

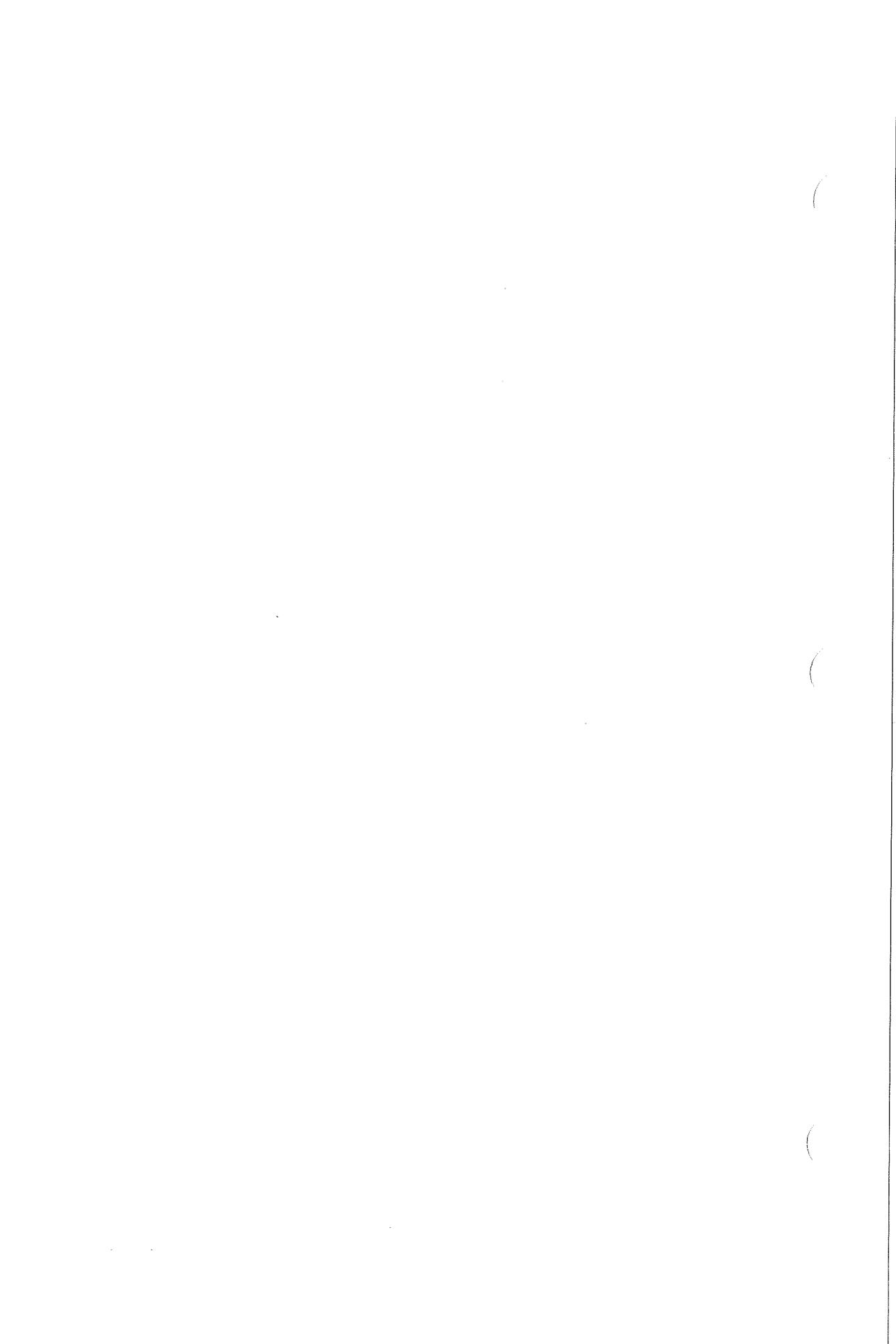
STREET USE

Title 19

STREET USE

Chapters:

- 19.04 General Provisions
- 19.08 Use and Occupation Permits
- 19.10 Sidewalk Cafes
- 19.12 Driveways
- 19.16 Areaways, Vents and Elevators
- 19.20 Marquees, Awnings and Canopies
- 19.24 Signs
- 19.28 Clocks
- 19.32 Dangerous Buildings
- 19.36 Cleaning Buildings
- 19.40 Building Operations
- 19.44 Scaffolds
- 19.48 Backfilling
- 19.52 House Moving
- 19.56 Franchise Permits and Regulations
- 19.60 Public Utility Permits and Regulations
- 19.64 Temporary Fence for Parking Strips
- 19.68 Raising Heavy Equipment
- 19.72 Impounding
- 19.76 Warning Lights and Barricades
- 19.80 Planting Trees and Shrubs
- 19.84 Debris
- 19.88 Unlawful Acts



Chapter 19.04
GENERAL PROVISIONS

Sections:

- 19.04.010 Short title.
- 19.04.020 Exercise of police power.
- 19.04.030 Prosecution of prior causes.
- 19.04.040 Right to prosecute civil action.
- 19.04.050 Notice for compliance.
- 19.04.060 Removing or destroying notices.
- 19.04.070 Citation, arrest and bail.
- 19.04.080 Penalty for violations.
- 19.04.090 Severability.
- 19.04.100 Definitions.

19.04.010 Short title. This title shall constitute the "Street Use Ordinance" of the City of Seattle and may be referred to as such. (Ord. 90047 § 1; February 23, 1961).

19.04.020 Exercise of police power. This title is declared to be an exercise of police power of the City of Seattle for the public safety, health and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose. (Ord. 90047 § 2; February 23, 1961).

19.04.030 Prosecution of prior causes. Nothing in this title shall prevent the prosecution, under any ordinance repealed hereby, of a cause arising prior to the time this title shall become effective, nor shall the same affect any prosecution or proceeding now pending in any court for the violation of such former ordinance, nor shall anything herein contained be held to apply to obstructions or encroachments in the streets which have been heretofore lawfully constructed, erected and maintained. (Ord. 90047 § 3; February 23, 1961).

19.04.040 Right to prosecute civil action. Nothing in this title shall be construed to curtail or abridge the right of anyone to prosecute a civil action for damages by reason of injury to person or property resulting from the negligent use by any other person of any public place or the space above or beneath the same, nor shall the issuance of a permit hereunder be construed as relieving the persons accepting the same, or anyone, from liability over to the city, nor from any damages accruing to or suffered by anyone, caused by the occupation, obstruction of or encroachment on, any public place. (Ord. 90047 § 4; February 23, 1961).

19.04.050 Notice for compliance. The Board of Public Works or the City Engineer are authorized to post notice on private property at or abutting the scene of any violation of this title, calling for the terms of this title to be complied with. (Ord. 90047 § 44; February 23, 1961).

19.04.060 Removing or destroying notices. It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by the Board of Public Works or the City Engineer pursuant to the provisions of this title. (Ord. 90047 § 45; February 23, 1961).

19.04.070 Citation, arrest and bail. Whenever any person is arrested for any violation of this title, the arresting officer may serve upon him a citation and notice that he must appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he shall be taken into custody of such arresting officer and so remain or be placed in confinement in the City Jail.

The Municipal Court Judge, who hears such cases, may designate the specified offenses of the street use ordinance of this city for which the posting of bail may be accepted by his office. The Municipal Court Judge may designate the bail to be posted for first, second and third offenses which may be accepted by his office, provided that the bail shall not exceed the limits established as penalties for violations of this title.

If bail is to be posted by anyone for a violation of this title, the arresting officer shall note the amount of such bail upon the citation or notice in accordance with the bail designated for such offense by the Municipal Court Judge, and the bail must be posted with the Municipal Court within seven days, exclusive of Saturday, Sunday and Holidays, after the date of the citation or notice.

Anyone charged with an offense for which bail may be posted with the Municipal Court Judge shall have the option of forfeiting such bail, if it is posted within the time specified in the notice, or of requesting a trial authorized by law. The date and time of said trial must be set by the court office at the time bail is posted. (Ord. 90047 § 46; February 23, 1961).

19.04.080 Penalty for violations. Anyone who shall violate or fail to comply with any of the provisions of this title, or who shall fail to remove any obstruction or discontinue use or occupancy of any public place when ordered to do so by the Board of Public Works, under authority of this title, shall upon conviction be punished by a fine in a sum not exceeding five hundred dollars or by imprisonment in the City Jail for a term not exceeding six months or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the provisions of this title, shall be deemed and considered a separate offense. (Ord. 90047 § 47; February 23, 1961).

19.04.090 Severability. If any portion of this title shall be declared invalid, it shall not thereby affect the validity of the remaining portions. (Ord. 90047 § 5; February 23, 1961).

19.04.100 Definitions. The words and phrases herein used, except where the same are clearly contrary to or inconsistent with the context of this chapter or the section in which used, shall be construed as follows:

“Adjacent property” means and includes the property abutting the margin of a public place contiguous and with reference to said public place.

“Areaway” means and includes a sunken space, either covered or uncovered, or a court affording room, access or light to a building.

“Awning” means a protective covering attached to a building the upper surface of which has a pitch of at least thirty degrees from the horizontal.

“Banner” means and includes any pliable material stretched over or across any public place.

“Business property” means and includes all properties not included in “residence property” defined herein.

“Canopy” means a nonrigid, collapsible, nonretractable, protective covering, located at an entrance to a building.

“City engineer” means the city engineer and his authorized representatives.

“Driveway” means and includes that portion of a public place which provides access to an off-street vehicular facility through a depression in the constructed curb or, when there is no constructed curb, that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

“Improved public place” means any public place, as defined herein, which contains overhead or underground utilities or a driving or walking surface.

“Marquee” means an approximately horizontal rigid nonretractable, noncollapsible structure, projecting from and supported by a building.

“Marquee sign” means a sign placed on, constructed in, or attached to a marquee.

“Public place” means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and right-of-way open to the use of the public, and the space above or beneath the surface of the same.

“Residence property” means and includes any property designated in the “zoning ordinance of Seattle” as: RS, RW, RD, RM, and RMH, except when occupied or being improved by a conditional or nonconforming use.

“Sidewalk cafe” means a portion of sidewalk area in which are placed tables and chairs for the use of the public while consuming food and/or beverages, including alcoholic beverages, served by a cafe or restaurant located on adjoining property.

“Sign” means any medium, including its structure and component parts, which is used or intended to be used out of doors to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

19.08.010 STREET USE

"Use" means and includes to construct, store, erect or maintain in, upon, over or under any public place any areaway, marquee, awning, clock, sign, billboard, sidewalk, elevator or door, fuel opening, sidewalk cafe or restaurant, staging, swinging scaffold, elevator or other structure or material, machinery or tools used or to be used in connection with the erection, alteration, repair or painting of any building; or to move any building along or across any public place; or to use or occupy any public place for the storage or placement of any material, equipment or thing; or to operate any cleated or tracked vehicle in any public place; or to allow any vehicle to be in or upon any public place other than that portion used as a roadway; or to remove, injure or destroy any tree, flower, plant or shrub in any public place; or to deposit or permit the deposit of any liquids which cause a noxious effluvia upon a public place; or to kindle, make or have any fire on any public place; or to open, excavate, or in any manner disturb or break the surface or foundation of any permanent pavement, or to alter the established grade of any street, or to disturb the surface of, dig up, cut, excavate or fill in any public place; or construct, reconstruct, maintain or remove any sidewalk, or crosswalk, pavement, sewers, watermains, grading, street lighting, or appurtenances thereto, except when permitted by ordinance or to do any work in, or erect any structure under, along or over any public place.

Words in the present tense include the future tense, words in the masculine gender include the feminine and neuter genders, and words in the singular include the plural and plural words include the singular. (Ord. 90047 § 6 as amended by Ord. 91749, Ord. 98197 and Ord. 99674 § 1; February 19, 1971).

Chapter 19.08

USE AND OCCUPATION PERMITS

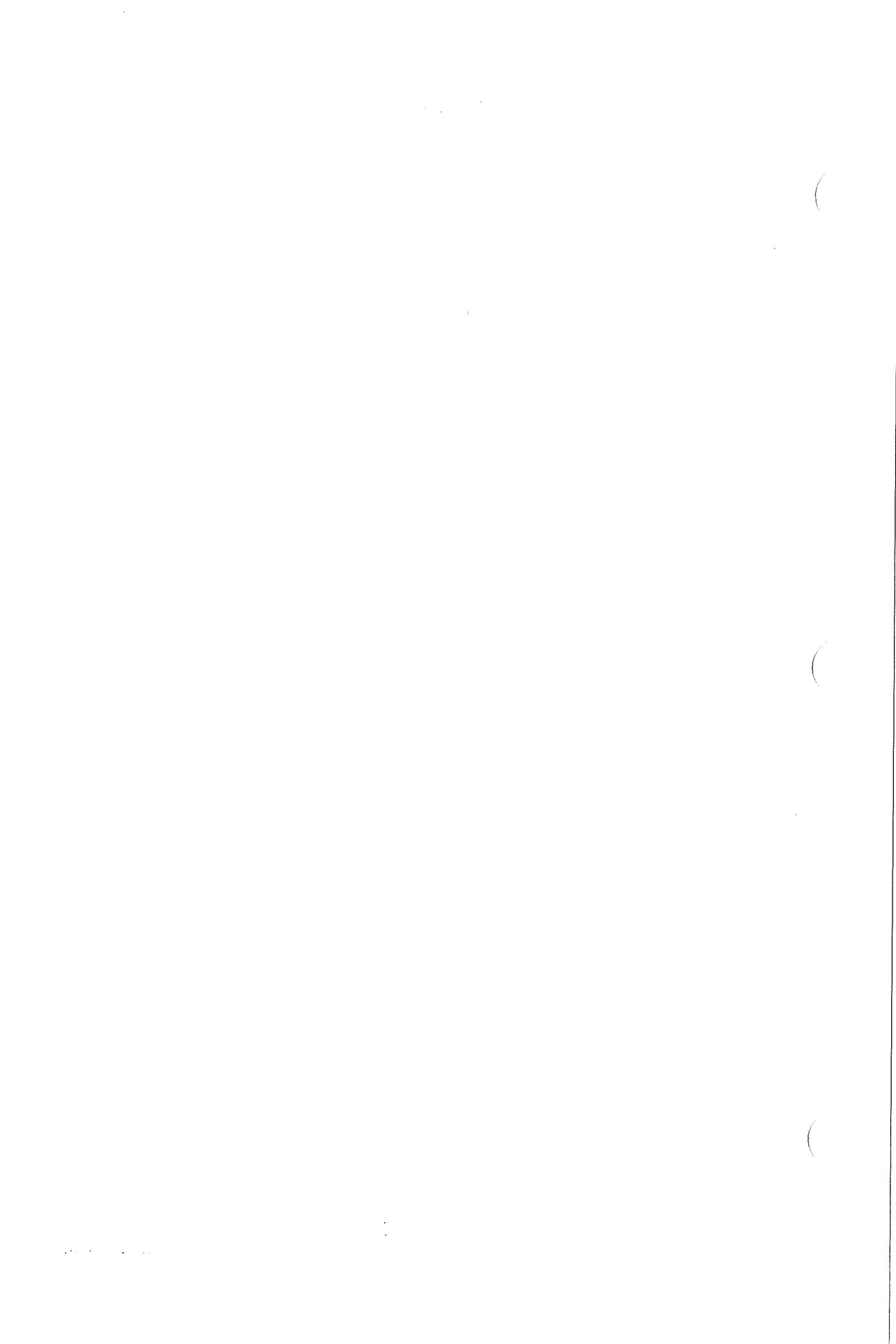
Sections:

- 19.08.010 Permit required.
- 19.08.020 Application—Information required.
- 19.08.030 Processing of applications.
- 19.08.040 Indemnity deposit on approved applications for permits.
- 19.08.050 Indemnity or cash deposit for one or more permits.
- 19.08.060 Indemnity to save city harmless from claims.
- 19.08.070 Revocation of permits.
- 19.08.080 Use of streets in civic center exempt.
- 19.08.090 Issuance of permits.
- 19.08.100 Safety, building code and Washington Clean Air Act compliance.

19.08.010 Permit required. It is unlawful for anyone to use any public place, for private purposes, without a written permit from the board of

public works of the city of Seattle so to do, and without complying with all of the provisions of this title in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the city, street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the city. (Ord. 90047 § 7; Feb. 23, 1961).

19.08.020 Application — Information required. Applications for permits herein provided for shall be filed with the city engineer, upon a form supplied by him. Such applications shall be directed to the board of public



works, and shall contain: (1) an accurate description of the public place or portion thereof desired to be used as herein specified, (2) the use desired to be made of such public place by the applicant, (3) the plans and specifications for any utility or structure desired to be constructed, erected or maintained by the applicant in or on a public place, and (4) where it is desired to construct an areaway, or fuel opening, sidewalk elevator or door, a certificate from the city engineer, showing the applicant to be the record owner of the premises abutting and in connection with which such areaway, fuel opening, sidewalk elevator or door is to be constructed. (Ord. 90047 § 8; February 23, 1961).

19.08.030 Processing of applications. The city engineer shall examine each application to determine if it complies with the provisions of this title relating thereto. The city engineer may inspect the premises which are desired to be used in order to ascertain any facts which may aid in determining whether a permit shall be granted and shall endorse his findings on such application and transmit the same to the board of public works. Any application for a permit to construct, erect or maintain an awning, marquee, sign, areaway, or any structure in a public place, shall be transmitted by the city engineer to the superintendent of buildings, who shall ascertain if the plans and specifications conform to the regulations pertaining to safety, material and design of the Seattle Building Code. The superintendent of buildings shall then endorse his findings on the application and transmit the same to the city engineer.

If the board of public works, in regular session finds that the application conforms to the requirements of this title pertaining thereto, and also that the proposed use of such public place will not unduly interfere with the rights of the public, said board may approve thereof, and if approved, shall fix the time for which the permit may be granted and shall direct the city engineer to issue a permit, upon the applicant's compliance as herein specified with the provisions of this title relative to indemnity. (Ord. 90047 § 9, as amended by Ord. 91749; January 8, 1963).

19.08.040 Indemnity deposit on approved applications for permits. If the city engineer and/or the board of public works determines that there is a probability of injury, damage, or expense to the city arising from an applicant's proposed use of any public place, the applicant shall deposit with the city treasurer in the "guarantee deposit fund", and take his receipt therefor, a cash indemnity deposit. The amount of the cash indemnity deposit shall be determined by the board of public works or the city engineer at the time of approving the application and shall be governed by the anticipated amount and extent of injury, damage or expense to the city as determined by the board of public works and/or the city engineer. The applicant shall endorse said receipt to the city of Seattle and deposit the same with the city engineer before receiving his permit. Such indemnity deposit shall be used to pay the cost plus fifteen percent thereof of in-

spections, surveys, plans, and other services performed by the city, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the city comptroller, if such an agreement is required with the permit, and any other expense the city may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the city engineer or the board of public works determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity deposit.

The applicant in lieu of, or in addition to, said cash indemnity deposit may, as approved or required by the board of public works or the city engineer, file with the city comptroller a surety bond approved as to surety by the mayor, and as to form by the corporation counsel, which said bond shall assume all the requirements provided in the above paragraph in relation to a cash indemnity deposit, shall run for the full period of said permit, and shall be in an amount to be fixed by the board of public works or the city engineer, and conditioned that such applicant shall faithfully comply with all the terms of the permit and all the provisions of this and all other ordinances of the city of Seattle, and indemnify and save the city of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of any public place, as provided for in said application.

If the application shall be to construct, reconstruct, repair, maintain, or remove any sidewalk, pavement, sewers, watermains, grading, street lighting, or appurtenances thereto, the applicant shall file with the city comptroller a surety bond approved as to surety by the mayor and as to form by the corporation counsel, which said bond shall run for the full period of said permit plus one year after the acceptance of the permitted work by the board of public works or the city engineer, and shall be in an amount fixed by the city engineer and conditioned that the applicant shall faithfully complete all portions of the work according to the standard plans and specifications of the city of Seattle, and the special plans approved by the city engineer. (Ord. 90047 § 10, as amended by Ord. 95823; June 6, 1967).

19.08.050 Indemnity or cash deposit for one or more permits. Where it is probable that more than one permit will be desired, in the alternative to making an indemnity deposit for each permit, as provided for in the foregoing section, the applicant may deposit with the city treasurer in the "guaranty deposit fund," the sum of five hundred dollars. The appli-

cant shall replace said sum from time to time, whenever such sum shall have been reduced to the sum of three hundred dollars or less, or to a sum smaller than is required for the permit applied for when so notified by the city engineer, provided that this section shall not apply when the sum required for one or more permits shall exceed five hundred dollars.

If an applicant shall be periodically using public places, the city engineer and/or the board of public works may require the applicant to post a surety bond of sufficient amount to cover the accumulated cost or risk involved at any certain time in a calendar year for a number of permits outstanding, as determined by the board of public works or the city engineer, the bond to be in force during the period of all outstanding permits, but in no case for less than one year. Said bond shall be of a form approved by the corporation counsel, conditioned to assume all of the requirements provided in the previous sections of this title in relation to cash indemnity deposit. Licensed side sewer contractors who post such a one-year bond under the provisions of this title shall not be required to post an additional surety bond specifically covering work under separate side sewer ordinances; and the surety bond shall contain all of the requirements of side sewer ordinances in the same manner as provided by bonds posted pursuant to said side sewer ordinances and the License Code.

However, if at any time any applicant shall apply for a permit to use a public place above or below the surface of the same, and in the opinion of the board of public works or city engineer the work or risk involved in said application shall, together with other permits outstanding in the name of the applicant, exceed the amount of the then presently posted surety bond, the applicant may be required to post an additional or separate surety bond to cover the additional risk or work involved prior to the issuance of any new permits. Said bond shall remain in force during the period of all outstanding permits, but in no case for less than one year. Also, the board of public works may require any permittee to post a surety bond in the calendar year following the period of a permit when the extent of possible damage to a public place has not been completely determined. (Ord. 90047 § 11, as amended by Ord. 95823; June 6, 1967).

19.08.060 Indemnity to save city harmless from claims. If the application for a permit be to construct or maintain an areaway, fuel opening, sidewalk elevator or door, or to use or occupy the planting (parking) strip by erecting a bulkhead, steps, retaining wall, rockery, structure, or any facility therein, in addition to the foregoing cash indemnity fund, the owner of the premises in front of which, and in connection with which the same is to be constructed, erected, maintained, used or occupied, and any existing lessee, sublessee, tenant and subtenant using or occupying the basement of the premises in connection with which such structure is to be used, before the permit is issued, shall, in the manner provided by law for the execution of deeds, execute and deliver to the city of Seattle upon a

form to be supplied by the city engineer, an agreement in writing, signed and acknowledged by such owners and by any such existing lessee, sublessee, tenant and subtenant, and containing an accurate legal description of said premises and covenant on the part of such owner, lessee, sublessee, tenant and subtenant, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants and subtenants, forever to hold and save the city of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of the use of such public place, or of the construction, existence, maintenance or use of such structure.

If the application for a permit be to construct and maintain an areaway, such agreement shall also contain a covenant on the part of the persons or corporations executing the same, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants and subtenants, assuming the duty of inspecting and maintaining all services, instrumentalities and facilities installed in the areaway to be constructed or occupied under authority of such permit, and assuming all liability for, and saving and holding the city of Seattle harmless from any and all loss, damage or injury that may result to his or their own person or property, or the person or property of another, by reason of such services, instrumentalities or facilities.

In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the city of Seattle, or without such notice, in case the permitted use shall become dangerous, or such structures shall become insecure or unsafe, or shall not be constructed, maintained or used in accordance with the provisions of this title, the same may be revoked and the structure and obstructions ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by said city comptroller and city clerk in the files and records of his office. (Ord. 90047 § 12; February 23, 1961).

19.08.070 Revocation of permits. All permits granted under the provisions of this title for the use of any public place shall be wholly of a temporary nature, shall vest no permanent right and shall be issued and may in any case be revoked by the board of public works upon thirty days' notice; or without notice, in case any such use or occupation shall become dangerous or any structure or obstruction permitted, shall become insecure or unsafe, or shall not be constructed, maintained or used in accordance with the provisions of this title.

If any such structure or obstruction, or use or occupancy, is not discontinued on notice so to do by the board of public works, the city engineer may forthwith remove such structure or obstruction from such place, or make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the grantee of the permit, or his successor, and such expenses may be collected in the manner provided by law; and the board of public works may require a surety bond in such connection.

The board of public works of the city of Seattle is further authorized and directed to prepare and adopt a schedule of fees applicable to all such permits heretofore or hereafter issued commensurate with the cost of administration, inspection and policing involved in the issuance and continuance of such permits and the use thereby granted, and any such schedule, when approved by the city council of the city of Seattle by resolution, shall govern the amount of the fee for any such permit, which shall be collected by said board as a condition to the issuance or continuance of any such permit; and in order to effectuate collection of such fees the board shall promptly notify holders of outstanding permits issued pursuant to previous ordinances of the city of Seattle, from time to time, to pay the applicable fee or the permit will be revoked.

Upon petition by a public agency for a vacation of street area, street use fees for such street area shall be suspended if the board of public works finds that such public agency as a current practice conveys or permits the city to use a portion of the public agency's property for street or other public purpose without charge; provided, should the street vacation petition be denied, street use fees shall be payable for the full period of use.

When use requiring a permit is made of street area, without first obtaining said permit, the fee shall be double that provided in the schedule of fees. The double fee shall apply only to the first tenure of the permit. (Ord. 90047 § 13 as amended by Ord. 100603 and Ord. 101351 § 1; September 5, 1972).

19.08.080 Use of streets in civic center exempt. The use of public streets and alleys in the civic center site by the Century 21 Corporation shall be exempt from the payment of city street use fees and all other ordinances insofar as they are in conflict herewith are hereby suspended. (Ord. 90047 § 1; February 23, 1961).

19.08.090 Issuance of permits Upon approval by the city engineer of an application for the use or occupation of a public place, except where applications require the approval of the board of public works, as per resolution of the board of public works, the city engineer shall issue a permit therefor. The original permit shall remain in the custody of the city engineer and a carbon copy shall be given to the grantee. (Ord. 90047 § 14 as amended by Ord. 91749; January 8, 1963).

19.08.100 Safety, building code, and Washington Clean Air Act compliance. All work to be done under the authority of this title shall be accomplished in compliance with the Seattle building code, the State Safety Code, and the Washington Clean Air Act and rules and regulations of the Puget Sound air pollution control agency adopted in accordance therewith, and shall diligently proceed without undue delay or inconvenience to the public. (Ord. 90047 § 15 as amended by Ord. 99650 § 1; February 11, 1971).

Chapter 19.10 SIDEWALK CAFES

Sections:

- 19.10.010 Permit required.
- 19.10.020 Application.
- 19.10.030 Notice.
- 19.10.040 Terms and conditions.
- 19.10.050 Liquor.
- 19.10.060 Insurance.
- 19.10.070 Indemnity.
- 19.10.080 Compliance—Sidewalk condition.

19.10.010 Permit required. It is unlawful to operate a sidewalk cafe without a written permit to do so from the board of public works as hereinafter provided. (Ord. 90047 § 49(a) added by Ord. 99674 § 2(part); February 19, 1971).

19.10.020 Application. In addition to the information required by Section 19.08.020 an application for a sidewalk cafe permit shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor as defined in RCW 66.04.010(6), will be sold or consumed in the area to be covered by the permit. (Ord. 90047 § 49 (b) added by Ord. 99674 § 2 (part); February 19, 1971).

19.10.030 Notice. The applicant shall mail or serve a notice stating the nature of the application, the sidewalk area sought to be used, and the date, time and place at which the board of public works will consider such application at least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent. The city engineer shall prepare and post notices containing the aforesaid information upon any utility poles or other prominent place in the immediate vicinity and at the nearest inter-

section, and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property. (Ord. 90047 § 49(c) added by Ord. 99674 § 2(part); February 19, 1971).

19.10.040 Terms and conditions. In the event and to the extent that the board of public works determines that:

(1) The applicant is the owner or occupant of the adjacent property and operates a cafe or restaurant thereon:

(2) The proposed sidewalk cafe use would not unduly and unreasonably impair passage to and fro by the public on the sidewalk for which the permit is sought; and

(3) The proposed sidewalk cafe area is included within a food-service establishment permit issued pursuant to Seattle City Code Chapter 13.20, or the Seattle-King County director of public health, or his representative, has otherwise authorized such use of the area, a permit for use of sidewalk area for sidewalk cafe purposes may be issued upon such terms and conditions as said board may deem appropriate including, but not be limited to: restrictions as to the number and placement of tables and chairs and as to the hours and dates of use; a requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the city engineer or other appropriate city officer such as the chief of police or fire chief or their authorized representatives, and that the permittee shall maintain the sidewalk in a clean and safe condition for pedestrian travel; a requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to adjacent or other nearby properties; regulations upon lighting and illumination of the sidewalk cafe; and a surety bond in accordance with the provisions of this title; provided that unless expressly authorized by the city no pavement shall be broken, no sidewalk surface disturbed, and that no fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe. (Ord. 90047 § 49(d) added by Ord. 99674 § 2(part); February 19, 1971).

19.10.050 Liquor. Liquor, as defined in RCW 66.04.010(16), as now existing or hereafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit provided for herein and by permit of the Washington State Liquor Control Board, and not otherwise. (Ord. 90047 § 49(e) added by Ord. 99674 § 2(part); February 19, 1971).

19.10.060 Insurance. An applicant for a permit for a sidewalk cafe shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in an amount specified by the board of public works sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk cafe purposes, naming the city of Seattle as an additional insured. (Ord. 90047 § 49(f) added by Ord. 99674 § 2(part); February 19, 1971).

19.10.070 Indemnity. The applicant for a sidewalk cafe permit shall execute and deliver to the city upon a form supplied by the city engineer an agreement in writing and acknowledged by the applicant, forever to hold and save the city free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk cafe. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the city of Seattle, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this title, the same may be revoked and the sidewalk cafe furniture ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained, by the city comptroller and city clerk in the files and records of his office. (Ord. 90047 § 49(g) added by Ord. 99674 § 2(part) ; February 19, 1971).

19.10.080 Compliance—Sidewalk condition. The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the city engineer or other appropriate city officer such as the chief of police or fire chief or their authorized representatives. (Ord. 90047 § 49(h) added by Ord. 99674 §2(part) ; February 19, 1971).

Chapter 19.12 DRIVEWAYS

Sections:

- 19.12.010 Driveways.
- 19.12.020 Parking curb setbacks.

19.12.010 Driveways. A driveway must be constructed to provide access from a public place over and across a concrete curb and gutter and sidewalk to the adjacent property. Temporary permission may be granted by the city engineer to plank a curb and walk while gaining temporary access to property, but the practice must be discontinued immediately upon notice from the city engineer.

When driveways are no longer usable or needed to provide vehicular access onto private property, the owner of the adjacent property shall remove the driveway and restore the concrete curb and gutter and the sidewalk and planting (parking) strip. Upon failure of the owner of the adjacent property to so do, the board of public works may direct the city engi-

neer to perform such restoration and bill the cost thereof to the property owner.

All driveways constructed on public places where paved roadways and curbs exist shall be constructed according to the standard plans and specifications of the department of public works.

The minimum width of driveways for residential property shall be ten feet at the concrete walk and fifteen feet at the curb, and for commercial properties the minimum width shall be fifteen feet at the concrete walk. (Ord. 90047 § 16; February 23, 1961).

19.12.020 Parking curb setbacks. Parking curb setbacks may be allowed by the board of public works on the basis of demonstrated need by the applicant therefor upon the following terms and conditions:

(1) In residential areas, space for tree planting shall be reserved whenever desirable, unless existing trees in the area supply the need;

(2) In commercial or business zoned areas, tree planting space shall be reserved whenever desirable, depending upon the need for arterial traffic, utilities in the area, on-street parking and street lighting standards placement;

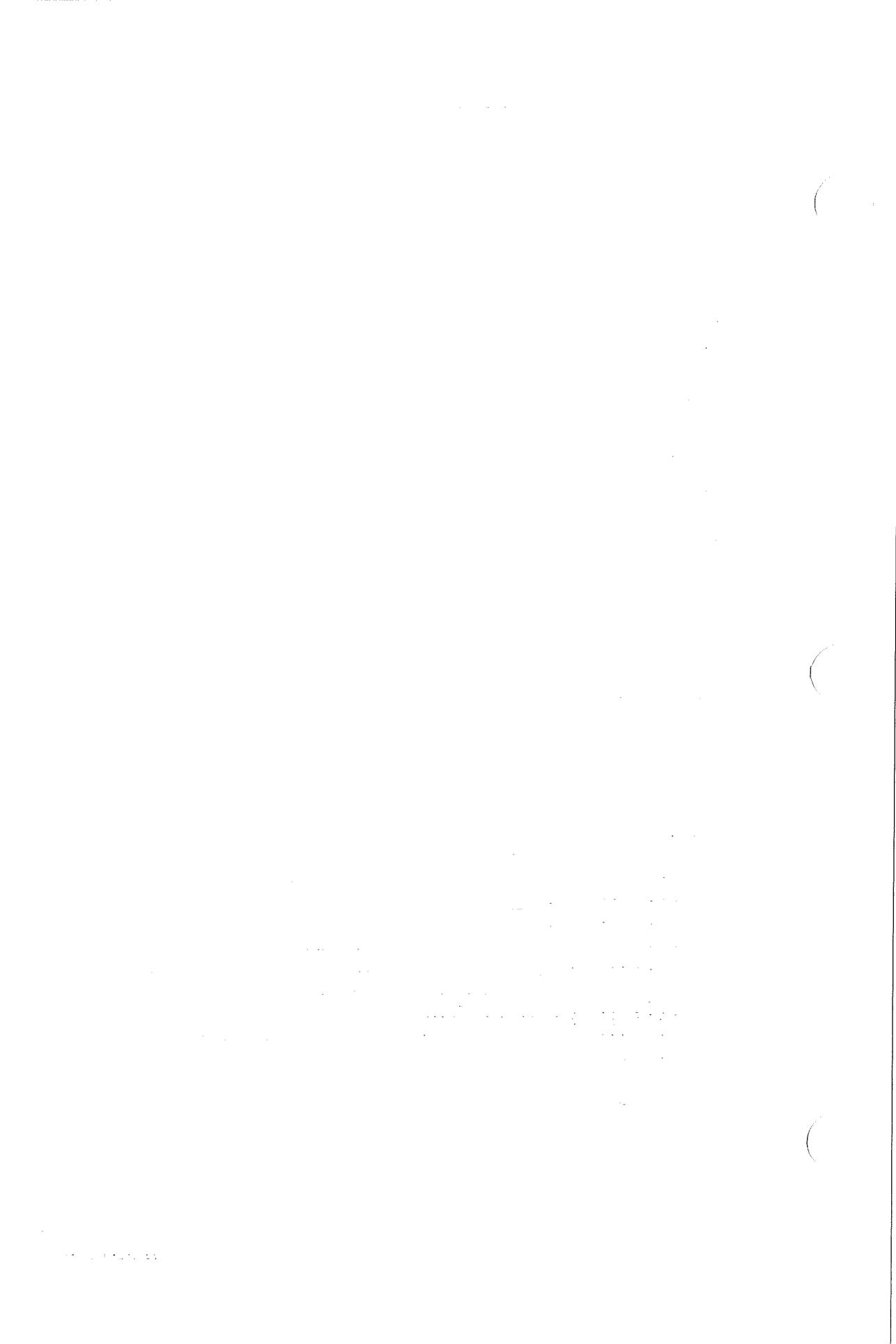
(3) Where certain streets have been designated as entrances to the city, and sufficient street width is secured for such purposes, a given dimension from the property line to the curb shall be maintained so that trees may be included as part of said entrances. (Ord. 90047 § 16-A added by Ord. 101744 § 1; January 11, 1973).

Chapter 19.16

AREAWAYS, VENTS AND ELEVATORS

Sections:

- 19.16.010 Type of construction of areaways.
- 19.16.020 Construction of walk over areaways.
- 19.16.030 Areaway construction to conform to building code.
- 19.16.040 Areaway metal guard.
- 19.16.050 Location and extent of areaway.
- 19.16.060 Boilers and dangerous apparatus prohibited in areaway.
- 19.16.070 Ventilation opening in sidewalks.
- 19.16.080 Sidewalk elevators.
- 19.16.090 Fuel openings and trap doors—Metal guards.
- 19.16.100 Time of operation of sidewalk elevators.
- 19.16.110 Type of construction for elevator and trap doors.
- 19.16.120 Elevators no longer in use.



AREAWAYS, VENTS AND ELEVATORS 19.16.010—19.16.060

19.16.010 Type of construction of areaways. All areaway entrances and areaway openings shall be constructed in the following manner:

The walls shall be constructed of masonry of sufficient strength safely to resist a pressure from without equivalent to that exerted by a fluid weighing not less than twenty-five pounds per cubic foot, and having a depth equal to that of the retained earth. Plans and specifications for such structures shall be approved by the Superintendent of Buildings, as heretofore provided.

If the walls are reinforced by bracing, such reinforcement shall be fire-proof and protected against corrosion. (Ord. 90047 § 17A; February 23, 1961).

19.16.020 Construction of walk over areaways. The sidewalks above existing areaways, when in need of repair, shall be constructed of reinforced concrete slabs supported by beams of either reinforced concrete or structural steel, and shall be of sufficient strength to withstand an imposed load of not less than two hundred-fifty pounds per square foot.

The concrete used in slabs shall be Class 6, using structural grade gravel as defined in city standard plans and specifications. (Ord. 90047 § 17B; February 23, 1961).

19.16.030 Areaway construction to conform to building code. In the construction of areaway walls and sidewalks, in addition to the requirements herein set forth, all the requirements of the Building Code and all amendments thereto shall be deemed to apply and govern, insofar as they may be applicable and not inconsistent with the provisions hereof. (Ord. 90047 § 17C; February 23, 1961).

19.16.040 Areaway metal guard. All uncovered areaways shall be guarded by a metal railing which, together with their fastenings, shall be of sufficient strength to withstand a lateral pressure exerted against the top of such railing of seventy-five pounds per linear foot. (Ord. 90047 § 17D; February 23, 1961).

19.16.050 Location and extent of areaway. No uncovered areaway shall be constructed in any public place unless the grade thereof exceeds twelve per cent; provided, however, that no such areaway shall extend out from the property line more than fifty-four inches, nor to a point beyond seven feet inside of the curb line, nor to within thirty-six inches of any public place other than the one in which such areaway is located; and provided, that in case the grade exceeds ten per cent, an areaway may be constructed that does not extend to exceed thirty inches from the property line. (Ord. 90047 § 17E; February 23, 1961).

19.16.060 Boilers and dangerous apparatus prohibited in areaway. No boiler or other dangerous apparatus, or any explosive, shall be placed in

any areaway or space under any public place. (Ord. 90047 § 17F; February 23, 1961).

19.16.070 Ventilation opening in sidewalks. Openings in sidewalks for the purpose of ventilation shall not extend into the sidewalk more than eighteen inches. They shall be covered by wrought iron bars three-eighths inches by one and one-quarter inches in size, placed one inch on centers and at right angles to the direction of the sidewalk. Such bars shall be held in position by sleeves placed between them on two half-inch iron rods running through such bars. (Ord. 90047 § 17G; February 23, 1961).

19.16.080 Sidewalk elevators. Every sidewalk elevator shall be so constructed that when in use the sides of opening will be closed by sheet metal guards, strengthened with iron frame and of a height equal to that of the elevator door. The maximum size overall of a sidewalk elevator shall not exceed five feet by seven feet, and where practicable it shall be placed seventeen inches from the curb, and if of less width than the maximum, the said lesser width shall be placed at right angles to the curb. No sidewalk elevator shall be constructed without the approval of the Board of Public Works and a permit from the Superintendent of Buildings to construct and operate same. (Ord. 90047 § 17H; February 23, 1961).

19.16.090 Fuel openings and trap doors—Metal guards. A metal guard shall be attached to every fuel opening or trap door in a public place in such a manner as to raise and lower automatically with any such door. (Ord. 90047 § 17I; February 23, 1961).

19.16.100 Time of operation of sidewalk elevators. No sidewalk elevator or door, fuel opening, or oil or gasoline intake contiguous to any business property shall be operated between the hours of nine o'clock a.m. and six o'clock p.m., except in case of emergency, in which event operation shall not continue for a longer period than thirty minutes. During the operation of a sidewalk elevator, a man shall be stationed on the sidewalk at the elevator opening to warn persons of the danger. (Ord. 90047 § 17J; February 23, 1961).

19.16.110 Type of construction for elevator and trap doors. All elevator, fuel opening and trap doors shall be made of metal of sufficient strength to sustain a weight of two hundred fifty pounds per square foot and such doors and their hinges shall be so constructed that their surfaces will lie flat with the surface of the sidewalk upon which they are constructed and will present no obstruction whatsoever to traffic, and shall be so roughened and maintained as to occasion no danger whatsoever to pedestrians. (Ord. 90047 § 17K; February 23, 1961).

19.16.120 Elevators no longer in use. Doors shall be removed from

all sidewalk elevators which are no longer used, and the opening shall be replaced with reinforced concrete capable of withstanding an imposed load of not less than two hundred fifty pounds per square foot. The metal rim around the doors must also be removed. (Ord. 90047 § 17L; February 23, 1961).

Chapter 19.20

MARQUEES, AWNINGS AND CANOPIES

Sections:

- 19.20.010 Projection—Approval of superintendent.
- 19.20.020 Minimum ground clearance.
- 19.20.030 Vertical depth of marquee.
- 19.20.040 Lighting under marquee.
- 19.20.050 Interference with street light or utility pole.

19.20.010 Projection—Approval of superintendent. No marquee, awning or canopy shall extend over any public place closer than to within two feet of the curb line. Marquees, awnings and canopies shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable codes by the Superintendent of Buildings before permission is granted for the street encroachment. (Ord. 90047 § 18A, as amended by Ord. 91749; January 8, 1963).

19.20.020 Minimum ground clearance. The lowest point of any part of any marquee, awning or canopy shall be not less than eight feet, or sixteen feet if in an alley, from the surface over which it is constructed. (Ord. 90047 § 18B, as amended by Ord. 91749; January 8, 1963).

19.20.030 Vertical depth of marquee. No marquee shall exceed thirty inches in vertical depth. (Ord. 90047 § 18C, as amended by Ord. 91749; January 8, 1963).

19.20.040 Lighting under marquee. Any and all public places under a marquee shall be lighted during the hours of darkness and on the same time schedule as the municipal street lighting. Lights shall be designed, constructed and maintained to provide a minimum average illumination on the sidewalk of five foot-candles of light intensity. The lowest foot-candle value at any point shall not be less than one-half the average value. (Ord. 90047 § 18D, as amended by Ord. 91749; January 8, 1963).

19.20.050 Interference with street light or utility pole. No awning, canopy or marquee shall be constructed at a location or in a manner which will obstruct, obscure or interfere with any street light, or with any utility pole. (Ord. 90047 § 18E, as amended by Ord. 91749; January 8, 1963).

Chapter 19.24**SIGNS****Sections:**

- 19.24.010 Approval by building superintendent.
- 19.24.020 Minimum ground clearance.
- 19.24.030 Extension beyond property line.
- 19.24.040 Maintenance—Removal.
- 19.24.050 Billboards permitted in public places.
- 19.24.060 Marquee signs.
- 19.24.070 Barber poles.
- 19.24.080 Banners.

19.24.010 Approval by building superintendent. All signs in public places and their supports shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable ordinances by the Superintendent of Buildings prior to action by the Board of Public Works. (Ord. 90047 § 19A, as amended by Ord. 91749; January 8, 1963).

19.24.020 Minimum ground clearance. All signs projecting over a public place shall have a minimum clearance of eight feet above the adjacent sidewalk or other grade, except that those projecting over an alley shall have a minimum clearance of sixteen feet, and shall not extend beyond the center line of said alley. (Ord. 90047 § 19B, as amended by Ord. 91749; January 8, 1963).

19.24.030 Extension beyond property line. Unless approved by the Board of Public Works, no sign shall extend over any public place to within less than two feet of the curb line or more than six feet beyond the property line, except at a street intersection corner where a sign projecting at a forty-five degree angle from the property line may extend to the intersection of the six-foot projection margins on each street. (Ord. 90047 § 19C, as amended by Ord. 91749; January 8, 1963).

19.24.040 Maintenance—Removal. Signs or billboards projecting over or upon a public place shall be kept in a state of good repair by the owner, occupant or lessee. If not properly maintained, or if no longer in use, the City Engineer shall order the same removed by the owner, occupant or lessee and the permit therefor cancelled by the Board of Public Works according to Section 19.08.070 of this title. (Ord. 90047 § 19D, as amended by Ord. 91749; January 8, 1963).

19.24.050 Billboards permitted in public places. Billboards shall be permitted to be erected and maintained upon public places as approved by the Board of Public Works. (Ord. 90047 § 19E, as amended by Ord. 91749; January 8, 1963).

19.24.060 Marquee signs. The Board of Public Works may permit marquee signs in conjunction with any lawful marquee, provided that such marquee signs shall not project beyond the front of such lawful marquee, or, if such lawful marquee is more than two feet back from the curb line, for not more than twelve inches beyond its front and in any event not closer than two feet to the curb line; and, provided that, unless specifically approved, any highest part of such signs and marquee shall be not more than five feet higher than any lowest part of such signs and marquee. (Ord. 90047 § 19F, as amended by Ord. 91749; January 8, 1963).

19.24.070 Barber poles. It shall be unlawful for anyone to erect any barber pole so that the same, together with its brackets and fastenings, shall extend more than one foot over or into any public place, or so that the bottom thereof will be less than eight feet from the sidewalk. (Ord. 90047 § 20; February 23, 1961).

19.24.080 Banners. It shall be unlawful for anyone to stretch, hang or otherwise place any canvas or cloth sign or banner over or across any public place except upon written permit issued by the Board of Public Works, and then only upon such terms and conditions, and for such period of time as the Board shall direct. (Ord. 90047 § 21; February 23, 1961).

Chapter 19.28

CLOCKS

Sections:

- 19.28.010 Location.
- 19.28.020 Height and illumination.
- 19.28.030 Size of base and dial.
- 19.28.040 Advertising on clocks.
- 19.28.050 Head to be bare.
- 19.28.060 Correct time to be shown.

19.28.010 Location. No clock shall be constructed, erected or maintained in or upon any public place within one hundred feet of any other clock on the same side of such place, nor within eight feet of any utility pole or fire hydrant, nor so that any portion thereof extends beyond the curb line. (Ord. 90047 § 22A; February 23, 1961).

19.28.020 Height and illumination. No clock shall be more than fifteen nor less than twelve and one-half feet in height from the sidewalk to center of the dial. Each dial shall be illuminated from within only, by electric light of not less than ninety candle power to each dial which shall be kept burning during the hours of the day in which the municipal street lights are burning. (Ord. 90047 § 22B; February 23, 1961).

19.28.030 Size of base and dial. No clock shall be erected which has a base greater than twenty-eight inches nor less than sixteen inches in any dimension, nor which has a dial greater than three feet nor less than two feet in diameter. (Ord. 90047 § 22C; February 23, 1961).

DANGEROUS BUILDINGS 19.28.040—19.32.020

19.28.040 Advertising on clocks. No more than two lines of advertising matter shall appear upon the dial, nor anything other than the name and address of the owner, occupant or lessee upon the post or base of any clock. (Ord. 90047 § 22D; February 23, 1961).

19.28.050 Head to be bare. No cloth, drapery, sign or other thing shall be added, attached or suspended from the head of any clock. (Ord. 90047 § 22E; February 23, 1961).

19.28.060 Correct time to be shown. No person shall permit a street clock of which he is the owner, to incorrectly record the time unless all dials thereof be covered. The cover of such a clock shall not have advertising matter thereon. Any clock not showing correct time or which has been covered for more than fourteen days shall be removed upon order of the Board of Public Works. (Ord. 90047 § 22F; February 23, 1961).

Chapter 19.32

DANGEROUS BUILDINGS

Sections:

19.32.010 Barricading sidewalks abutting unsafe building.

19.32.020 Construction of covered way.

19.32.010 Barricading sidewalks abutting unsafe building. Whenever the Superintendent of Buildings finds that a building is unsafe, according to the terms of the Building Code or any other effective ordinance, and a hazard to public safety, health or welfare may exist to members of the public using an abutting public place, then the abutting sidewalk and/or public place may be barricaded immediately by the City Engineer to the extent found necessary, so as to prevent public access to such area in the interest of public safety, and the Superintendent of Buildings forthwith shall notify the owner or his agent of such hazardous condition and to correct this condition within ten days from date of notice thereof. (Ord. 90047 § 23A; February 23, 1961).

19.32.020 Construction of covered way. If such hazardous condition has not been corrected by the owner or agent within the ten day period, the owner or agent shall be notified to obtain a permit for the construction and maintenance of a covered way over that portion of sidewalk or street area as directed by the City Engineer. In case of failure of owner or agent to begin construction according to permit, or failure to obtain such permit in time specified, then owner or agent may be subject to penalties provided by this title and the City Engineer may cause such covered way to be constructed and charge the cost plus fifteen percent thereof against the property described and such charges shall be collected by laws governing collection of debts. (Ord. 90047 § 23B; February 23, 1961).

Chapter 19.36

CLEANING BUILDINGS

Sections:

- 19.36.010 Permit required.
- 19.36.020 Term of permit.
- 19.36.030 Steam cleaning.
- 19.36.040 Use of chemicals and acids.
- 19.36.050 Scaffolding.
- 19.36.060 Tarpaulin under scaffolding.
- 19.36.070 Sidewalk barricades—Hours of operation.
- 19.36.080 Ladders.

19.36.010 Permit required. When necessary to occupy a public place to clean or paint any building, wall, or sign, it shall be unlawful for anyone to undertake such cleaning or painting without first having obtained a permit to do so from the City Engineer. The permit shall specify the portion of the public place which may be occupied with equipment for the generating of steam or compressed air, hanging scaffold, or for any purpose whatsoever. (Ord. 90047 § 24A; February 23, 1961).

19.36.020 Term of permit. A permit issued hereunder shall be valid only for the number of days stated therein and for the occupation of such portion of said street as is definitely set forth and at such hours as may be designated and only for the purpose of the cleaning, painting or hanging of said scaffold for the particular structure for which the permit is issued. (Ord. 90047 § 24B; February 23, 1961).

19.36.030 Steam cleaning.* If such cleaning is done with steam, the steam boiler and all of its appliances including piping, hose and nozzle shall comply with the provisions of the law regulating the operations of steam boilers in the city and no boiler may be put into operation without first having withstood a test by boiler inspector. A valid boiler permit signed by the boiler inspector must be posted on the plant. (Ord. 90047 § 24C; February 23, 1961).

19.36.040 Use of chemicals and acids. The use of acids or chemicals or any cleaning material which, if precipitated in the street would cause injuries to persons or damage to property, is prohibited, except as otherwise provided for in this title. (Ord. 90047 § 24D; February 23, 1961).

19.36.050 Scaffolding.* All scaffolding shall comply with the provisions of this title pertaining to scaffolds, and to all requirements of the State Safety Code. (Ord. 90047 § 24E; February 23, 1961).

*For boilers—See Chapter 3.52 of this code.

*For scaffolding—See Chapter 19.44 of this title.

19.36.060 Tarpaulin under scaffolding. A substantial canvas tarpaulin shall be attached to the underside of such scaffold where directed by the City Engineer in such a manner as to stop any spray, dirt, or other material from spreading on the street below. (Ord. 90047 § 24F; February 23, 1961).

19.36.070 Sidewalk barricades—Hours of operation. During operations a suitable portion of the sidewalk or other public thoroughfare as required by the City Engineer shall be barricaded in an approved manner. Specified hours of operation and any additional construction may be required to protect the public in passing said point. (Ord. 90047 § 24G; February 23, 1961).

19.36.080 Ladders. If a ladder more than fourteen feet in height is used in building or cleaning operations, there shall be at all times a man stationed at the base thereof in the interest of public safety. (Ord. 90047 § 24H; February 23, 1961).

Chapter 19.40

BUILDING OPERATIONS

Sections:

- 19.40.010 Compliance with code.
- 19.40.020 Permit for use of street or walk area.
- 19.40.030 Enclosures—When required.
- 19.40.040 Enclosure specifications.
- 19.40.050 Enclosure not to obstruct certain things.
- 19.40.060 Removal of building rubbish and earth.
- 19.40.070 Mixing mortar or concrete in public place.
- 19.40.080 Repairing damage to public facilities.
- 19.40.090 Excavations and cave-ins.
- 19.40.100 Permit to drive over curb.
- 19.40.110 Walk and pavement to be kept clean.
- 19.40.120 Covered walkway—When required.
- 19.40.130 Same—Minimum live load.
- 19.40.140 Same—Storage of materials on top.
- 19.40.150 Same—Lighting.
- 19.40.160 Uncovered temporary walkway.
- 19.40.170 Use of street intersection restricted.

19.40.010 Compliance with code. In any district when a building is to be erected, razed, repaired or altered the following specifications shall be complied with by the owner of the building or his agent. (Ord. 90047 § 25 (part); February 23, 1961).

19.40.020 Permit for use of street or walk area. An application shall

be filed with the City Engineer for use of street or walk area deemed necessary for building operations. Said application shall also specify the period of time he desires to use the specified area. The City Engineer will investigate the area adjacent to the place of such building construction, demolition or repair as to the traffic carried by the roadway and walks, and as to the inconvenience and hazard to the public. This application shall be accompanied by a plan of the definite limits of areas desired for use and is to be confined to and abutting the property to be improved, provided that upon written permission of other adjacent property owners filed with said application and approved by the City Engineer, said street use may extend beyond the limits of the improvement.

Such use of walk or street area abutting a resident property, except on arterial highways and bus routes, shall be limited to the use of the street area between the sidewalk and curb and, where necessary, that area, adjacent to the outside of the curb, generally occupied by a parked automobile. On arterial highways and bus or trolley routes, the use of street area is to be limited to the area authorized by the City Engineer.

Upon completion of investigation of street use as applied for, the Board of Public Works may direct a permit be granted, said permit to be subject to the applicant furnishing public liability insurance and cash deposit and/or surety bond as the City Engineer deems necessary to protect the city from any claims for damages to persons or injury to public utilities or any other cause. The City Engineer may revise such plans and applications and confine the use of street to the area as he finds it to be of the greatest safety for the public. He may alter conditions of said permit at any time he finds such use may cause damage to persons or things or to any improvements of the City of Seattle. (Ord. 90047 § 25A; February 23, 1961).

19.40.030 Enclosures—When required. It shall be necessary to erect a fence or enclosure at any location wherein a building is to be erected, razed, repaired or altered and a hazard to pedestrian traffic is created (a) within ten feet of a walk or roadway, (b) in a business district, (c) or in any case deemed necessary by the City Engineer. (Ord. 90047 § 25B; February 23, 1961).

19.40.040 Enclosure specifications. Fences or enclosures at building sites on which construction or demolition operations are being performed shall be solid and tight for their full length, except for such openings which shall be provided with sliding doors or hinged doors swinging inward as may be necessary for the proper execution of the work. The doors of such openings shall be securely fastened in a closed position when not in use.

Such fence, unless otherwise provided, shall be at least seven feet in height and shall, where practicable, be erected before any work is commenced; provided that if said enclosure is adjacent to a street intersection

or corner, that portion of the fence from four feet to seven feet high, which is within thirty feet each way from said corner, must be of wire mesh to provide for traffic visibility at all times, unless otherwise designated by the city engineer. (Ord. 90047 § 25C; Feb. 23, 1961).

19.40.050 Enclosure not to obstruct certain things. No materials, fence, or shed shall obstruct the approach to any fire hydrant, manhole, fire alarm box, catch basin, inlet, vault, valve chamber, or any other public utility or traffic facility which is within an area being used by a permittee. No obstruction shall be placed so that there will be any interference with the passage of water in the gutter. (Ord. 90047 § 25D; Feb. 23, 1961).

19.40.060 Removal of building rubbish and earth. Earth taken from excavations and rubbish from buildings shall not be stored on the sidewalk or other street area, but shall be removed from day to day as rapidly as produced. Where such materials are dry and apt to produce dust when handled they shall be kept sufficiently moist to prevent the wind blowing the same about. Building rubbish accumulating on upper floors and all rubbish, plaster and other loose materials, produced while wrecking, altering or repairing a building must be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing same, and when likely to produce dust the chute must be provided with means of wetting this waste to prevent the wind blowing same about. (Ord. 90047 § 25E; Feb. 23, 1961).

19.40.070 Mixing mortar or concrete in public place. It is unlawful to mix mortar or concrete in a public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement, or any similar material. (Ord. 90047 § 25F; Feb. 23, 1961).

19.40.080 Repairing damage to public facilities. Any damage done to sidewalk, pavement, sewers, drain inlets, catch basins or any other public facility shall be repaired by the city engineer as he finds necessary, and all costs plus fifteen percent to be charged against the owner, agent or contractor; except that if a permit is granted so to do, the owner, agent or contractor may restore and repair such damages as required and under the inspection of the city engineer. (Ord. 90047 § 25G; Feb. 23, 1961).

19.40.090 Excavations and cave-ins. Where excavations are to be made in any area adjacent to a street area, the owner, agent, or contractor making such excavation shall maintain the lateral support of said street area. Where excavations have been made in the street area, or a cave-in or slide of earth has occurred extending into a public place due to excavation on private property, the city engineer shall restore the street area at the expense of said owner, agent or contractor who shall be jointly and severally liable therefor; or if the city engineer so directs, the con-

19.40.100—19.40.150 STREET USE

tractor, owner or agent shall make such backfill and restoration under the inspection of the city engineer. The city engineer shall collect the cost of any such work done or inspection made from the cash deposit and/or surety bond supplied by said contractor, owner or agent and/or by civil action in the manner provided by law. (Ord. 90047 § 25H as amended by Ord. 98197 § 3; Oct. 1, 1969).

19.40.100 Permit to drive over curb. Whenever an excavation is to be made adjacent to a public place, or in any case wherein materials are to be moved across a public sidewalk or curb or a portion thereof not set aside as a driveway, and the adjacent street area is not being used under permit while building, the owner, agent or contractor shall secure a permit to drive over the walk and/or curb and deposit cash, a surety bond or both as provided herein and as the city engineer directs. (Ord. 90047 § 25I; Feb. 23, 1961).

19.40.110 Walk and pavement to be kept clean. In the use of street area or driving over walks and curbs, the contractor is required to keep such walk and pavement reasonably clean, properly protected with planks during working hours, and safe for public travel; upon failure to so do the city engineer may place such planking and cause such cleanup to be made, and the cost thereof plus fifteen percent is to be charged to the contractor. Any charges so made may be deducted from the contractor's deposits on file or may be charged against his bond. (Ord. 90047 § 25J; Feb. 23, 1961).

19.40.120 Covered walkway—When required. Whenever structures are built or extended to a height of more than twenty-five feet above the sidewalk grade and fronting on a street, a protective roof extending over the sidewalk area shall be built and maintained during construction or repair to provide a temporary covered walkway. Said protective roof shall have a clear height of ten feet above the sidewalk and shall be tightly boarded with a covering of roofing paper or other material to prevent water from falling through. (Ord. 90047 § 25K; Feb. 23, 1961).

19.40.130 Same—Minimum live load. Every such walkway shall have a tight board fence built along its entire length, on the side abutting the building site. The entire structure shall be designed to carry the loads imposed upon it, provided the minimum live load to be used in design shall not be less than thirty-five pounds per square foot, uniformly loaded. (Ord. 90047 § 25L; Feb. 23, 1961).

19.40.140 Same—Storage of materials on top. If materials are stored or work is done on the roof of the walkway, the curb side of the walkway shall be protected by a tight board fence three feet high. Where necessary to properly protect pedestrians, wire mesh or other suitable material shall be provided on the curb side from the walk to the roof or canopy. (Ord. 90047 § 25M; Feb. 23, 1961).

19.40.150 Same—Lighting. The space under the roof over the walk-

way shall be kept well lighted with artificial lighting continuously between sunset and sunrise, and such other times as necessary. (Ord. 90047 § 25N; February 23, 1961).

19.40.160 Uncovered temporary walkway. Whenever it is not necessary to construct a covered temporary walkway according to the preceding paragraphs of this chapter, an uncovered temporary walkway shall be constructed where directed by the City Engineer as a condition to the issuance of the permit. Said temporary walkway shall be kept clear for the passage of pedestrians, except when materials are being handled over the same, and no person shall leave any material, tools, implements, machinery or debris thereon. The ends of said temporary walkway shall extend from and be laid flush with the permanent sidewalk to which it is attached. Whenever such a walkway is constructed, an adequate and secure handrailing shall be constructed on the curb side thereof. Where such walkway extends into the roadway area the sleepers on which it is laid shall not interrupt the flow of water in a gutter. The temporary walkway shall be constructed or reconstructed to conform with the requirements of the City Engineer. When deemed necessary by the City Engineer, a tight board fence shall be erected along the side next to the abutting private property. Said tight board fence shall be at least seven feet high, except that portion within thirty feet of a street intersection shall be not more than four feet high. (Ord. 90047 § 25P; February 23, 1961).

19.40.170 Use of street intersection restricted. No temporary building, structure or machinery over four feet high shall be located within a street intersection, nor shall materials be piled over four feet high within an intersection. (Ord. 90047 § 25Q; February 23, 1961).

Chapter 19.44

SCAFFOLDS

Sections:

- 19.44.010 Scaffold to provide sufficient support.
- 19.44.020 Permit.

19.44.010 Scaffold to provide sufficient support. It shall be unlawful for anyone to use any scaffold or staging unless it has sufficient strength to support the weight to be placed upon it and unless it has sufficient width to prevent persons and materials from falling from it. Tarpaulins and scaffolds shall be braced sufficiently or anchored to the building so that they will not fall or be blown about or otherwise collapse. (Ord. 90047 § 26A; February 23, 1961).

19.44.020 Permit. It shall be unlawful for any person to erect, hang, build or maintain any scaffolding over any public place without a permit from the Board of Public Works. However, a general permit for the use

of said public place while building or remodeling a structure shall carry with it the right for such scaffolding. (Ord. 90047 § 26B; February 23, 1961).

Chapter 19.48

BACKFILLING

Sections:

19.48.010 City engineer to control backfilling and restoration.

19.48.010 City engineer to control backfilling and restoration. After the completion of any work for which a permit has been granted, if the same shall have involved an excavation or disturbance of the surface of any public place, the City Engineer shall have control of the refilling and restoring of same to its proper condition, and the cost thereof plus fifteen per cent shall be billed to the person or deducted from the grantee's indemnity deposit. (Ord. 90047 § 27; February 23, 1961).

Chapter 19.52

HOUSE MOVING

Sections:

- 19.52.010 Permit required.
- 19.52.020 House mover's license—Liability insurance.
- 19.52.030 Application for moving permits.
- 19.52.040 Removal or trimming of trees along route.
- 19.52.050 Estimate of injury to wires and cables.
- 19.52.060 Determining feasibility of moving buildings.
- 19.52.070 Grantee to bear moving expense.
- 19.52.080 Moving small buildings.
- 19.52.090 Engineer to make rules.

19.52.010 Permit required. It shall be unlawful to move a building along or across any public place without a permit to do so from the City Engineering Department. (Ord. 90047 § 28A, as amended by Ord. 90213; May 3, 1961).

19.52.020 House mover's license—Liability insurance. No such permit to move a building along or across any public place shall be issued unless the applicant therefor has obtained from the City Comptroller a license hereby designated as a house mover's license, and it shall be unlawful to move any building without such a license. No such license shall be issued until such house mover has filed with the City Comptroller a surety bond, approved by the Mayor and the City Comptroller as to sufficiency, and the Corporation Counsel as to form, in the amount of five thousand dollars and conditioned upon the requirements of Sections 19.08.040 and 19.08.050 hereof relating to cash indemnity funds, and further conditioned

to indemnify and save harmless the City of Seattle from all claims, actions or damages of every kind and description which may accrue to or be suffered by said city by reason of the licensee's operations as a house mover and said bond may be terminated upon thirty days' written notice to the City Comptroller and City Engineer; and in addition to said bond, shall have filed with the City Comptroller a certificate stating that the City of Seattle is included as an additional insured on his protective public liability insurance, providing for a limit of not less than fifty thousand dollars for all damages arising out of bodily injuries to, or death of one person in any one accident; one hundred thousand dollars for two or more persons injured in any one accident, subject to fifty thousand dollars for each one; and shall also provide property damage liability insurance providing for a limit of not less than fifty thousand dollars for all damages arising out of injury to or destruction of property in any one accident; and stating that the City of Seattle shall be given ten days' notice of any change, cancellation or expiration of such insurance policy.

The annual fee for each house mover's license is hereby fixed at fifty dollars, the expiration date of which shall be April 30th of each year, provided that said fee shall be one-half the annual fee in the event a license is issued within six months of its expiration date; provided, that the licensing provisions of this section shall not apply to small buildings for which a permit shall have been granted by the Board of Public Works as specified in Section 19.52.080 of this chapter.

In the event anyone granted a license hereunder fails to comply with any of the terms of this title, such license may be suspended or revoked by the City Comptroller, in which event such license shall be surrendered to said City Comptroller. (Ord. 90047 § 28B, as amended by Ord. 90213; May 3, 1961).

19.52.030 Application for moving permits. All applications for permits to move buildings through or across public places of the city shall be made to the City Engineer on a form provided by the City Engineer, and every such application shall state the location of the building to be moved, its dimensions and its principal materials. It shall definitely describe the route over which the building is to be moved, the length of time that will be required to move it, and the proposed new location thereof. Before any permit to move a building to a site within the City of Seattle is issued, specific written approval must be obtained from the Building Department. The approval of all public utilities owned and operated by the City of Seattle is also necessary, if those utilities are to be disturbed. (Ord. 90047 § 28C, as amended by Ord. 90213; May 3, 1961).

19.52.040 Removal or trimming of trees along route. Where the removal or trimming of any shade trees or other shrubbery is necessary, the building mover is required to obtain from the owner thereof a written re-

lease for any damages and the City of Seattle is to be held free of any liability or damages whatsoever. If said building is to be moved along or across any boulevard or other public place controlled and planted by the Park Department, the building mover is also required to have written approval from the Park Department. (Ord. 90047 § 28D, as amended by Ord. 90213; May 3, 1961).

19.52.050 Estimate of injury to wires and cables. The City Engineer shall determine the probable injury and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities. Such findings shall be endorsed upon the application for permit. (Ord. 90047 § 28E, as amended by Ord. 90213; May 3, 1961).

19.52.060 Determining feasibility of moving building. The City Engineer shall ascertain the probable interference with the rights of the public that such moving will cause, and any other facts which may aid in determining whether or not such permit should be granted. The City Engineer shall also prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations he may deem necessary for public safety and convenience. He shall endorse his findings thereon and transmit the same to the Board of Public Works.

The Board of Public Works may, if the injury to public utilities or private property is apparently excessive as to the value of building to be moved, notify the owners or agents of said properties that a public hearing will be held, and set a date for this hearing. At this hearing all persons interested may appear and object to the granting of such permit. If the Board of Public Works finds the injury and inconvenience to the public, owners of private property and public utilities is minor said permit may be granted without a hearing.

Whenever the Board of Public Works determines that a public hearing must be held to determine the feasibility of moving a building, the applicant shall pay to the Treasurer of the City of Seattle and take his receipt therefor the sum of ten dollars for advertising a hearing upon the application as herein provided. The receipt number for said sum shall be recorded on the application. (Ord. 90047 § 28F, as amended by Ord. 90213; May 3, 1961).

19.52.070 Grantee to bear moving expense. The grantee of a permit to move a building along or across any public place shall bear any and all expense that may be occasioned by such moving; provided, however, that nothing herein contained shall be construed as repealing any of the provisions of any franchise ordinance. (Ord. 90047 § 28G, as amended by Ord. 90213; May 3, 1961).

19.52.080 Moving small buildings. The board of public works may grant permits to move small buildings through or across a public place when the structure is of such dimensions as may be hauled on a single truck or semi-trailer without said mover having a license, provided that same may be moved speedily without any inconvenience to the public. The city engineer is to specify the time of moving, the route to be taken and any other qualification he deems necessary for the safety of the public and the protection of private and public property. (Ord. 90047 § 28H, as amended by Ord. 90213; May 3, 1961).

19.52.090 Engineer to make rules. The city engineer may make rules and regulations governing the moving of buildings along or across public places, and those rules and regulations shall become a part of this title. (Ord. 90047 § 28I, as amended by Ord. 90213; May 3, 1961).

Chapter 19.56

FRANCHISE PERMITS AND REGULATIONS

Sections:

- 19.56.010 Permit—When required.
- 19.56.020 Application for permit.
- 19.56.030 Payment of investigation fees.
- 19.56.040 Work without permit declared nuisance.
- 19.56.050 Deferral of permit.
- 19.56.060 Inspection of structures.
- 19.56.070 Cost of inspection.
- 19.56.080 Inspections provided in franchise ordinance.
- 19.56.090 Penalty for violation of 19.56.060—19.56.080.

19.56.010 Permit—When required. It shall be unlawful for anyone holding a franchise from the city of Seattle, or who may hereafter be granted a franchise, to use or occupy any public place, to go upon such public place, or to perform any construction work therein which shall disturb the surface of the street, planting (parking) strip or sidewalk, without complying with all the provisions of this title in relation thereto and obtaining and having a permit from the board of public works so to do; provided that the city engineer may, without referring the application to the board of public works, in his reasonable discretion, issue any permits necessary for the placing of crossarms, wires, transformers or other apparatus, or poles already placed, or for the emergency repair of any existing construction or service connections. (Ord. 90047 § 29 (part); February 23, 1961).

19.56.020 Application for permit. In order to obtain the permit provided for in the preceding section, anyone desiring to do such work shall file with the city engineer an application therefor on a form furnished by said city engineer, which application therefor shall be accompanied by a

19.56.030—19.56.050 STREET USE

plat drawn to an accurate scale, such plat being made conformable to such reasonable rules and regulations as the city engineer may prescribe, and showing the exact location, character, position, dimension, depth and height of the work proposed to be done. The city engineer shall note on such application his recommendation and shall transmit the application to the board of public works, which, prior to the granting of any permit, may require such modifications or changes as it deems necessary to properly protect the public in the use of said public places, and shall in said permit, if the same be granted, fix the time or times within and during which such work shall be done. When such application has been granted by the board of public works, a permit allowing such construction shall be issued from the office of the city engineer, who shall have the power to supervise, regulate and direct the construction and who shall keep a record of this permit and the work done thereunder. Permits issued by the city engineer or the board of public works may be revoked by the board of public works on ten days' notice. (Ord. 90047 § 29 (part); February 23, 1961).

19.56.030 Payment of investigation fees. Anyone doing construction work under such permit either from the board of public works or the city engineer shall pay into the city treasury such amounts as, in the judgment of the city engineer, are reasonably necessary to investigate any application for construction work, to inspect such work, to secure proper field notes of location, and to plat such locations on the permanent records of the city engineering department of the city of Seattle, or to inspect or reinspect as to maintenance during the progress of or after the repair of any construction placed under permits previously issued; or shall pay permit fees specified by ordinance when required. (Ord. 90047 § 29 (part); February 23, 1961).

19.56.040 Work without permit declared nuisance. All structures built, excavations made, and material placed on any public place by anyone holding a franchise from the city of Seattle without a permit therefor first having been obtained, as in this chapter provided, shall be deemed public nuisances, and in addition to the penalties provided for violation of this title, such nuisances shall be abated with or without action, and such other proceedings shall be taken thereof as are authorized by law and the ordinances of the city of Seattle for the prevention, abatement and punishment of nuisances; and it shall be no defense to any prosecution or proceeding under this section that the person violating the same has a franchise to use or occupy such public place. (Ord. 90047 § 29 (part); February 23, 1961).

19.56.050 Deferral of permit. The board of public works may, in its reasonable discretion, defer the action of the permit hereinabove provided for until such time as it deems proper in all cases where the public place on which the work is desired to be done is occupied or about to be occupied in

any work by the city, or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time, and may in granting such permit, so regulate the manner of doing such work as shall cause least inconvenience to the public in the use of such public place, and in all cases any work of the city or its contractors or employees shall have precedence over all work of every kind. (Ord. 90047 § 29 (part); February 23, 1961).

19.56.060 Inspection of structures. The city engineer shall annually, or oftener as he shall deem necessary for the protection of the public safety, inspect or cause to be inspected all bridges, trestles, viaducts, tunnels, grade crossings, and other structures which have been or may be constructed or installed in, along, over, or across the public streets of the city pursuant to ordinance granting any franchise or special permit and required by such ordinance to be maintained by the grantee of any such franchise or special permit. (Ord. 96715 § 1; May 22, 1968).

19.56.070 Cost of inspection. The cost of such inspection shall be paid by the grantee of any such franchise or special permit and the city engineer is hereby authorized to bill for and collect fees in such amounts as are commensurate with the reasonable cost of such inspections. (Ord. 96715 § 2; May 22, 1968).

19.56.080 Inspections provided in franchise ordinance. Sections 19.56.060 through 19.56.090 shall not be applicable to inspections made in accordance with specific provisions of an ordinance authorizing or granting any such franchise or special permit where the payment of the cost of inspection is specifically provided for in such ordinance. (Ord. 96715 § 3; May 22, 1968).

19.56.090 Penalty for violation of 19.56.060—19.56.080. Anyone violating or failing to comply with Sections 19.56.060 through 19.56.080 shall upon conviction thereof be punishable by a fine of not to exceed five hundred dollars or imprisonment for not exceeding ninety days, or both such fine and imprisonment. (Ord. 96715 § 4; May 22, 1968).

Chapter 19.60

PUBLIC UTILITY PERMITS AND REGULATIONS

Sections:

- 19.60.010 Permit required.
- 19.60.020 Permit application and issuance.
- 19.60.030 Fees for investigation and inspection.
- 19.60.040 Underground ducts and conduits.
- 19.60.050 Joint use of poles.

19.60.010—19.60.030 STREET USE

- 19.60.060 Use of poles by city.
- 19.60.070 Pointing poles.
- 19.60.080 Disconnection of wires for moving buildings.
- 19.60.090 Structures interfering with LID work.
- 19.60.100 Placing construction underground.
- 19.60.110 Removal of installations no longer required.
- 19.60.120 Nonliability of city.

19.60.010 Permit required. It is unlawful for anyone acting as a person, firm, company, corporation or association having the right under the Charter, any ordinance or franchise or under any other law to construct, maintain and operate on, under or over the streets, alleys or public places of the city of Seattle, pipes, ducts, utility tunnels, vaults, manholes, poles, fixtures, wires or any other appurtenances necessary for the purpose of conducting any lawful business, either public or private, to go upon any such public place to perform any work therein which will disturb the surface of the street, planting strip or sidewalk, or to occupy area upon the surface or beneath the surface of the street, planting strip or sidewalk without complying with all the provisions of any ordinance in relation thereto and obtaining and having a permit from the board of public works to do so; provided, that the city engineer may, without referring the application to the board of public works, in his reasonable discretion, issue any permits necessary for the placing of crossarms, wires, transformers or other apparatuses, on poles already placed, or for the emergency repair of any existing construction, or for service connections. Permits issued either by the city engineer or the board of public works may be revoked on ten days' notice by the board of public works.

The terms and conditions of the use and occupancy of public streets and alleys in the city of Seattle by anyone constructing or operating under authority of this chapter and ordinances amendatory thereto shall be as set forth in this chapter. (Ord. 90047 § 30 (part) as amended by Ord. 96598; April 10, 1968).

19.60.020 Permit application and issuance. Anyone desiring to place or maintain any of the aforementioned authorized facilities shall, prior to the commencement of any construction work, file an application for permit therefor as hereinbefore described. When permission has been granted by the board of public works a permit allowing of such construction shall be issued from the office of the city engineer, who shall have power to supervise, regulate and direct the construction and who shall keep a record of the permit and the work done thereunder. (Ord. 90047 § 30A as amended by Ord. 96598; April 10, 1968).

19.60.030 Fees for investigation and inspection. Anyone doing construction work under permit from either the board of public works or the city engineer shall pay into the city treasury such amounts as, in the judg-

ment of the city engineer, are reasonably necessary to investigate and process any application for construction work, to inspect such work, to secure proper field notes for location, and to plat such locations on the permanent records of the department of the city engineer, or to inspect or reinspect as to maintenance, during the progress of or after the repair of, any construction placed under permits previously issued. (Ord. 90047 § 30B as amended by Ord. 96598; April 10, 1968).

19.60.040 Underground ducts and conduits. Anyone constructing under authority of this chapter and ordinances amendatory thereof, any underground ducts or conduits, shall, when the number of main line ducts or conduits exceeds two, reserve free of cost to the city for the exclusive use of governmental communication, traffic signal, and other governmental signal purposes, additional ducts in the proportion of one duct for every five or less constructed, provided the board of public works may, in its reasonable discretion, limit the number of ducts to be reserved. (Ord. 90047 § 30C as amended by Ord. 96598; April 10, 1968).

19.60.050 Joint use of poles. Anyone erecting or maintaining poles under authority of this chapter shall allow anyone constructing under authority of this chapter and ordinances amendatory thereof, joint use of its poles upon payment, except as provided in Section 19.60.060, of a reasonable proportion of the cost of such poles installed and shall obey any order issued by the board of public works relative to the joint use of poles. (Ord. 90047 § 30D as amended by Ord. 96598; April 10, 1968).

19.60.060 Use of poles by city. Anyone erecting or maintaining poles under authority of this chapter shall allow the city the right, free of charge, to attach, maintain and operate its governmental communication and signal wires and/or fixtures, on crossarms, or on the poles erected and so maintained. (Ord. 90047 § 30E as amended by Ord. 96598; April 10, 1968).

19.60.070 Painting poles. Anyone erecting or maintaining poles under authority of this chapter shall, upon order of the board of public works or the city engineer, paint or repaint its poles to such height and in such colors and at such times as the board of public works or the city engineer may direct. (Ord. 90047 § 30F as amended by Ord. 96598; April 10, 1968).

19.60.080 Disconnection of wires for moving buildings. Anyone having a franchise from the city of Seattle, upon twenty-four hours' notice from the board of public works, shall, at his or its own cost and expense, disconnect or move his or its wires to allow for the moving of buildings across or along any such street, alley, or other public place; provided that any cost to the companies affected exceeding, in the judgment of the board of public works, a reasonable percentage of the value of the building, shall be borne

19.60.090—19.64.010 STREET USE

by the person desiring to move the building. (Ord. 90047 § 30G as amended by Ord. 96598; April 10, 1968).

19.60.090 Structures interfering with LID work. Anyone upon order of the city engineer or the board of public works, shall upon ten days' notice, at his or its own cost and expense, move any underground, surface or overhead construction which interferes with any local improvement district work or with any construction for public purposes authorized or ordered by the city. (Ord. 90047 § 30H as amended by Ord. 96598; April 10, 1968).

19.60.100 Placing construction underground. Anyone maintaining over any street, alley or other public place, any overhead construction, either poles or wires, shall place the same underground upon being directed so to do by the city council, which notice may be given either by resolution or by ordinance of such city council; provided, that all other public utility companies maintaining overhead construction shall be subject to such resolution or ordinance. (Ord. 90047 § 30I as amended by Ord. 96598; April 10, 1968).

19.60.110 Removal of installations no longer required. Anyone accepting permits under the terms of this section for the installation of pipes, ducts, utility tunnels, vaults, manholes, poles, wires or any other appurtenances shall remove such installation when it is no longer required or used and the board of public works orders the removal thereof. (Ord. 90047 § 30J as amended by Ord. 96598; April 10, 1968).

19.60.120 Nonliability of city. Anyone accepting permits under the terms of this chapter shall in addition to the provisions provided for in this title indemnify and save the city of Seattle free and harmless from any liability, loss, cost, damage, trouble, or expense due to casualty, accident or damages either to person or property which may at any time arise or occur by reason of the construction, maintenance, operation or use of conduits, pipes, ducts, utility tunnels, vaults, manholes, poles, wires or any other appurtenances of any character placed under authority of this section. Such indemnity is required until the pipes, ducts, utility tunnels, vaults, manholes, poles, wires or any other appurtenances are removed from the street, or, until the city furnishes a written release of the requirement to the owner thereof. (Ord. 90047 § 30K as amended by Ord. 96598; April 10, 1968).

Chapter 19.64

TEMPORARY FENCE FOR PARKING STRIPS

Sections:

19.64.010 Temporary fence.

19.64.010 Temporary fence. Under a permit to improve a planting (parking) strip by grass, flowers, shrubs and trees, a fence with a one-inch by three-inch, or wider, board along the top, and at least thirty inches high, may be temporarily maintained until such grass, flowers, shrubs and trees

shall become thoroughly rooted. The board of public works may order the removal of such fence if the same be considered hazardous to the public. (Ord. 90047 § 31; February 23, 1961).

Chapter 19.68

RAISING HEAVY EQUIPMENT

Sections:

19.68.010 Permit for raising and lowering heavy equipment.

19.68.010 Permit for raising and lowering heavy equipment. The city engineer may grant permits to qualified persons to raise and lower safes, machinery or any other heavy articles into and from buildings and to occupy in so doing such portion of the street and sidewalk as the city engineer may deem necessary and subject to such conditions and regulations as he may prescribe for the safety and convenience of the public. (Ord. 90047 § 32; February 23, 1961).

Chapter 19.72

IMPOUNDING

Sections:

19.72.010 Impounding of object or thing.
19.72.020 Disposition without sale.

19.72.010 Impounding of object or thing. Any object or thing, which, without a permit, shall occupy continuously any public place for a period of more than twenty-four hours, is hereby declared to be a nuisance, and the city engineer may seize and impound the same. Said seizure shall be made by said city engineer, or, under his direction, by any employee of the city engineering department, or by any police officer. The one making such seizure shall take such object or thing and store, impound and detain the same at any city storage yard or building until the same is redeemed or sold, as herein provided.

If, at the expiration of two days from and after the time of seizing and impounding any such object or thing, the same is not redeemed and

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WARNING LIGHTS AND BARRICADES 19.72.020—19.76.010

released to the owner by payment of costs and fees, as herein provided, the City Engineer shall proceed to give fifteen days' notice by publication in the official newspaper of the City of Seattle of the time and place where he will offer such object or thing for sale at public auction, unless for good and sufficient reason said period of sale be postponed from time to time, and when sold he shall proceed to pay all expenses theretofore incurred by reason of the seizure and impounding, and all other necessary expenses incurred by the advertising and sale of the same, and shall pay the residue into the City Treasury.

Said notice of sale shall describe the object or thing intended to be sold with reasonable certainty, and shall state to whom, if anyone, the City Engineer believes the same belongs, and if the name of the owner is wholly unknown to said City Engineer, that fact shall be stated in said notice, and in case such owner shall be known to the City Engineer, and can be found within the city, a copy of such notice shall be served upon him, at least one day prior to the sale. At any time within six months from and after the date of the sale, the former owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after deducting the necessary expenses, and if at the expiration of six months, the former owner shall not have applied to the City Treasurer, as provided in this section, the residue of the proceeds of such sale shall be turned into the general fund. The fees for any of the foregoing services shall be the cost thereof plus fifteen per cent. (Ord. 90047 § 33A; February 23, 1961).

19.72.020 Disposition without sale. If no sale is consummated, the thing shall be disposed of in a manner determined by the City Engineer. (Ord. 90047 § 33B; February 23, 1961).

Chapter 19.76

WARNING LIGHTS AND BARRICADES

Sections:

- 19.76.010 Barricades and lights—When required.
- 19.76.020 Advance warning lights and barricades on arterials.
- 19.76.030 Noncompliance—Installation by engineer.
- 19.76.040 Engineer's judgment of number and adequacy.
- 19.76.050 Defacing and removal unlawful.

19.76.010 Barricades and lights—When required. It shall be unlawful for anyone, in any manner to obstruct, excavate or tear up any public place, without at all times during the hours of darkness maintaining at the point of obstruction or excavation a barricade and four or more red or

flashing amber lights of sufficient power and brilliancy and so placed as to be plainly visible for a distance of not less than five hundred feet in all directions from the point of such obstructions. Obstructions in public places during daylight hours shall have sufficient barricades posted in such a manner as to indicate plainly the danger involved. Barricades may be removed at the completion of work or the removal of obstructions in public places providing the surface of the roadway has been restored to the satisfaction of the City Engineer. (Ord. 90047 § 34A, as amended by Ord. 92405; October 8, 1963).

19.76.020 Advance warning lights and barricades on arterials. Adequate advance warning lights and barricades must be posted on all obstructions in any arterial street as defined in the Traffic Code of the City of Seattle. (Ord. 90047 § 34B as amended by Ord. 92405; October 8, 1963).

19.76.030 Noncompliance—Installation by engineer. The City Engineer is hereby authorized to place barricades and warning lights at unguarded or inadequately guarded excavations, obstructions, or other dangerous conditions existing in any public place and anyone causing or permitting such condition shall pay the cost of such barricading and lighting by the city at the rate of five dollars per day or part thereof for the first barricade and fifty cents per day or part thereof for each additional barricade; provided, when such a hazardous condition develops after completion of work in a public place, the charges above provided shall commence twenty-four hours after notice from the City Engineer of the existence of such hazardous condition. (Ord. 90047 § 34C, as amended by Ord. 92405; October 8, 1963).

19.76.040 Engineer's judgment of number and adequacy. The City Engineer's judgment shall be final as to the number and adequacy of lights and barricades at all obstructions and excavations. (Ord. 90047 § 34D, as amended by Ord. 92405; October 8, 1963).

19.76.050 Defacing and removal unlawful. It shall be unlawful to deface, move, injure, damage, alter or remove any barricade or light placed at or near any obstruction or defect in the street, or posted to obstruct the passing of vehicles. (Ord. 90047 § 34E, as amended by Ord. 92405; October 8, 1963).

Chapter 19.80

PLANTING TREES AND SHRUBS

Sections:

- 19.80.010 Certain trees prohibited—Distance from pavement.
- 19.80.020 Overhanging sidewalk or roadway prohibited.
- 19.80.030 Contact with utility wires—Trimming.

PLANTING TREES AND SHRUBS

19.80.010

- 19.80.040 Plantings on parking strips near intersection.
- 19.80.050 Conformity to street tree planting standards.
- 19.80.060 Removal of hazardous trees or shrubs.

19.80.010 Certain trees prohibited—Distance from pavement. No one shall plant in any public place any maple, Lombardy poplar, cottonwood or gum, or any other tree, the roots of which cause injury to the sewers, sidewalks or pavements, or which breeds disease dangerous to other trees or to the public health, or allow to remain in any public place any planted tree which has become dead or is in such condition as to be hazardous to



the public, and any such trees now existing in any such planting (parking) strip or abutting street area may be removed in the manner hereinbefore provided for the revocation of permits and removal of obstructions. No tree shall be planted within two feet of any sidewalk or pavement, except by special permit. (Ord. 90047 § 35A; Feb. 23, 1961).

19.80.020 Overhanging sidewalk or roadway prohibited. No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the sidewalk, roadway or street maintenance activity, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet above the same, and fourteen feet above a roadway. (Ord. 90047 § 35B; Feb. 23, 1961).

19.80.030 Contact with utility wires—Trimming. No trees shall be allowed to come in contact with telephone, telegraph, electric or power wires of public service companies or of the city of Seattle; provided, however, that such wires are twenty-five feet above the level of the public place over which they pass. When the board of public works shall find that trees are coming in contact with the wires of public service companies or of the city of Seattle, the board may order the trees trimmed, and if not so trimmed within ten days after service of written notice upon the owner of such trees, or the posting of written notice thereof upon the premises, the board may direct the city engineer to issue a permit to the owners of the wires, authorizing them to trim such trees at their own expense. If the work be done by the owners of the wires, the city engineer or his representative may accompany them and have charge of the work, and the cost of supervision shall be borne by the owners of the wires. (Ord. 90047 § 35C; Feb. 23, 1961).

19.80.040 Plantings on parking strips near intersection. No trees, shrubs or flowers over two feet in height shall be planted or maintained in that portion of any planting (parking) strip lying within thirty feet of the intersection of said planting (parking) strip with the curb line of any intersecting street. (Ord. 90047 § 35D; Feb. 23, 1961).

19.80.050 Conformity to street tree planting standards. Tree planting shall conform to the street tree planting standards of the city of Seattle adopted by the board of public works, in so far as practical. Changes from those standards may not be granted without approval of said board. (Ord. 90047 § 35E; Feb. 23, 1961).

19.80.060 Removal of hazardous trees or shrubs. If any such trees or shrubs are or become a hazard, the board of public works may order the same removed as provided by this title. (Ord. 90047 § 35F; Feb. 23, 1961).

Chapter 19.84

DEBRIS

Sections:

- 19.84.010 Removal of debris—Reimbursement of city.
- 19.84.020 Removal of spilled loads.
- 19.84.030 Depositing debris in gutter.

19.84.010 Removal of debris—Reimbursement of city. Whenever it is expedient to the safety or convenience of the public, the city engineer may remove obstructions, hazards or nuisances from public places, and anyone causing said obstructions, hazards or nuisances shall be responsible for reimbursing the city engineer for the expense of cleaning the public place as well as being subject to prosecution in the municipal court. (Ord. 90047 § 36; Feb. 23, 1961).

19.84.020 Removal of spilled loads. The owner or operator of any vehicle which has spilled, dropped, dumped, or in any manner deposited any matter upon a public place shall cause the public place to be cleaned when notified so to do by the city engineer. (Ord. 90047 § 37; Feb. 23, 1961).

19.84.030 Depositing debris in gutter. It is unlawful to sweep or otherwise deposit any matter in any street or gutter. (Ord. 90047 § 38; Feb. 23, 1961).

Chapter 19.88

UNLAWFUL ACTS

Sections:

- 19.88.010 Permitting accumulation of snow or ice.
- 19.88.020 Barbed wire or electric fence.
- 19.88.030 Excavation and fills.
- 19.88.040 Air guns.

19.88.010 Permitting accumulation of snow or ice. It is unlawful for the owner or occupant of private property to allow snow on the sidewalks abutting his property to become or to remain in an icy, ridged, uneven or humped condition or in a condition which is potentially hazardous to users of the public sidewalks. (Ord. 90047 § 39; Feb. 23, 1961).

19.88.020 Barbed wire or electric fence. It is unlawful to place, maintain, or allow to be placed or maintained, any barbed wire or electric fence abutting upon the marginal line of any public place. (Ord. 90047 § 40; Feb. 23, 1961).

19.88.030 Excavations and fills. (a) EXCAVATIONS AND FILLS. It is unlawful to leave any excavation or fill within four feet of any public

place without adequate barricades and warning devices to protect the public, or to fail to maintain the lateral support of any public place or of a fill adjacent to such public place.

(b) EXCAVATION AND FILLS NEAR IMPROVED PUBLIC PLACES. It is unlawful to excavate or fill in excess of four feet, measured vertically, on private property within any area between the vertical prolongation of the margin of an improved public place, and a one hundred percent slope line (forty-five degrees from a horizontal line) from the existing elevation of the margin of the traveled surface of an improved public place to the proposed elevation of the private property, without first obtaining a permit from the city engineer to do so, and no work shall commence toward such excavation or fill until a permit therefor has been issued by the city engineer.

(c) SECURITY. An applicant for the permit provided for in subsection (b) shall post or cause the owner or contractor to post security with the city of Seattle in an amount sufficient to cover the following:

- (1) All charges and payments due under this title; and
- (2) When it can be anticipated that an earth movement might occur, the reasonable costs of the following:
 - (i) the cost of repair and restoration of any adjacent public place, including but not limited to grading, resurfacing and drainage;
 - (ii) the cost of repair and restoration of all sewers, water, and power lines and other utilities in the adjacent public places; and
 - (iii) the expense of safety precautions and emergency measures to protect the public, street utilities and any adjacent public place, including but not limited to the expense of placing of signs, barricades, and traffic detours.

Upon notice to said applicant, the city engineer may at any time increase or reduce the amount of the required security or waive the same as conditions warrant.

The party posting the security may elect whether the security will be in the form of a cash indemnity deposit or surety bond approved as to amount and sufficiency by the city engineer, and as to the estimates of subdivision (c) (2), substitute in lieu therefor a policy of insurance indemnifying the city of Seattle for such costs.

(d) INSURANCE. An applicant for the permit provided for in subsection (b) shall maintain in full force and effect public liability insurance in an amount sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the excavation or fill covered by any such permit or the operation of equipment used in connection with such excavation or fill and naming the city of Seattle as an additional insured, or in lieu thereof, cause the owner or contractor to maintain the same. The city engineer may require that such insurance be provided prior to issuance of the permit.

(e) INDEMNITY. An applicant for the permit provided for in subsection (b) shall agree to at all times protect and save harmless the city of Seattle from all claims, actions, suits, losses, and expenses of every kind and description which may accrue to or be suffered by any person or persons or property or by the city of Seattle by reason of any excavation or fill for which a permit has been issued pursuant to said subsection (b) and shall agree to compensate the city of Seattle for damages to the street and the utilities therein, and for costs of repair, reconstruction, and restoration of the street, including but not limited to the expenses of such repair, reconstruction or restoration, construction of temporary facilities, and by-passes, traffic redirection, barricades, and other measures taken to protect the public, the street, and utilities therein.

(f) ENTRY AND INSPECTION. The filing of an application for a permit provided for in subsection 1(b) or the making of an excavation or fill described in said subsection (b), shall constitute consent by the applicant, contractor, and property owner for the city engineer to enter upon the property at reasonable times and to inspect and investigate the soil conditions, the progress of said excavation or fill, or any facts and circumstances related to said application, permit or excavation or fill.

(g) SPECIAL PLANS. If the safety or stability of a public place may be jeopardized by an excavation or fill described in subsection (b), the city engineer may require special plans, specifications and proposed methods of construction to be submitted for his approval prior to issuing the permit provided for in said subsection (b).

Approval of the plans shall not relieve the contractor making such excavation or fill of responsibility for satisfactory results and shall not reduce or affect the liability of said contractor for damages, expenses or costs which may result from said excavation or fill, the failure of shoring, or the contractor's methods of operation.

(h) CHARGES, SHORING PLANS. When special plans, specifications and methods of construction involving shoring for an excavation are submitted to the city engineer for approval as provided herein, a charge per linear foot of shoring based on the length of the shored excavation and the average depth of the shored excavation shall be made for checking plans and field inspection as follows:

TABLE FOR COMPUTATION OF CHARGES
FOR FIRST PLAN REVIEW

Depth*	Cost/foot first 200 feet	Cost/foot over 200 feet**
0 - 10	\$1.00	\$.50
10.1 - 20	2.00	1.00
20.1 - 30	3.00	2.00
30.1 - 40	4.00	3.00
40.1 - 50	5.00	4.00
50.1 - 60	6.00	5.00
60.1 - 70	7.00	6.00
70.1 - 80	7.50	6.50

(i) **PERMIT PROCEDURES.** The following procedures and criteria shall be used in processing an application for the permit provided for in subsection (b) :

(1) Plans, specifications and methods of construction required by the city engineer shall be submitted in triplicate.

(2) Shoring plans submitted shall be designed by and bear the seal of a professional engineer or architect licensed in the state of Washington.

(3) All shoring systems, including the members, their connections and support, shall be designed to carry the loads imposed on them and details shall be shown on the plans.

(4) Allowable stresses, including allowances for short term loading, for timber, steel or concrete shall be based on the Building Code of the city of Seattle.

(5) Soil investigations and reports may be required for all excavations described in subsection (b) so that appropriate pressures may be established. The city engineer may require investigations at any depth whenever specific conditions existing at the site of such excavation reveal an unstable soil structure, circumstances indicate that the excavation may impair the lateral support of any public place or any adjacent city property, or that such further investigation will supply information necessary to properly evaluate the application for said permit or shoring plans submitted. When highway traffic can come within a horizontal distance from the top of the shoring equal to one-half of its height, the pressure shall have

* The average vertical distance from the undisturbed margin of the abutting public place to the bottom of the excavation and separately calculated for each street abutting the excavation.

** First 200 feet of each street or alley abutting the excavation before the lower rate is charged on the balance of that name street or alley.

*** The fee for a second or revised plan review shall be seventy-five percent of the original fee. The fee for each subsequent plan review shall be fifty percent of the original fee.

**** The penalty as provided in Section 19.08.070 will apply to any shoring constructed without prior approval of the city engineer.

19.88.030 STREET USE

added to it a live load surcharge pressure equal to not less than two feet of earth.

(j) COMPLIANCE. All excavations and fills described in subsection (b) shall be made in accordance with the plans approved by the city engineer, or as modified with his approval.

(k) REVOCATION. The city engineer may revoke or suspend the permit provided for in subsection (b) whenever:

(1) The permittee requests such revocation or suspension;

(2) The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this title, the Seattle Building Code, or other city ordinances and the State Safety Code;

(3) Entry upon the property for the purposes of investigation and inspection has been denied;

(4) The permittee has made a misrepresentation of a material fact in applying for said permit;

(5) The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, street, utilities in the street, or the excavation or fill endangers or will endanger the public, the adjoining property, street, or utilities in the street;

(6) The permit has not been acted upon within one year or the time allowed by extensions;

(7) The related building permit has expired without renewal, or has been revoked or canceled.

Upon suspension or revocation of the permit, all work thereupon shall cease, except as authorized or directed by the city engineer.

(l) PROTECTION OF PUBLIC. Whenever an excavation or fill described in subsection (b) has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining street or public place, or endangers the public, an adjoining public place, street utilities, or city property, the city engineer may direct the contractor making such excavation or fill and/or owner of the property upon which such excavation or fill is being made, at his own expense, to take actions to protect the public, adjacent public places, city property, and street utilities, including compliance within a prescribed time.

In the event that said owner or contractor fails or refuses to take the actions directed promptly, or fails to fully comply with such directions given by the city engineer, or if emergency conditions exist requiring immediate action, the city engineer may enter upon the property and take such actions as he deems necessary to protect the public, the adjacent streets, or street utilities, or to maintain the lateral support thereof, including placing of temporary shoring, back filling, alteration of drainage patterns and any other actions reasonably necessary to decrease the pos-

sibility or extent of earth movement, or regarded as necessary safety precautions; and said owner and/or contractor shall be liable to the city for the costs thereof.

(m) **COLLECTION OF CHARGES.** The holder of the permit provided for in subsection (b), the contractor making the excavation or fill described in said subsection (b), or the owner of the property upon which such excavation or fill is being made shall pay all charges assessed pursuant to this title on or before thirty days after mailing of a statement of charges by the city engineer. In event of an appeal pursuant to subsections (n) and (o), the board of public works may extend the time for payment pending its determination and for a reasonable time thereafter.

Such charge shall be the joint and several obligation of said permit holder, contractor and owner and in the event such charges remain unpaid thirty days after the date due recovery thereof may be made from the cash deposit and/or upon the security provided pursuant to subsection (c), and/or by civil action in the manner provided by law.

(n) **APPEAL.** An applicant for the permit provided for in subsection (b), feeling aggrieved by any of the following actions, charges or determinations of the city engineer may within ten days thereof appeal the same to the board of public works by filing a written notice of appeal with the board:

- (1) The denial of a permit to excavate or fill required by subsection (b);
- (2) The amount or sufficiency of the security to be posted pursuant to subsection (c);
- (3) The amount and coverage of the insurance to be supplied pursuant to subsection (d);
- (4) Requests for soil investigations made pursuant to subdivision (i) (5);
- (5) Actions imposing conditions modifying, or rejecting any special plans, specifications, shoring plans, and proposed methods of construction required by subsection (g) or (i);

Provided, no appeal may be made from such actions or determinations after the applicant has accepted said permit to excavate or fill. Unless otherwise directed by the board, no such permit to excavate or fill shall issue until after final determination of any such appeal.

A holder of the permit provided for in subsection (b), feeling aggrieved by any of the following actions, charges or determinations of the city engineer may within ten days thereof appeal the same to the board of public works by filing a written notice of appeal with the board:

- (1) A directive by the city engineer to increase the security required pursuant to subsection (c);
- (2) The amount of charges for actions taken pursuant to Section 19.40.090 or subsection (1) of this section to protect the public;

19.88.040 STREET USE

(3) Suspension or revocation of the permit pursuant to subsection (k).

Any such permit holder feeling aggrieved by any action, directive or determination of the city engineer made or taken pursuant to subsection (1), other than the amount of charges made thereunder, may appeal from the same to the board of public works by filing a written notice of appeal with the board within three days (exclusive of Saturday, Sunday and holidays) from the date the direction or determination was first made, or the action first taken; provided that such permit holder shall fully comply with the city engineer's direction or determination pending the decision of the board, and no compensation shall be paid or allowed such permit holder for any expenses incurred in connection with compliance. The board of public works may sustain, modify or reverse any such action, charge or determination of the city engineer and its decision shall be final.

(o) **FORM OF NOTICE OF APPEAL.** The written notice of appeal required in subsection (n) shall be filed in triplicate, describe precisely the action or determination appealed, explain the error alleged therein, and propose the action desired from the board. (Ord. 90047 § 41 as amended by Ord. 94436, Ord. 98197 and Ord. 101351 § 2; September 5, 1972).

19.88.040 Air guns. It is unlawful to carry or shoot any spring gun, air gun, sling or slingshot in, upon or onto any public place. (Ord. 90047 § 42; February 23, 1961).