.16.358 is hereby added as follows:

19 **21.16.358 Enforcement actions.**

20 A. Investigation. The Director of Seattle Public Utilities may investigate any site
21 where there is reason to believe that there may be a failure to comply with the
22 requirements of this chapter.

THIS VERSION IS NOT ADOPTED



1 B. Notice of Violation.

2 1. Issuance. The Director of Seattle Public Utilities is authorized to issue a Notice of
3 Violation to a responsible party, whenever the Director determines that a violation of
4 this chapter has occurred or is occurring. The Notice of Violation shall be
5 considered an order of the Director.

6 2. Contents.

7 a. The Notice of Violation shall include the following information:

8 i. A description of the violation and the action necessary to correct it;

9 ii. The date of the notice; and

10 iii. A deadline by which the action necessary to correct the violation must be
11 completed.

12 b. A Notice of Violation may be amended at any time to correct clerical errors,
13 add citations of authority, or modify required corrective action.

14 3. Service. The Director of Seattle Public Utilities shall serve the Notice of Violation
15 upon a responsible party either by personal service, by first class mail, or by certified
16 mail return receipt requested, to the party's last known address. If the address of the
17 responsible party cannot be found after a reasonable search, the notice may be served
18 by posting a copy of the notice at a conspicuous place on the property. Alternatively,
19 if the whereabouts of the responsible party is unknown and cannot be ascertained in
20 the exercise of reasonable diligence, and the Director makes an affidavit to that
21 effect, then service may be accomplished by publishing the notice once each week
22 for two consecutive weeks in the City official newspaper.

THIS VERSION IS NOT A NOTIFIED



1 4. Nothing in this chapter shall be deemed to obligate or require the Director to issue
2 a Notice of Violation or order prior to the initiation of enforcement action by the City
3 Attorney's Office pursuant to Subsection 21.16.358E.

4 C. Stop Work and Emergency Orders.

5 1. Stop Work Order. The Director of Seattle Public Utilities may order work on a
6 site stopped when the Director determines it is necessary to do so in order to obtain
7 compliance with or to correct a violation of any provision of this chapter or rules
8 promulgated hereunder or to correct a violation of a permit or approval granted under
9 this chapter.

10 a. The stop work notice shall contain the following information:

11 i. A description of the violation; and

12 ii. An order that the work be stopped until corrective action has been
13 completed and approved by the Director.

14 b. The stop work order shall be personally served on the responsible party or
15 posted conspicuously on the premises.

16 2. Emergency Order.

17 a. The Director of Seattle Public Utilities may order a responsible party to take
18 emergency corrective action and set a schedule for compliance and or may require
19 immediate compliance with an emergency order to correct when the Director
20 determines that it is necessary to do so in order to obtain immediate compliance
21 with or to correct a violation of any provision of this chapter, or to correct a
22 violation of a permit or approval granted under this chapter.
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1 b. An emergency order shall be personally served on the responsible party or
2 posted conspicuously on the premises.

3 c. The Director of Seattle Public Utilities is authorized to enter any property to
4 investigate and correct a condition associated with a side sewer when it
5 reasonably appears that the condition creates a substantial and present or
6 imminent danger to the public health, safety or welfare, the environment, or
7 public or private property. The Director may enter property without permission or
8 an administrative warrant in the case of an extreme emergency placing human
9 life, property or the environment in immediate and substantial jeopardy which
10 requires corrective action before either permission or an administrative warrant
11 can be obtained. The cost of such emergency corrective action shall be collected
12 as set forth in Section 21.16.364.

13
14
15 3. Director's Review of Stop Work Order and Emergency Order. A stop work
16 order or emergency order shall be final and not subject to a Director's review.

17 D. Review by Director.

18 1. A Notice of Violation, Director's order, or invoice issued pursuant to this chapter
19 shall be final and not subject to further appeal unless an aggrieved party requests in
20 writing a review by the Director within ten days after service of the Notice of
21 Violation, order, or invoice. When the last day of the period so computed is a
22 Saturday, Sunday or federal or City holiday, the period shall run until 5:00 p.m. on
23 the next business day.

THIS VERSION IS NOT POSTED



1 2. Following receipt of a request for review, the Director shall notify the requesting
2 party, any persons served the Notice of Violation, order or invoice, and any person
3 who has requested notice of the review, that the request for review has been received
4 by the Director. Additional information for consideration as part of the review shall
5 be submitted to the Director no later than 15 days after the written request for a
6 review is mailed.

7 3. The Director will review the basis for issuance of the Notice of Violation, order,
8 or invoice and all information received by the deadline for submission of additional
9 information for consideration as part of the review. The Director may request
10 clarification of information received and a site visit. After the review is completed,
11 the Director may:

- 12 a. Sustain the Notice of Violation, order, or invoice;
13 b. Withdraw the Notice of Violation, order, or invoice;
14 c. Continue the review to a date certain for receipt of additional information; or
15 d. Modify or amend the Notice of Violation, order, or invoice.

16 4. The Director's decision shall become final and is not subject to further
17 administrative appeal.

18 E. Referral to City Attorney for Enforcement. If a responsible party fails to correct a
19 violation or pay a penalty as required by a Notice of Violation, or fails to comply with a
20 Director's order, the Director shall refer the matter to the City Attorney's Office for civil
21 or criminal enforcement action. Civil actions to enforce a violation of this chapter shall
22 be brought exclusively in Municipal Court.

1 F. Appeal to Superior Court. Because civil actions to enforce this chapter are
2 brought exclusively in Municipal Court, notices of violation, orders, and all other actions
3 made under this chapter are not subject to judicial review under chapter 36.70C RCW.
4 Instead, final decisions of the Municipal Court on enforcement actions authorized by this
5 chapter may be appealed under the Rules for Appeals of Decisions of Courts of Limited
6 Jurisdiction.

7
8 G. Filing of Notice or Order. A Notice of Violation, voluntary compliance
9 agreement, or an order issued by the Director or court may be filed with the King County
10 Department of Records and Elections.

11 H. Change of Ownership. When a Notice of Violation, voluntary compliance
12 agreement or an order issued by the Director or court has been filed with the King County
13 Department of Records and Elections, a Notice of Violation or an order regarding the
14 same violations need not be served upon a new owner of the property where the violation
15 occurred. If no Notice of Violation or order is served upon the new owner, the Director
16 may grant the new owner the same number of days to comply as was given the previous
17 owner. The compliance period for the new owner shall begin on the date that the
18 conveyance of title to the new owner is completed.

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20
21 Section 40. Seattle Municipal Code Section 21.16.360, last amended by Ordinance
22 118396, is hereby amended to read as follows:

23 **21.16.360 ((~~Authority to post notices~~)) Voluntary compliance agreement.**

24 ~~((The Director of Health or the Director of Seattle Public Utilities is authorized to post~~
25 ~~notice on private property at or abutting the scene of any violation of this chapter, calling~~
26

THIS VERSION IS NOT ADOPTED



1 for the terms of this chapter to be complied with, and the notice may require work to
2 cease if necessary.))

3 A. Initiation. Either a responsible party or the Director may initiate negotiations for
4 a voluntary compliance agreement at any time. Neither has any obligation to enter into a
5 voluntary compliance agreement.

6 B. Contents. A voluntary compliance agreement shall identify actions to be taken by
7 the responsible party that will correct past or existing violations of this chapter. The
8 agreement may also identify actions to mitigate the impacts of violations. The agreement
9 shall contain a schedule for completion of the corrective actions and any mitigating
10 actions. The agreement shall contain a provision allowing the Director to inspect the
11 premises to determine compliance with the agreement. The agreement shall provide that
12 the responsible party agrees the City may perform the actions set forth in the agreement if
13 the responsible party fails to do so according to the terms and schedule of the agreement,
14 and the responsible party will pay the costs, expenses, and damages the City incurs in
15 performing the actions, as set forth in Section 21.16.364.

16 C. Effect of Agreement.

17 1. A voluntary compliance agreement is a binding contract between the party
18 executing it and the City. It is not enforceable by any other party. By entering into a
19 voluntary compliance agreement, a responsible party waives the right to a Director's
20 Review of the Notice of Violation or order.

21 2. Penalties may be reduced or waived if violations are corrected or mitigated
22 according to the terms and schedule of a voluntary compliance agreement. If the
23

THIS VERSION IS NOT ADOPTED



1 responsible party fails to perform according to the terms and schedule of the
2 voluntary compliance agreement, penalties for each violation addressed in the
3 agreement may be assessed starting from the date the violation occurred, or as
4 otherwise provided for in a Notice of Violation or Director's order.

5 D. Modification. The terms and schedule of the voluntary compliance agreement
6 may be modified by mutual agreement of the responsible party and the Director if there
7 exist circumstances or conditions outside the responsible party's control, or unknown at
8 the time the agreement was made, or if other just cause necessitate such modifications.

9
10 Section 41. Seattle Municipal Code Section 21.16.362 is hereby added as follows:

11 **21.16.362 Penalties and damages.**

12
13 A. Assessment of Penalties by the Director. The Director, after considering all
14 available information, may assess a penalty for each violation of this chapter based upon
15 the Schedule of Civil Penalties.

16
17 B. Schedule of Civil Penalties. The Director shall determine penalties as follows:

18 1. Basic Penalty.

19 a. Maximum Penalty. A violation of this chapter is subject to a maximum civil
20 penalty of up to \$5,000. Each day or portion thereof during which a violation of
21 this chapter exists is a separate violation of this chapter.

22 b. Commencement Date. The penalty shall commence on the date of the
23 violation, unless otherwise provided for in a Notice of Violation or Director's
24 order.



1 c. Assessment Matrix. The penalty shall be assessed using a matrix of criteria
2 and scored as defined in rules promulgated by the Director. The total score will
3 equate with a penalty up to a maximum of \$5,000 for each violation. The penalty
4 shall be rated for severity by using the criteria listed below and by answering
5 “No”, “Possibly”, “Probably”, or “Definitely”:

- 6 i. Does the violation pose a public health risk;
7
8 ii. Does the violation cause environmental damage or adversely impact
9 infrastructure;
10 iii. Was the responsible party willful or knowing of the violation;
11 iv. Was the responsible party unresponsive in correcting the violation;
12 v. Was there improper operation or maintenance;
13 vi. Was there a failure to obtain necessary permits or approval;
14 vii. Does the violation provide economic benefit for non-compliance; and
15 viii. Was the violation a repeat violation.

17 C. Penalty for Significant Violation. For violations causing significant harm to
18 public health, safety, welfare, the environment, or private or public property, the Director
19 may, as an alternative to the Basic Penalty, refer the matter to the City Attorney’s Office
20 for enforcement and request the City Attorney seek a penalty equivalent to the economic
21 benefit the responsible party derived from the violation. “Significant harm” is damage or
22 injury which cannot be fully corrected or mitigated by the responsible party, and which
23 cannot be adequately compensated for by assessment of the Basic Penalty and costs,
24 expenses, or damages under this chapter. Economic benefit may be determined by
25
26

THIS VERSION IS NOT ADOPTED



1 savings in costs realized by the responsible party, value received by the responsible party,
2 increased income to the responsible party, increase in market value of property, or any
3 other method reasonable under the circumstances.

4 D. Damages. Whoever violates any of the provisions of this chapter shall, in addition
5 to any penalties provided for such violation, be liable for any: investigation cost, cost to
6 correct, or other cost; expense; loss; or damage incurred by the City, plus a charge of 15
7 percent for administrative costs. This chapter does not establish a cause of action that
8 may be asserted by any party other than the City. Penalties, damages, costs and expenses
9 may be recovered only by the City.

10
11 E. Effect of Payment of Penalties. The responsible party named in a Notice of
12 Violation or order is not relieved of the duty to correct the violation by paying civil
13 penalties.

14
15 Section 42. Seattle Municipal Code Section 21.16.364 is hereby added as follows:

16 **21.16.364 Collection of costs and penalties.**

17 A. Invoice and Demand for Payment of Investigation and Correction Costs. The
18 Director may issue an invoice and demand for payment of the City's costs and expenses
19 when the Director has investigated or corrected a violation of this chapter. The invoice
20 shall include:

- 21
22 1. The amount of the City's investigation and correction costs, which include, but are
23 not limited to:

- a. Billed cost including labor, administration, overhead, overtime, profit, taxes, and other related costs for a hired contractor to investigate and/or perform the abatement work;
- b. Labor, administration, overhead, overtime, and other related costs for the City staff and crews to investigate and/or perform the abatement work;
- c. Administrative costs to set up contracts and coordinate work;
- d. Time spent communicating with the responsible party, any other enforcing agencies, and the affected community;
- e. Inspections for compliance with the Code, documentation of costs, and invoicing the responsible party;
- f. Cost of equipment, materials, and supplies, including all related expenses for purchasing, renting, and leasing;
- g. Laboratory costs and analytical expenses;
- h. Cost of mobilization, disposal of materials, and cleanup; and
- i. Any associated permit fees;

2. Either a legal description of the property corresponding as nearly as possible to that used for the property on the rolls of the King County Assessor or, where available, the property's street address;

3. Notice that the responsible party may request a Director's review pursuant to Subsection 21.16.358D;

4. Notice that if the amount due is not paid within 30 days, the unpaid amount may be collected in any of the manners identified in subsection C of this section; and

THIS VERSION IS NOT ADOPTED



1 5. Notice that interest shall accrue on the unpaid balance if not paid within 30 days
2 after the invoice date.

3 B. Invoice and Demand for Payment of Civil Penalties. The Director may issue an
4 invoice and demand for payment of civil penalties when the responsible party has failed
5 to pay a penalty by the deadline in a Notice of Violation or order and has failed to request
6 a Director's review within the required time periods established in Subsection
7 21.16.358D. The invoice shall include:

- 8 1. The amount of the penalty;
9
10 2. Either a legal description of the property corresponding as nearly as possible to
11 that used for the property on the rolls of the King County Assessor or, where
12 available, the property's street address;
13
14 3. Notice that if the amount due is not paid within 30 days, the unpaid amount may
15 be collected in any of the manners identified in subsection C of this section; and
16 4. Notice that interest shall accrue on the unpaid balance if not paid within 30 days
17 after the invoice date.

18 C. Collection Following a Judicial Review. If a court has issued an order or
19 judgment imposing penalties, costs, damages, or expenses for a violation of this chapter,
20 and the court's order or judgment is not appealed within 30 days, the Director may:

- 21 1. Refer the matter to the City Attorney to initiate appropriate enforcement action; or
22 2. After consultation with the City Attorney, refer the matter to a collection agency;
23
24 or

1 3. Add a surcharge in the amount owed under the order to the bill for drainage and
2 wastewater services to the site. If unpaid, the surcharge may become a lien on the
3 property, may be foreclosed, and may accrue interest as provided by state law or
4 Section 21.33.110 of the Seattle Municipal Code.

5 Section 43. Seattle Municipal Code Section 21.16.366 is hereby added as follows:

6 **21.16.366 Public nuisance.**

7 A. Dysfunctional Facility or Practice; Abatement Required. Any private side sewer
8 not installed or maintained as required by this chapter, or otherwise found to be in a state
9 of dysfunction creating a threat to the public health, safety or welfare, the environment,
10 or public or private property is a public nuisance and is a violation of this chapter. A
11 responsible party shall immediately abate a public nuisance upon becoming aware of its
12 existence.

13 B. Abatement by the City. The Director is authorized, but not required, to
14 investigate a condition that the Director suspects of being a public nuisance under this
15 chapter, and to abate any public nuisance. If a public nuisance is an immediate threat to
16 the public health, safety or welfare or to the environment, the Director may summarily
17 and without prior notice abate the condition. The Director shall give notice of the
18 abatement to the responsible party as soon as reasonably possible after the abatement.

19 C. Collection of Abatement Costs. The costs of abatement may be collected from
20 the responsible party, including, a reasonable charge for attorney time, and a 15 percent
21 surcharge for administrative expenses as set forth in Subsection 21.16.362D. Abatement
22

1 costs and other damages, expenses and penalties collected by the City shall go into an
2 abatement account for the department collecting the moneys. The money in the
3 abatement account shall be used for abatements, investigations and corrections of
4 violations performed by the City. When the account is insufficient the Director may use
5 other available funds.

6 Section 44. Seattle Municipal Code Section 21.16.368 is hereby added as follows:

7 **21.16.368 Additional relief.**

8 In addition to any remedy provided in this chapter, the Director may seek any other legal
9 or equitable remedy to enjoin any acts or practices or abate any condition that constitutes
10 or will constitute a violation of this chapter or a public nuisance.

11 Section 45. Seattle Municipal Code Section 21.16.370, last amended by Ordinance
12 118396, is hereby amended to read as follows:

13 **21.16.370 ((Unlawful destruction of notices))Suspension or revocation.**

14 ~~((It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued~~
15 ~~or posted by the Director of Health or the Director of Seattle Public Utilities pursuant to~~
16 ~~the provisions of this chapter.))~~

17 Approvals or permits granted on the basis of inaccurate or misleading information may
18 be suspended or revoked. Other permits or approvals interrelated with an approval
19 suspended or revoked under this section, including certificates of occupancy or approvals
20 for occupancy, may also be suspended or revoked. When an approval or permit is
21 suspended or revoked, the Director may require the applicant to take corrective action to
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THIS VERSION IS NOT ADOPTED



1 bring the project into compliance with this chapter by a deadline set by the Director, or
2 may take other enforcement action.

3 Section 46. Seattle Municipal Code Section 21.16.372 is hereby added as follows:

4 **21.16.372 Financial assurance and covenants.**

5 As a condition precedent to issuance of any permit or approval provided for in this
6 chapter, the Director may require an applicant for a permit or approval to submit financial
7 assurances as provided in this section.

8
9 **A. Insurance.**

10 1. The Director may require the property owners or contractor to carry liability and
11 property damage insurance naming the City as an additional insured. The amount, as
12 determined by the Director, shall be commensurate with the risks.

13
14 2. The Director may also require the property owners to maintain a policy of general
15 public liability insurance against personal injury, death, property damage and/or loss
16 from activities conducted pursuant to the permit or approval, or conditions caused by
17 such activities, and naming the City as an additional insured. The amount, as
18 determined by the Director, shall be commensurate with the risks. It shall cover a
19 period of not more than ten years from the date of issuance of a certificate of
20 occupancy or finalization of the permit or approval. A certificate evidencing such
21 insurance shall be filed with the Director before issuing a certificate of occupancy or
22 finalizing a permit for any single family dwelling or duplex.

23
24 3. The insurance policy shall provide that the City will be notified of cancellation of
25 the policy at least 30 days prior to cancellation. The notice shall be sent to the
26

THIS VERSION IS NOT A PERMIT



1 Director who required the insurance and shall state the insured's name and the
2 property address. If a property owner's insurance is canceled and not replaced, the
3 permit or approval and any interrelated permit or approval may be revoked,
4 including a certificate of occupancy or approval for occupancy.

5 B. Bonds, Cash Deposits or Instruments of Credit.

6 1. Surety Bond.

7 a. The Director may require that the property owners or contractor deliver to the
8 Director for filing in the Office of the City Clerk a surety bond, cash deposit or an
9 instrument of credit in such form and amounts deemed by the Director to be
10 necessary to ensure that requirements of the permit or approval are met. A surety
11 bond may be furnished only by a surety company licensed to do business in the
12 State of Washington. The bond shall be conditioned that the work will be
13 completed in accordance with the conditions of the permit or approval, or, if the
14 work is not completed, that the site will be left in a safe condition. The bond shall
15 also be conditioned that the site and nearby, adjacent or surrounding areas will be
16 restored if damaged or made unsafe by activities conducted pursuant to the permit
17 or approval.

18 b. The bond will be exonerated one year after a determination by the Director
19 that the requirements of the permit or approval have been met. For work under a
20 building permit or side sewer permit, issuance of a certificate of occupancy or
21 approval for occupancy following a final inspection shall be considered to be such
22 a determination. For work under a separate side sewer permit, the Director's

THIS VERSION IS NOT ADOPTED



1 approval after completion of the final side sewer inspection and submittal of all
2 required documents shall be such a determination.

3 2. Assurance in Lieu of Surety Bond. In lieu of a surety bond, the owner may elect
4 to file a cash deposit or instrument of credit with the Director in an amount equal to
5 that which would be required in the surety bond and in a form approved by the
6 Director. The cash deposit or instrument of credit shall comply with the same
7 conditions as required for surety bonds.

8
9 C. Covenants.

10 1. The Director may require a covenant between the property owners and the City.
11 The covenant shall be signed by the owners of the site and notarized prior to issuing
12 any permit or approval in a potential landslide area, potentially hazardous location,
13 flood prone zone, or other area of potentially hazardous soils or drainage or erosion
14 conditions. The covenant shall not be required where the permit or approval is for
15 work done by the City. The covenant shall include:

16
17 a. A legal description of the property;

18 b. A description of the property condition making this subsection applicable;

19 c. A statement that the owners of the property understand and accept the
20 responsibility for the risks associated with development on the property given the
21 described condition, and agree to inform future purchasers and other successors
22 and assignees of the risks;

23
24 d. The application date, type, and number of the permit or approval for which
25 the covenant is required; and
26



1 e. A statement waiving the right of the owners, and the owners' heirs,
2 successors, and assigns, to assert any claim against the City by reason of or
3 arising out of issuance of the permit or approval by the City for the development
4 on the property, except only for such losses that may directly result from the sole
5 negligence of the City.

6 2. The covenant shall be filed by the Director with the King County Department of
7 Records and Elections, at the expense of the owners, so as to become part of the
8 King County real property records.

9 Section 47. Seattle Municipal Code Section 21.16.380 is hereby repealed:

10 **21.16.380 ((Violation—Penalty.))Reserved.**

11 ((A. ~~Violation.~~

12 (1) ~~A failure to comply with any provision of this chapter or any rule, regulation,~~
13 ~~notice, or order of the Director of Health, the Director of Seattle Public Utilities, or~~
14 ~~the Director of the Department of Planning and Development issued pursuant to this~~
15 ~~chapter is a violation of this chapter.~~

16 (2) ~~Each day of violation or failure to comply constitutes a separate violation.~~

17 B. ~~Civil Penalty.~~

18 (1) ~~In addition to any other sanction or remedial procedure that may be available,~~
19 ~~any person who violates or fails to comply with any provision of this chapter, or any~~
20 ~~rule, regulation, notice, or order of the Director of Health, the Director of Seattle~~
21 ~~Public Utilities, or the Director of the Department of Planning and Development~~
22 ~~issued pursuant to this chapter shall be subject to a civil penalty in the amount of~~

1 \$500 per day for each day of each violation.

2 ~~(2) The Director of Health, of Seattle Public Utilities or of the Department of~~
3 ~~Planning and Development shall notify the City Attorney in writing of the name of~~
4 ~~any person subject to a civil penalty for violations of this chapter. The City Attorney~~
5 ~~shall, with the assistance of the Director, take appropriate action to collect the~~
6 ~~penalty. In any civil action for a penalty, the City has the burden of proving by a~~
7 ~~preponderance of the evidence that a violation exists or existed.~~

8
9 ~~C. Alternative Criminal Penalty. Any person who violates or fails to comply with any~~
10 ~~provision of this chapter or any rule, regulation, notice, or order of the Director of Health,~~
11 ~~the Director of Seattle Public Utilities, or the Director of the Department of Planning and~~
12 ~~Development issued pursuant to this chapter is guilty of a misdemeanor subject to the~~
13 ~~provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, except that~~
14 ~~absolute liability shall be imposed for such a violation or failure to comply and none of~~
15 ~~the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be~~
16 ~~provided. The Director may request the City Attorney to prosecute such violations~~
17 ~~criminally as an alternative to the civil penalty provided in Section 21.16.380 B.))~~

18
19
20 Section 48. Seattle Municipal Code Section 21.24.005, is hereby added as follows:

21 **21.24.005 Chapter Title**

22 This chapter 21.24 shall be known as the "Fees and Connection Charges" and may be
23 cited as such.

24 Section 49. Seattle Municipal Code Section 21.24.010, last amended by Ordinance
25 118396, is hereby repealed and relocated to 21.16.070 under Section 9 of this ordinance.
26

1 **21.24.010 Reserved ((Permit and fee — Required for connection and repairs.))**

2 ((It is unlawful to connect any property or premises with a public sewer, as defined by the
3 ordinances of the City, pertaining to sewers and drains, or to make repairs, alterations or
4 additions to any side sewer or drain connecting thereto, without first applying for and securing a
5 permit therefor from the Director of Seattle Public Utilities and without paying the fee prescribed
6 in this chapter. This requirement shall apply to all property, including that of the United States of
7 America, the state, and any political subdivisions thereof.))

8
9 Section 50. Seattle Municipal Code Section 21.24.021 is hereby repealed and relocated
10 to 21.16.071 under Section 10 of this ordinance.

11 **21.24.021 Reserved ((Permit application and fee.))**

12 ((The permit application for a side sewer or service drain connection, repair, alteration or
13 addition shall be made by the owner of such property or premises, or by a registered side sewer
14 contractor, tenant, lessee, agent or contractor representing the owner, and the Director of Seattle
15 Public Utilities shall determine whether the permit application conforms to the requirements of
16 this chapter and other ordinances of the City regulating side sewers and compute the amount of
17 the fee in accordance with the following schedule:
18

19 A. Side Sewers.

20 1. Installation, Connection, Relocation, or Alteration — All Structures

21 First connection.....\$375

22 Each pump installation (single, duplex, etc.).....\$75

23 Each additional connection.....\$280

24 Inspection time in excess of one (1) hour will be billed separately.

THIS VERSION IS NOT ADOPTED



THIS VERSION IS NOT APPROVED

2. Additional Connections to Existing Side Sewers — All Structures

Each additional connection.....\$375

Each pump installation (single, duplex, etc.).....\$75

Inspection time in excess of one (1) hour will be billed separately.

3. Additional Direct Connections to Main Sewer — All Structures

Each additional connection.....\$375

Each pump installation (single, duplex, etc.).....\$75

Inspection time in excess of one (1) hour will be billed separately.

4. Reconnection to Main Sewer — All Structures

Each reconnection.....\$375

Each pump installation (single, duplex, etc.).....\$75

Inspection time in excess of one (1) hour will be billed separately.

5. Temporary Services for Side Sewers — All Structures

Each temporary service.....\$225

Inspection time in excess of one (1) hour will be billed separately.

B. Repairs to Side Sewers — All Structures

Each repair.....\$280

Each pump repair (single, duplex, etc.).....\$75

Inspection time in excess of one (1) hour will be billed separately.

C. Capping Existing Side Sewers — All Structures

Each line capped.....\$375

Inspection time in excess of one (1) hour will be billed separately.



D. Service Drains and Ancillary Facilities.

~~1. Installation, Connection, Relocation or Alteration to Main Storm Drain,
Combined Main Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving
Waters — All Structures.~~

~~Each connection.....\$375~~

~~Each pump installation (single, duplex, etc.).....\$75~~

~~Each additional connection\$280~~

~~Inspection time in excess of one (1) hour will be billed separately.~~

~~2. Additional Connections to Existing Service Drains — All Structures~~

~~Each additional connection.....\$375~~

~~Each additional pump installation (single, duplex, etc.).....\$75~~

~~Inspection time in excess of one (1) hour will be billed separately.~~

~~3. Additional Direct Connections to Main Storm Drain, Combined Main Sewer,
Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters.~~

~~Each additional connection.....\$375~~

~~Each additional pump installation (single, duplex, etc.).....\$75~~

~~Inspection time in excess of one (1) hour will be billed separately.~~

~~4. Reconnection to Main Storm Drain, Combined Main Sewer, Curb Discharge,
On-site Infiltration or Direct Discharge to Receiving Waters.~~

~~Each reconnection.....\$375~~

~~Each pump reconnection (single, duplex, etc.).....\$75~~

~~Inspection time in excess of one (1) hour will be billed separately.~~

THIS VERSION IS NOT ADOPTED



5. Temporary Services for Service Drains — All Structures

Each temporary service.....\$225

Inspection time in excess of one (1) hour will be billed separately.

6. Repairs to Service Drains — All Structures

Each repair.....\$375

Each pump installation repair (single, duplex, etc.).....\$75

Inspection time in excess of one (1) hour will be billed separately.

E. Additional Fees Levied. When side sewer or drainage work, as regulated by Seattle Municipal Code Chapter 21.16 (Ordinance 97016) is without the required permit, the fee shall be double the fee fixed by this chapter, except that the double fee charge shall not apply in cases where, in the judgment of the Director of Seattle Public Utilities, an emergency has arisen at a time other than business hours and a permit is secured before noon (12:00 noon) of the first business day following an emergency.

F. Legal Document Fee.

For each document prepared by the City....\$50

G. Inspection Fee.

For the purpose of this section inspection time in excess of the base fee will be charged per hour at \$150 or the current hourly fee as established by the applicable Department of Planning and Development Director's Rule.

In all cases of disputes regarding fees, permits or other matters relating to this chapter, the decision of the Director of Seattle Public Utilities shall be final and conclusive.))

THIS VERSION IS NOT ADOPTED



1 Section 51. Seattle Municipal Code Section 21.24.030, last amended by Ordinance
2 118396, is hereby amended to read as follows:

3 **21.24.030 Special connection charge – Imposed.**

4 A. In addition to sewer connection permit fees required by Section 21.16.070
5 ~~((ordinance))~~, there is imposed upon, and the owners of properties which have not been assessed
6 or charged or borne an equitable share of the cost of the City's sewerage system shall pay prior to
7 connection to a City sewer, a special connection charge in an amount to be computed under
8 Section 21.24.040.

9
10 B. The special connection charge shall be paid in cash or under installment contract with
11 interest thereon at a rate commensurate with the annual one ~~((1))~~ year rate for U.S. Treasury
12 notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or
13 otherwise available from the Federal Reserve Bank, for the year connection is made with the
14 City sewer, computed annually on unpaid balances. Such contract shall provide for a down
15 payment of ~~((five percent (5%)))~~ 5 percent of the total connection charge, payable upon
16 execution of such contract and for payment of the balance in ~~((forty (40)))~~ 40 quarterly
17 installments payable on each January 1st, April 1st, July 1st, and October 1st. Such installment
18 contract shall provide that any unpaid balance may be paid in full in any year at the time the first
19 quarterly payment of such year is due and payable, shall describe the property served by the
20 sewer, shall be acknowledged by the property owner and shall be recorded by the Director of
21 Seattle Public Utilities in the office of the King County Records and Elections Division at the
22 expense of the property owner. Delinquent payments under such installment contract shall be a
23 lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with
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THIS VERSION IS NOT ADOPTED



1 RCW 35.67.220 through 35.67.280; and as an additional and concurrent method of enforcing the
2 lien, the water service to such property may be cut off in accordance with RCW 35.67.290 until
3 the delinquent installments are paid. Upon full payment of the contract, the Director of Seattle
4 Public Utilities on behalf of the City shall execute and deliver to the property owner a release of
5 such lien.

6 Section 52. Seattle Municipal Code Section 21.24.040, last amended by Ordinance
7 118396, is hereby amended to read as follows:
8

9 **21.24.040 Special connection charge – Computation.**

10
11 A. The special connection charge imposed by Section 21.24.030 shall be paid into the
12 drainage and Wastewater Fund and, in order that property owners bear their equitable share of
13 the cost of the sewer system, shall be computed as follows:
14

15 1. For Lateral Sewers. The number of units of property frontage to be served by
16 the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for
17 determining "assessable units of frontage" or by such other method or combination of methods of
18 computing assessments which may be deemed to more fairly reflect the special benefits to the
19 property being assessed as authorized by RCW 35.44.047, shall be multiplied by the average
20 local improvement assessment per unit of frontage for lateral sewers in Seattle for the year in
21 which the sewer to which the property is to be connected was constructed and accepted as
22 completed, provided that, for all sewers that are connected more than one ((+)) year after the
23 City sewer was constructed, interest shall be added thereto at a rate commensurate with the
24 annual one ((+)) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities,
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THIS VERSION IS NOT ADOPTED



1 as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve
2 Bank, for the year the City sewer was or is completed and available for connection until the
3 connection is made, but excluding both the year of completion of construction and the year
4 connection is made; except that for connection to sewers constructed prior to 1953, interest shall
5 be added thereto at the one ~~((1))~~ year rate for U.S. Treasury notes and bonds, adjusted for
6 constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not
7 exceed ~~((ten))~~ 10 percent ~~((10%))~~ per year and shall not exceed ten ~~((10))~~ years.

8
9 2. For Trunk Sewers. The number of square feet of property area to be served by
10 the sewer shall be multiplied by the average local improvement assessment per square foot for
11 trunk sewers in Seattle for the year in which the trunk sewer to which the lateral sewers serving
12 the property are connected was constructed and accepted, provided that, for all sewers that are
13 connected more than one ~~((1))~~ year after the City sewer was constructed, interest shall be added
14 thereto at a rate commensurate with the annual one ~~((1))~~ year rate for U.S. Treasury notes and
15 bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise
16 available from the Federal Reserve Bank, for the year the City sewer was or is completed and
17 available for connection until the connection is made, but excluding both the year of completion
18 of construction and the year connection is made, except that, for connection to sewers
19 constructed prior to 1953, interest shall be added thereto at the one ~~((1))~~ year rate for U.S.
20 Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged
21 pursuant to this paragraph shall not exceed ~~((ten))~~ 10 percent ~~((10%))~~ per year and shall not
22 exceed ten ~~((10))~~ years.

THIS VERSION IS NOT ADOPTED



1 B. The Director of Seattle Public Utilities is authorized to annually compute and establish
2 the average local improvement assessment paid by property owners for lateral and trunk sewers
3 completed and accepted by the City during the previous calendar year which average assessment
4 shall be used by him or her in computing the special connection charge imposed in Section
5 21.24.030 as to sewer improvements completed in 1965 and thereafter. A copy of such
6 computation shall be delivered to the City Clerk not later than February 1st of each such year to
7 be filed by him in C.F. 253991.
8

9 C. The Director shall file with the City Clerk in C.F. 253991 the annual one ((+)) year
10 rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the
11 Federal Reserve Bulletin, or otherwise available from the Federal Reserve Bank for each
12 calendar year commencing with 1953. Such information shall be delivered to the City Clerk not
13 later than April 1st for each preceding year.
14

15 D. The collection of the special connection charge to serve a residence may be deferred at
16 the request of a person responsible for its payment who is economically disadvantaged, as
17 defined in Section 20.12.020.B of the Seattle Municipal Code and both owns and occupies the
18 residence which will be connected to the City system. Interest on deferred charges shall be
19 computed at the same rate as provided in subsection A of Section 21.24.030 as if payment were
20 being made in a timely manner under an installment contract. A request for deferral must be
21 made ((thirty)) ((+)) 30 ((+)) days prior to levy of the special connection charge. All charges,
22 including interest, so deferred, shall become due and payable in full at the time of sale or transfer
23 of the property.
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THIS VERSION IS NOT ADOPTED



1 E. Such special connection charge for property abutting on a street in which a sewer can
2 be constructed or extended to serve such property, shall be computed as if the sewer were so
3 constructed or extended; and the special connection charge for property located back from the
4 margin of the street in which the sewer exists and outside of the assessment district created
5 therefor shall be made giving consideration to the distance of the property from the street margin.
6 In no case shall credit be allowed for the cost of extra length of side sewer required for
7 connection to the City's sewerage system; provided, that in cases where application of the
8 foregoing formula to a particular property results in a charge which because of unusual
9 conditions is in excess of charges to similar properties, the Director of Seattle Public Utilities is
10 authorized to reduce the special connection charge to the amount charged to properties similarly
11 situated.
12

13
14 F. For connection to side sewers constructed by the City, the property owner for whose
15 benefit connection is made shall pay the cost of the side sewer. The cost shall be computed as
16 follows: The actual cost to the City of the side sewer, plus ~~((fifteen (15)))~~ 15 ~~((15))~~ percent for City
17 design and administrative costs, plus interest at a rate commensurate with the annual one ~~((1))~~
18 year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the
19 Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the
20 City sewer was or is completed and available for connection and applied until the connection is
21 made, but excluding both the year of completion of construction and the year connection is
22 made.
23

24 Section 53. Seattle Municipal Code Section 21.24.080 is hereby amended to read as
25 follows:
26

THIS VERSION IS NOT ADOPTED



1 **21.24.080 Violation of Sections 21.24.~~((010))030~~ through 21.24.070.**

2 Any violation of or failure to comply with the provisions of Sections 21.24.~~((010))030~~
3 through 21.24.070 shall be punishable by a fine not exceeding ~~((Three Hundred Dollars (€)))~~ \$300
4 ~~((€))~~ or by imprisonment for a period not exceeding ~~((ninety (€)))~~ 90 ~~((€))~~ days, or both.

5
6 Section 54. Seattle Municipal Code Section 21.24.090 is hereby repealed and relocated
7 to SMC 21.16.077 under Section 11 of this ordinance:
8

9 **21.24.090 Reserved. ~~((Refund of sewer permit fees.))~~**

10 ~~((Whenever a sewer permit has been issued and a fee paid therefor and either no rights
11 are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for
12 any reason and application is made for refund, the Director of Seattle Public Utilities shall certify
13 the facts justifying such refund, the amount thereof, and his or her approval of such refund, and
14 upon presentation of such certificate, the City Director of Executive Administration is authorized
15 to draw and to pay a warrant on the General Fund in the amount of such refund and the necessary
16 appropriations are hereby made from any surplus in the fund. If the applicable fund is solvent at
17 the time payment is ordered, the Director of Executive Administration may elect to make
18 payment by check.))~~
19
20
21
22
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28

THIS VERSION IS NOT ADOPTED



1 Section 55. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2010, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2010.

7
8
9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2010.

12
13 _____
14 Michael McGinn, Mayor

15
16 Filed by me this ____ day of _____, 2010.

17
18 _____
19 City Clerk

20 (Seal)

THIS ORDINANCE IS NOT ADOPTED





City of Seattle
Office of the Mayor

September 14, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that would revise the City's Side Sewer Code to more accurately reflect current practices, update side sewer construction and permitting requirements, and make the code consistent with Seattle's stormwater code revisions.

Side sewers are privately owned pipe systems for wastewater or stormwater and can be located on private property or in the public right of way. The code is periodically revised to reflect changes in regulations, account for outdated language or to improve clarity and usability. For example, Seattle Public Utilities (SPU) is proposing improved language regarding control of fats, oils, and grease in sewage discharges that will provide more clarity to customers and help protect public infrastructure.

This legislation was developed over several years by SPU and the Department of Planning and Development with input from the public, side sewer contractors and other stakeholders. I encourage your support for this measure. If you have questions, please contact Sahba Mohandessi at 684-7592.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov

