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Title 22

BUILDING AND CONSTRUCTION CODES[1]

This title is intended for those provisions of the Code which relate to the regulation of the construction, maintenance and repair of buildings and their appurtenances. The "Uniform" Codes are contained in this title.

Chapters:		
Subtitle I Building Code		
22.100	Adoption of Building Code and Administrative Amendments	22-4.1
Subtitle IA Residential Code		
22.150	Adoption of Residential Code and Administrative Amendments	22-4.1
Subtitle II Housing Code		
22.200	Title, Purpose and Scope	22-4.1
22.202	Administration	22-4.2
22.204	Definitions	22-6
22.206	Habitable Buildings	22-11
22.207	Citation--Hearings--Penalties	22-26.2f
22.208	Buildings Unfit for Human Habitation or Other Use	22-26.5
22.210	Tenant Relocation Assistance	22-30.3
22.220	Downtown Housing Maintenance	22-60.1
Subtitle III Electrical Code		
22.300	Adoption of Electrical Code	22-61
Subtitle IV Mechanical Code		
22.400	Adoption of Mechanical Code and Administrative Amendments	22-62
Subtitle IVA Fuel Gas Code		
22.420	Adoption of Fuel Gas Code and Administrative Amendments	22-62
Subtitle IVB Seattle Boiler and Pressure Vessel Code		
22.450	Adoption of Seattle Boiler and Pressure Vessel Code	22-62
Subtitle V Plumbing Code		
22.500	Administration	22-62
22.502	Adoption of Uniform Plumbing Code	22-63
22.504	Permits and Inspections	22-63
22.506	Violations	22-64.1
Subtitle VI Fire Code		
22.600	Seattle Fire Code	22-65
22.602	Fire Code Permit and Inspection Fees	22-65

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Subtitle VII Energy Code		
22.700	Administration	22-72.8
Subtitle VIII Grading and Drainage Control		
22.800	Title, Purpose, Scope and Authority	22-73
22.801	Definitions	22-75
22.802	Storm water, Drainage, and Erosion Control	22-83
22.804	Grading	22-93
22.808	Administration and Enforcement	22-100.2
Subtitle IX Permit Fees		
22.900A	Administration and Enforcement	22-106
22.900B	General Provisions	22-109
22.900C	Fees for Land Use and Zoning Review	22-111
22.900D	Fees for New and Altered Buildings and Equipment	22-115
22.900E	Fees for Certificates and Registrations	22-137
22.900F	Compliance and Other Inspections	22-141
22.900G	Fees Collected for Other Departments	22-143
Subtitle X Miscellaneous Rules and Regulations		
22.902	Cooperative Conversion	22-144
22.903	Condominium Conversion	22-173
22.904	Mobile Homes and Mobile Home Parks	22-174.1
22.910	Maintenance of Healthful Temperatures	22-180

Statutory Reference: For statutory provisions on the power of first-class cities to regulate the erection and maintenance of buildings, see RCW 35.22.280; for the State Building Code Act, see RCW Ch. 19.27.

1. Cross-references: For provision on the following subjects, see Title 15 of this Code:

Dangerous Buildings Ch. 15.18
Building Cleaning or Painting Ch. 15.20 Building Operations Ch. 15.22
Scaffolds Ch. 15.24
House Moving Ch. 15.25

Subtitle I

Building Code

Chapter 22.100

ADOPTION OF BUILDING CODE AND ADMINISTRATIVE AMENDMENTS

Sections:

Subchapter I Documents Adopted

22.100.010 Adoption of the International Building Code.

Subchapter I

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December 2004 code update file
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Documents Adopted

22.100.010 Adoption of the International Building Code.

The following are hereby adopted and by this reference made a part of this subtitle: International Building Code, 2003 edition, excepting Chapters 1, 29, 30 and 34 as published by the International Code Council; ASME A17.1-2000 with ASME A17.1a-2002 and ASME A17b-2003 Addenda and Appendices A through M, and Appendix O, Safety Code for Elevators and Escalators, excepting Section 5.10 of ASME A17.1, Elevators Used for Construction; ASME A18.1-1999, A18.1a-2001 and A18.1b-2001, Safety Standard For Platform Lifts and Stairway Chairlifts; Washington Administrative Code Chapter 296-96. Safety regulations for all elevators, dumbwaiters, escalators and other conveyances. One copy of each of the above is filed with the City Clerk in C.F. 304756.

The Seattle Building Code[1] shall consist of the adopted provisions of the International Building Code 2003 edition, and the codes and standards listed above, together with the amendments and additions thereto adopted.
(Ord. 121519 § 1, 2004.)

1. Editor's Note: Amendments to the 2003 Building Code adopted by Section 1 of Ordinance 121519 are set out in Sections 2 through 203 of Ordinance 121519, on file in the City Clerk's Office.

Subtitle IA

Residential Code

Chapter 22.150

ADOPTION OF RESIDENTIAL CODE AND ADMINISTRATIVE AMENDMENTS

Sections:

22.150.010 Adoption of International Residential Code.

22.150.010 Adoption of International Residential Code.

The Seattle Residential Code[1] shall consist of the following portions of the 2003 edition of the International Residential Code as published by the International Code Council: Chapters 2 through 10, Chapters 12 through 19, Chapters 22 through 24 and Chapter 43, together with the adopted amendments and additions. One copy of the 2003 International Residential Code is filed with the City Clerk in C.F. 306759.
(Ord. 121521 § 1, 2004.)

1. Editor's Note: Amendments to the 2003 Building Code adopted by Section 1 of Ordinance 121521 are set out in Sections 2 through 27 of Ordinance 121521, on file in the City Clerk's Office.

Subtitle II

Housing Code

Severability: The several provisions of this subtitle are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this subtitle, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances.

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(Ord. 106319 § 6.02, 1977.)

Chapter 22.200

TITLE, PURPOSE AND SCOPE

Sections:

22.200.010 Title.
22.200.020 Declaration of findings and intent.
22.200.030 Scope.

Cases: Violations of the Seattle Housing Code are by reference made violations of the State Landlord/Tenant Act, RCW 59.18.060(1). **State v. Schwab,** 103 Wn.2d 542, 544, 693 P.2d 108 (1986).

22.200.010 Title.

The ordinance codified in Chapters 22.200 through 22.208 of this subtitle shall be known and may be cited as the "Housing and Building Maintenance Code" and is referred to herein as "this Code."
(Ord. 113545 § 2(part), 1987.)

22.200.020 Declaration of findings and intent.

A. It is found and declared that there exist, within The City of Seattle, buildings together with appurtenant structures and premises that are substandard, deteriorating, in danger of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to the health safety and general welfare of the public.

B. It is further found and declared that these conditions are the result of, among other causes: inadequate original construction; dilapidation; failure to repair; lack of proper sanitary facilities and maintenance; structural defects; vacant or abandoned buildings or properties; overcrowding; electrical, mechanical and other defects increasing the hazards of fire, accidents or other calamities; uncleanliness; inadequate heating, lighting and ventilation.

C. It is further found that maintenance of the housing stock is critical to the health, safety and welfare of the general public and it is the intent of this Code to assure the preservation of the existing supply of housing in The City of Seattle by establishing minimum standards and an effective means for enforcement and by encouraging the rehabilitation and re-use of existing structurally sound buildings.

D. It is further found and declared that arbitrary eviction of responsible tenants imposes upon such tenants the hardship of locating replacement housing and provides no corresponding benefit to property owners.

E. It is further found and declared that tenants who do not respect the rights of others impose unnecessary hardship.

F. It is the intent of this Code that relocation assistance payments required by Subtitle II of Title 22 shall be in addition to a refund from the property owner of any deposits and of other sums to which a tenant is lawfully entitled under state or federal law.

G. The express purpose of this Code is to provide for and promote the health, safety and welfare of

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the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code. The obligation of complying with the requirements of this Code and the liability for failing to do so is hereby placed upon the property owner and/or occupant or persons responsible for the condition of the buildings or premises.
(Ord. 121076 § 1, 2003: Ord. 115671 § 1, 1991; Ord. 115671 § 1, 1991; Ord. 113545 § 2(part), 1987.)

22.200.030 Scope.

This Code shall apply to all buildings, appurtenant structures and premises, now in existence or hereafter constructed; provided, that:

A. The minimum standards of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes[1] in effect when a building, structure or premises was constructed, altered, rehabilitated or repaired shall apply to the construction, alteration, rehabilitation and repair, and shall apply to maintenance except when this Code specifically requires higher standards;

B. The minimum standards set forth in SMC Sections 22.206.010 through 22.206.140 shall be advisory only for all housing units that are owner-occupied and in which no rooms are rented or leased to others, except as provided by Section 22.202.035 for owner-requested inspections; and

C. The minimum standards of this Code shall not apply to any structure constructed and maintained in compliance with standards and procedures of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes currently in effect.
(Ord. 120087 § 1, 2000; Ord. 113545 § 2(part), 1987.)

1. Editor's Note: The codes mentioned here are codified in the following subtitles of this Title: Building, Subtitle I; Mechanical, Subtitle IV; Fire, Subtitle VI; Electrical, Subtitle III; Plumbing, Subtitle V.

Chapter 22.202

ADMINISTRATION

Sections:

22.202.010 Enforcement authority--Rules.
22.202.020 Fees.
22.202.030 Right to entry.
22.202.035 Owner-requested inspections.
22.202.040 Liability.
22.202.050 Housing and Abatement Accounting Unit.
22.202.060 Emergency Relocation Assistance Accounting Unit.

22.202.010 Enforcement authority--Rules.

A. Enforcement. The Director is hereby designated the City Official to exercise the powers granted by this Code, except that the Chief of Police is authorized to administer and enforce Sections 22.206.180 and 22.206.190 and shall have equal authority with the Director for enforcement of SMC Sections 22.206.140 and 22.206.160 B3. In enforcing SMC Sections 22.106.180 and 22.206.190, the Chief of Police shall encourage any owner(s) and tenant(s) involved to engage in mediation or binding arbitration pursuant to RCW 59.18.315 through RCW 59.18.350 of the State Residential Landlord Tenant Act to resolve outstanding disputes between them.

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December 2004 code update file
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B. Rules. The Director is authorized to adopt, in accordance with the Administrative Code[1] of The City of Seattle, such rules as are necessary to implement the requirements of this Code and to carry out the duties of the Director hereunder.
(Ord. 120302 § 1, 2001; Ord. 113545 § 3(part), 1987.)
1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

22.202.020 Fees.

Fees or charges for advisory inspections, inspections for monitoring vacant buildings, and for requested services shall be as specified in the Permit Fee Ordinance (SMC Chapter 22.900). No fee shall be charged for inspections in response to citizen complaints.
(Ord. 113545 § 3(part), 1987.)

22.202.030 Right to entry.

The Director or the Director's designee may, with the consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the City to perform any duty imposed by this Code.
(Ord. 113545 § 3(part), 1987.)

22.202.035 Owner-requested inspections.

The Director is authorized to make inspections upon the receipt of a request from an owner and upon receipt of payment in accordance with the Permit Fee Ordinance (SMC Chapter 22.900) for the purpose of determining whether buildings and properties comply with the standards of this Code. Such inspections may include owner-occupied, single-family dwelling units otherwise beyond the scope of this Code. The standards used in the inspection shall include all the standards of this Code, including those items from which single-family dwellings are otherwise exempted. As a result of an owner-requested inspection, the Director shall require compliance with the following provisions of this Code and no others:

A. Section 22.206.140 in housing units other than owner-occupied housing units in which no rooms are rented or leased to others;

B. Section 22.206.130 in structures that are tenant-occupied;

C. Section 22.206.260.
(Ord. 113545 § 3(part), 1987.)

22.202.040 Liability.

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.

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(Ord. 113545 § 3(part), 1987.)

22.202.050 Housing and Abatement Accounting Unit.

A restricted accounting unit designated as the "Housing and Abatement Account" is established in the Construction and Land Use Fund from which account the Director is hereby authorized to pay the costs and expenses incurred for the repair, alteration, improvement, vacation and closure, removal or demolition of any building, structure or other dangerous condition pursuant to the provisions of this Code, or pursuant to any other ordinance administered and enforced by the Director declaring any building, structure or premises to be a public nuisance and ordering the abatement thereof. Money from the following sources shall be paid into the Housing and Abatement Accounting Unit:

A. Sums recovered by the City as reimbursement for costs incurred by the City for the repair, alteration, stabilization, improvement, vacation and closure, removal or demolition of buildings or structures in accordance with this Code;

B. Sums recovered by the City as reimbursement for costs and expenses of abatement of buildings, structures and premises declared to be public nuisances;

C. The unencumbered balance remaining in the Housing and Abatement Revolving Fund created by Ordinance 106319;

D. Other sums that may by ordinance be appropriated to or designated as revenue of the account;

E. Other sums that may by gift, bequest or grant be deposited in the account; and

F. Fines and penalties collected pursuant to subsections A, B, D, E, F, and G of SMC Section 22.206.280, SMC Chapter 22.207 and SMC Section 22.208.150.
(Ord. 121076 § 2, 2003: Ord. 120537 § 4, 2001; Ord. 119509 § 1, 1999; Ord. 114815 § 1, 1989: Ord. 113545 § 3(part), 1987.)

22.202.060 Emergency Relocation Assistance Accounting Unit.

A restricted accounting unit designated as the "Emergency Relocation Assistance Account" is established in the Construction and Land Use Fund, from which account the Director is hereby authorized to pay relocation assistance pursuant to SMC Section 22.206.265, when a property owner is required to deposit such assistance pursuant to SMC Section 22.206.260.

A. The total amount of unreimbursed advances from this account shall not exceed Fifty Thousand Dollars ($50,000.00) at any given time.

B. Money from the following sources shall be paid into the Emergency Relocation Assistance Account.

1. Fines and penalties collected pursuant to subsection C of SMC Section 22.206.280;

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Seattle Municipal Code
December 2004 code update file
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2. Sums that may by ordinance be appropriated to to or designated as revenue to this account;

3. Other sums that may by gift, bequest or grant be deposited in this account;

4. Reimbursement of monies paid to The City of Seattle as relocation assistance from this account; and

5. Relocation assistance monies deposited by property owners with the Director pursuant to subsection G of SMC Section 22.206.260.

(Ord. 121076 § 3, 2003.)

Chapter 22.204

DEFINITIONS

Sections:

22.204.010 General provisions.
22.204.020 "A."
22.204.030 "B."
22.204.040 "C."
22.204.050 "D."
22.204.060 "E."
22.204.070 "F."
22.204.080 "G."
22.204.090 "H."
22.204.100 "I."
22.204.120 "K."
22.204.130 "L."
22.204.140 "M."
22.204.160 "O."
22.204.170 "P."
22.204.190 "R."
22.204.200 "S."
22.204.210 "T."
22.204.220 "U."
22.204.230 "V."
22.204.240 "W."
22.204.260 "Y."

22.204.010 General provisions.

A. For the purpose of this Code, certain terms, phrases, words and their derivations shall be construed as specified in this chapter. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

B. Whenever the words "apartment house," "building," "dormitory," "dwelling," "dwelling unit," "guest room," "habitable room," "hotel," "housekeeping room," "housing unit," or "structure" are used in this Code, such words shall be construed as if followed by the words "or any portion thereof."

(Ord. 113545 § 4(part), 1987.)

22.204.020 "A."

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Seattle Municipal Code
December 2004 code update file
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A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.

B. "Apartment house" means any building containing three (3) or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

C. "Approved" means approved by the Director or by the Director of Seattle-King County Public Health, or by the Director of Seattle Public Utilities, or by the Fire Chief, as the result of investigations or tests, or approved by the Director by reason of accepted principles or tests recognized by authorities, or technical or scientific organizations.
(Ord. 118396 § 169, 1996: Ord. 113545 § 4(part), 1987.)

22.204.030 "B."

A. "Basement" means any floor level below the first story in a building. See "Story."

B. "Building" means any structure which is used, designed or intended to be used for human habitation or other use.

C. Building, Closed. See "Building, closed to unauthorized entry."

D. Building, Closed to Entry. See "Building, closed to unauthorized entry."

E. "Building, closed to unauthorized entry" means a building which meets the standards of Section 22.206.200 A4.

F. Building, Historic. "Historic building" means a building or structure which has been nominated or designated for preservation by the Seattle Landmarks Preservation Board pursuant to SMC Sections 25.12.350 through 25.12.440 or The State of Washington; has been listed, or has been determined eligible for listing on the National Register of Historical Places or on the Washington State Register of Historic Places; or is located in a landmark historic district created pursuant to SMC Chapter 25.12 and is subject to landmark controls imposed by a landmark district designating ordinance.

G. "Building service room" means a room available for the joint use of occupants of two (2) or more housing units, other than public hallways and exit passages, e.g. game rooms, laundry rooms, saunas and TV rooms.

H. Building, Vacant. See "Building, vacated."

I. Building, Vacated. "Vacated building" means a building that is unoccupied and is not used as a place of residence or business. At the discretion of the Director, a portion of a vacated building may be occupied if the occupied portion meets the standards for habitable buildings specified in this Code and the vacated and closed portion complies with the standards for vacant buildings in Section 22.206.200.
(Ord. 113545 § 4(part), 1987.)

22.204.040 "C."

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A. "Cabinets" means open shelving, curtained shelving or shelving equipped with doors.

B. "Certificate of Compliance" means a certificate issued by the Director, based upon an inspection which certifies that required corrections have been made.

C. Closed. See "Building, closed to unauthorized entry."

D. Closed to Unauthorized Entry. See "Building, closed to unauthorized entry."

E. "Court" means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by building walls.
(Ord. 115671 § 2, 1991; Ord. 113545 § 4(part), 1987.)

22.204.050 "D."

A. "Director" means the Director of the Department of Planning and Development for the City of Seattle and/or the Director's designee.

B. "Dormitory" means a guest room containing two (2) or more beds.

C. "Dwelling" means any building containing two (2) or fewer dwelling units.

D. "Dwelling unit" means a building or portion of a building intended to be occupied by one (1) family and containing sleeping, eating, cooking and sanitation facilities required by this Code.
(Ord. 121276 § 18, 2003; Ord. 120087 § 2, 2000: Ord. 115671 § 3, 1991; Ord. 113545 § 4(part), 1987.)

22.204.060 "E."

A. "Existing" means in existence prior to adoption of this Code.1

B. "Exit" means a continuous and unobstructed means of egress from any place in a building, including intervening aisles, doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, yards, or any other permitted means of egress to a street, alley or other public way.

C. "Exterior stairs on grade" means any outside stairs that are no more than eighteen inches (18") above finished grade.
(Ord. 115671 § 4, 1991; Ord. 113545 § 4(part), 1987.)

1. Editor's Note: Chapters 22.200 through 22.208 of this Code were adopted by Ordinance 113545, passed by the Council on August 10, 1987.

22.204.070 "F."

A. "Family" means any number of related persons or eight (8) or fewer unrelated persons.

B. "Fire resistance" or "fire-resistive construction" means construction that resists the spread of fire,

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Seattle Municipal Code
December 2004 code update file
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as specified in the Seattle Building Code.1
(Ord. 113545 § 4(part), 1987.)
1. Editor's Note: The Building Code is codified in Subtitle I of this Title.

22.204.080 "G."

A. "Garage" means a building designed, used or intended to be used for parking or storage of vehicles.

B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human or animal excrement.

C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other container, as required by the Director of Seattle Public Utilities. A "sunken can" is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.

D. "Governmental entity" means the United States Government and its agencies, The State of Washington and its agencies, counties, cities, and other political subdivisions of The State of Washington.

E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

F. "Guest" means any person occupying a guest room pursuant to a rental agreement.

G. "Guest room" means a room or rooms used or intended to be used for living and sleeping purposes and which may share common bathrooms and cooking facilities.
(Ord. 118396 § 170, 1996: Ord. 117861 § 1, 1995: Ord. 113545 § 4(part), 1987.)

22.204.090 "H."

A. "Habitable room" means space in a building occupied, used, designed or intended to be used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable rooms.

B. "Hazard" means a condition that exposes any person to the risk of illness, bodily harm, or loss of or damage to possessions.

C. Historic. See "Building, historic."

D. "Hotel" means a building which contains six (6) or more guest rooms and is intended for occupancy by transients.

E. "Housekeeping unit" means a housing unit of one (1) or more rooms, used for living, sleeping

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Seattle Municipal Code
December 2004 code update file
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and cooking and sharing a common bathroom.

F. "Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit.
(Ord. 115671 § 5, 1991; Ord. 113545 § 4(part), 1987.)

22.204.100 "I."

A. "Inaccessible service area" means an area which is not a habitable room, is not located within any housing unit and is not accessible to tenants or their guests but which contains electrical, mechanical or other service facilities, access to which is limited to the owner or maintenance staff. Examples of inaccessible service areas would include boiler rooms, elevator equipment rooms and similar areas.

B. "Infestation" means the presence of insects, rodents, or other pests in or around a building, in such numbers as may be detrimental to the health, safety, or general welfare of the occupants thereof.
(Ord. 115671 § 6, 1991; Ord. 113545 § 4(part), 1987.)

22.204.120 "K."

A. "Kitchen" means a space or room used, designed or intended to be used for the preparation of food.
(Ord. 113545 § 4(part), 1987.)

22.204.130 "L."

A. "Lawfully installed" means installed in accordance with the requirements of approved codes or ordinances of the City.

B. Lease. See "Rental agreement."
(Ord. 113545 § 4(part), 1987.)

22.204.140 "M."

A. "Maintenance room" means a room for the maintenance of mechanical, electrical, heating and other building systems, e.g. boiler rooms, gas and electric meter rooms, elevator control rooms, and workrooms for maintenance employees, but excluding such spaces as janitors' broom closets.
(Ord. 113545 § 4(part), 1987.)

22.204.160 "O."

A. "Occupancy" means the purpose for which a building is used or intended to be used.

B. "Occupant" means a person, over one (1) year of age, occupying or having possession of a building or any portion thereof.

C. "Occupant load" means the total number of persons that may lawfully occupy a building at one

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(1) time, as determined by the Seattle Building Code.1

D. "Owner" means any person who, alone or with others, has title or interest in any building, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.
(Ord. 113545 § 4(part), 1987.)

1. Editor's Note: The Building Code is codified in Subtitle I of this Title.

22.204.170 "P."

A. "Party affected" means any owner, tenant, or other person having a direct financial interest in a building or adjacent property, or any person whose health or safety is directly affected by the condition of a building.

B. "Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

C. "Plumbing system" means any potable water distribution piping, and any drainage piping within or below any building, including rainwater leaders and all plumbing fixtures, traps, vents and devices appurtenant to such water distribution or drainage piping and including potable water treating or using equipment, and any lawn-sprinkling system.

D. "Premises" means a plot of ground, whether occupied by a structure or not.
(Ord. 117861 § 2, 1995: Ord. 113545 § 4(part), 1987.)

22.204.190 "R."

A. "Receptacle" means an electrical contact device installed at an outlet for the connection of a single electrical attachment plug.

B. "Receptacle outlet" means an electrical outlet where one (1) or more receptacles are installed.

C. "Rental agreement" means an agreement, oral or written, relating to the use and occupancy of a building, structure or premises.

D. "Rubbish" means all discarded nonputrescible waste matter.
(Ord. 115671 § 7, 1991; Ord. 113545 § 4(part), 1987.)

22.204.200 "S."

A. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation.

B. "Single room occupancy unit (S.R.O. unit)" means an existing housing unit with one (1) combined sleeping and living room of at least seventy (70) square feet but of not more than one hundred thirty (130) square feet. Such units may include a kitchen and a private bath.

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C. "Smoke detector" means an approved device which senses the products of combustion. The device shall be approved by a testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

D. "Stairway enclosure" means the space enclosing interior stairs, landings between flights, corridors, and passageways used for direct exit to the exterior of a building, and any lobbies or other common areas that open onto such direct exits. Any space in a lobby or common area that is separated from a direct exit by a one (1) hour fire assembly shall not be considered part of a stairway enclosure.

E. "Storage room" means a room for the storage of supplies or personal belongings in a location other than an individual housing unit, but excluding such spaces as personal storage lockers.

F. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above; provided, that the top story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet (6') above grade for more than fifty (50) percent of the total perimeter, or is more than twelve feet (12') above grade for more than twenty-five feet (25') at the perimeter, then the basement or unused underfloor space shall be considered a story. Required driveways up to twenty-two feet (22') in width shall not be used in measuring the twenty-five feet (25') unless the driveway is within ten feet (10') of the twenty-five-foot (25') exemption.

G. "Structure" means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.

H. "Substandard building" means any building which fails to comply with the minimum standards set forth in SMC Chapter 22.206.

I. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

J. "Supplied" means paid for, furnished by, provided by, or under the control of the owner of a building.
(Ord. 117942 § 1, 1995: Ord. 113545 § 4(part), 1987.)

22.204.210 "T."

A. "Tenant" means a person occupying or holding possession of a building or premises pursuant to a rental agreement.
(Ord. 113545 § 4(part), 1987.)

22.204.220 "U."

A. "Used" means used or designed or intended to be used.
(Ord. 113545 § 4(part), 1987.)

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22.204.230 "V."

A. Vacant. See "Building, vacated."

B. Vacated. See "Building, vacated."

C. "Vent shaft" means an open, unobstructed passage or duct used to ventilate a bathroom, toilet compartment, kitchen or utility or other service room.
(Ord. 115671 § 8, 1991; Ord. 113545 § 4(part), 1987.)

22.204.240 "W."

A. "Window" means an exterior glazed opening, including glazed doors, which opens upon a yard, court, street, alley, or recess from a court, and glazed skylights.
(Ord. 113545 § 4(part), 1987.)

22.204.260 "Y."

A. "Yard" means an open unoccupied space other than a court on the lot on which a building is situated, unobstructed from the ground to the sky except as specifically permitted by the Seattle Building Code.1
(Ord. 113545 § 4(part), 1987.)

1. Editor's Note: The Building Code is codified in Subtitle I of this Title.

Chapter 22.206

HABITABLE BUILDINGS

Sections:

Subchapter I Minimum Space and Occupancy Standards

22.206.010 Reserved.
22.206.020 Floor area.
22.206.030 Reserved.
22.206.040 Light and ventilation.
22.206.050 Sanitation.

Subchapter II Minimum Structural Standards

22.206.060 General.
22.206.070 Shelter.
22.206.080 Maintenance.

Subchapter III Minimum Mechanical Standards

22.206.090 Heating.
22.206.100 Ventilation equipment.
22.206.110 Electrical equipment.
22.206.120 Maintenance.

Subchapter IV Minimum Fire and Safety Standards

22.206.130 Requirements.

For current SMC, contact
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Seattle Municipal Code
December 2004 code update file
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Subchapter V Minimum Security Standards
22.206.140 Requirements.

Subchapter VI Duties of Owners and Tenants
22.206.150 General.
22.206.160 Duties of owners.
22.206.170 Duties of tenants.
22.206.180 Prohibited acts by owners.
22.206.190 Harassing or retaliating against owner.
22.206.200 Minimum standards for vacant buildings.
22.206.210 Removing posted notices.

Subchapter VII Alternative Materials and Design, Variances and Enforcement
22.206.215 Alternate materials and design.
22.206.217 Variances.
22.206.220 Notice of violation.
22.206.230 Review by the Director.
22.206.240 Extension of compliance date.
22.206.250 Compliance.
22.206.260 Emergency order.
22.206.265 Emergency relocation assistance payments.
22.206.270 Violations.
22.206.280 Civil penalty.
22.206.290 Criminal penalties.
22.206.295 Private right of action.
22.206.300 Receivership and other equitable remedies.
22.206.305 Tenant's private right of action.
22.206.310 Abatement of nuisances.

Subchapter I

Minimum Space and Occupancy Standards

22.206.010 Reserved.
(Ord. 113545 § 5(part), 1987.)

22.206.020 Floor area.

A. Every dwelling unit shall have at least one (1) habitable room which shall have not less than one hundred twenty (120) square feet of floor area.

B. No habitable room except a kitchen may be less than seven feet (7') in any floor dimension.

C. Every room used for sleeping purposes, including an SRO unit, shall have not less than seventy (70) square feet of floor area. Every room, except an SRO unit, which is used for both cooking and living or both living and sleeping quarters shall have a floor area of not less than one hundred thirty (130) square feet if used or intended to be used by only one (1) occupant, or of not less than one hundred fifty (150) square feet if used or intended to be used by two (2) occupants. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

D. In a dormitory, minimum floor area shall be sixty (60) square feet per single or double bunk, and aisles not less than three feet (3') in width shall be provided between the sides of bunks and from every bunk to

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an exit. The requirements of this subparagraph shall not apply to SRO units.

E. The required floor area square footage of all dwelling units, dormitories, and SRO units shall not include built-in equipment which extends from the floor to thirty inches (30") above the floor, including but not limited to wardrobes, cabinets, and kitchen sinks or appliances.
(Ord. 115671 § 9, 1991; Ord. 113545 § 5(part), 1987.)

22.206.030 Reserved.
(Ord. 113545 § 5(part), 1987.)

22.206.040 Light and ventilation.

A. Every habitable room in a housing unit shall have a window or windows with an area of not less than ten percent (10%) of the floor area of the room, but in no event shall such area be less than ten (10) square feet; provided, that an approved system of artificial light may be used in lieu of the window or windows required in kitchens by this section.

B. Every habitable room in a housing unit and every laundry room shall have natural ventilation from an exterior opening with an area not less than two and one-half percent (2.5%) of the floor area of the room but in no event less than two and one-half (2 1/2) square feet. In lieu of required exterior openings for natural ventilation in all habitable rooms and in laundry rooms, a mechanical ventilating system may be provided. Such system shall comply with the requirements of the Seattle Energy Code1 in effect on the date of installation and applicable requirements of the Mechanical Code.1

C. Every bathroom and water closet compartment shall be provided with natural ventilation by means of exterior openings with an area not less than five percent (5%) of the floor area of the room, but in no event shall such area be less than one and one half (1 1/2) square feet; provided, that in lieu of required exterior openings for natural ventilation, a mechanical ventilating system or vent shafts may be provided. Such system shall comply with the requirements of the Seattle Energy Code in effect on the date of installation and applicable requirements of the Seattle Mechanical Code.[1] If a mechanical ventilation system is provided in laundry rooms or similar rooms, it shall be connected to the outside.

D. For the purpose of determining light and ventilation requirements, any room may be considered a portion of an adjoining room if one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

E. Required exterior openings for natural light or natural ventilation shall open directly onto a street or public alley, or a yard or court adjacent to the required exterior opening; provided, that required exterior openings may open onto a roofed porch where the porch:

1. Abuts a street, yard or court; and

2. Has a ceiling height of not less than six feet, eight inches (6'8"); and

3. Is at least sixty-five percent (65%) open and unobstructed for its length, or is open at both ends.

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F. Every yard, court, street or alley having required windows facing thereon shall be not less than three feet (3') in width and unobstructed to the sky.
(Ord. 115671 § 10, 1991: Ord. 113545 § 5(part), 1987.)
1. Editor's Note: The Energy Code is codified in Subtitle VII of this Title; The Mechanical Code is codified in Subtitle IV of this Title.

22.206.050 Sanitation.

A. Dwelling Units. Every dwelling unit shall contain a toilet, a lavatory, and a bathtub or shower in a separate room or rooms which shall be accessible from inside the dwelling unit. The only access from a bedroom to the only bathroom shall not be through another bedroom. No toilet shall be located in any room or space used for the preparation of food, nor shall a room containing a toilet open directly into any such room or space unless the toilet room has a tight-fitting door.

B. Hotels. Every hotel that does not provide private toilets, lavatories, bathtubs, or showers shall have on each floor, accessible from a public hallway, at least one (1) toilet, one (1) lavatory, and one (1) bathtub with shower or one (1) separate shower for each ten (10) occupants or portion thereof. For each additional ten (10) occupants, or portion thereof, an additional one (1) toilet, one (1) lavatory and one (1) bathtub with shower or separate shower accessible from a public hallway shall be provided.

C. Other Buildings. Every building, other than a hotel, containing housing units that do not have private toilets, lavatories and bathtubs or showers shall contain at least one (1) toilet, one (1) lavatory and one (1) bathtub or shower, accessible from a public hallway, for each eight (8) occupants or portion thereof. On floors with fewer than eight (8) housing units, the required sanitary facilities may be provided on an adjacent floor if the floor on which facilities are provided is directly and readily accessible to such occupants and if such use does not cause the facilities to be used by a total of more than eight (8) persons.

D. Kitchens. Every dwelling unit shall have a kitchen. Every kitchen shall have an approved kitchen sink, hot and cold running water, counter work-space, and cabinets for storage of cooking utensils and dishes. A kitchen shall also have approved cooking appliances and refrigeration facilities or adequate space and approved gas or electric hookups for their installation. All cooking appliances and refrigeration facilities shall be maintained in a safe and good working condition by the owner or furnisher of the appliance. Unapproved cooking appliances shall be prohibited. Splash backs and countertops shall have an impervious surface.

E. Fixtures. All plumbing fixtures shall be trapped and vented and connected to an approved sanitary sewer or to an approved private sewage disposal system. All toilets shall be flush type and in good working order. Every discharge opening of the spout of a water supply outflow (faucet) shall be not less than one inch (one") above the flood rim of the fixture into which it discharges.

F. Water Supply. There shall be an approved system of water supply, providing both hot and cold running water. Hot water for the required sink, lavatory, and bathtub or shower shall be provided at a temperature of not less than one hundred degrees Fahrenheit (100° F.) at all times at the fixture outlet, to be attained within approximately two (2) minutes after opening the fixture outlet. Prior to a new tenant occupying of a housing unit in which hot water is supplied from an accessible, individual water heater, the water heater shall be set by the owner at a temperature not higher than one hundred twenty degrees Fahrenheit (120 ° F.) or the minimum setting on any water heater which cannot be set at one hundred twenty degrees Fahrenheit (120° F.); provided, that buildings, other than dwellings, in which hot water is supplied by a central water-heater

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system need not comply with this requirement.

G. Maintenance. All sanitary facilities, fixtures, equipment, structures, and premises, including gas piping, shall be maintained in a safe and sanitary condition, and in good working order.

H. Fuel Shutoff Valves. An approved accessible shutoff valve shall be installed in the fuel-supply piping outside of each appliance and ahead of the union connection thereto, and in addition to any valve on the appliance. Shutoff valves shall be within three feet (3') of the appliance. Shutoff valves may be located immediately adjacent to and inside or under an appliance when placed in an accessible and protected location and when such appliance may be removed without removal of the shutoff valve.
(Ord. 115671 § 11, 1991; Ord. 115671 §, 1991; Ord. 113545 § 5(part), 1987.)

Subchapter II

Minimum Structural Standards

22.206.060 General.

Roofs, floors, walls, chimneys, fireplaces, foundations and all other structural components of buildings shall be reasonably decay-free and shall be capable of resisting any and all normal forces and loads to which they may be subjected.
(Ord. 113545 § 5(part), 1987.)

22.206.070 Shelter.

Every building shall be protected so as to provide shelter for the occupants against the weather. Every basement used for human habitation shall be dry; and habitable rooms therein shall conform to all requirements of size, lighting and ventilation. No portion of a basement, or building used for human habitation shall have dirt floors.
(Ord. 113545 § 5(part), 1987.)

22.206.080 Maintenance.

A. Every foundation, roof, exterior wall, door, skylight, window, and all building components shall be reasonably weathertight, watertight, damp-free and rodentproof, and shall be kept in a safe, sound and sanitary condition and in good repair.

B. All appurtenant structures, floors, floor coverings, interior walls and ceilings shall be kept in a safe, sound and sanitary condition and in good repair.

C. Any repair or removal of asbestos materials shall comply with regulations of the Environmental Protection Agency and the Puget Sound Air Pollution Control Agency.

D. Underfloor areas other than basements shall have adequate ventilation. The ventilation opening shall be provided in exterior walls and shall be screened. The total ventilation opening shall be at least equal to one-tenth (1/10) of one (1) percent of the underfloor area. Ventilation openings shall be located so as to insure a

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December 2004 code update file
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cross-current of air. These openings may be equipped with an approved, thermally operated damper device.

E. An attic access opening shall be provided in the ceiling of the top floor of buildings with combustible ceiling or roof construction. The opening shall be readily accessible, and shall have dimensions of not less than twenty (20) inches by twenty-four (24) inches.

F. Toxic paint and other toxic materials shall not be used in areas readily accessible to children.

G. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other approved protective covering or treatment.

H. All premises shall be graded and drained, and all premises and structures shall be free of standing water and maintained in a safe condition.

I. All additions, alterations or repairs, including but not limited to additions, alterations or repairs made in response to a notice of violation, shall comply with the provisions of the Seattle Building, Electrical and Mechanical Codes1 in effect at the time of the work unless a different standard is expressly permitted by this Code.
(Ord. 115671 § 12, 1991; Ord. 113545 § 5(part), 1987.)

1. Editor's Note: The Building, Mechanical and Electrical Codes are set out at Subtitles II, IV and III, respectively, of this title.

Subchapter III

Minimum Mechanical Standards

22.206.090 Heating.

A. Minimum Heating Equipment. Every housing unit shall have permanently installed, functioning heating facilities and an approved power or fuel supply system which are capable of maintaining an average room temperature of at least sixty-five (65) degrees Fahrenheit measured at a point three (3) feet above the floor in all habitable rooms, baths and toilet rooms, when the outside temperature is twenty-four (24) degrees Fahrenheit or higher. When the outside temperature is less than twenty-four (24) degrees Fahrenheit, the permanently installed, functioning heating facility and approved power or fuel supply system must be capable of maintaining an average room temperature of at least fifty-eight (58) degrees Fahrenheit, measured at a point three (3) feet above the floor, in all habitable rooms, baths and toilet rooms.

B. Heating Devices. All heating devices and appliances, including but not limited to furnaces, fireplaces, electric baseboard heaters and water heaters, shall be of an approved type, in good and safe working order, and shall meet all installation and safety codes. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source provided that such heaters shall not be located in any sleeping room or bathroom, as provided by SMC Chapter 22.400 Section 807(a). Ventilation for rooms and areas containing fuel-burning appliances shall be adequate for proper combustion.
(Ord. 115671 § 13, 1991: Ord. 113545 § 5(part), 1987.)

22.206.100 Ventilation equipment.

Ventilating equipment or shafts shall be of an approved type and maintained in a safe manner. Where

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Seattle Municipal Code
December 2004 code update file
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mechanical ventilation is provided in lieu of the natural ventilation pursuant to Section 22.206.040, the mechanical system shall be safe and shall be maintained in good working order during the occupancy of any building.
(Ord. 113545 § 5(part), 1987.)

22.206.110 Electrical equipment.

A. All electrical equipment, wiring and appliances shall be of an approved type, installed in accordance with applicable provisions of the Seattle Electrical Code in effect at the time of installation, unless otherwise specified in this Code,[1] and safely maintained.

B. Every habitable room, except kitchens, shall be provided with not less than two (2) electrical receptacle outlets, or one (1) receptacle outlet and one (1) supplied electric light fixture.

C. Every kitchen shall be provided with not less than three (3) electrical receptacle outlets and one (1) supplied light fixture. One (1) electrical appliance receptacle outlet properly installed as a part of a lawfully installed electric or gas kitchen range shall be accepted in lieu of one (1) of the required receptacle outlets in a kitchen. In all cases, at least one (1) of the wall-mounted receptacle outlets shall not be obscured, either partially or otherwise by floor-mounted appliances.

D. Every toilet room, bathroom, laundry room, furnace room, public hallway, porch, and flight of stairs between stories shall contain at least one (1) supplied electric light fixture. Where an interior stairway or public hallway changes direction, more than one (1) supplied electric light fixture may be required to provide sufficient lighting for safe exit. Such required light fixture or fixtures shall be located so as to provide sufficient lighting for safe exit.
(Ord. 115671 § 14, 1991; Ord. 113545 § 5(part), 1987.)
1. Editor's Note: The Electrical Code is codified in Subtitle III of this Title.

22.206.120 Maintenance.

All mechanical facilities, fixtures, equipment and structures shall be maintained in a safe condition and in good operating order.
(Ord. 113545 § 5(part), 1987.)

Subchapter IV

Minimum Fire and Safety Standards

22.206.130 Requirements.

A. Stair and Stairway Construction.

1. All stairs, except stairs to inaccessible service areas, exterior stairs on grade and winding, circular or spiral stairs shall have a minimum run of nine (9) inches and a maximum rise of eight (8) inches and a minimum width of thirty (30) inches from wall to wall. The rise and run may vary no more than one-half (1/2) inch in any flight of stairs.

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Seattle Municipal Code
December 2004 code update file
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2. All exterior stairs on grade and winding, circular and spiral stairs shall be in good repair and shall be configured for safe use and travel.

3. Every stairway having more than three (3) risers, except stairs to inaccessible service areas, shall have at least one (1) handrail mounted at least twenty-eight (28) inches but no more than forty-two (42) inches above the tread nose.

4. A landing having minimum horizontal dimension of thirty (30) inches shall be provided at each point of access to a stairway; provided, that stairs to an inaccessible service area need not have such a landing. A door that swings away from a stairway is considered to have created a landing in the area of its swing.

5. Every required stairway shall have headroom clearance of not less than six (6) feet six (6) inches measured vertically from the nearest tread nose to the nearest soffit.

6. Stairs or ladders within an individual dwelling unit used to gain access to intermediate floor areas of less than four hundred (400) square feet and not containing the primary bathroom or kitchen are exempt from the requirements of this subsection A.

B. Number of Exits.

1. Occupied floors containing one (1) or more housing unit(s) above the first floor or on any floor where the means of egress does not discharge within four (4) feet measured vertically, of adjacent ground level shall have access to not less than two (2) unobstructed exits that meet the standards of SMC Section 22.206.130; provided, that:

   a. Housing units may have a single exit if located on a second floor that has an occupant load of not more than ten (10) persons or in a basement that has an occupant load of not more than ten (10) persons; or

   b. A housing unit may have a single exit if the exit leads directly to a street, alley, other public right-of-way or yard:

      i. At ground level, or

      ii. By way of an exterior stairway, or

      iii. By way of an enclosed stairway with a fire-resistant rating of one (1) hour or more that serves only that housing unit and has no connection with any other floor below the floor of the housing unit being served or any other area not a part of the housing unit being served; or

   c. Housing units above the first floor or in a basement may have one (1) exit if:

      i. An approved automatic fire-sprinkler system is provided for exit ways and common areas in the building, or

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Seattle Municipal Code
December 2004 code update file
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ii. Built to the single exit requirements of Code Alternate 1004.2b of the 1997 Seattle Building Code, adopted by Ordinance 119079, or the single exit provisions of the building code in effect when the building was constructed, altered, rehabilitated or repaired, whichever is least restrictive.

2. Floors other than those containing housing units shall meet the exit standards of the building code in effect when the building, structure or premises was constructed or, if altered, rehabilitated or repaired, shall meet the exit standards in effect when the floor was altered, rehabilitated or repaired.

3. If two (2) exits are required, a fire escape that meets the standards of subsection D may be used as one (1) of the required exits.

C. Stairway Enclosures.

1. The standards for stairway enclosures are as follows:

a. The walls of all portions of a stairway enclosure shall be at least one (1) hour fire-resistive construction. Materials fastened to walls or floors of stairway enclosures shall comply with the 1997 Seattle Building Code adopted by Ordinance 119079, Section 804; provided, that:

i. Existing partitions forming part of a stairway enclosure shall be permitted in lieu of one (1) hour fire-resistive construction if they are constructed of lath and plaster that is not cracked, loose or broken; or

ii. Existing wainscoting and other decorative woodwork that was lawful at the time of installation is permitted if it is coated with an approved fire-retardant.

b. Each opening onto a stairway enclosure shall be protected by a self-closing door and latching assembly providing fire-resistance equivalent to that provided by a solid wood door and assembly at least one and three-fourths (1) inches thick.

2. Stairway enclosures need not meet the above standards if:

a. A lawfully installed automatic fire-extinguishing system is provided for all corridors, stairs and common areas within the building;

b. The stairway enclosure connects to only two (2) floors and is not connected to corridors or stairways serving other floors; or

c. The stairway enclosure is in a dwelling unit.

D. Fire Escapes. An existing fire escape that is structurally sound may be used as one (1) means of egress, provided that the pitch does not exceed sixty (60) degrees, the width is not less than eighteen (18)

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December 2004 code update file
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inches, the run of the treads is not less than four (4) inches, and the fire escape extends to the ground or is provided with counterbalanced stairs reaching to the ground. Access to a fire escape shall be from an opening having a minimum dimension of twenty-nine (29) inches in all directions when open. The sill of a fire escape window shall be no more than thirty (30) inches above the floor and the exterior landing.

E. Corridors, Doors and Openings.

1. Corridors shall have a fire-resistance not less than that of wood lath and plaster that is not cracked, loose or broken.

2. Existing dead-end corridors longer than thirty (30) feet that serve housing units shall be eliminated, unless an approved automatic sprinkler system is lawfully installed throughout the affected corridor, or unless approved smoke detectors are lawfully installed outside the door of each housing unit whose corridor exit door is located beyond the thirty (30)-foot limitation. The detectors may be self-contained or installed as part of the electrical system.

3. Exit doors shall be self-closing, self-latching, and when serving an occupant load of fifty (50) or more shall swing in the direction of exit travel. Exit doors from housing units that do not open directly into a stairway enclosure are exempt from these requirements if they were installed and are maintained in accordance with safety codes and ordinances in effect at the time of installation.

4. Exit doors shall be openable from the inside without the use of a key or other special device, knowledge or effort.

5. All doors opening into a corridor, and not included as part of a stairway enclosure shall be of solid wood at least one and three-eighths (1 3/8) inches thick, or shall provide equivalent fire-resistance, except that doors opening directly to the outside, and doors in buildings where a lawfully installed automatic fire-sprinkler system is provided throughout all exitways and other public rooms and areas within the building need not meet this standard.

6. Transoms and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of five-eighths (5/8)-inch gypsum Type "X" wallboard on both sides.

7. Gravity-closing metal overhead or pocket doors in an exit path shall be removed or shall be permanently secured in the open position.

8. All corridor walls, floors and ceilings shall be of one (1) hour fire-resistive construction, or shall be repaired in accordance with codes and ordinances in effect at the time the corridor was constructed.

F. Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign or placard having green, legible letters at least five (5) inches high.

G. Enclosure of Vertical Openings.

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Seattle Municipal Code
December 2004 code update file
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1. Elevator shafts and other vertical openings shall be protected with construction as required for stairway enclosures in subsection C1 or by fixed wire-glass set in steel frames, or by assemblies that comply with Chapter 7 of the 1997 Seattle Building Code adopted by Ordinance 119079.1

2. Doors on vertical openings shall be of solid wood at least one and three-eighths (1 3/8) inches thick or shall provide equivalent fire resistance.

H. Separation of Occupancies. Occupancy separations shall be provided as specified in Section 302 and Table 3-B of the 1997 Seattle Building Code adopted by Ordinance 119709.

I. Guardrails. A guardrail shall be provided whenever walking surfaces, including stairs, are thirty (30) inches or more above adjacent surfaces, except in building service areas. Every guardrail shall be at least thirty-six (36) inches in height unless it is an existing guardrail that was in compliance with the standards in effect at the time the guardrail was constructed, is in good condition, and is between twenty-eight (28) and forty-two (42) inches in height. Open guardrails shall have intermediate rails.

J. Emergency Escape Windows and Doors.

1. Every room below the fourth story that was constructed for, converted to or established for sleeping purposes after August 10, 1972, shall have at least one (1) operable window or exterior door approved for emergency escape or rescue.

2. Emergency escape windows and doors shall not open into an area without a means of escape. The emergency escape window or door shall be operable from the inside to provide a full clear opening without the use of separate tools. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet. The minimum net clear openable width dimension shall be twenty (20) inches. When a window is provided as a means of escape or rescue, it shall have a finished sill height not more than forty-four (44) inches above the floor.

3. Every room below the fourth story used for sleeping purposes that had on January 1, 1990 an operable window or door that met the requirements of Section 1204 of the 1985 Seattle Building Code adopted by Ordinance 113700 and 113701, as amended, for emergency escape or rescue, regardless of the date of construction of the building, shall maintain that operable window or door as required by subsection J2.

K. Bars, grilles, grates or similar devices may be installed on emergency escape windows or doors, provided:

1. Such devices are equipped with approved release mechanisms that are openable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors as required by this Code.

L. Dwellings are exempt from the requirements of subsections B through H of this section; provided, that for purposes of this subsection, no building containing residential and commercial uses or other

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similar mixed uses is considered a dwelling.
(Ord. 120087 § 3, 2000: Ord. 115671 § 15, 1991; Ord. 113545 § 5(part), 1987.)
1. Editor's Note: The Building Code is codified in Subtitle I of this Title.

Subchapter V

Minimum Security Standards

22.206.140 Requirements.

A. The following requirements shall apply to housing units and buildings which contain housing units, except detached single-family dwellings, to provide a reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.

1. All building entrance doors, except building entrance doors which open directly into a single housing unit, shall be self-closing, self-locking, and equipped with a deadlatch with at least a one-half inch (1/2") throw which penetrates the striker at least one-quarter inch (1/4"); provided, that the main entrance door need not be self-locking if an attendant is present and on duty twenty-four (24) hours per day.

2. All building entrance doors, other than a main entrance door which opens into a common area, shall be solid or, if provided with glazed openings, shall have wire or grilles to prevent operation of the door latch from outside by hand or instrument. Main entrance doors which open into a common area may be framed or unframed nonshattering glass or framed one-quarter inch (1/4") plate glass.

3. When garage-to-exterior doors are equipped with an electrically operated remote control device for opening and closing, garage-to-building doors need not be self-locking. When either the garage-to-exterior doors or garage-to-building doors are equipped for self-closing and self-locking, the other need not be so equipped.

4. Entrance doors from interior corridors to individual housing units shall not have glass openings and shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one and three-eighths inches (1 3/8") thick.

5. Every entrance door to an individual housing unit shall have a dead bolt or deadlatch with at least a one-half-inch (1/2") throw which penetrates the striker not less than one-quarter inch (1/4"). The lock shall be so constructed that the dead bolt or deadlatch may be opened from inside without use of a key. In hotels and other multi-unit buildings that provide housing for rent on a daily or weekly basis, every entrance door to individual units shall have a chain door guard or barrel bolt on the inside.

6. Every entrance door to an individual housing unit, other than transparent doors, shall have a visitor-observation port which port shall not impair the fire-resistance of the door. Observation ports shall be installed at a height of not less than fifty-four inches (54") and not more than sixty-six inches (66") above the floor.

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7. In all leased or rented housing units in buildings other than hotels and other multi-unit buildings having transient occupancies, lock mechanisms and keys shall be changed upon a change of tenancy, except that such change of locks and keys will not be required where an approved proprietary key system is used.

8. All building entrance doors shall be openable from the interior without use of keys.

9. Doors to storage, maintenance and building service rooms shall be self-closing and self-locking.

10. Dead bolts or other approved locking devices shall be provided on all sliding patio doors and installed so that the mounting screws for the lock cases are inaccessible from the outside.

11. Openable windows shall be equipped with operable inside latching devices, except that this requirement shall not apply to any window whose sill is located ten (10) or more feet above grade or above any deck, balcony or porch that is not readily accessible from grade except through a single housing unit.

12. Where private baths and toilets are not provided in each housing unit, doors to community toilets and bathrooms shall be self-closing, and in lieu of a self-locking device, may be equipped with a dead bolt having a minimum one-inch (1") throw. Tenants shall be furnished with a key for this lock.

13. Windows may be located adjacent to and within the wall plane of a building entrance door, but if located within twelve inches (12") of such door, as measured from a closed position, then such windows shall be made of either framed or unframed nonshattering glass, or glass with sufficient wire or grilles so as to make the glass visible and to prevent operation of the door latch from outside by either hand or instrument.

B. The following requirements shall apply to detached single-family dwellings to provide reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.

1. Building entrance doors shall be capable of locking and shall be equipped with a dead bolt or deadlatch with at least a one-half-inch (1/2") throw which penetrates the striker not less than one-quarter inch (1/4"). The lock shall be so constructed that the dead bolt or deadlatch may be opened from the inside without use of a key.

2. Windows may be located adjacent to and within the wall plane of an entrance door, but if located within twelve inches (12") of such door, as measured from a closed position, then such windows shall be made of either framed or unframed nonshattering glass, framed one-quarter-inch (1/4") plate glass, or glass with sufficient wire or grilles so as to both make the glass visible and prevent it from being used to operate the door latch from outside by either hand or instrument.

3. Garage-to-exterior doors may be equipped with a remote-control electrically operated opening and closing device in lieu of a deadlatch. When garage-to-exterior doors are equipped with such remote-control devices, garage-to-building doors need not be locking.

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4. Every entrance door shall have a visitor-observation port of glass side light. Observation ports shall be installed at a height of not less than fifty-four inches (54") and not more than sixty-six (66") from the floor.

5. Dead-bolts or other approved locking devices shall be provided on all sliding patio doors and openable windows and shall be installed so that the mounting screws for the lock cases are inaccessible from the outside, except that locks shall not be required on any window whose sill is located ten (10) or more feet above grade or above any deck, balcony or porch that is not readily accessible from grade except through the building.

C. Subject to approval by the Director, alternate security devices may be substituted for those required herein if the devices are equally capable of resisting illegal entry, and installation of the devices does not conflict with the requirements of this Code or the requirements of other ordinances regulating safe exits. (Ord. 115671 § 16, 1991; Ord. 113545 § 5(part), 1987.)

Subchapter VI

Duties of Owners and Tenants

22.206.150 General.

Notwithstanding the provisions of any rental agreements or contracts to the contrary, there are hereby imposed on owners and tenants certain duties with respect to the use, occupancy, and maintenance of buildings. (Ord. 113545 § 5(part), 1987.)

22.206.160 Duties of owners.

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;

2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;

3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;

4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;

5. Remove vegetation and debris as required by SMC Section 10.52.030;

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6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high;

9. Maintain the building in compliance with the requirements of Section 104(d) of the Seattle Building Code;[1]

10. Comply with any emergency order issued by the Department of Planning and Development; and

11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors.

B. It shall be the duty of all owners of buildings that contain rented housing units, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any building containing two (2) or more housing units;

2. Supply enough garbage cans or other approved containers of sufficient size to contain all garbage disposed of by such tenants;

3. Maintain heat in all occupied habitable rooms, baths and toilet rooms at an inside temperature, as measured at a point three (3) feet above the floor, of at least sixty-five (65) degrees Fahrenheit between the hours of seven (7:00) a.m. and ten-thirty (10:30) p.m. and fifty-eight (58) degrees Fahrenheit between the hours of ten-thirty (10:30) p.m. and seven (7:00) a.m. from September 1st until June 30th, when the owner is contractually obligated to provide heat;

4. Install smoke detectors on the ceiling or on the wall not less than four (4) inches nor more than twelve (12) inches from the ceiling at a point or points centrally located in a corridor or area in each housing unit and test smoke detectors when each housing unit becomes vacant;

5. Make all needed repairs or replace smoke detectors with operating detectors before a unit is

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reoccupied; and

6. Instruct tenants as to the purpose, operation and maintenance of the detectors.

C. Just Cause Eviction.

1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this section:

   a. The tenant fails to comply with a three (3) day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten (10) day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three (3) day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to RCW Chapter 7.43) or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

   b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four (4) or more times in a twelve (12) month period;

   c. The tenant fails to comply with a ten (10) day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under RCW 59.18;

   d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or more times in a twelve (12) month period;

   e. The owner seeks possession so that the owner or a member of his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the owner's domestic partner registered pursuant to Section 1 of Ordinance 117244[2] or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There shall be a rebuttable presumption of a violation of this subsection if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least sixty (60) consecutive days during the ninety (90) days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;

   f. The owner elects to sell a single-family dwelling unit and gives the tenant at least sixty (60) days written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the

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Seattle Municipal Code
December 2004 code update file
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last day of a monthly period. For the purposes of this section, an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within thirty (30) days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

i. Within thirty (30) days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or

ii. Within ninety (90) days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;

g. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

h. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and at least one (1) permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy;

i. The owner elects to demolish the building, convert it to a condominium or a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy;

j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 of the Seattle Municipal Code after receipt of a notice of violation thereof. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:

i. Two Thousand Dollars ($2,000) for a tenant household with an income during the past twelve (12) months at or below fifty (50) percent of the County median income, or

ii. Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty (50) percent of the County median income;

k. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one (1) dwelling unit, as required by SMC Title 23, and:

i. (A) The number of such individuals was more than is lawful under the current version

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of SMC Title 23 or Title 24 but was lawful under SMC Title 23 or 24 on August 10, 1994,

(B) That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994, and

(C) The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents,

ii. The owner has served the tenants with a thirty (30) day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,

iii. After expiration of the thirty (30) day notice, the owner has served the tenants with and the tenants have failed to comply with a ten (10) day notice to comply with the limit on the number of occupants or vacate, and

iv. If there is more than one (1) rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

l. i. The owner seeks to reduce the number of individuals who reside in one (1) dwelling unit to comply with the legal limit after receipt of a notice of violation of the SMC Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

(A) The owner has served the tenants with a thirty (30) day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that, no thirty (30) day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner,

(B) After expiration of the thirty (30) day notice required by subsection C1li(A) above, or at any time after receipt of the notice of violation if no thirty (30) day notice is required pursuant to subsection C1li(A), the owner has served the tenants with and the tenants have failed to comply with a ten (10) day notice to comply with the maximum legal limit on the number of occupants or vacate, and

(C) If there is more than one (1) rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the

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minimum number of occupants necessary to comply with the legal limit.

ii. For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:

(A) Two Thousand Dollars ($2,000) for a tenant household with an income during the past twelve (12) months at or below fifty (50) percent of the county median income, or

(B) Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty (50) percent of the county median income;

m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to SMC Section 23.44.041 after receipt of a notice of violation of the development standards provided in that section. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:

i. Two Thousand Dollars ($2,000) for a tenant household with an income during the past twelve (12) months at or below fifty (50) percent of the county median income, or

ii. Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty (50) percent of the county median income;

n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to SMC Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

o. The owner seeks to discontinue sharing with a tenant the owner's own housing unit, i.e., the unit in which the owner resides, or seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to SMC Section 23.44.041 that is accessory to the housing unit in which the owner resides, so long as the owner has not received a notice of violation of the development standards of SMC Section 23.44.041 regarding that unit. If the owner has received such a notice of violation, subsection C1m of this section applies;

p. A tenant, or with the consent of the tenant, his or her subtenant, sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Department of Planning and Development has

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December 2004 code update file
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recorded receipt of a copy of the notice of termination. For purposes of this subsection a person has "engaged in criminal activity" if he or she:

i. Engages in drug-related activity that would constitute a violation of RCW Chapters 69.41, 69.50 or 69.52, or

ii. Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

2. Any rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this subsection C shall be deemed void and of no lawful force or effect.

3. With any termination notices required by law, owners terminating any tenancy protected by this section shall advise the affected tenant or tenants in writing of the reasons for the termination and the facts in support of those reasons.

4. If a tenant who has received a notice of termination of tenancy claiming subsection C1e, C1f, or C1m of this section as the ground for termination believes that the owner does not intend to carry out the stated reason for eviction and makes a complaint to the Director, then the owner must, within ten (10) days of being notified by the Director of the complaint, complete and file with the Director a certification stating the owner's intent to carry out the stated reason for the eviction. The failure of the owner to complete and file such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction action based on this ground.

5. In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this section.

6. It shall be a violation of this section for any owner to evict or attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a notice which references subparagraphs 1e, 1f, 1h, 1k, 1l, or 1m of this subsection C as grounds for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy.

7. An owner who evicts or attempts to evict a tenant or who terminates or attempts to terminate the tenancy of a tenant using a notice which references subparagraphs 1e, 1f or 1h of this subsection C as the ground for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy shall be liable to such tenant in a private right for action for damages up to Two Thousand Dollars ($2,000), costs of suit or arbitration and reasonable attorney's fees.

(Ord. 121408 § 1, 2004; Ord. 121276 § 19, 2003; Ord. 119617 § 1, 1999; Ord. 118441 § 2, 1996; Ord. 117942 § 2, 1995; Ord. 117570 § 2, 1995; Ord. 115877 § 1, 1991; Ord. 115671 § 17, 1991; Ord. 114834 § 2, 1989; Ord. 113545 § 5(part), 1987.)

1. Editor's Note: The Seattle Building Code is adopted in Chapter 22.100 of this title.
2. Editor's Note: Ordinance 117244 has not been included within this Code, but may be found on file in the office of the City Clerk.

22.206.170 Duties of tenants.

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It shall be the duty of every tenant to:

A. Maintain in a clean and sanitary condition the part or parts of the building and the premises occupied or controlled by the tenant;

B. Store and dispose of all garbage and rubbish in a clean, sanitary and safe manner in garbage cans or other approved containers provided by the owner;

C. Comply with reasonable requests of the owner for the prevention or elimination of infestation, including granting reasonable access for extermination or preventive measures by the owner;

D. Exercise reasonable care in the use and operation of electrical and plumbing fixtures and maintain all sanitary facilities, fixtures and equipment in a clean and sanitary condition;

E. Within a reasonable time, repair or pay for the reasonable cost of repair of all damage to the building caused by the negligent or intentional act of the tenant or the invitees or licensees of the tenant;

F. Grant reasonable access to the owner of the building for the purpose of inspection by the Director, or maintenance or repairs by the owner in the performance of any duty imposed on the owner by this Code;

G. Refrain from placing or storing in the building or on the premises thereof any article, substance or material imminently dangerous to the health, safety or general welfare of any occupant thereof or of the public, or which may substantially contribute to or cause deterioration of the building; and

H. Test according to manufacturer's recommendations and keep in good working condition all smoke detectors in the dwelling unit required by law.
(Ord. 113545 § 5(part), 1987.)

22.206.180 Prohibited acts by owners.

A. Except as otherwise required or allowed by this Code or by the Residential Landlord Tenant Act, Chapter 59.18 RCW, it is unlawful for any owner to:

1. Change or tamper with any lock or locks on a door or doors used by the tenant; or

2. Remove any door, window, fuse box, or other equipment, fixtures, or furniture; or

3. Request, cause or allow any gas, electricity, water or other utility service supplied by the owner to be discontinued; or

4. Remove or exclude a tenant from the premises except pursuant to legal process; or

5. Evict, increase rent, reduce services, increase the obligations of a tenant or otherwise impose, threaten or attempt any punitive measure against a tenant for the reason that the tenant has in

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Seattle Municipal Code
December 2004 code update file
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good faith reported violations of this Code to the Department of Design, Construction and Land Use or to the Seattle Police Department, or otherwise asserted, exercised or attempted to exercise any legal rights granted tenants by law and arising out of the tenant's occupancy of the building; or

6. Enter a tenant's housing unit or premises except:

   a. At reasonable times with the tenant's consent, after giving the tenant:

      i. At least two (2) days' notice of intent to enter for the purpose of inspecting the premises, making necessary or agreed repairs, alterations or improvements, or supplying necessary or agreed services; or

      ii. At least one (1) day's notice for the purpose of exhibiting the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors; or

   b. In an emergency; or

   c. In case of abandonment as defined by state low; or

7. Prohibit a tenant or the tenant's authorized agent or agents, if accompanied by the tenant, from engaging in the following activities when related to building affairs or tenant organizations:

   a. Distributing leaflets in a lobby and other common areas and at or under tenants' doors;

   b. Posting information on bulletin boards, provided that tenants comply with all generally applicable rules of the landlord governing the use of such boards. Such rules cannot specifically exclude the posting of information related to tenant organizing activities if the rules permit posting of other types of information by tenants;

   c. Initiating contact with tenants;

   d. Assisting tenants to participate in tenant organization activities;

   e. Holding meetings, including political caucuses or forums for speeches of public officials or candidates for public office, unattended by management, conducted at reasonable times and in an orderly manner on the premises, held in any community rooms or recreation rooms if these rooms are open for the use of the tenants; provided that the tenant complies with all other generally applicable rules of the landlord governing the use of such rooms. Any generally applicable rules must be written and posted in or near such a room. If a community or recreation room is not available, meetings may take place in common areas which include a laundry room, hallway or lobby; provided all generally applicable rules of the landlord governing such common areas and applicable fire and safety codes are followed.

B. The following rebuttable presumptions shall apply in any proceeding to collect a civil penalty for

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Seattle Municipal Code
December 2004 code update file
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violation of Section 22.206.180 A5.

1. Any owner who takes any action listed in Section 22.206.180 A5 within ninety (90) days after a tenant has in good faith reported violations of this Code (SMC Chapter 22.206) to the Department of Design, Construction and Land Use or to the Seattle Police Department, or otherwise asserted, exercised or attempted to exercise any legal rights granted tenants by law and arising out of a tenant's occupancy of the building, or within ninety (90) days after any inspection or proceeding by a governmental agency resulting from such legal right asserted, exercised or attempted to be exercised by a tenant, creates a rebuttable presumption affecting the burden of proof that the action was taken for the reason that the tenant had in good faith reported violations of this Code to the Department of Design, Construction and Land Use or to the Seattle Police Department or otherwise asserted, exercised or attempted to exercise any legal rights granted the tenant by law; except that, if at the time an owner gives a notice of termination of tenancy pursuant to Chapter 59.12 RCW, the tenant is in arrears in rent or in breach of any other lease or rental obligation, there is a rebuttable presumption that the landlord's action is neither a reprisal nor retaliatory action against the tenant.

2. A tenant who makes a complaint or report to a governmental authority about an owner or owner's property within ninety (90) days after notice of a proposed increase in rent or other action in good faith by the owner creates a rebuttable presumption that the complaint or report was not made in good faith, unless the complaint or report was that the proposed increase in rent or other action was unlawful, in which case no such presumption applies.

3. The rebuttable presumption under Section 22.206.180 B1 shall not apply with respect to an increase in rent if the owner, in a notice to the tenant of an increase in rent, specifies reasonable ground for said increase and the notice of said increase does not violate SMC Section 7.24.030 A.

(Ord. 120302 § 2, 2001: Ord. 113545 § 5(part), 1987.)

22.206.190 Harassing or retaliating against owner.

It is unlawful for any tenant to harass or retaliate against an owner or to interfere with an owner's management and operation of a building or premises by committing any of the following acts:

A. Adding or tampering with any lock;

B. Removing or otherwise interfering with any supplied equipment, fixtures, furniture or services;

C. Wilfully damaging or causing others to damage the building or premises.

(Ord. 113545 § 5(part), 1987.)

22.206.200 Minimum standards for vacant buildings.

A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080 A, B, C, G, H and I; 22.206.130 I; 22.206.160 A1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.

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Seattle Municipal Code
December 2004 code update file
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1. Sanitary Facilities.

   a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.

   b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.

   c. Plumbing fixtures not connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services terminated in accordance with applicable codes.

3. Safety From Fire.

   a. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.

   b. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be removed or terminated in accordance with applicable codes.

4. All vacant buildings and their accessory structures shall meet the following standards:

   a. All windows shall have intact glazing or plywood of at least one-quarter (1/4) inch thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than nine (9) inches on center.

   b. Doors and service openings with thresholds located ten (10) feet or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-eighths (1) inches thick equipped with a one-half () inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.

   c. There shall be at least one (1) operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such

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Seattle Municipal Code
December 2004 code update file
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as a hasp and padlock or a one-half (1/2) inch deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of three-quarter (3/4) inch CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.

d. All debris, combustible materials, litter and garbage shall be removed from vacant buildings, their accessory structures and adjoining yard areas. The building and premises shall be maintained free from such items.

e. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of three-quarter (3/4) inch plywood, brick or metal coverings over exterior openings, when the standards specified in subsections A4a through A4d above are inadequate to secure the building:

i. Due to the design of the structure; or

ii. When the structure has been subject to two (2) or more unauthorized entries after closure pursuant to the standards specified above; or

iii. When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subsections A4a through A4d above.

5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.

6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with three-quarter (3/4) inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least six (6) inches. If a hole in a wall presents a hazard, the hole shall be covered with one-half (1/2) inch Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least six (6) inches. Covers for both floor and wall holes shall be securely attached.

B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the dwelling are rented or leased.

C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter 22.220, may not be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a building must comply with

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Seattle Municipal Code
December 2004 code update file
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the just cause eviction requirements of Section 22.206.160 C of this Code.

D. Termination of Utilities. The Director may, by written notice to the owner and to the Director of Seattle Public Utilities, the Superintendent of City Light or the Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be terminated or disconnected.

E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected pursuant to Section 22.206.200 D, no one except the utility may take any action to restore the service, including an owner or other private party requesting restoration of service until a certificate of compliance has been issued in accordance with Section 22.206.250, or upon written notification by the Director that service may be restored. It shall be unlawful for anyone other than the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. or their duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated or disconnected as a result of a Director's notice issued pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation shall be issued pursuant to SMC Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

   a. When the building is repaired pursuant to the requirements of this Code and reoccupied;

   b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

   c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.900A through 22.900G).

(Ord. 120087 § 4, 2000: Ord. 118396 § 171, 1996: Ord. 117861 § 3, 1995: Ord. 115671 § 18, 1991; Ord. 113545 § 5(part), 1987.)

22.206.210 Removing posted notices.

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December 2004 code update file
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Only the Director may remove or order the removal of any notice, complaint or order posted in accordance with this chapter prior to issuance of a certificate of compliance by the Director.
(Ord. 113545 § 5(part), 1987.)

Subchapter VII

Alternative Materials and Design, Variances and Enforcement

22.206.215 Alternate materials and design.

A. The provisions of this Code are not intended to prevent the use of any material not specifically prescribed by this Code, provided any alternate has been approved and its use authorized by the Director. The Director may approve any such alternate provided he or she finds that it complies with the purpose and intent of this Code and is of at least equivalent suitability, strength, effectiveness, fire resistance, durability, safety and sanitation as that prescribed by this Code.

B. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Director may grant modifications for individual cases, provided he or she first finds that a special individual reason makes compliance with the strict letter of this Code impractical and that the modification is in conformity with the intent and purpose of this Code and that such modification does not lessen any fire protection or safety requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Director.
(Ord. 115671 § 19, 1991.)

22.206.217 Variances.

A. The Director may grant a variance from the standards and requirements of SMC Sections 22.206.010 through 22.206.140 and Section 22.206.200 if the Director determines that all of the following conditions or circumstances exist:

1. Unusual conditions exist at the subject property which were not created by the current owner, tenant or occupant;

2. The requested variance does not go beyond the minimum necessary to afford relief;

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity;

4. The literal interpretation and strict application of the applicable provisions or requirements of this Code would cause undue hardship or practical difficulties; and

5. The requested variance would be consistent with the spirit and purpose of this Code.

B. Application for and Processing of Variances.

1. The current owner or tenant of a building may request a variance on a form provided by the

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December 2004 code update file
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Department. The request must describe the standards or requirements of SMC Sections 22.206.010 through 22.206.140 or of SMC Section 22.206.200 from which a variance is requested and explain how the requested variance complies with subsections A1 through A5 of SMC Section 22.202.217. A variance request must contain the address of the property, the name and address of all persons having an interest in the property, and the names and addresses of all parties affected by the condition or conditions for which a variance is requested, including all property owners and occupants. The Director shall establish by Rule submittal requirements for a variance request.

2. Upon receipt of a variance request, the Director shall contact the requestor to arrange the date and time of an inspection to view the conditions for which the variance is sought and to ascertain compliance with subsections A1 through A5 of SMC Section 22.202.217. The inspection shall be conducted within thirty (30) days after a variance request is received, unless a later inspection is agreed to by the requestor. The Director also shall notify in writing all other persons identified in the variance request of the request and of the opportunity to submit information or comments on the request. Comments about a variance request must be received by the Department within twenty (20) days after the date of mailing the notification of a variance request.

C. The Director shall decide whether to grant a variance within thirty (30) days after the inspection conducted pursuant to subsection B. When a variance is authorized, conditions or mitigating measures may be required as deemed necessary to ensure continued compliance with subsections A1 through A5 of SMC Section 22.202.217 or to otherwise carry out the spirit and purpose of this Code. The variance decision shall be mailed to the requestor and to all affected parties identified in the written request for a variance and other interested parties who submitted information or comments about a variance request.

D. Records. The Director shall maintain a record in Department files of all variance requests and decisions. The record shall include findings regarding compliance with the conditions of subsections A1 through A5 of SMC Section 22.202.217 and any conditions or mitigating measures required by the Director in granting the variance.

E. Appeal of Variance Decision. Any person with an ownership interest in a building premises for which a variance request has been made, or any tenant of such property, may appeal the Director's decision on the variance by filing an appeal with the Hearing Examiner.

1. Variance appeals shall be filed with the Hearing Examiner, with the applicable filing fee specified in SMC Section 3.02.125, by five (5:00) p.m. of the twentieth day following the mailing of the Director's decision. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. An appeal shall be deemed filed when it is actually received by the Hearing Examiner's Office. The Hearing Examiner's time and date stamp shall be prima facie evidence of filing.

2. An appeal shall be in writing and shall state:

a. The name and address of the appellant;

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Seattle Municipal Code
December 2004 code update file
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b. The ownership or other interest of the appellant in the building or premises that is the subject of the variance decision;

c. The names and addresses of all tenants or other occupants of the building or premises and, if the appellant is an owner of the property, of all other persons with an ownership or other interest in the building or premises;

d. The specific objections to the Director's decision;

e. The relief sought.

3. Notice of a hearing on the appeal shall be mailed by the Hearing Examiner at least twenty (20) days prior to the scheduled hearing date to the Director and to all affected parties identified pursuant to subsection E2c of SMC Section 22.206.217.

4. Appeals shall be considered de novo and shall be limited to objections raised in the appeal statement. The Director's decision shall be affirmed unless the Hearing Examiner finds the Director's decision to be clearly erroneous. The person requesting the variance shall have the burden of proving, by preponderance of the evidence, all elements related to justifying the variance.

5. Within thirty (30) days after the hearing is conducted, the Hearing Examiner shall issued a decision on a variance appeal. The Hearing Examiner's decision shall be mailed to the appellant, the Director and to other affected parties on the day it is issued.

6. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on judicial appeal. Any judicial review shall be as provided by RCW 36.70C and must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 120087 § 6, 2000.)

22.206.220 Notice of violation.

A. The Director shall inspect any building or premises which the Director has reason to believe may not be in compliance with the standards and requirements of SMC Sections 22.206.010 through 22.206.170, and SMC Section 22.206.200. If the standards and requirements of SMC Sections 22.206.010 through 22.206.120, Sections 22.206.150 through 22.206.170 or of Section 22.206.200 have not been met, the Director shall serve a notice of violation on the owner and/or other person responsible for the violation pursuant to this section. The notice of violation shall:

1. Identify each violation of the standards and requirements of this Code and the corrective action necessary to bring the building and premises into compliance; and

2. Specify a time for compliance.

B. No notice of violation shall be issued as a result of an advisory inspection performed pursuant to

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Seattle Municipal Code
December 2004 code update file
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SMC Section 22.202.035 unless the building is in condominium or cooperative ownership.

C. After a notice of violation or order has been filed with the King County Department of Records and Elections pursuant to SMC Section 22.206.220 J, a notice of violation or order for the same violation need not be served upon a new owner. If a new notice of violation is not issued and served upon a new owner, the Director shall grant the new owner the same number of days to comply with the notice of violation as was given the previous owner in the notice of violation. The compliance period shall be the number of days between the date of issuance of the notice of violation and the date for compliance stated in the text of the notice. The compliance period for the new owner shall begin on the date that the conveyance is completed.

D. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, at the person's last known address. If the address of the responsible person is unknown and cannot be found after a reasonable search, the notice may be served by publishing it once each week for two (2) consecutive weeks in the legal newspaper for the City, and by mailing to the person a copy of the notice or order by first class mail to the last known address, or if unknown, to the address of the property subject to the notice of violation and by posting a copy of the notice in a conspicuous place on the property. If a notice of violation is directed to a tenant or other person responsible for the violation who is not the owner, a copy of the notice shall be sent to the owner of the property.

E. In addition, a copy of the notice or order may be posted at a conspicuous place on the property.

F. The Director may order that any other work in the building or on the premises be stopped until the violations in the notice have been corrected if, in the Director's opinion the continuation of other work will impair the owner's ability to comply with this Code in a timely manner.

G. Nothing herein shall hinder or limit in any manner the Director's authority or ability to bring an action pursuant to SMC Chapter 22.208 to abate a nuisance or to issue an emergency order pursuant to SMC Section 22.206.260.

H. In addition to serving and posting the notice or order, the Director may mail or cause to be delivered to all housing and/or commercial rental units in the building a notice which informs each occupant of the notice of violation and the relevant requirements and procedures.

I. In calculating a time for compliance, the Director shall consider:

1. The type and degree of violations found;

2. Applicable time limits for correction of similar violations provided in the State Landlord-Tenant Act, RCW Chapter 59.18;

3. The responsible party's demonstrated intent to repair, demolish, or vacate and close the building. Evidence of the responsible party's intent may include, but is not limited to:

a. A signed construction contract with a licensed contractor to perform the required work by a specific date and for reasonable compensation,

Seattle Municipal Code
December 2004 code update file
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b. Proof of the availability of financial resources to perform the required work with such funds placed in a segregated account to be used only for required repairs or a binding commitment from an established lending institution providing sufficient funds to complete the required repairs,

c. The filing of a complete application for any permit required to perform the required work and evidence of payment of any required fees;

4. The procedural requirements for obtaining a permit to correct the violations;

5. The complexity of the repairs, seasonal considerations, construction requirements and the legal prerogatives of tenants; and

6. Circumstances beyond the control of the responsible person.

J. Unless a request for review by the Director is made in accordance with SMC Section 22.206.230, a notice of violation shall be the decision of the Director. A copy of the notice of violation shall be filed with the King County Department of Records and Elections. The Director is not required to file a copy of the notice of violation if the notice is directed only to a tenant or tenants.
(Ord. 120087 § 7, 2000: Ord. 115671 § 20, 1991; Ord. 113545 § 5(part), 1987.)

22.206.230 Review by the Director.

A. Any party affected by a notice of violation issued pursuant to SMC Section 22.206.220 may request a review of the notice by the Director. Such a request must be made in writing within ten (10) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day.

B. Within seven (7) days of receipt of a review request the Director shall notify by mail the person requesting the review, any persons served the notice of violation, and any person who has requested notice of the review, of the request for a review and the deadline for submitting additional information. Additional information shall be submitted to the Director no later than fifteen (15) days after the notice of a request for a review is mailed, unless otherwise agreed by the person requesting the review.

C. The Director or a representative of the Director who is familiar with the case and the applicable ordinances will review any additional information that is submitted and the basis for issuance of the notice of violation. The reviewer may request clarification of information received and a site visit. After the review, the Director shall:

1. Sustain the notice of violation; or

2. Withdraw the notice of violation; or

3. Continue the review to a date certain for receipt of additional information; or

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Seattle Municipal Code
December 2004 code update file
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4. Amend the notice of violation.

D. The Director shall issue a decision within fifteen (15) days after the deadline for submittal of additional information. The decision shall be served, posted and filed in the manner provided in SMC Section 22.206.220. When the decision affects only a tenant or tenants, the Director is not required to file the decision with the King County Department of Records and Elections.
(Ord. 120087 § 8, 2000: Ord. 118441 § 3, 1996: Ord. 115877 § 2, 1991; Ord. 115671 § 21, 1991; Ord. 114834 § 3, 1989; Ord. 113545 § 5(part), 1987.)

22.206.240 Extension of compliance date.

A. The Director may extend the compliance date if required repairs have been commenced and, in the Director's opinion, are progressing at a satisfactory rate. Extensions in excess of ninety (90) days may not be granted unless the need therefor is established in a Director's review.

B. Vacating and Closing of Historic Buildings or Structures. The compliance date for historic buildings and structures that are closed to entry pursuant to Section 22.206.200 of this Code, during the notice of violation compliance period, shall be extended for as long as the building or structure is maintained in compliance with the standards of Section 22.206.200 of this Code.
(Ord. 118441 § 4, 1996: Ord. 114834 § 4, 1989: Ord. 113545 § 5(part), 1987.)

22.206.250 Compliance.

A. Compliance with a notice, order or decision issued pursuant to this Code shall be the responsibility of each person named in and served with the notice, order or decision.

B. Until a property owner or other person named in a notice, order or decision demonstrates, and the Director confirms by inspection, that the obligations imposed by the standards established in this Code have been fulfilled, there shall be a rebuttable presumption affecting the burden of proof at trial that the violations listed in such notice, order or decision have not been corrected, provided, that there shall be no rebuttable presumption in any criminal prosecution under SMC Section 22.206.290. When a person named in a notice, order or decision demonstrates, and the Director confirms by inspection, compliance with such notice, order or decision and the standards established in this Code, the Director shall issue a certificate of compliance certifying that, as of the date of inspection, the violations cited in the notice, order or decision have been corrected.

C. On issuance of a certificate of compliance, the Director warrants only that the violations listed in the notice, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in buildings, or of any equipment therein that is not listed in the notice of violation. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person arising out of any condition of the building, structure or equipment.
(Ord. 120087 § 9, 2000: Ord. 115671 § 22, 1991; Ord. 113545 § 5(part), 1987.)

22.206.260 Emergency order.

A. Whenever the Director finds that any building, housing unit or premises is an imminent threat to

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Seattle Municipal Code
December 2004 code update file
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the health or safety of the occupants or the public, an emergency order may be issued directing that the building, housing unit or premises be restored to a condition of safety and specifying the time for compliance. In the alternative, the order may require that the building, housing unit or premises be immediately vacated and closed to entry.

B. The emergency order shall be posted on the building, housing unit or premises, and shall be mailed by regular, first class mail to the last known address of the property owners and, if applicable, to the occupants. All property owners and occupants of such building, housing unit or premises are deemed to have notice of any emergency order so posted and mailed.

C. It shall be unlawful for any person to fail to comply with an emergency order issued by the Director requiring that the building, housing unit or premises be restored to a condition of safety by a specified time.

D. It shall be unlawful for any person to use or occupy, or to cause or permit any person to use or occupy the building, housing unit or premises after the date provided in an emergency order requiring the building, housing unit or premises to be vacated and closed until the Director certifies that the conditions described in the emergency order have been corrected and the building, housing unit or premises have been restored to a safe condition.

E. Any building, housing unit or premises subject to an emergency order that is not repaired within the time specified in the order is found and declared to be a public nuisance that the Director is hereby authorized to abate summarily by such means and with such assistance as may be available to the Director, and the costs thereof shall be recovered by the Director in the manner provided by law.

F. 1. Any tenant who is required to vacate and actually vacates a housing unit as a result of an emergency order shall be paid relocation assistance pursuant to and contingent upon compliance with the provisions of subsections G and H of SMC Section 22.206.260 and SMC Section 22.206.265 at the rate of Two Thousand Eight Hundred Dollars ($2,800.00) for each tenant household with income during the preceding twelve (12) months at or below fifty (50) percent of the median family income for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, adjusted for family size ("median family income"), and two (2) months' rent for each tenant household with income during the preceding twelve (12) months above fifty (50) percent of the median family income, provided all of the following conditions are met:

a. The emergency order requires the housing unit occupied by the tenant to be vacated and closed;

b. The conditions that create the emergency arise from circumstances within the control of the property owner, including, but not limited to, conditions arising from failure to perform maintenance on the premises, affirmative acts of the property owner, or termination of water or utility services provided by the property owner;

c. The conditions that create the emergency do not arise from an act of God or from the affirmative actions of a person or persons beyond the control of the property owner; and

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Seattle Municipal Code
December 2004 code update file
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d. The conditions that create the emergency are not caused solely by the actions of the tenant.

2. The amount of relocation assistance to be paid pursuant to subsection F1 of SMC Section 22.206.260 to a tenant household with income during the preceding twelve (12) months at or below fifty (50) percent of the median family income may be adjusted annually by the percentage change in the housing component of the Consumer Price Index for All Urban Consumers (CPI-U) for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments are authorized to be made by Director's Rule.

G. The property owner is required to deposit with the Director the relocation assistance provided in subsection F in a form acceptable to the Director no later than the deadline specified in the emergency order to vacate and close the building, housing unit or premises.

H. No relocation assistance may be paid pursuant to subsection F1 of SMC Section 22.206.260 to tenants with household incomes during the preceding twelve (12) months greater than fifty (50) percent of the median family income unless the property owner has deposited the required assistance pursuant to subsection G of SMC Section 22.206.260.
(Ord. 121076 § 4, 2003: Ord. 115671 § 23, 1991: Ord. 113545 § 5(part), 1987.)

22.206.265 Emergency relocation assistance payments.

A. A tenant subject to an emergency order to vacate and close may request an emergency relocation assistance payment from the Emergency Relocation Assistance Account. The Director may establish by rule application requirements for this section.

1. To apply for emergency relocation assistance, a tenant household with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income must:

a. Submit a completed and signed request for an emergency relocation assistance payment on an application form provided by the Director along with documentation sufficient to establish tenant household income for the preceding twelve (12) months and any additional information required by the Director;

b. Certify, in a manner approved by the Director, that the tenant has vacated a building, housing unit or premises pursuant to an emergency order to vacate and close; and

c. Complete the application requirements contained in this subsection within seven (7) days of the date set for compliance with an emergency order to vacate and close a building, housing unit or premises.

2. To apply for emergency relocation assistance, a tenant household with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income must:

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December 2004 code update file
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a. Submit a completed and signed request for an emergency relocation assistance payment on an application form provided by the Director along with documentation sufficient to establish the monthly rental amount of the building, housing unit or premises under the existing rental agreement for the most recent rental period and that the household income for the preceding twelve (12) months is greater than fifty (50) percent of the median family income as well as any additional information required by the Director;

b. Certify, in a manner approved by the Director, that the tenant has vacated a building, housing unit or premises pursuant to an emergency order to vacate and close; and

c. Complete the application requirements contained in this subsection within seven (7) days of the date set for compliance with an emergency order to vacate and close a building, housing unit or premises.

B. A relocation assistance payment deposited with the Director by a property owner pursuant to subsection G of SMC Section 22.206.260 shall be paid to the tenant on whose behalf the deposit was made within three (3) business days after receipt by the Director of both the funds for relocation assistance and a completed and signed application for an emergency relocation assistance payment from the tenant.

C. If a tenant with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income satisfactorily completes the application process described in subsection Al and the property owner fails to deposit the relocation assistance as required by subsection G of SMC Section 22.206.260, the Director may pay to such tenant from the Emergency Relocation Assistance Account, subject to the limitation established in subsection A of SMC Section 22.202.060, the full amount of relocation assistance that such tenant would have received had the property owner deposited the relocation assistance as required.

D. If a tenant has been paid relocation assistance from the Emergency Relocation Assistance Account pursuant to subsection C and is subsequently paid the relocation assistance provided by subsections F and G of SMC Sections 22.206.206 directly to the property owner, the tenant must reimburse The City of Seattle the full amount of relocation assistance paid from the Emergency Relocation Assistance Account within three (3) business days of the receipt of the relocation assistance payment from the property owner.

E. If a tenant either fails to submit to the Director a completed and signed application for relocation assistance by the deadline established in subsection A or fails to negotiate a check or warrant for emergency relocation assistance within sixty (60) days of the date of the check or warrant, the Director shall refund to the property owner the full amount of relocation assistance deposited on behalf of a tenant pursuant to SMC Section 22.206.260 within seven (7) business days after such failure by the tenant.

F. Any check or warrant for relocation assistance from the Emergency Relocation Assistance Account that is not presented for payment within sixty (60) days may not be honored.
(Ord. 121076 § 5, 2003.)

22.206.270 Violations.

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December 2004 code update file
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A. Any failure to comply with a notice of violation, decision or order shall be a violation of this Code.

B. It shall be a violation of this Code for any person to obstruct, impede, or interfere with any attempt to (1) correct a violation, (2) comply with any notice of violation, decision, emergency order, or stop work order, (3) inspect a building or premises pursuant to the authority of an inspection warrant issued by any court, or (4) inspect a housing unit after consent to inspect is given by a tenant of the housing unit.

C. Any person who does not comply with an emergency order issued by the Director shall be in violation of this Code, regardless of intent, knowledge or mental state.

D. Any person who fails to pay relocation assistance required by Section 22.206.260 F shall be in violation of this Code.
(Ord. 116364 § 1, 1992: Ord. 116315 § 2, 1992; Ord. 115671 § 24, 1991: Ord. 113545 § 5(part), 1987.)

22.206.280 Civil penalty.

A. In addition to any other sanction or remedial procedure that may be available, and except for violations of SMC Section 22.206.180, any person violating or failing to comply with any requirement of this Code shall be subject to a cumulative civil penalty in the amount of:

1. Fifteen Dollars ($15.00) per day for each housing unit in violation, and Fifteen Dollars ($15.00) per day for violations in the common area or on the premises surrounding the building or structure, from the date set for compliance until the person complies with the requirements of this Code; or

2. Seventy-five Dollars ($75.00) per day for each building in violation of the standards contained in SMC Section 22.206.200, from the date set for compliance until the person complies with the requirements of that section.

3. One Hundred Dollars ($100.00) per day from the date a tenant fails to reimburse The City of Seattle for emergency relocation assistance as required by subsection D of SMC Section 22.206.265 until the date the relocation assistance is repaid to The City of Seattle.

4. One Hundred Dollars ($ 100.00) per day for any person who provides false or misleading information to the Director and as a result of the false or misleading information is paid emergency relocation assistance by The City of Seattle for which the person would not otherwise be eligible, from the date the person receives the emergency relocation assistance until the date the relocation assistance is repaid to The City of Seattle.

B. Any person who does not comply with an emergency order issued by the Director pursuant to this SMC Chapter 22.206 shall be subject to a cumulative civil penalty in the amount of One Hundred Dollars ($100.00) per day from the date set for compliance until the Director certifies that the requirements of the emergency order are fully complied with.

C. Any property owner who fails to deposit relocation assistance as required by subsections F and G

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Seattle Municipal Code
December 2004 code update file
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of SMC Section 22.206.260 shall be subject to a cumulative civil penalty of:

1. For each tenant with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of SMC Section 22.206.260:

   a. Three Thousand Three Hundred Dollars ($3,300.00), plus

   b. One Hundred Dollars ($100.00) per day from the date such deposit by the property owner is required until the date the property owner pays to the City the penalty provided for in subsection C1a; or

2. For each tenant with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of SMC Section 22.206.260, One Hundred Dollars ($100.00) per day from the date such deposit is required until the date on which the relocation assistance required by subsections F and G of SMC Section 22.206.260 is deposited with The City of Seattle.

D. In addition to any other sanction or remedial procedure that may be available, any owner of housing units who violates subsection C6 of SMC Section 22.206.160 shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars ($2,500.00).

E. In addition to any other sanction or remedial procedure that may be available, anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than One Thousand Dollars ($1,000.00).

F. Any person who violates or fails to comply with subsections A5, A6, or A7 of SMC Section 22.206.180 shall be subject to a cumulative civil penalty in an amount not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00) per violation. Each day that a separate action or inaction occurs that is a violation of subsections A5, A6 or A7 of SMC Section 22.206.180 constitutes a separate violation.

G. The Director shall notify the City Attorney in writing of the name of any person subject to a civil penalty for violations of this Code, except that for violations of SMC Section 22.206.180, the Chief of Police shall notify the City Attorney. The City Attorney shall take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed and, for violations of sections other than SMC Section 22.206.180, that the violation was not corrected by the date established by the Director in a notice, order or decision. The issuance of a notice of violation or an order following a review by the Director is not itself evidence that a violation exists.

H. The violator may show, in mitigation of liability, that correction of the violation was commenced promptly upon receipt of notice, but that compliance within the time specified was prevented by an inability to obtain necessary materials or labor, inability to gain access to the subject building, or other condition or

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circumstance beyond the control of the violator, and upon a showing of the above described conditions, the court may enter judgment for less than the maximum penalty.
(Ord. 121076 § 6, 2003; Ord. 120302 § 3, 2001: Ord. 120087 § 10, 2000: Ord. 118441 § 5, 1996: Ord. 116315 § 3, 1992: Ord. 115877 § 3, 1991; Ord. 115671 § 25, 1991: Ord. 115671 §, 1991; Ord. 114834 § 5, 1989; Ord. 113545 § 5(part), 1987.)

22.206.290 Criminal penalties.

Violation of Sections 22.206.180 A1, 22.206.180 A2, 22.206.180 A3, or 22.206.180 A4 of the Seattle Municipal Code, or of Section 22.206.190 of the Seattle Municipal Code is a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute liability shall be imposed for a violation of Sections 22.206.180 A1, 22.206.180 A2, 22.206.180 A3, 22.206.180 A4, or of Sections 22.206.190 A or 22.206.190 B of the Seattle Municipal Code, and none of the mental states described in Section 12A.04.030 need be proved. No person other than he or she who commits the act will be found guilty without a finding in accord with SMC Section 12A.04.130 B1 or SMC Section 12A.04.130 B3. Violators shall, upon conviction:

1. Be fined in a sum not exceeding Five Thousand Dollars ($5,000.00); and/or

2. Be imprisoned for a term not exceeding one (1) year.

B. A fine not to exceed One Thousand Dollars ($1,000.00) per violation and/or a term of imprisonment not exceeding thirty (30) days may be imposed:

1. For violations of Section 22.206.210;

2. For violations of Section 22.206.260, where the person charged has had a civil judgment under Section 22.206.280 or any of its predecessors rendered against him or her during the past five (5) years;

3. For any pattern of willful, intentional, or bad-faith failure or refusal to comply with the standards or requirements of this Code.

C. Each day that anyone shall continue to violate or fail to comply with any of the foregoing provisions shall be considered a separate offense.
(Ord. 120302 § 4, 2001: Ord. 115671 § 26, 1991; Ord. 113545 § 5(part), 1987.)

22.206.295 Private right of action.

In addition to any other sanction or remedial procedure that may be available, any property owner who does not deposit emergency relocation assistance with The City of Seattle for a tenant pursuant to subsections F and G of SMC Section 22.206.260 shall be subject to a private civil action by such tenant to recover the actual amount of relocation assistance payable to the tenant but not deposited with The City of Seattle by the property owner, attorney fees and court costs.
(Ord. 121076 § 7, 2003.)

22.206.300 Receivership and other equitable remedies.

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December 2004 code update file
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A. The Director may seek legal or equitable relief in Superior Court to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this Code when civil or criminal penalties are inadequate to effect compliance.

B. The Director, or three (3) or more tenants in the subject building, unless the building has less than three (3) tenants, in which case, all tenants, may seek to have a receiver appointed in Superior Court to take possession of and manage a property when it appears that the owner or other person responsible for the management of the property has failed to comply with the responsibilities imposed by this Code, the property is unfit for human habitation, or otherwise constitutes a menace or hazard to the safety or health of the occupants or to the public in the judgment of the Court.

C. The receiver shall have the authority, under control of the Court, to take and keep possession of the property, to lease the property, receive rents, collect debts, make expenditures for repairs, enter into contracts and generally perform such acts respecting the property as the Court may authorize, and for such term certain as the Court may require.

D. The City may not be eligible to be designated as a receiver.
(Ord. 113545 § 5(part), 1987.)

22.206.305 Tenant's private right of action.

Nothing in this Code is intended to affect or limit a tenant's right to pursue a private right of action pursuant to Chapter 59.18 RCW for any violation of Chapter 59.18 RCW for which that chapter provides a private right of action. When an owner commits an act prohibited by SMC Sections 22.206.180 A1, 22.206.180 A2, or 22.206.180 A7, a tenant has a private right of action against the owner for actual damages caused by the prohibited act. To the extent that actual damages are unliquidated or difficult to prove, a court may award liquidated damages of up to One Thousand Dollars ($1,000.00) instead of actual damages. Such damages when awarded are to be on a per incident, rather than a per tenant basis. The prevailing party in any such action may recover costs of the suit and attorney fees.
(Ord. 120302 § 5, 2001.)

22.206.310 Abatement of nuisances.

Any building or structure, or the premises on which the building or structure is located, in which violations of this chapter remain uncorrected after a civil penalty has been imposed pursuant to SMC Section 22.206.280 and which violations create a fire hazard or a menace to the public health, safety or welfare of the public, are hereby declared public nuisances and may be abated. Upon initiation by the Director and upon a finding by resolution of the City Council after public hearing that a particular building, structure or premises is a public nuisance, the Director is authorized to go onto private property to abate such a nuisance and to utilize such funds as may be available for the costs of performing the abatement. The costs of the abatement shall be collected from the owner and/or other person responsible for the condition in such manner as may be provided by law.
(Ord. 113545 § 5(part), 1987.)

Chapter 22.207

Seattle Municipal Code
December 2004 code update file
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December 2004 code update file
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CITATION--HEARINGS--PENALTIES

Sections:

22.207.002 Scope.
22.207.004 Citation.
22.207.006 Response to citations.
22.207.008 Failure to respond.
22.207.010 Mitigation hearings.
22.207.012 Contested case hearing.
22.207.014 Failure to appear for hearing.
22.207.016 Penalties.
22.207.018 Alternative criminal penalty.
22.207.020 Abatement.
22.207.022 Collection of judgments.
22.207.024 Each day a separate violation.
22.207.026 Additional relief.

22.207.002 Scope.

A. Violations of the following provisions of Seattle Municipal Code Chapter 22 shall be enforced under the citation or criminal provisions set forth in this Chapter 22.207:

1. Minimum Fire and Safety Standards (Section 22.206.130); and

2. Minimum Security Standards (Section 22.206.140).

B. Any enforcement action or proceeding pursuant to this Chapter 22.207 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 22.206.
(Ord. 119509 § 2, 1999.)

22.207.004 Citation.

A. Citation. If after investigation the Director determines that the standards or requirements of provisions referenced in Section 22.207.002 have been violated, the Director may issue a citation to the owner and/or other person or entity responsible for the violation. The citation shall include the following information: (1) the name and address of the person to whom the citation is issued; (2) a reasonable description of the location of the property on which the violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date of the violation; (5) a statement that the person cited must respond to the citation within eighteen (18) days after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must be received at the Office of Hearing Examiner not later than five p.m. on the date the response is due; (8) the name, address and phone number of the Office of Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and (10) a certified statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.

B. Service. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s).

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December 2004 code update file
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Service shall be complete at the time of personal service, or if mailed, on the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.
(Ord. 119896 § 1, 2000: Ord. 119509 § 3, 1999.)

22.207.006 Response to citations.

A. A person must respond to a citation in one (1) of the following ways:

1. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

2. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing a mailing address to which notice of such hearing may be sent; or

3. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent.

B. A response to a citation must be received by the Office of the Hearing Examiner no later than eighteen (18) days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. on the next business day.
(Ord. 119896 § 2, 2000: Ord. 119509 § 4, 1999.)

22.207.008 Failure to respond.

If a person fails to respond to a citation within fifteen (15) days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.
(Ord. 119509 § 5, 1999.)

22.207.010 Mitigation hearings.

A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within thirty (30) days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing will be sent by first class mail to the address provided in the request for hearing not less than ten (10) days prior to the date of the hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing, which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from DCLU may also be present and may present additional information, but attendance by a representative from DCLU is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless DCLU affirms or

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Seattle Municipal Code
December 2004 code update file
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certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

D. Entry of Order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to this section. The Hearing Examiner's decision is the final decision of the City on this matter.
(Ord. 119896 § 3, 2000: Ord. 119509 § 6, 1999.)

22.207.012 Contested case hearing.

A. Date and Notice. If a person requests a contested case hearing, the hearing shall be held within sixty (60) days after the written response to the citation requesting such hearing is received.

B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this section. The issues heard at the hearing shall be limited to those raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

D. Amendment of Citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

E. Evidence at Hearing. The certified statement or declaration authorized by RCW 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the DCLU evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in Section 22.207.010 if the violation has been corrected. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review

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Seattle Municipal Code
December 2004 code update file
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must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision in accordance with RCW 36.70C.040.
(Ord. 119896 § 4, 2000: Ord. 119509 § 7, 1999.)

22.207.014 Failure to appear for hearing.

Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.
(Ord. 119509 § 8, 1999.)

22.207.016 Penalties.

A. First Violation. The first time that a person or entity is found to have violated one of the provisions referenced in Section 22.207.002 after the effective date of the ordinance codified in this chapter,1 the person or entity shall be subject to a penalty of One Hundred Fifty Dollars ($150).

B. Second and Subsequent Violations. Any subsequent time that a person or entity is found to have violated one (1) of the provisions referenced in Section 22.207.002 within a five (5) year period after the first violation, the person or entity shall be subject to a penalty of Five Hundred Dollars ($500) for each such violation.
(Ord. 119509 § 9, 1999.)
1. Editor's Note: Ordinance 119509, which enacted Chapter 22.207, is effective on July 29, 1999.

22.207.018 Alternative criminal penalty.

Any person who violates or fails to comply with any of the provisions referenced in Section 22.207.002 shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the citation procedure outlined in this chapter.
(Ord. 119509 § 10, 1999.)

22.207.020 Abatement.

Any property on which there continues to be a violation of any of the provisions referenced in Section 22.207.002 after enforcement action taken pursuant to this chapter is hereby declared a nuisance and subject to abatement by the City in the manner authorized by law.
(Ord. 119509 § 11, 1999.)

22.207.022 Collection of judgments.

If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the judgment. Alternatively, the City may pursue collection in any other manner allowed by law.

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Seattle Municipal Code
December 2004 code update file
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See ordinances creating and amending
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(Ord. 119509 § 12, 1999.)

22.207.024 Each day a separate violation.

Each day a person or entity violates or fails to comply with a provision referenced in Section 22.207.002 may be considered a separate violation for which a citation may be issued.
(Ord. 119509 § 13, 1999.)

22.207.026 Additional relief.

The Director may seek legal or equitable relief at any time to enjoin any acts or practices that violate the provisions referenced in Section 22.207.002 or abate any condition that constitutes a nuisance.
(Ord. 119509 § 14, 1999.)

Chapter 22.208

BUILDINGS UNFIT FOR HUMAN HABITATION OR OTHER USE

Sections:

22.208.010 Conditions for declaring a building or premises unfit for human habitation or other use.
22.208.020 Standards for demolition, repair or vacation and closure.
22.208.030 Investigation, notice and hearing.
22.208.040 Determination and order of Director after hearing.
22.208.050 Appeal from order of Director.
22.208.060 Petition to Superior Court.
22.208.070 Extension of compliance date.
22.208.080 Certificate of compliance.
22.208.090 Reinspection of vacant buildings.
22.208.100 Enforcement of the order of the Director.
22.208.110 Recovery of costs.
22.208.120 Occupying or renting building or premises unfit for habitation--Termination of utilities.
22.208.130 Removing posted notices.
22.208.140 Violations.
22.208.150 Civil penalties.
22.208.160 Criminal penalties.

22.208.010 Conditions for declaring a building or premises unfit for human habitation or other use.

Any building, structure, or the premises or portions thereof, in or on which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

A. Structural members that are of insufficient size or strength to safely carry imposed loads, including, but not limited to, the following:

1. Footings or foundations that are weakened, damaged, decayed, deteriorated, insecure or missing,

2. Flooring or floor supports that are damaged, defective, deteriorated, decayed or missing,

3. Walls or partitions that are split or that lean, are decayed, buckled, damaged or missing,

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Seattle Municipal Code
December 2004 code update file
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4. Vertical or lateral supports that are damaged, defective, deteriorated, loose, decayed or missing,

5. Ceilings or roofs or their supports that sag, buckle, or are split, decayed or missing, and

6. Fireplaces or chimneys that bulge, settle, or have masonry or mortar which is loose, broken, or missing;

B. Inadequate protection to the extent that occupants are exposed to the weather, including but not limited to the following:

1. Crumbling, broken, loose, or missing interior wall or ceiling covering,

2. Broken or missing doors, windows, door frames or window sashes,

3. Ineffective or inadequate waterproofing of foundations or floors, and

4. Deteriorated, buckled, broken, decayed or missing exterior wall or roof covering;

C. Inadequate sanitation to the extent that occupants or the general public are directly exposed to the risk of illness or injury, including but not limited to:

1. Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen sinks,

2. Defective or unsanitary plumbing or plumbing fixtures,

3. Lack of running water connections to plumbing fixtures or lack of an approved water service,

4. Defective or unsanitary kitchen countertops or cabinets,

5. Lack of connection to an approved sewage disposal system,

6. Inadequate drainage,

7. Infestation by insects, vermin, rodents, or other pests, and

8. Accumulation of garbage and rubbish;

D. Inadequate light, heat, ventilation, or defective equipment, including but not limited to:

1. Defective, deteriorated, hazardous, inadequate or missing electrical wiring, electrical service, or electrical equipment, and

2. Defective, hazardous, or improperly installed ventilating equipment or systems,

3. Lack of an approved, permanently installed, functioning heating facility and an approved power

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Seattle Municipal Code
December 2004 code update file
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or fuel supply system that is capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65(F.), measured at a point three feet (3') above the floor in all habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24°F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24°F.), the heating facilities must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58°F.), measured at a point three feet (3') above the floor, in all habitable rooms, baths, and toilet rooms;

E. Defective or inadequate exits, including, but not limited to exits that are unsafe, improperly located, or less than the required minimum number or dimensions as defined by Section 22.206.130;

F. Conditions that create a health, fire or safety hazard, including, but not limited to:

1. Accumulation of junk, debris, or combustible materials,

2. Any building or device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion, and

3. To the extent that it endangers or may endanger the occupants of the building, the occupants of neighboring buildings or the public, the presence of friable asbestos or the storage of toxic or hazardous materials.

(Ord. 117861 § 4, 1995: Ord. 116420 § 1, 1992: Ord. 113545 § 6(part), 1987.)

22.208.020 Standards for demolition, repair or vacation and closure.

A. Whenever the Director determines, pursuant to the procedures established in Section 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for human habitation or other use, the Director shall order that the unfit building and/or premises or portion thereof be:

1. Repaired, or demolished and removed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use exceeds fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality, provided that the Director may order a building or structure, for which the estimated cost of such repairs do not exceed fifty percent (50%) of such replacement value, to be repaired, or demolished and removed, if the degree of structural deterioration is as described in 22.208.010 A, D or E, and the owner has failed three (3) or more times in the last five (5) years to correct the conditions by compliance dates as ordered by the Director;

2. Repaired, and/or vacated and closed pursuant to Section 22.206.200 of this Code, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use does not exceed fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality; or

3. Corrected or improved as specified in the Order of the Director as to the conditions that caused the premises other than buildings and structures to be unfit.

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Nothing in this section shall limit the authority of the City to condemn and resell property pursuant to RCW 35.80A.

B. In estimating the replacement value of an unfit building or structure, the Director shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost Handbook," Marshall and Swift, latest available edition, or a cost estimating publication that the Director deems comparable.

C. In estimating the cost of repairs, the Director shall apply the following standards:

1. Only the conditions causing the building, structure or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;

2. All repair costs shall be based on estimates calculated from the "Home-Tech Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating publication that the Director deems comparable;

3. Repair estimates shall assume that all work will comply with the requirements of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in The City of Seattle;

4. If the extent of damage to a portion of a building or structure cannot be ascertained from visual inspection, the Director shall assume that the relative extent of damage or deterioration identified in the observable portion of the building exists in the unobserved portions; and

5. Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the structure. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the Square Foot Cost Estimating Method in the "Residential Cost Handbook" by Marshall and Swift.

D. If the Director finds that any of the following conditions exist, the Director shall order that such conditions be eliminated and that the building be closed within a time specified:

1. The condition or conditions which cause the building or premises to be unsafe or unfit for human habitation create a hazard to the public health, safety, or welfare that would exist even if the building were vacated and closed to entry; or

2. Building appendages, as defined in Seattle Building Code Section 3402.2,1 are in a deteriorated condition or are otherwise unable to sustain the design loads specified; or

3. Part of the building or premises or equipment intended to assist in extinguishing a fire, to prevent the origin or spread of fire, or to safeguard life or property from fire is in an unsafe or unusable condition.

(Ord. 117861 § 5, 1995: Ord. 116420 § 2, 1992: Ord. 113545 § 6(part), 1987.)

1. Editor's Note: The Building Code is codified in Subtitle I of this Title.

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22.208.030 Investigation, notice and hearing.

A. The Director may investigate any building or premises which the Director believes to be unfit for human habitation or other use. If the investigation reveals conditions that make the building or premises unfit for human habitation or other use, the Director shall:

1. Issue a complaint stating the conditions that make the building or premises unfit for human habitation or other use; and

2. Serve the complaint by personal service, registered mail, or certified mail with return receipt requested, upon all persons who appear on a litigation guarantee from a licensed title insurance company as having any ownership interest in the building or premises; and

3. Post the complaint in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

B. No complaint shall be issued if a permit has been issued for all repairs, alterations, and improvements required to make the building or premises fit for human habitation or other use, and the repair work, in the Director's opinion, is progressing at a satisfactory rate.

C. If the address of the persons appearing on the litigation guarantee identified in subparagraph A cannot be ascertained by the Director after a reasonable search, then the Director shall make affidavit to that effect, and the complaint shall be served either by personal service or by mailing a copy of the complaint by certified mail, postage prepaid, return receipt requested, to the address appearing on the last equalized tax assessment roll of the County Assessor and to any other address known to the County Assessor. A copy of the complaint shall also be mailed to each person whose address cannot be ascertained, to the address of the building or premises involved in the proceedings. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to all housing and commercial rental units in the building or on the premises a copy of the complaint.

D. The complaint shall state that a hearing will be held before the Director at a specified time and place, not less than ten (10) days nor more than thirty (30) days after service of the complaint; and that all persons having any interest therein shall have the right to file an answer to the complaint, and to appear in person or by representative and to give testimony at the time and place fixed in the complaint. At the hearing, the Director shall have the authority to administer oaths and affirmations, examine witnesses and receive evidence. The rules of evidence shall not apply in hearings before the Director.

E. A copy of the complaint shall be filed with the King County Department of Records and Elections.
(Ord. 117861 § 6, 1995: Ord. 116420 § 3, 1992: Ord. 113545 § 6(part), 1987.)

22.208.040 Determination and order of Director after hearing.

A. If, after the hearing provided for in Section 22.208.030, the Director determines that a building or premises is unfit for human habitation or other use pursuant to Section 22.208.010, the Director shall further determine, using the standards set forth in Section 22.208.020, whether the building should be:

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1. Repaired, altered or improved;

2. Vacated and closed; or

3. Demolished and removed, and/or whether the premises and the conditions that cause it to be unfit should be corrected or improved. The Director shall issue a written order requiring that the building or premises be made fit for human habitation or other use. The order shall state the facts in support of the decision and a specific date for correction. The Director shall serve the order upon all parties served with a copy of the complaint, in the manner provided in Section 22.208.030. The order shall require that:

1. The building be:

   a. Vacated and closed; and/or either

   b. Repaired, altered or improved, or

   c. Demolished and removed, and/or

2. The premises and the conditions that cause it to be unfit should be corrected and improved.

B. 1. If a building is to be demolished and removed by the owner or other parties in interest they shall obtain an asbestos survey and make the same available to the Director.

2. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to Section 22.208.100 the owner shall either obtain an asbestos survey and make the same available to the Director or allow the Director access to the structure so that the Director may obtain an asbestos survey.

C. When calculating the time for compliance under subsection A, the Director shall consider:

1. The type of hazard, the nature and immediacy of the threat to the public health and safety, and the blight created by the conditions of the premises;

2. A demonstrated intent by a responsible party to repair, demolish or vacate and close the building or to correct or improve the condition of the premises by:

   a. Entering into a contract with a licensed contractor to perform the required work within a specific time and for a reasonable compensation,

   b. Depositing cash in a segregated account in an amount sufficient to complete the required repairs,

   c. Securing a loan from an established lending institution that will provide sufficient funds to complete the required repairs, or

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d. Securing a permit to perform the required work and paying the required permit fees;

3. The length of time required to obtain permits needed to complete the repairs;

4. The complexity of the repairs, seasonal considerations, construction requirements and the legal rights of tenants; and

5. Circumstances beyond the control of the responsible person.

D. If no appeal is filed, a copy of the order shall be filed with the King County Department of Records and Elections.
(Ord. 117861 § 7, 1995: Ord. 116420 § 4, 1992: Ord. 113545 § 6(part), 1987.)

22.208.050 Appeal from order of Director.

A. Any party affected by any order of the Director under this chapter shall have the right to appeal the order of the Director to the Hearing Examiner. Notice of the right to appeal shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

B. The appeal shall:

1. Be filed with the Hearing Examiner no more than ten (10) days after service of the Director's order;

2. Be in writing and state clearly and concisely the specific objections to the Director's order;

3. State the ownership or other interest that each appellant has in the building, premises, or portion thereof involved in the order of the Director;

4. State briefly the remedy sought; and

5. Include the signatures of all appellants and their mailing addresses.

C. The Hearing Examiner shall set a date for the hearing and provide no less than twenty (20) days' written notice of the hearing to the parties. Notice of the appeal and hearing shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

D. The appeal hearing shall be conducted pursuant to the contested case provisions of the Administrative Code, SMC Chapter 3.02. The Hearing Examiner is authorized to promulgate procedural rules for the appeal hearing pursuant to the Administrative Code.

E. The appeal hearing shall be de novo. The Director's decision shall be affirmed unless the Hearing Examiner finds such decision to be arbitrary and capricious.

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F. The Hearing Examiner shall have the authority to affirm, modify, or reverse the order of the Director, or remand the case to the Director for further proceedings. The Hearing Examiner shall summarily dismiss an appeal which is determined on its face to be without merit, frivolous, or brought merely for the purpose of delay.

G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written decision containing findings of fact and conclusions and shall mail copies of the decision to the parties of record. The decision of the Hearing Examiner shall be the final decision of the City and shall have the same effect as a decision of the Director issued pursuant to Section 22.206.230. The decision and order of the Hearing Examiner shall be filed by the Director with the King County Department of Records and Elections.
(Ord. 117861 § 8, 1995: Ord. 113545 § 6(part), 1987.)

22.208.060 Petition to Superior Court.

Any person who has standing to file a land use petition in the Superior Court of King County may file such a petition within twenty-one (21) days of issuance of the Hearing Examiner's decision pursuant to Section 22.208.050, as provided by Section 705 of Chapter 347 of the Laws of 1995.
(Ord. 117789 § 1, 1995: Ord. 113545 § 6(part), 1987.)

22.208.070 Extension of compliance date.

An extension of time for compliance with an order may be granted by the Director upon receipt of a written request filed with the Director by any party affected by the order not later than seven (7) days prior to the date set for compliance in the order. Any extension granted shall be in writing, and shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way. Extensions shall not be subject to appeal. The Director may, without a written request, grant an extension of time if in the Director's opinion such an extension is warranted.
(Ord. 117861 § 9, 1995: Ord. 113545 § 6(part), 1987.)

22.208.080 Certificate of compliance.

A. Compliance with an order issued pursuant to this Chapter 22.208 shall be the responsibility of each person named as a responsible party in the order. An owner or responsible party shall request a reinspection from the Director following correction of the conditions set forth in the order. If the Director finds that the repairs, alterations, corrections or other actions required by the order have been performed in compliance with the standards in this Code, the Director shall issue a certificate of compliance certifying that, as of the date it is issued, the violations cited in the order have been corrected.

B. On issuance of a certificate of compliance, the Director certifies only that the violations listed in the complaint, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in the building or any equipment therein, or of the premises, that is not listed in the complaint, order or decision. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person, organization, or corporation arising out of any condition of the building, structure, equipment, or premises.
(Ord. 117861 § 10, 1995: Ord. 116420 § 5, 1992: Ord. 113545 § 6(part), 1987.)

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22.208.090 Reinspection of vacant buildings.

When a building is vacant and has been closed to entry pursuant to an order of the Director issued pursuant to this chapter, the Director shall reinspect the building quarterly pursuant to Section 22.206.200 F to verify that the building and structures accessory to the building remain vacant and closed to entry and meet the minimum standards for vacant buildings set forth in this Code, and to determine the extent to which the building has deteriorated. The owner shall be charged an inspection fee for the quarterly inspections. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.901A-22.901T)).
(Ord. 117861 § 11, 1995: Ord. 116420 § 6, 1992: Ord. 113545 § 6(part), 1987.)

22.208.100 Enforcement of the order of the Director.

A. If the person served with an order fails to comply with the order, the Director, by such means and with such assistance as may be available, is hereby authorized and directed to cause the building to be:

1. Repaired, altered or improved; or

2. Vacated and closed; or

3. Demolished and removed; or

4. To cause the premises and the conditions that cause it to be unfit to be corrected or improved, and the costs thereof shall be recovered by the City in the manner provided in Section 22.208.110.

B. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to subsection A, the owner shall either obtain an asbestos survey and make the same available to the Director, or allow the Director access to the building so that the Director may obtain an asbestos survey.
(Ord. 117861 § 12, 1995: Ord. 116420 § 7, 1992: Ord. 113545 § 6(part), 1987.)

22.208.110 Recovery of costs.

A. If the costs incurred by the Director pursuant to Section 22.208.100 for repairs, alterations or improvements, or of vacating and closing, or of demolition and removal are not paid after a written demand upon the owner and other persons named as responsible parties in the complaint, such costs shall be assessed against the property for which the costs were incurred in the manner provided below.

B. If the building is removed or demolished by the Director, the Director shall, if possible, sell the salvageable materials from the building and shall apply the proceeds of the sale to the reimbursement of the costs of demolition and removal. Any funds remaining shall be paid to the owner.

C. After notice to the owner and other persons with an ownership interest as shown on the litigation guarantee that all or a portion of the costs have not been paid, the Director shall notify the City Director of Executive Administration of the amount due and owing, and upon receipt of the notification the City Director of

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Executive Administration shall certify the amount to the King County Financial Management Office for assessment.

D. Upon certification by the City Director of Executive Administration of the amount due and owing, the Director of the King County Financial Management Office or designee shall enter the amount of the assessment upon the tax rolls against the real property for the current year to be collected at the same time as the general taxes and with interest at the rates and in the manner provided in RCW 84.56.020 for delinquent taxes. When collected, it shall be deposited in the General Fund of the City and credited to the Housing and Abatement Account provided in Section 22.202.050.

E. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.
(Ord. 120794 § 289, 2002; Ord. 117861 § 13, 1995: Ord. 117242 § 25, 1994; Ord. 116420 § 8, 1992: Ord. 116368 § 293, 1992; Ord. 113545 § 6(part), 1987.)

22.208.120 Occupying or renting building or premises unfit for habitation--Termination of utilities.

A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and remove a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.

B. The Director may, by written notice directed to the owner and to the Director of Seattle Public Utilities, Superintendent of City Light, or to the Washington Natural Gas Co., request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.

C. It is unlawful for anyone other than the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co., or their authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.
(Ord. 118396 § 172, 1996: Ord. 116420 § 9, 1992: Ord. 113545 § 6(part), 1987.)

22.208.130 Removing posted notices.

Only the Director may remove any notice, complaint or order posted in accordance with this chapter prior to issuance of a certificate of compliance.
(Ord. 113545 § 6(part), 1987.)

22.208.140 Violations.

A. Any failure or refusal to obey an order of the Director or Hearing Examiner or any failure to comply with the requirements or standards of this Code shall be a violation of this Code.

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B. It shall be a violation of this Code for any person to obstruct, impede or interfere with any attempt to correct any violation, or attempt to comply with an order of the Director issued pursuant to this Chapter 22.208.
(Ord. 113545 § 6(part), 1987.)

22.208.150 Civil penalties.

A. Any person failing to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars ($500) per day from the date set for compliance until the owner or a responsible party requests a reinspection and the Director verifies following reinspection that the property is in compliance.

B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the amount of Five Hundred Dollars ($500).

C. The Director shall notify the City Attorney in writing of the name of any person subject to a penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

D. Once a civil penalty has been established by judgment, and that judgment certified to Superior Court, the judgment may be satisfied, if approved by the Director and at the discretion of the Director, by payment of one-third (1/3) of the total judgment accompanied by an agreement by which the property is permitted to be used for a period of up to three (3) years for a City approved program for job training or temporary housing purposes, that results in correction of the violation. This provision shall not be construed to limit or otherwise affect the authority of the Director or City Attorney to negotiate a satisfaction of judgments on other terms as dictated by the circumstances.
(Ord. 117861 § 14, 1995: Ord. 113545 § 6(part), 1987.)

22.208.160 Criminal penalties.

A. Anyone who violates or fails to comply with any of the requirements of this Chapter 22.208 and who within the previous five (5) years has had a civil penalty assessed against him or her pursuant to Section 22.208.150 of this Code shall, upon conviction, be fined a sum not exceeding Five Thousand Dollars ($5,000) or imprisoned for a term not exceeding one (1) year, or both. Each day that anyone violates or fails to comply with any of the foregoing provisions shall be a separate offense.

B. A fine, not exceeding Five Thousand Dollars ($5,000) per violation and/or a term of imprisonment not exceeding one (1) year may be imposed for any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter.
(Ord. 117861 § 15, 1995: Ord. 113545 § 6(part), 1987.)

Chapter 22.210

TENANT RELOCATION ASSISTANCE

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Sections:

22.210.010 Short title.
22.210.020 Findings and purpose.
22.210.030 Definitions.
22.210.040 Application of chapter.
22.210.050 Tenant relocation license--Required.
22.210.060 Issuance of tenant relocation license.
22.210.070 Tenant relocation license--Application.
22.210.080 Tenant relocation information packets.
22.210.090 Tenant income verification.
22.210.100 Tenant eligibility for relocation assistance.
22.210.110 Owner's contribution to relocation assistance.
22.210.120 Ninety-day tenant notice.
22.210.130 Relocation assistance payments.
22.210.140 Eviction protection.
22.210.150 Administrative appeals.
22.210.160 Administration and enforcement.
22.210.170 Notice of violation.
22.210.180 Violations and penalties.

Effective Date. The requirements of this ordinance shall apply to any dwelling unit from which a tenant is displaced after the effective date of this ordinance because of the demolition, change of use, substantial rehabilitation or the removal of use restrictions from any dwelling unit after July 1, 1990.
(Ord. 115141 § 2, 1990.)

Severability. If any provision of this ordinance or its application to any person or circumstance is declared illegal, the remainder of the ordinance or its application to other persons or circumstances shall not be affected thereby.
(Ord. 115141 § 5, 1990.)

Cases: An earlier version of the Housing Preservation Ordinance was held to be unconstitutional. **San Telmo Associates v. Seattle,** 108 Wn.2d 20, 735 P.2d 673 (1987); **R/L Associates v. Seattle,** 113 Wn.2d 402, 780 P.2d 838 (1989). Followup actions for damages or refunds under 42 U.S.C. §1983 are **Sintra v. Seattle,** 119 Wn.2d 1, 829 P.2d 765 (1992), and **Robinson v. Seattle,** 119 Wn.2d 34, 830 P.2d 318 (1992).

The exemption of the Washington State Trade and Convention Center from certain housing replacement requirements under an earlier version of the ordinance was valid. **Convention Center Coalition v. Seattle,** 107 Wn.2d 370, 730 P.2d 636 (1986).

Editor's Note: **Transition reimbursement rule.** Any tenant who 1) was determined eligible for relocation assistance before the effective date of Ordinance 117094, 2) has otherwise complied with the requirements of Ordinance 117094, and 3) has received or will receive only the City of Seattle's share of relocation assistance, One Thousand Seventy-one Dollars ($1,071.00), because of the suspension of the owner payment requirement, shall be entitled to reimbursement from the City of Seattle for any actual relocation costs incurred that exceed One Thousand Seventy-one Dollars ($1,071.00). Provided, that the total relocation assistance (including what the City previously paid) may not exceed Two Thousand One Hundred Forty-two Dollars ($2,142.00), that reimbursements shall be based only on actual documented expenses, that reimbursements shall not be paid until final settlement of all claims or lawsuits or potential claims or lawsuits that the tenant has against the City or its officers or employees in connection with the application of SMC Chapter 22.210 to such relocation, and that reimbursements shall be reduced by any other funds paid by any party (including voluntary payments by landlords) to such tenant for relocation costs. For purposes of this provision, "relocation costs" includes only actual physical moving costs and expenses, advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits (less the amount of security and damage deposits returned from the landlord of the building from which the tenant was displaced), utility connection fees and deposits, and increased utility costs and rent for up to one (1) year.
(Ord. 117094 § 11, 1994.)

22.210.010 Short title.

The ordinance codified in this chapter shall be known and may be cited as the "Tenant Relocation Assistance Ordinance."
(Ord. 115141 § 1(part), 1990.)

22.210.020 Findings and purpose.

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A. Findings.

1. The City of Seattle is experiencing a rapid rate of development that has reduced and continues to reduce the supply of rental housing available to low-and moderate-income tenants and has reduced the supply of rental housing affordable to such tenants.

2. The development and real estate market in Seattle has not been able to replace low-income units lost due to demolition, change of use, substantial rehabilitation and removal of use restrictions from assisted housing, making it more difficult and more costly for low-income persons who are displaced by demolition, change of use, substantial rehabilitation or removal of use restrictions from assisted housing to locate affordable substitute rental housing.

3. Rents in Seattle have been increasing rapidly and vacancies in rental housing are at low levels, making it increasingly difficult for tenants, especially those with low incomes, to locate affordable rental housing.

4. Pursuant to the public hearing held on June 7, 1990, the City Council finds that costs incurred by tenants to relocate within Seattle include actual physical moving costs, advance payments, utility fees, security and damage deposits and anticipated additional rent and utility costs, which, on average, equal or exceed Two Thousand Dollars ($2,000.00) per tenant household.

5. The State of Washington has adopted legislation authorizing local jurisdictions to require the payment of relocation assistance to low-income tenants who are displaced from dwelling units by housing demolition, change of use, substantial rehabilitation or removal of use restrictions from assisted housing.

6. Conditions in the current rental market have created a relocation crisis, because tenants, especially low-income tenants, do not have sufficient time to save money for relocation costs or to find comparable housing when they are evicted as a result of demolition, change of use, substantial rehabilitation or removal of use restrictions from their dwelling units.

B. Purpose. Based upon the above findings, the purpose of this chapter is to provide relocation assistance to low-income tenants displaced by demolition, substantial rehabilitation, or change of use of residential rental property, or the removal of use restrictions from assisted housing developments.
(Ord. 115141 § 1(part), 1990.)

22.210.030 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

A. "Assisted housing development" means a multifamily residential housing development that either receives or has received government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives or has received other federal, State or local government assistance and is subject to use restrictions as defined in this section.

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B. "Change of use" means the conversion of any dwelling unit from a residential use to a nonresidential use which results in the displacement of existing tenants or conversion from residential use to another residential use which requires the displacement of existing tenants, such as a conversion to a retirement home where payment for long-term care is a requirement of tenancy, or conversion to an emergency shelter or transient hotel. For purposes of this chapter, "change of use" shall not mean a conversion of a rental dwelling unit to a condominium.

C. "Demolition" means the destruction of any dwelling unit or the relocation of an existing dwelling unit or units to another site.

D. "Director" means the Director of the Department of Planning and Development, or the Director's designee.

E. "Displacement" means, in the case of demolition, substantial rehabilitation or change of use, that existing tenants must vacate the dwelling unit because of the demolition, substantial rehabilitation or change of use; in the case of removal of use restrictions from an assisted housing development, it means that the nonrestricted rent of a dwelling unit after the removal of use restrictions will exceed by twenty percent (20%) or more, exclusive of increases due to operating expenses, the restricted rent of the dwelling unit before the removal of use restrictions. For purposes of this chapter, "displacement" shall not include the permanent relocation of a tenant from one dwelling unit to another dwelling unit in the same building with the tenant's consent or the temporary relocation of a tenant for less than seventy-two (72) hours.

F. "Dwelling unit" means a structure or that part of a structure which is used as a home, residence, or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

G. "Low income" means total combined income per dwelling unit is at or below fifty percent (50%) of the median income, adjusted for family size, in King County, Washington.

H. "Major educational institution" means an educational institution which is designated as a "major institution" in Section 23.48.025 of the Seattle Municipal Code, or any amendments thereto.

I. "Master use permit" means the document issued by the Department of Planning and Development which records all land use decisions which are made by the Department of Planning and Development.

J. "Owner" means one (1) or more persons, jointly or severally, in whom is vested:

1. All or any part of the legal title to property; or

2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

K. "Rental agreement" means all oral or written agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit. For purposes of this chapter, "rental agreement" shall not include any agreement relating to the purchase, sale or transfer of ownership of a dwelling unit.

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December 2004 code update file
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L. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

M. "Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the State Residential Landlord-Tenant Act under RCW Chapter 59.18 and those tenants whose living arrangements are exempted from the State Residential Landlord-Tenant Act under RCW 59.18.040(3) if their living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1). For purposes of this chapter, "tenant" shall not include the owner of a dwelling unit or members of the owner's immediate family.

N. "Use restriction" means any Federal, State or local statute, regulation, ordinance or contract which, as a condition of receipt of any housing assistance, including an operating subsidy, rental subsidy, mortgage subsidy, mortgage insurance, tax-exempt financing, or low-income housing tax credits by an assisted housing development, establishes maximum limitations on tenant income as a condition of eligibility for occupancy of the units within an assisted housing development; imposes any restrictions on the maximum rents that may be charged for any of the units within the assisted housing development; or requires that rents for the units within an assisted housing development be reviewed by any governmental body or agency before the rents are implemented or changed.
(Ord. 121276 §§ 20, 37, 2003; Ord. 115141 § 1(part), 1990.)

22.210.040 Application of chapter.

This chapter shall apply to displacement caused by demolition, change of use, substantial rehabilitation, or removal of use restrictions from any dwelling unit in The City of Seattle, with the exception of displacements from the following:

A. Any dwelling unit demolished or vacated because of damage caused by an event beyond the owner's control, including that caused by fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;

B. Any dwelling unit ordered vacated or demolished by the Director pursuant to SMC Section 22.206.260, because of damage within the owner's control;

C. Any dwelling unit owned by the Seattle Housing Authority;

D. Any dwelling unit being converted from rental housing to a condominium, which conversion is regulated pursuant to SMC Chapter 22.903;

E. Any dwelling unit located inside the boundaries of a major educational institution which is owned by the institution and which is occupied by students, faculty or staff of the institution;

F. Any dwelling unit located in a mobile home park, unless such unit is rented by the occupant thereof from the owner or operator of the mobile home park;

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G. Any dwelling unit for which relocation assistance is required to be paid to the tenants pursuant to state, federal or other law.

H. Any dwelling unit for which the Seattle School District is providing relocation assistance according to a plan that the Director has approved as providing substantially equal or greater benefits to dislocated tenants than the benefits required pursuant to this chapter.

I. Any dwelling unit operated as emergency or temporary shelter for homeless persons (whether or not such persons have assigned rooms or beds, and regardless of duration of stay for any occupant) by a nonprofit organization or public agency owning, leasing, or managing such dwelling unit.
(Ord. 117094 § 1, 1994: Ord. 115141 § 1(part), 1990.)

22.210.050 Tenant relocation license--Required.

Prior to the demolition, change of use or substantial rehabilitation of any dwelling unit, and prior to the removal of use restrictions from any dwelling unit which results in the displacement of a tenant, an owner must obtain a tenant relocation license. The Director shall not issue any permit for the demolition, change of use or substantial rehabilitation of any dwelling unit until the owner has obtained a tenant relocation license.
(Ord. 115141 § 1(part), 1990.)

22.210.060 Issuance of tenant relocation license.

The Director shall issue a tenant relocation license when the owner has completed all of the following:

A. Submitted an application for a tenant relocation license as provided in Section 22.210.070;

B. Delivered relocation information packets to tenants and submitted proof of delivery as required by Section 22.210.080;

C. Paid the owner's share of tenant relocation assistance as required by Section 22.210.110; and

D. Complied with the ninety (90) day tenant notice provisions as required by Section 22.210.120.
(Ord. 118839 § 1, 1997: Ord. 117094 § 2, 1994; Ord. 115141 § 1(part), 1990.)

22.210.070 Tenant relocation license--Application.

Prior to or at the time of application for a master use permit necessary for the demolition, change of use or substantial rehabilitation of any dwelling unit, or if no master use permit is required, prior to or at the time of application for any building permit necessary for the demolition, change of use or substantial rehabilitation of any dwelling unit; or prior to a change of use which does not require a master use permit or removal of use restrictions from any dwelling unit which will result in the displacement of a tenant, the owner must submit to the Director a tenant relocation license application on a form established by the Director. The application shall include:

A. A statement certifying the number of dwelling units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed; and

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December 2004 code update file
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December 2004 code update file
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B. A list containing the name, mailing address and phone number, if available, of each tenant residing in such dwelling units as of the date of the earlier of:

1. The application for the tenant relocation license;

2. The application for the master use permit; or

3. The application for the building permit.

(Ord. 115141 § 1(part), 1990.)

22.210.080 Tenant relocation information packets.

A. At the time of submission of the tenant relocation license application, the owner shall obtain from the Director one (1) tenant relocation packet for each dwelling unit for which demolition, change of use, substantial rehabilitation or removal of use restrictions is to occur. The tenant relocation information packet shall contain the following:

1. A relocation assistance certification form with instructions for its submission to the Director;

2. A description of the potential relocation benefits available to eligible tenants; and

3. An explanation of the tenants' rights to remain in possession unless evicted for cause as provided in Section 22.206.160 C, excluding subsections C1d and C1e, of the Seattle Municipal Code (Just Cause Eviction Ordinance).

B. Within thirty (30) days after submission of the tenant relocation license application, the owner shall personally deliver or cause to be personally delivered a tenant relocation information packet to an adult tenant of each dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed. In those cases where the tenant moved after the earlier of the owner's application for a tenant relocation license, a master use permit or a building permit and left the owner no forwarding address, an owner may deliver the tenant relocation information packet by certified mail, return receipt requested and by regular mail addressed to the last known address of the tenant. Except as provided in the preceding sentence, delivery of the packets by depositing them in the United States mail shall not be adequate delivery.

C. 1. The owner shall obtain and submit to the Director a signed delivery receipt from an adult tenant of each affected dwelling unit showing delivery of the tenant relocation information packet.

2. If no adult tenant of a dwelling unit is willing to sign a delivery receipt for the packet, the owner shall deliver the packet and shall submit to the Director a sworn statement describing the date of delivery of the packet and the time and circumstances of the tenant's refusal to acknowledge receipt.

3. If the tenant refuses to accept the packet or if, after diligent efforts by the owner, the tenant cannot be found for delivery of the packet, the owner shall attach the packet to the door of the

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dwelling unit and shall mail a copy of the packet both by certified mail, return receipt requested and by regular mail to the last known address or forwarding address of the tenant, and shall submit to the Director a sworn statement describing the date of attempted delivery of the packet, efforts made by the owner to deliver the packet, the time and circumstances of the tenant's absence or refusal to accept delivery, the date and time of attaching the packet to the dwelling unit door, the date of mailing by regular and certified mail, and a copy of the return receipt.

4. The delivery receipts and sworn delivery statements shall be submitted to the Director within ten (10) days of delivery of the last tenant information packet.

D. The owner shall personally deliver or shall cause to be personally delivered, or mailed as provided in subsection C of this section, a tenant relocation information packet to any tenant who, after the earlier of the owner's application for a tenant relocation license, master use permit orbuilding permit, moves into a dwelling unit to be demolished, changed in use, substantially rehabilitated, or from which use restrictions are to be removed; provided, that the owner shall not be required to provide a tenant relocation information packet to any new tenant who is not eligible for relocation assistance under subsection B of Section 22.210.100 of this chapter.
(Ord. 115141 § 1(part), 1990.)

22.210.090 Tenant income verification.

A. Within thirty (30) days after the date of delivery of the tenant relocation information packet, each tenant of a dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed, shall submit to the Director a signed and completed relocation assistance certification form certifying the names and addresses of all occupants of the dwelling unit, the total combined annual income of the occupants of the dwelling unit for the previous calendar year, and the total combined income of the occupants for the current calendar year:

1. Provided that, a tenant who, with good cause, is unable to return the certification form within thirty (30) days may, within thirty (30) days after the date of delivery of the tenant relocation information packet, submit to the Director a written request for an extension of time, which details the facts supporting the claim of "good cause." If the request is submitted within the thirty (30) day period and the facts constitute good cause in accordance with the rules adopted pursuant to this chapter, the deadline for submission of the tenant certification form shall be extended thirty (30) days. When an extension has been granted, the Director shall notify the tenant and the owner of the extension.

B. Any tenant who fails or refuses to submit the relocation assistance certification form, who refuses to provide information regarding his or her income within thirty (30) days of receipt of the information packet or any extension thereof, or who intentionally misrepresents any material information regarding income or entitlement to relocation benefits shall not be entitled to relocation assistance under this chapter.

C. If information submitted by a tenant on a relocation assistance certification form is incomplete, inadequate or appears to be inaccurate, the Director may require the tenant to submit additional information to establish eligibility for relocation assistance. If the tenant fails or refuses to respond within fifteen (15) days to the Director's request for additional information, such tenant shall not be eligible for relocation assistance.

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December 2004 code update file
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(Ord. 118839 § 2, 1997; Ord. 117094 § 3, 1994; Ord. 115141 § 1(part), 1990.)

22.210.100 Tenant eligibility for relocation assistance.

A. Low-income tenants shall be eligible for relocation assistance if:

1. The tenant resided in a dwelling unit to be demolished, substantially rehabilitated, changed in use, or from which use restrictions will be removed on the date of the earlier of:

a. The owner's application for a tenant relocation license pursuant to this chapter,

b. The owner's application for a master use permit pursuant to SMC Chapter 23.76, et seq. which is necessary to demolish, substantially rehabilitate, change the use of or remove use restrictions from a dwelling unit, or

c. The owner's application for a building permit which is necessary to demolish, substantially rehabilitate, change the use of or remove use restrictions from a dwelling unit; or

2. The tenant moved into a dwelling unit after the earlier of the owner's application for a tenant relocation license, a master use permit necessary for demolition, substantial rehabilitation, change of use, or removal of use restrictions, or a building permit necessary for demolition, substantial rehabilitation, change of use, or removal of use restrictions; and, prior to taking possession of the dwelling unit, such tenant was not advised by the owner in writing:

a. That the dwelling unit may be demolished, substantially rehabilitated, changed in use, or use restrictions removed, and

b. That the tenant is ineligible for relocation assistance.

B. The owner shall provide the tenant with a copy of the written notice described in subsection A2 of this section prior to the tenant's occupancy of the dwelling unit, and the owner shall retain a copy with the tenant's signature acknowledging its receipt and the date of receipt. Any tenant who is not advised in writing as provided in subsection A2 of this section prior to taking occupancy shall be entitled to full relocation benefits.

C. Within fifteen (15) days of the Director's receipt of the signed relocation assistance certification forms from all tenants listed in the tenant relocation license application or within fifteen (15) days of the expiration of the tenants' thirty (30) day period for submitting signed relocation assistance certification forms to the Director, whichever occurs first, the Director shall send to each tenant household who submitted a signed certification form and to the owner, by both regular United States mail and certified mail, return receipt requested, a notice stating whether the tenant household's certification form indicates eligibility for relocation assistance. For those tenants who have been granted an extension pursuant to Section 22.210.090 A1, the Director shall issue a notice concerning tenant eligibility for relocation assistance to the owner and tenants within five (5) days instead of within fifteen (15) days of receiving the signed and completed relocation assistance certification forms.

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D. Either the tenant or the owner may file an appeal with the Hearing Examiner, pursuant to Section 22.210.150, of the Director's determination of the tenant's eligibility for relocation assistance.
(Ord. 118839 § 3, 1997; Ord. 117094 § 4, 1994; Ord. 115141 § 1(part), 1990.)

22.210.110 Owner's contribution to relocation assistance.[1]

A. The owner of a dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions will be removed, is responsible for payment of one-half (1/2) of the total amount of relocation assistance due to eligible tenants pursuant to this chapter. The City is responsible for payment of the remaining one-half (1/2) of the relocation assistance.

B. 1. Within five (5) days after receipt by the owner of the notice of tenant eligibility pursuant to subsection C of Section 22.210.100, the owner shall provide the Director with a cash deposit or a security instrument in the form of an irrevocable letter of credit with terms acceptable to the Director equal to one-half (1/2) of the amount of total relocation assistance to be paid to eligible tenants in the dwelling units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed. The total relocation assistance shall be calculated based on the number of units occupied by tenant households who are determined by the Director to be eligible for relocation assistance, as modified by any decisions by the Hearing Examiner or a court concerning eligibility for relocation assistance at the time of payment of the owner's share of relocation assistance.

2. An owner may, but is not required to, provide the Director with the owner's share of relocation assistance any time after application for the tenant relocation license but prior to the time it is required by subsection B1 above. If the owner chooses this option, the amount to be provided to the Director will be based on the number of units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed, multiplied by the owner's share per unit for the number of units for which relocation assistance may be required. Returns of unused portions of the owner's share paid pursuant to this subsection shall be returned in accordance with subsection F of Section 22.210.130.

C. If the Director determines, at any time after the owner provides the Director with the owner's share of relocation assistance pursuant to subsection B above, that the owner has not provided sufficient funds to pay the owner's share of relocation assistance to all eligible tenants, the Director shall notify the owner of the additional amount needed, and the owner shall provide the Director with a security instrument in the form of an irrevocable letter of credit or cash deposit in the requested amount within five (5) days of the Director's request.
(Ord. 115141 § 1(part), 1990.)

1. Editor's Note: Ordinance 117290 § 1 suspends this section, effective from October 4, 1994 to October 2, 1995.

22.210.120 Ninety-day tenant notice.

A. Requirement of Notice. The owner shall deliver to each tenant in each dwelling unit to be demolished, changed in use, substantially rehabilitated, or from which use restrictions are to be removed, a ninety (90) day notice of the owner's intention to demolish, substantially rehabilitate, change the use of or remove use restrictions from the dwelling unit. In addition, a copy of the notice shall be posted at every entrance to any building containing dwelling units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed.

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December 2004 code update file
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B. Timing of Notice. The owner may deliver the ninety (90) day notice any time after the expiration of ten (10) days after the owner's receipt of the Director's notices of tenant eligibility for relocation assistance pursuant to Section 22.210.100, so long as the owner has already paid the owner's share of relocation assistance pursuant to SMC Section 22.210.110 B1. Exceptions to this rule are:

1. If a Director's determination of eligibility is appealed to the Hearing Examiner pursuant to Section 22.210.150, the owner may not deliver the ninety (90) day notice to any tenant whose eligibility decision was appealed until the issuance of any final unappealed decision on such tenant's eligibility, unless the owner has paid the owner's share of relocation assistance to the Director pursuant to SMC Section 22.210.110 B2 for the tenant whose eligibility decision is being appealed, in which case the ninety (90) day notice may be delivered after the later of:

   a. The date ten (10) days after receipt of the Director's original notice of eligibility, or

   b. The date the owner's share of relocation assistance was paid to the Director for the tenant(s) pursuant to SMC Section 22.210.110 B2;

2. If the actual date of payment of the owner's share of relocation assistance pursuant to SMC Section 22.210.110 B1 is more than ten (10) days after receipt of the Director's notices of tenant eligibility, then the ninety (90) day notice may not be delivered until after payment of the owner's share of relocation assistance; and

3. If a tenant has been granted an extension pursuant to SMC Section 22.210.090 A1, the owner may deliver the ninety (90) day notice to a tenant either:

   a. Any time after expiration of ten (10) days after the owner's receipt of the Director's notice of eligibility for a tenant with an extension, so long as the owner has already paid the owner's share of relocation assistance pursuant to SMC Section 22.210.110 B1, or

   b. The later of:

      i. The same date the owner would have been able to deliver the ninety (90) day notice to that tenant or any tenant, had no such extension been granted, so long as the owner has paid the owner's share of relocation assistance for all tenants pursuant to SMC Section 22.210.110, or

      ii. The actual date that the owner pays the owner's share of relocation assistance pursuant to Section 22.210.110 for a tenant with an extension.

C. The ninety (90) day notice shall be on a form provided by the Director and shall describe the relocation benefits available to eligible tenants and explain the tenant's right to remain in possession unless evicted for cause as provided in Section 22.210.140 of this chapter.

D. The ninety (90) day tenant notice shall be delivered to the tenants personally or by registered or certified mail with return receipt requested. If personally delivered, an affidavit of service must be completed by the owner.

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E. Concurrently with issuance of the ninety (90) day tenant notice, the owner shall provide the Director with a copy of the notice, a list of current tenants in the affected units, and for each tenant who has moved into a unit since the date of application for the earlier of the tenant relocation license application, Master Use Permit application, or building permit application necessary for the demolition, change of use, substantial rehabilitation or removal of use restrictions, proof of delivery of either the tenant relocation information packet or the written notice provided in Section 22.210.100 A2.

F. Within twenty (20) days of delivery of the ninety (90) day notice to the tenants, the owner shall provide the Director with proof of delivery of the notice to a tenant of each dwelling unit to be demolished, changed in use, substantially rehabilitated or for which use restrictions will be removed.

G. No tenant relocation license may be issued by the Director until the expiration of ninety (90) days from the date of delivery of the ninety (90) day notice to all affected tenants.
(Ord. 118839 § 4, 1997: Ord. 117094 § 6, 1994; Ord. 115141 § 1(part), 1990.)

22.210.130 Relocation assistance payments.

A. Low-income tenants who are displaced by demolition, change of use, substantial rehabilitation, or removal of use restrictions, and who comply with the requirements of this chapter, shall be paid a total relocation assistance payment in the amount of Two Thousand Dollars ($2,000) to be paid by the City, subject to appropriation of sufficient funds for such purpose by the City. The amount of relocation assistance shall be adjusted annually by the percentage amount of change in the housing component of the Consumer Price Index, as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments shall be published in a Director's rule.

B. A tenant shall be entitled to obtain a relocation assistance payment only after receipt of a notice from the Director of eligibility for tenant relocation assistance or, if an appeal was taken pursuant to Section 22.210.150, after receipt of a final unappealed decision from the Hearing Examiner or a court that the tenant is eligible for relocation assistance.

C. An eligible tenant may obtain the relocation assistance payment by completing a request for relocation assistance and an affidavit of the date of vacating the unit and submitting the originals to the Director. Within twenty-one (21) days after submission to the Director, a check will be issued.

D. The relocation assistance payment shall be in addition to the refund from the owner of any deposits or other sums to which the tenant is lawfully entitled.

E. If an eligible tenant does not submit a completed request for relocation assistance, or does not negotiate the check for relocation assistance within one hundred eighty (180) days after vacating the dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed, the tenant shall be deemed to have waived his or her right to relocation assistance.

F. Any money remaining in either the cash deposit or the letter of credit which the owner submitted to the Director as the owner's share of relocation assistance pursuant to Section 22.210.110 for tenants whose eligibility was appealed or for tenants who have not claimed the relocation payment, shall be refunded to the

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December 2004 code update file
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owner as follows:

1. If there was an appeal of a tenant's eligibility and the tenant was found to be not eligible, the owner's share of the relocation assistance for that tenant shall be returned to the owner within thirty (30) days of a final unappealed decision; or

2. If a tenant has not claimed his or her relocation assistance payment within one hundred eighty (180) days after vacating the dwelling unit, the owner's share of the relocation assistance for that tenant shall be refunded to the owner.

(Ord. 119271 § 1, 1998; Ord. 118839 § 5, 1997; (Ord. 117290 § 2, 1994; Ord. 117094 § 7, 1994: Ord. 115141 § 1(part), 1990.)

22.210.140 Eviction protection.

A. After the earlier of (1) the owner's application for a tenant relocation license; (2) the owner's application for a Master Use Permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit; or (3) the owner's application for a building permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, the owner shall not evict any tenant except for good cause as defined in Section 22.206.160 C, subsections 1a, 1b, 1c, 1g, 1h, li, ln, and 1p, of the Seattle Municipal Code, and shall not, for the purpose of avoiding or diminishing the application of this chapter, reduce the services to any tenant, or materially increase or change the obligations (apart from the obligation to pay rent) of any tenant.

B. Prior to application for a tenant relocation license, a master use permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, or a building permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, an owner shall not harass or intimidate tenants into vacating their units for the purpose of avoiding or diminishing the application of this chapter.

(Ord. 118839 § 6, 1997; Ord. 117094 § 8, 1994; Ord. 115141 § 1(part), 1990.)

22.210.150 Administrative appeals.

A. Either an owner or a tenant may request a hearing before the Hearing Examiner to appeal a determination concerning a tenant's eligibility for a relocation assistance payment. Either an owner or a tenant may request a hearing before the Hearing Examiner to resolve a dispute concerning the authority to institute unlawful detainer actions during the ninety (90) day period after service of the notice required by Section 22.210.120 of this chapter.

B. Appeals regarding eligibility for relocation assistance shall be filed within ten (10) days after receipt of the Director's notice of tenant eligibility for relocation assistance.

C. A request for a hearing relating to authority to pursue unlawful detainer actions during the relocation period shall be filed prior to issuance of the tenant relocation license.

D. When the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day.

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December 2004 code update file
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E. All requests for a hearing and appeals shall be in writing and shall clearly state specific objections and the relief sought. The appellant shall not be required to pay the filing fee set forth in Section 3.04.125 of the Seattle Municipal Code, Hearing Examiner filing fees.

F. Notice of the hearing shall be mailed by the Hearing Examiner at least ten (10) days prior to the scheduled hearing date to the tenant, the owner, the Director and any other interested parties who have requested notice.

G. A record shall be established at the hearing before the hearing examiner. Appeals shall be considered de novo. The Director shall not be a necessary party to any hearing examiner proceedings pursuant to this section.

H. The Hearing Examiner's decision shall be mailed on the day the decision is issued to the tenant, the property owner, the Director and to all those requesting notice.

I. The Hearing Examiner's decision shall be final and conclusive unless, within ten (10) calendar days of the date of the Hearing Examiner decision, an application or petition for a writ of review is filed in King County Superior Court. Judicial review shall be confined to the record of the administrative hearing. The Superior Court may reverse the Hearing Examiner decision only if the decision is arbitrary and capricious, contrary to law, in excess of the authority or jurisdiction of the Hearing Examiner, made upon unlawful procedure, or in violation of constitutional provisions.
(Ord. 118839 § 7, 1997; Ord. 117094 § 9, 1994; Ord. 115141 § 1(part), 1990.)

22.210.160 Administration and enforcement.

A. The Director shall administer and enforce the provisions of this chapter and is authorized to adopt reasonable rules and regulations consistent with the chapter to carry out the Director's duties.

B. Whenever an owner fails to comply with the provisions of this chapter, the Director shall refuse to issue the tenant relocation license.

C. Any failure to comply with the requirements of this chapter or with a decision of the Hearing Examiner under this chapter shall be a violation of the Code.

D. Any failure of a tenant who has received relocation assistance pursuant to this chapter to vacate the dwelling unit on or before the expiration of the ninety (90) day notice issued pursuant to Section 22.210.120 and receipt of relocation assistance pursuant to this chapter by a person not eligible for such assistance under this chapter shall be violations of this chapter.
(Ord. 115141 § 1(part), 1990.)

22.210.170 Notice of violation.

If after investigation the Director determines that a violation of this chapter has occurred or exists, the Director may have a notice of violation served upon the person responsible for the violation. The notice may be served by personal service, registered mail, or certified mail, return receipt requested, to the last known address

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of the person responsible for the violation. The notice of violation shall identify the violation of this chapter and what corrective action is necessary to comply.
(Ord. 115141 § 1(part), 1990.)

22.210.180 Violations and penalties.

A. In addition to any other sanction or remedial procedure which may be available, any person violating any provision of this chapter shall be subject to a cumulative civil penalty in the amount of One Thousand Dollars ($1,000) per day for each day from the date the violation began until the requirements of this chapter are satisfied, and if:

1. The violation resulted in a tenant who would have been eligible for relocation assistance not receiving it, the penalty shall be increased by the amount of the violator's share of the relocation assistance that should have been paid; or

2. The violation is for receipt of relocation assistance by an ineligible tenant or for failure to vacate pursuant to Section 22.210.160, the penalty shall be increased by the amount of relocation assistance received by the tenant.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

C. Any tenant or person aggrieved by a violation of this chapter may institute a private action to enforce the obligations contained in this chapter, provided, that this section does not create any right of action against the City or any officer or employee thereof, for the failure either to require any owner to pay relocation assistance or to pay tenants the amount of the owner's share with City funds. This section shall be retroactive to June 22, 1993.
(Ord. 117094 § 10, 1994; Ord. 115141 § 1(part), 1990.)

Chapter 22.220

DOWNTOWN HOUSING MAINTENANCE

Sections:

22.220.010 Title for citation.
22.220.020 Findings.
22.220.030 Purpose.
22.220.040 Definitions.
22.220.050 Applicability of chapter.
22.220.060 Low-income rental units--Rental responsibility.
22.220.070 Low-income rental units--Repair responsibility.
22.220.080 Variances, deferrals and extended time for compliance.
22.220.090 Loans and grants to owners.
22.220.100 Downtown Housing Maintenance Account.
22.220.110 Duty to repair and rent--Termination conditions.
22.220.120 Duty to repair and rent--Administrative relief.
22.220.130 Failure to rent or repair--Administrative investigation and determination.
22.220.140 Appeal--From Director's order.
22.220.150 Appeal--Petition to Superior Court.

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22.220.160 Certificate of compliance--Issuance conditions.
22.220.170 Extension of compliance date.
22.220.180 Enforcement of Final order.
22.220.190 Civil penalty.
22.220.200 Abatement of defective conditions.
22.220.210 Receivership--Authorized when--Purpose.
22.220.220 Use of remedies.

Severability: The provisions of the ordinance codified in this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of said ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.
(Ord. 112383 § 22, 1985.)

22.220.010 Title for citation.

The ordinance codified in this chapter shall be cited as the "Downtown Housing Maintenance Ordinance."
(Ord. 112383 § 1, 1985.)

22.220.020 Findings.

The Seattle City Council hereby finds:

A. Low-income housing in downtown and adjacent lower First Hill is a scarce and diminishing resource. There has been a net loss of more than fifteen thousand (15,000) housing units in the downtown since 1960.

B. There exists an extreme shortage of low-income rental housing in the downtown area, resulting in a negligible vacancy rate for habitable low-income housing.

C. Many low-income tenants are unable to locate rental housing of any kind. These homeless persons are increasingly seeking housing in already overcrowded emergency shelters, and when such shelters are full, finding themselves on the City's streets.

D. Due to the drastic reduction in public funding, particularly federal funding, allocated to low-income housing since 1980, there are very few resources available to preserve or add new units to the existing supply of low-income housing.

E. Existing rental units in the downtown and adjacent lower First Hill constitute most of the remaining low-income rental housing in the City. The number of such units downtown is diminishing as a result of increased pressure for more intensive development downtown. Plans for major downtown development adjacent to lower First Hill have also put increased pressure on the low-income rental housing on lower First Hill.

F. Frequently, development speculation results in the premature closure of habitable existing buildings and the withdrawal of low-income rental units from the market long before such closure would be needed for any physical redevelopment of such buildings' sites.

G. There exists, especially in the downtown and adjacent First Hill a substantial number of

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abandoned or vacant residential units which create blight and constitute a danger to public health, safety and welfare.

H. Buildings which are vacant and not carefully secured and maintained frequently attract homeless persons seeking temporary shelter. This unsupervised use of these unheated buildings results in a fire hazard to the buildings and to the residents of nearby structures.

I. Because of the conditions described above, there exists in the city a housing emergency. This necessitates that existing low-income rental housing in the downtown and adjacent lower First Hill be both maintained and offered for rent.
(Ord. 112383 § 2(A), 1985.)

22.220.030 Purpose.

This chapter, therefore, is enacted to supplement the City's existing housing and building and safety codes and:

A. To reduce blight and threats to public health, safety and welfare by requiring that low-income units be both maintained and offered for rent, where feasible;

B. To relieve the effects of the City's housing emergency by preventing the premature withdrawal of units from the rental market;

C. To maximize the use of existing scarce low-income housing resources;

D. To provide public financial and management support, where appropriate, to assist owners to maintain low-income units in safe and habitable condition and available for occupancy;

E. To respect the owner's right to use and control private property, consistent with the above purposes and constitutional protections.
(Ord. 112383 § 2(B), 1985.)

22.220.040 Definitions.

A. "Director" means the director of the Department of Planning and Development or the Director's designee.

B. "Downtown" means that portion of the City between the waterfront and Interstate Five (I-5) and between Royal Brougham Way and Denny Way.

C. "Lower First Hill" means that portion of the City between Interstate Five (I-5) and Boren Avenue and between Pike Street and James Street.

D. "Low-income rental unit" means all rental units which have been rented at or below thirty percent (30%) of fifty percent (50%) of the median income for comparably sized households in the Seattle Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and

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December 2004 code update file
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Urban Development at any time during the two (2) year period prior to an inspection or complaint instituted under this chapter. Household size for a SRO or studio unit shall be deemed to be one (1) person, for a one (1) bedroom unit shall be deemed to be two (2) persons, and for a two (2) bedroom unit shall be deemed to be three (3) persons.

E. "Owner" means any person who, alone or jointly, has title to or an ownership interest in any building, with or without actual possession thereof, including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

F. "Person" means any individual, firm, corporation, association or partnership and its agents or assigns.

G. "Rental units" means any dwelling unit, housekeeping room, or guest room as defined in the Seattle Housing Code (Chapter 22.204 of the Seattle Municipal Code) which has been occupied by tenants pursuant to rental agreements, oral or written, express or implied.

H. "SRO (single room occupancy)" means an existing housing unit with one (1) main sleeping and living room of at least seventy (70) square feet. Such housing unit may also include a kitchen niche or cooking facilities and/or a private bath or may share common bathroom facilities and/or cooking facilities.
(Ord. 121276 § 21, 2003; Ord. 112383 § 3, 1985.)

22.220.050 Applicability of chapter.

The provisions of this chapter shall apply to all low-income rental units if such rental units are situated in buildings located downtown or in lower First Hill and if such buildings contained any occupied rental units on or after November 5, 1984.
(Ord. 112383 § 4, 1985.)

22.220.060 Low-income rental units--Rental responsibility.

A. Owners of habitable low-income rental units shall make a good-faith effort to rent all such units.

B. An owner's failure or refusal to make such a good-faith effort to rent shall constitute a violation of this chapter.

C. In determining whether an owner is failing or refusing to make a good-faith effort to rent habitable low-income rental units, the Director may consider any actions by the owner which are inconsistent with keeping such units rented. Evidence of a lack of good faith may include, but shall not be limited to, the following:

1. Maintaining a building vacancy rate in excess of twenty percent (20%);

2. Failing to offer an unoccupied unit for rent within seven (7) days of the unit becoming unoccupied, except under the circumstances provided for in Section 22.220.110;

3. Offering units for rental at a rental rate which substantially exceeds prevailing rents for

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Seattle Municipal Code
December 2004 code update file
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comparable rental units;

4. Significantly reducing building services;

5. Changing rules, regulations, terms or conditions of tenancy so as to substantially and detrimentally affect the rights and obligations of tenants or prospective tenants;

6. Wilfully or wantonly failing to comply with applicable codes with respect to the low-income rental units or building, the violation of which substantially endangers or impairs the health or safety of the occupants;

7. Committing or causing vandalism or the intentional destruction of a rental unit or building;

8. Knowingly permitting a tenant to commit waste or to vandalize a rental unit.

(Ord. 114865 § 1, 1989; Ord. 112383 § 5, 1985.)

22.220.070 Low-income rental units--Repair responsibility.

A. Owners of low-income rental units shall repair such units when such units can feasibly be made habitable. A unit can feasibly be made habitable if, after consideration of variances, deferrals and extensions of time for compliance as provided in Section 22.220.080 of this chapter, the cost of the repairs necessary to make the unit habitable does not exceed the amount which the owner may be required to contribute as provided in subsections B, C, and D of this section, together with the amount to be contributed by the City.

B. Except as provided in subsection D below, the owner's contribution to the cost of repairs necessary to make a low-income rental unit habitable shall not exceed Three Thousand Dollars ($3,000.00) per low-income rental unit for any three (3) year period, and the total repair cost of any low-income rental unit under this subsection shall not exceed Six Thousand Dollars ($6,000.00) per low-income rental unit for any three (3) year period.

C. In determining the cost of repairing a low-income rental unit, the following rules shall apply:

1. The costs of repair shall include only repairs necessary to meet the minimum requirements of the Housing and Building Maintenance Code, SMC Chapter 22.206, except those requirements varianced or deferred pursuant to Section 22.220.080 of this chapter.

2. The cost of repairs to common areas or building systems shall be allocated to all the low-income rental units in the building which are required to be offered for rent, not solely to low-income rental units which are vacant or not habitable; provided that, if the shared building systems and/or common area costs allocated to one (1) or more units would cause those units to exceed the maximum total stated above, the excess allocated shared costs may be reallocated among the remaining units required to be offered for rent to the extent that such reallocation does not cause the total repair costs of such remaining units to exceed the maximum cost stated in subsection B of this section.

3. The unit-specific costs of repairing low-income rental units shall be allocated to specific units.

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Seattle Municipal Code
December 2004 code update file
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4. Costs of all capital repairs shall be included in calculating the owner's maximum contribution over a three (3) year period. The costs of ordinary maintenance shall not be included. For the purposes of this section, all repairs which are ordered to remedy code violations upon the first inspection of a rental unit under this chapter shall be deemed capital repairs; during subsequent inspections capital costs for repairs to correct code violations shall be counted only if the Director determines that such repairs are not ordinary maintenance.

5. Any individual unit whose total unit-specific and allocated shared repair costs exceed the maximum allowed by this chapter shall be determined to be not feasible to repair.

D. The owner's required contribution to the repair of a unit shall be unlimited to the extent that the unit is not habitable because the owner has:

1. Wilfully or wantonly failed to comply with applicable building and safety codes; or

2. Committed or caused vandalism or the intentional destruction of any rental unit in the building; or

3. Knowingly permitted a tenant to commit waste or to vandalize a rental unit.
(Ord. 114865 § 2, 1989; Ord. 112383 § 6, 1985.)

22.220.080 Variances, deferrals and extended time for compliance.

A. In specific buildings containing low-income rental units, the Director may authorize under conditions specified in subsections B and C of this section the following types of departure from the standards and requirements of Sections 22.206.020 through 22.206.160 of the Housing Code (Chapter 22.206 of the Seattle Municipal Code):

1. A variance;

2. A deferral from compliance for up to three (3) years, with the possibility of one (1) renewal for up to an additional three (3) years;

3. Extended time for compliance, with repair work scheduled over a period not to exceed eighteen (18) months, provided that such schedule is arranged to minimize as much as possible the amount of time a unit is not available for occupancy.

B. The Director may grant the departures authorized by this section if he or she determines that both of the following conditions or circumstances exist:

1. A literal interpretation and strict application of the standards and requirements would result in an undue or unnecessary hardship, other than solely a financial hardship, and would adversely affect the preservation and enjoyment of a substantial property right of the owner or tenant of the subject building; and

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December 2004 code update file
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2. Because of the conditions or circumstances applying to the subject building or to the occupancy thereof, the departure will not be materially detrimental or injurious to the safety, health, or general welfare of the occupants thereof of neighboring property or occupancies or of the public.

C. In addition, in determining whether or not any departure from the requirements of the Housing Code is appropriate and, if so, whether to grant a variance, a deferral, or extended time for compliance, the Director shall consider, among others, the following factors:

1. The remaining useful life of the unit or building and the length of time it is likely to be available for low-income occupancy;

2. How materially the departure would affect the living conditions of the tenants;

3. The permanency of the condition of the item, unit, structure, or system for which the departure is sought and the degree to which it might deteriorate over the period for which the departure is sought;

4. The difficulty of bringing the item, unit, structure or system into compliance if the departure is not granted.

D. Examples of items which might be variances, deferred or given extended time for compliance are shown below. Since no two (2) buildings are ever alike and the nature and extent of violations could change over short periods of time, these examples would not apply in all cases. The examples stated below are for illustrative purposes only and are not intended as a complete or exclusive list of the items which may be deferred or the nature of the deferral which might be granted.

1. Examples of items, which, under appropriate circumstances might be varianced include:

Section 22.206.030: Floor Area--This section provides for the minimum space and occupancy standards of the Housing Code. For example, a dwelling unit is required to have at least one (1) room which shall have not less than one hundred twenty (120) square feet of floor area, etc.... A variance could be granted where areas are (1) or two (2) percent smaller than required.

Section 22.206.050: Bathroom Fixtures--Lavatories are required to be provided on each floor at a rate of one (1) for every additional ten (10) guests, etc.... A variance can be granted for a lesser number of bathroom lavatories especially when rooms are equipped with operating lavatory sinks.

Section 22.206.110: Electrical--Kitchens are to be provided with not less than three (3) outlets. A variance can be granted to allow less than three (3) electrical outlets generally based on the small size of the kitchen.

2. Examples of items, which, under appropriate circumstances might be deferred include:

Section 22.206.050: Kitchen--Every dwelling unit must be provided with a kitchen, and every kitchen must be provided with a sink, hot and cold running water, counter work space, cabinets, etc. . . . A deferral could be granted for the counter space requirement if a table is provided that could serve as

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Seattle Municipal Code
December 2004 code update file
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counter space.

Section 22.206.120: Stair Construction--Every required stairway, except in dwellings are required to have headroom clearance of not less than six (6) feet six (6) inches measured vertically, etc.... A deferral could be granted, provided adequate padding and warning signs were installed.

Section 22.206.060: Structural Components--Structural components of buildings shall be reasonably decay free. A building that appears to have a limited useful life has window sills and sashes with dry rot. A deferral could be granted for dry rot in wooden window sills where no moisture is seeping through the sill and no weather is coming through the meeting of the sill and sash. A deferral could not be granted for dry rot in the window sash, since such dry rot would make the windows unsafe for tenants to use.

The deferral for the window sill could be revoked if, upon subsequent inspection, conditions had deteriorated and moisture was seeping into the wall or the room.

3. Examples of items, for which, under appropriate circumstances an extended time for compliance might be authorized include:

Section 22.206.070: Shelter--Every building shall be protected so as to provide shelter for the occupants against the weather. A building roof has a number of leaks and an inspection in November reveals that the building must be completely reroofed. Work to patch the leaks is ordered and scheduled immediately; an extension for reroofing is granted until late the following spring, to be scheduled when the weather is more accommodating.

Section 22.206.080: Maintenance--Every foundation, room and exterior wall, etc., shall be reasonably weathertight, watertight, damp free, etc. A large building has leaky mortar joints in the exterior walls, but an inspecting structural engineer has determined that the wall is sound enough to permit the owner an extended period of time during which to schedule the repair, e.g., two (2) sides during one (1) summer, the remaining two (2) sides during a second summer.

E. The Director of Housing or his or her designee is hereby authorized to apply to the Director for any departure from the Housing and Building Maintenance Code authorized by this section. No other person is authorized to make such application.

F. If the Director determines after inspection of a unit or building that a condition or circumstance has changed which materially and detrimentally affects the health or safety of the tenants, their neighbors, or the general public, the Director may revoke an order granting a deferral or extended time for compliance.

G. In addition, the departures authorized under this section shall be automatically revoked for any unit which is no longer available for low-income occupancy as defined by this chapter.
(Ord. 119273 § 40, 1998; Ord. 115958 § 29, 1991; Ord. 114865 § 3, 1989; Ord. 112383 § 7, 1985.)

22.220.090 Loans and grants to owners.

A. The Director of Housing may authorize loans and grants to owners and receivers from the Downtown Housing Maintenance Account described in Section 22.220.100 and/or from such Community

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December 2004 code update file
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Development Block Grant funds or other similarly restricted funds as may have been appropriated for the rehabilitation of rental units downtown or may in the future be appropriated specifically for the repair of low income rental units pursuant to this chapter. Such loans and grants shall be made only for the reasonable cost of repairs necessary to make low income rental units habitable and for the reasonable cost of any other repairs to the building in which such units are located which are necessary to make such units habitable. Such loans and grants shall be made only in accordance with the criteria set forth in this section.

B. The Director of Housing may make grants for repairs necessary to make low income rental units habitable. The maximum grant amount shall be Three Thousand Dollars ($3,000) per unit, to be awarded after the owner has committed his or her own maximum contribution to the repair of a unit.

C. The Director of Housing may extend loans for the repair of low income units as follows:

1. The maximum loan amount shall be Six Thousand Dollars ($6,000) per unit.

2. The Director of Housing may authorize the forgiveness of such loans at a rate of twenty (20) percent per year, with a maximum forgiveness of One Thousand Dollars ($1,000) per year for each year the unit remains available for low income occupancy, such forgiveness to continue until the entire amount has been forgiven; provided that the unit continues to be available for low income occupancy during the entire forgiveness period.

3. The loans shall be made with no interest charged while the unit remains available for low income occupancy.

4. If for any reason the units become unavailable for low income occupancy, the remainder of the loan shall be required to be repaid, and in addition the Director of Housing may require the immediate repayment of the remaining balance or said Director of Housing may charge interest on the remaining balance at the then prevailing rate for the Washington State Housing Finance Commission bond program.

D. The total amount of grants and loans authorized under this section shall not exceed Six Thousand Dollars ($6,000) per unit for any three (3) year period.

E. The Director of Housing shall prescribe such additional terms and conditions of such loans and grants as he or she deems appropriate. Within thirty (30) days of the effective date of the ordinance codified in this chapter,[1] the Director of Housing shall promulgate regulations describing the circumstances under which loans and grants will be approved and the general terms and conditions of such loans and grants.
(Ord. 119273 § 41, 1998: Ord. 115958 § 30, 1991: Ord. 114865 § 4, 1989; Ord. 112383 § 8, 1985.)

1. Editor's Note: Ordinance 112383 was passed by the City Council on August 8, 1985; Ordinance 114865 was passed by the Council on December 11, 1989; Ordinance 115958 was passed by the Council on November 25, 1991.

22.220.100 Downtown Housing Maintenance Account.

A. There is hereby created in the City Treasury an account in the Low-Income Housing Fund designated the "Downtown Housing Maintenance Account," from which account grants and loans as specified in Section 22.220.090 of this chapter may be made to owners or receivers to assist them in placing low-income rental units in habitable condition and from which account shall be paid costs and expenses incurred by the City

For current SMC, contact
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Seattle Municipal Code
December 2004 code update file
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in connection with the repair of low-income rental units or buildings that can feasibly be made habitable.

B. Money from the following sources shall be deposited in the fund:

1. Such sums as may be received by gift, bequest or contractual arrangement for maintenance and rehabilitation of downtown low-income rental housing purposes; and

2. Such sums as may be recovered by the City as repayment of loans or as reimbursement of costs or expenses of repair of units that were found to be uninhabitable where such funds originated from this account.

C. The moneys in the account are hereby appropriated for the purposes described above and the City Director of Executive Administration is authorized to draw and to pay the necessary warrants upon vouchers approved by the Director of Housing from the appropriated account. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.
(Ord. 120794 § 290, 2002; Ord. 120114 § 45, 2000; Ord. 119273 § 42, 1998; Ord. 166368 § 294, 1992; Ord. 115958 § 31, 1991; Ord. 113834 § 10, 1988; Ord. 112383 § 9, 1985.)

22.220.110 Duty to repair and rent--Termination conditions.

A. The owner's duty to repair low-income rental units that can feasibly be made habitable and the owner's duty to make a good-faith effort to rent low-income rental units shall cease if any of the following circumstances occur:

1. The Director determines that it is not feasible to repair units pursuant to Sections 22.220.070 and 22.220.130 or pursuant to the administrative relief provisions in this section and Section 22.220.120; or

2. A demolition or change of use permit covering the units is issued under the Tenant Relocation Assistance Ordinance (Chapter 22.210 of the Seattle Municipal Code) or any successor ordinance and the owner complies with the terms of said ordinance; or

3. The rental rate at which the units are offered for rent has exceeded the low-income rental rate established in subsection D of Section 22.220.040 for more than two (2) years; or

4. The rental unit is occupied by the owner as his or her personal residence.

B. There shall be no duty to offer a low-income rental unit for rent during a reasonable period of time necessary to repair or rehabilitate a unit or building if such repair or rehabilitation makes occupancy of that unit temporarily impracticable.
(Ord. 112383 § 10, 1985.)

22.220.120 Duty to repair and rent--Administrative relief.

In accordance with the procedures specified in Section 22.220.130, the Director may provide full or partial relief from the duty to offer low-income rental units for rent and/or the duty to make low-income rental

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Seattle Municipal Code
December 2004 code update file
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units habitable, if the owner establishes with clear and convincing proof that:

A. The literal interpretation and strict application of the duty to offer for rent or the duty to make habitable constitute an unconstitutional taking of the owner's property;

B. The requested relief would be consistent to the extent possible with the objectives of this chapter;

C. The requested relief does not go beyond the minimum necessary to prevent the unconstitutional taking of property, and does not constitute a grant of special privilege inconsistent with the limitations upon other similar properties.
(Ord. 112383 § 11, 1985.)

22.220.130 Failure to rent or repair--Administrative investigation and determination.

A. Inspection. The Director shall inspect any building that he or she has reason to believe contains low-income rental units that the owner is not making a good-faith effort to rent or low-income rental units that are not habitable but could feasibly be made habitable. The Director may, upon presentation of proper credentials and with the consent of the occupant or owner, or pursuant to a lawfully issued warrant, enter at reasonable times any building, structure or premises in the City to perform any duty imposed by the ordinance codified herein.

B. Application for and Determination on Departures.

1. If the Director finds low income rental units that are not habitable, he or she shall notify the Director of Housing, who shall have fifteen (15) days to determine if a departure or departures as authorized in Section 22.220.080 is appropriate and, if so, to recommend such departures to the Director.

C. Determination of Feasibility to Make Units Habitable. After the Director has received and considered the recommendations of the Director of Housing on the requested departures, if any, he or she shall, using the standards as prescribed in Section 22.220.070, make a determination as to the feasibility of making the uninhabitable units habitable. The Director may grant, modify or deny the recommended departures.

D. Issuance of Complaint and Notice.

1. If the Director finds that the owner has not made a good-faith effort to rent or that the building contains low income rental units that are not habitable but could feasibly be made habitable, he or she shall serve upon the owner of the building, as shown upon the records of the Department of Records and Elections of King County, a complaint, identifying the specific low income rental units which are not being offered for rent in good faith, the specific uninhabitable low income rental units that could feasibly be made habitable, and, where applicable, the corrective action which the owner must take to make any low income rental unit habitable and the amount of assistance which may be available to the owner as determined by the Director of Housing.

The complaint shall be delivered by personal service, registered mail, or certified mail with return receipt requested, and shall be posted in a conspicuous place on the property. No complaint shall be issued for

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Seattle Municipal Code
December 2004 code update file
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uninhabitable units if the owner holds a valid permit for the repairs, alterations, or improvements necessary to correct the noted deficiencies and is, in the opinion of the Director, making reasonable progress toward correcting those deficiencies.

2. The complaint shall:

a. Contain a notice that a hearing will be held before the Director at a specified time and place not less than ten (10) nor more than thirty (30) days after service of the complaint;

b. Explain that all parties have the right to file an answer to the complaint;

c. Advise the parties that they may appear in person or by representative and give testimony at the time and place designated in the complaint; and

d. Advise the parties that they may seek relief and present evidence as to whether or not administrative relief from the strict enforcement of the requirements of this chapter as provided in Section 22.220.120 should be granted.

3. A copy of the complaint shall be filed with the King County Department of Records and Elections. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to the occupants of all rental units and/or commercial units in the building a notice informing the occupants of the filing of the complaint and advising them of the relevant procedures.

E. Administrative Hearing. The Director shall hold a hearing at the time and place specified in the complaint to take testimony on the allegations stated in the complaint and the defenses to such allegations and to receive evidence as to whether or not administrative relief should be granted in accordance with the standards set forth in Section 22.220.120, if such relief is sought by the owner at the hearing.

F. Report of Director of Housing on Request for Administrative Relief. When administrative relief is sought pursuant to Section 22.220.120, the Director shall request from the Director of Housing a report and recommendation analyzing whether application of the duties from which relief is sought would constitute an unconstitutional taking and the nature of the relief which would be appropriate, if any. The Housing Director's report shall be made available to the owner and to any member of the public who requests it. The owner and any member of the public shall have fourteen (14) days from the date the report is published to make comments to the Director concerning the appropriateness of the relief requests.

G. Determination and Order of Director After Hearing. After the hearing provided for in subsection E of this section and the report and public comment provided for in subsection F of this section the Director shall issue a written decision granting or denying administrative relief, if such relief has been requested and, if upon consideration of the complete record before him or her the Director determines that the owner is not making a good-faith effort to rent low-income rental units, or that the owner's building contains low-income rental units that are not habitable but could feasibly be made habitable, then he or she shall issue and cause to be served upon the owner in the manner provided in subsection D and shall post in a conspicuous place on the property, an order requiring the owner to repair, alter, or improve the uninhabitable units and/or make a good-faith effort to rent vacant low-income rental units in the building within a time to be specified in the order.

For current SMC, contact
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Seattle Municipal Code
December 2004 code update file
Text provided for historic reference only.
See ordinances creating and amending
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When determining a time for compliance, the Director shall take into consideration:

1. Any departures granted pursuant to Section 22.220.080;

2. Any administrative relief granted pursuant to Section 22.220.120;

3. The availability of City funds for repair of the units;

4. The type and degree of hazard cited in the complaint;

5. The owner's ability to correct the noted deficiencies;

6. The procedural requirements for obtaining a permit to correct the noted deficiencies;

7. The complexity of the required repairs or corrective action, including seasonal considerations, construction requirements and the legal rights of affected tenants; and

8. Circumstances beyond the owner's control.

(Ord. 119273 § 43, 1998; Ord. 115958 § 32, 1991: Ord. 114865 § 5, 1989; Ord. 112383 § 12, 1985.)

22.220.140 Appeal--From Director's order.

A. Within fifteen (15) days from the date of service and posting of an order issued by the Director, the owner may file a written notice of appeal with the Office of the Hearing Examiner. The notice of appeal shall state the specific errors in the Director's order of proceedings and the specific grounds upon which a reversal or modification of the order is sought. The Director's decision to grant or deny administrative relief pursuant to Section 22.220.120 and the issues determined therein shall not be appealable to the Hearing Examiner. The notice of appeal shall be accompanied by a filing fee of Twenty-five Dollars ($25).

B. The Hearing Examiner shall consider the appeal in accordance with the procedures established by the Administrative Code of The City of Seattle (Chapter 3.02 of the Seattle Municipal Code) for hearing contested cases. Notice of hearing shall be provided to all parties not less than ten (10) days prior to the hearing. The Hearings Examiner's review shall be de novo. The Hearing Examiner may affirm the order of the Director, or may reverse or modify the order only if it is determined that the Director's decision is clearly erroneous.

C. The Hearing Examiner's final written decision containing findings of fact and conclusions of law shall be mailed to the parties of record and filed with the King County Department of Records and Elections.

D. The Director's order shall not be final until the time for filing an appeal with the Hearing Examiner has expired or until the issuance of the Hearing Examiner's decision if an appeal is taken; provided that, when the Director determines that the deficiencies noted in the complaint will cause immediate and irreparable harm, and so states in the notice and order issued, the order shall be final upon issuance by the Director.

(Ord. 114865 § 6, 1989: Ord. 112383 § 13, 1985.)

22.220.150 Appeal--Petition to Superior Court.

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December 2004 code update file
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Any appeal of a decision issued by the Hearing Examiner pursuant to Section 22.220.140 of this chapter must be filed in the Superior Court within thirty (30) days of the Hearing Examiner's decision.
(Ord. 112383 § 14, 1985.)

22.220.160 Certificate of compliance--Issuance conditions.

A. If the Director finds that the repairs, alterations, improvements or other actions required in a final order have been satisfactorily completed, he or she shall prepare and, upon request therefor, issue to any party upon whom the final order was served, a certificate of compliance, stating that the deficiencies noted in the final order have been corrected. The certificate of compliance shall be filed with the King County Department of Records and Elections.

B. The issuance of a certificate of compliance shall not be construed to relieve from or lessen the responsibility and liability of any person owning, operating or controlling any building or structure or owning, operating, controlling, or installing any equipment therein for any injury, death, damage, and/or loss of any sort sustained by any person, organization, or corporation arising out of any condition of the building, structure, or equipment; nor shall The City of Seattle or the Director be held to assume any liability by reason of any inspection, issuance of a certificate of compliance, or any other act or omission of the city or the Director in connection with the enforcement and administration of this chapter.
(Ord. 114865 § 7, 1989; Ord. 112383 § 15, 1985.)

22.220.170 Extension of compliance date.

The director may, in his or her discretion, extend the time for compliance with a final order. Neither extensions, nor the Director's refusal to grant an extension shall be subject to any appeal.
(Ord. 114865 § 8, 1989; Ord. 112383 § 16, 1985.)

22.220.180 Enforcement of final order.

Whenever any person fails to comply with a final order, the Director may:

A. Institute an action to collect a civil penalty as provided in Section 22.220.190; and/or

B. Use any procedure established in any other ordinance or by any other law for securing compliance; and/or

C. Abate the violation pursuant to the procedures provided in Section 22.220.210; provided, that nothing herein shall prevent the Director from using any procedure established in any other ordinance or by any other law for securing compliance; and/or

D. Request the Law Department to seek an injunction to compel compliance.
(Ord. 114865 § 9, 1989; Ord. 112383 § 17, 1985.)

22.220.190 Civil penalty.

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December 2004 code update file
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A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a final order of the Director of DCLU, violating any provision of this chapter, or deliberately attempting to evade application of this chapter shall be subject to a civil penalty in the amount of Five Hundred Dollars ($500) per day for each day of violation.

B. The penalties imposed by this section shall be collected by a civil action brought in the name of the city. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.
(Ord. 114865 § 10, 1989; Ord. 112383 § 18, 1985.)

22.220.200 Abatement of defective conditions.

In addition to, or as an alternative to seeking civil penalties as provided in Section 22.220.190, the Director may cause the defective condition or conditions to be repaired pursuant to Chapter 22.208 of the Seattle Municipal Code; provided, that the Director shall not repair such condition or conditions if the cost exceeds Four Thousand Dollars ($4,000) per unit, calculated in accordance with the rules prescribed in Section 22.220.070.
(Ord. 112383 § 19, 1985.)

22.220.210 Receivership--Authorized when--Purpose.

A. If a building contains uninhabitable low-income rental units that can feasibly be made habitable and/or the owner of a building is not making a good-faith effort to rent low-income rental units or there are vacant units that constitute a threat to the public health and safety then the Director may request the Law Department to petition the Superior Court, pursuant to RCW 7.60.010 et seq. to appoint a receiver to manage and operate the building. In addition, the Court may be directly petitioned for the appointment of a receiver by tenants who reside in the building under the following circumstances:

1. Where ten (10) or more tenants reside in the building, three (3) or more tenants join in bringing the petition;

2. Where less than ten (10), but more than five (5) tenants reside in the building, two (2) or more tenants join in bringing the petition;

3. Where five (5) tenants or less reside in the building, one (1) tenant or more brings the petition.

B. The purpose of the receivership shall be to take possession of the building for a period sufficient to accomplish and pay for repairs and improvements to uninhabitable units and/or to fill vacancies in units which have not been offered for rent in good faith. The receiver appointed:

1. May enter into week-to-week or month-to-month rental agreements for the rental of any vacant dwelling units and may take such steps as may be necessary to make vacant dwelling units available for rental and occupancy;

2. May enter into any contracts necessary to repair and improve the building and to make uninhabitable low-income rental units habitable;

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December 2004 code update file
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3. May apply for and accept loans and grants from the City for the purpose of making low-income rental units habitable;

4. Shall be entitled to reasonable fees, commissions and necessary expenses which shall be paid out of the rents and income of the property in receivership or, upon approval by the Director, out of the Downtown Housing Maintenance Account;

5. Shall apply rents and income collected, to the extent not expended for repairs, improvements, and/or the preparation and rental of covered units, to the payment to the City of fines or penalties which may have been imposed upon the owner for violations of this chapter or other housing ordinances and which remain unpaid. Any rents or income remaining after the above expenses are paid shall be paid to the owner.

(Ord. 112383 § 20, 1985.)

22.220.220 Use of remedies.

The remedies provided for in this chapter are not exclusive and may be used alone or in combination with the other remedies enumerated in this chapter. Nothing in this chapter shall be construed to supersede or repeal by implication the remedies available through enforcement of the Housing Code (Ordinance 106319)[1] or any other City codes or ordinances.
(Ord. 112383 § 21, 1985.)

1. Editor's Note: Ordinance 106319 is codified at Chapter 22.206 of this Code.

Subtitle III

Electrical Code

Severability. If any section, subsection, sentence, clause, or phrase of this subtitle is, for any reason, held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this subtitle. The City Council declares that it would have passed the ordinance codified in this subtitle and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases are declared unconstitutional or otherwise invalid.
(Ord. 108482 § 4, 1979.)

Chapter 22.300

ADOPTION OF ELECTRICAL CODE

Sections:

22.300.016 Adoption of the National Electrical Code.

Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this subtitle. The City Council hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that one (1) or more sections, subsections, sentences, clauses and phrases are declared unconstitutional or otherwise invalid.
(Ord. 114181 § 3, 1988.)

22.300.016 Adoption of the National Electrical Code.

The National Electrical Code, 2002 edition, published by the National Fire Protection Association, one copy of which is filed with the City Clerk in C.F.306325, is hereby adopted and by this reference made a part of

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December 2004 code update file
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this subtitle. The National Electrical Code, 2002 edition, together with the amendments and additions thereto adopted by this ordinance, constitute the Seattle Electrical Code.
(Ord. 121286 § 21, 2003)
1. Editor's Note: The Electrical Code provisions adopted in Section 22.300.016 are on file in the City Clerk's Office. Amendments to the 2002 Electrical Code are included in Sections 2 through 79 of Ordinance 121286.

Subtitle IV

Mechanical Code

Chapter 22.400

ADOPTION OF MECHANICAL CODE AND ADMINISTRATIVE AMENDMENTS

Sections:
22.400.010 Adoption of International Mechanical Code.

22.400.010 Adoption of International Mechanical Code.

The Seattle Mechanical Code[1] shall consist of the following portions of the 2003 edition of the International Mechanical Code as published by the International Code Council, together with the amendments and additions thereto adopted: Chapters 2 through 9, Chapters 11, and Chapters 13 through 15. One copy of the 2003 International Mechanical Code is filed with the City Clerk in C.F. 306758.
(Ord. 121523, § 1, 2004.)
1. Editor's Note: Amendments to the 2003 Mechanical Code adopted by Section 1 of Ordinance 121523 are set out in Sections 2 through 55 of Ordinance 121523, on file in the City Clerk's Office.

Subtitle IVA

Fuel Gas Code

Chapter 22.420

ADOPTION OF FUEL GAS CODE AND ADMINISTRATIVE AMENDMENTS

Sections:
22.420.010 Adoption of International Fuel Gas Code.

22.420.010 Adoption of International Fuel Gas Code.

The Seattle Fuel Gas Code[1] shall consist of the following portions of the 2003 edition of the International Fuel Gas Code as published by the International Code Council: Chapters 2-8, together with Seattle amendments to those chapters, and a new Chapter 1. One copy of the 2003 International Fuel Gas Code is filed with the City Clerk in C.F. 306757.
(Ord. 121520 § 1, 2004.)
1. Editor's Note: Amendments to the 2003 Fuel Gas Code adopted by Section 1 of Ordinance 121520 are set out in Sections 2 through 27 of Ordinance 121520, on file in the City Clerk's Office.

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December 2004 code update file
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Subtitle IVB

Seattle Boiler and Pressure Vessel Code

Chapter 22.450

ADOPTION OF SEATTLE BOILER AND PRESSURE VESSEL CODE

Sections:
22.450.010 Adoption of Seattle Boiler and Pressure Vessel Code.

22.450.010 Adoption of Seattle Boiler and Pressure Vessel Code.

The Seattle Boiler and Pressure Vessel Code is hereby adopted and by this reference made a part of this subtitle. A copy of the Seattle Boiler and Pressure Vessel Code, with April 1999 amendments, is kept on file at the Department of Planning and Development.
(Ord. 121276 § 37, 2003; Ord. 119478 § 1, 1999: Ord. 117723 § 2, 1995.)

Subtitle V

Plumbing Code

Chapter 22.500

ADMINISTRATION

Sections:
22.500.010 Title.
22.500.020 Purpose.
22.500.030 Liability for damages.
22.500.040 Scope.
Severability: The invalidity of any section, subsection, provision, clause, or portion of this subtitle, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances.
(Ord. 109033 § 9, 1980.)

22.500.010 Title.

This subtitle shall be known as the "Seattle Plumbing Code" and may be so cited, and is referred to herein as "this Plumbing Code."
(Ord. 109033 § 1, 1980.)

22.500.020 Purpose.

The purpose of this Plumbing Code is to provide minimum requirements and standards for the protection of the public health, safety and welfare.
(Ord. 109033 § 2, 1980.)

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22.500.030 Liability for damages.

A. This subtitle is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this subtitle to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this subtitle.

C. It is the specific intent of this subtitle to place the obligation of complying with its requirements upon the owner or occupier of premises within its scope, and no provision of nor term used in this subtitle is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this subtitle shall be discretionary and not mandatory.

D. Nothing contained in this subtitle is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or occupier of premises to comply with the provisions of this subtitle, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this subtitle on the part of the City by its officers, employees or agents.
(Ord. 109033 § 3, 1980.)

22.500.040 Scope.

The provisions of this Plumbing Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system except as specifically otherwise provided in this Plumbing Code.
(Ord. 109033 § 4, 1980.)

Chapter 22.502

ADOPTION OF UNIFORM PLUMBING CODE

Sections:

22.502.016 Adoption of Uniform Plumbing Code, IAPMO Installation Standards and Seattle Amendments.

22.502.016 Adoption of Uniform Plumbing Code, IAPMO Installation Standards and Seattle Amendments.

The following are hereby adopted and by this reference made a part of this subtitle:

Portions of Chapters 1 and 11 of the Uniform Plumbing Code 1997 Edition, as amended by the ordinance codified in this section; Chapters 2 and 6 of the Uniform Plumbing Code 1997 Edition, as amended by the ordinance codified in this section; Chapters 3 through 5, 7 through 10, 13, 14, and Appendices A, B, C, and L of the Uniform Plumbing Code 1997 Edition; IAPMO Installation Standards 2-90, 3-93, 4-96, 5-92, 6-95, 7-90, 8-95, 9-95, 12-93, 13-91, 18-85, 20-96, and 21-89 as set forth in Appendix I of the Uniform Plumbing Code 1997 Edition; all as published by the International Association of Plumbing Officials one (1) copy of

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Seattle Municipal Code
December 2004 code update file
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which has been filed with the City Clerk in C.F. 303537; and Chapter 13 of the 1997 Uniform Mechanical Code as adopted by Ordinance 119080; together with the Seattle Amendments to the 1997 Uniform Plumbing Code as adopted by Ordinance 119774, shall constitute the official Plumbing Code of The City of Seattle 1 and hereinafter be referred to as "the code" or "this code." In case of conflict between the Uniform Plumbing Code, the IAPMO Installation Standards and the Seattle Amendments, the Seattle Amendments shall be controlling.[2]
(Ord. 119774 § 2, 1999.)

1. Editor's Note: The Plumbing Code provisions adopted in Section 22.502.016 are on file with Ordinance 119774 in the City Clerk's Office.
2. Editor's Note: Sections 3 through 46 of Ordinance 119774, setting out the Seattle Amendments to the 1997 Uniform Plumbing Code, are on file in the City Clerk's Office.

Chapter 22.504

PERMITS AND INSPECTIONS

Sections:
22.504.010 Permit fees.
22.504.020 Refund of fees.

22.504.010 Permit fees.

An applicant for a permit to do work under this Plumbing Code shall pay for each permit, at the time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown in the schedule:

A. Schedule of Fees

Base plumbing permit for one (1) fixture or trap (other than reduced pressure principle backflow prevention devices or double check valve assemblies, for which a separate permit shall be obtained at the rates in this schedule) $95

For each additional plumbing fixture or trap (including water drainage vent piping and backflow protection therefor) 10

For each atmospheric vacuum breaker in irrigation systems, tanks, vats, etc., or for installation on unprotected plumbing fixtures including necessary water piping

Vacuum breaker-one (1) to five (5)--each device 10

Vacuum breaker--over five (5)--each device 5

Pressure vacuum breaker--each 10

Reduced pressure principle backflow prevention device or double check valve assembly

Base plumbing permit for one (1) device or assembly 95

Each additional device or assembly 10

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December 2004 code update file
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B. Fees for Miscellaneous Inspection Services

Fees for inspection service outside regular working hours or for inspection service requested but not covered by a permit will be charged for at a rate equal to the cost of performing the service.Fees for permanent location inspection of factory housing or modular unit containing plumbing--For each single-family dwelling or each modular unit containing plumbing $20

Plumbing permit includes on-site connections of building drain extensions, water service and necessary gas piping connections.

Additional plumbing fixtures installed after factory installation of plumbing for each plumbing fixture or trap 10

Fees for reconnection and retest of plumbing systems in relocated buildings--For each building containing plumbing 20

Plumbing permit includes on-site connections of building drain extensions, water service and necessary gas piping connections.

Additional plumbing fixtures installed after relocation for each plumbing fixture or trap 10

C. For the purpose of this section, "fixture" means and includes an appliance that is connected with a water, drain or vent pipe, but a sillcock faucet or hose bibb is not considered a fixture. A sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture.

D. Any person who commenced any work for which a permit is required by this Plumbing Code without first having obtained such permit, shall upon subsequent application for the permit pay double the fee fixed by the schedule of fees for the work in subsections A and B of this section unless it is proved to the satisfaction of the Administrative Authority that the work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining the permit, a double fee shall be charged as provided in this Code.

E. A reinspection fee of One Hundred Dollars ($100) may be assessed for each inspection or reinspection if the portion of work for which inspection is called is not complete or if corrections called for are not made. This subsection does not require inspection fees the first time a job is rejected for failure to comply with this Code, but as controlling the practice of calling for inspection or reinspection.

Reinspection fees may be assessed if the permit is not properly posted on the work site, the work to be inspected is not under test, for failure to provide access on the date for which inspection is requested or for failure to make required corrections. Requests for reinspection shall be made in writing upon forms furnished for that purpose, and shall be accompanied by the reinspection fee in accordance with this section. If reinspection fees have been assessed, additional inspection of the work shall not be performed until the required fees have been paid.
(Ord. 120983 § 1, 2002: Ord. 119774 § 47, 1999: Ord. 118813 § 1, 1997: Ord. 116939 § 1, 1993: Ord. 115946 §

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Seattle Municipal Code
December 2004 code update file
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1, 1991: Ord. 115443 § 1, 1990: Ord. 110885 § 1, 1982: Ord. 109495 § 1 (part), 1980: Ord. 109033 § 6(a), 1980.)

22.504.020 Refund of fees.

If the work for which a permit fee has been paid is not be started, the Administrative Authority, upon proper application for refund and surrender of the permit for cancellation, shall issue a refund. In determining the amount of refund due, the Administrative Authority shall deduct the amount of the basic fee to cover the cost of administration of the permit. A refund shall not be made for an expired permit.
(Ord. 119774 § 48, 1999: Ord. 109495 § 1(part), 1980: Ord. 109033 §6(b), 1980.)

Chapter 22.506

VIOLATIONS

Sections:
22.506.010 Penalty for violations.

22.506.010 Penalty for violations.

Violation of any provision of this subtitle constitutes a violation subject to the provisions of Chapter 12A.02 and Chapter 12A.04 of this Code (the Seattle Criminal Code,1 Ordinance 102843), and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars ($500).
(Ord. 109033 § 7, 1980.)
1. Editor's Note: The Criminal Code is codified in Title 12A of this Code.

Subtitle VI

Fire Code

Chapter 22.600

SEATTLE FIRE CODE

Sections:
22.600.010 Title.
22.600.020 Adoption of the International Fire Code.
22.600.025 Exclusion pursuant to RCW 36.70B.140 (2).
22.600.030 Fees.
22.600.050 Examinations--Duration.
Editor's Note: Permits, notices and orders issued under the previous Chapter 22.600 shall remain valid until expiration, completion and supersession by action under this ordinance. The Fire Chief is authorized to apply technical provisions of the repealed ordinances and Code sections to inspections and Fire Code compliance, as an alternative equivalent to the technical provisions of this ordinance, until December 31, 1998. This repeal of the previous Chapter 22.600 shall not affect any pending prosecutions or enforcement actions.
(Ord. 119124 § 1(part), 1998.)
Severability:. The several provisions of this ordinance are hereby declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.
(Ord. 119124 § 3, 1998.)

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December 2004 code update file
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22.600.010 Title.

This subtitle shall be known as the Seattle Fire Code.
(Ord. 119124 § 2(part), 1998.)

22.600.020 Adoption of the International Fire Code.

The following is hereby adopted and by this reference made a part of this subtitle: 2003 International Fire Code with some exceptions, with Appendixes B, D, E, F and G, as published by the International Code Council, Inc., one copy of which is filed with the City Clerk in C.F. 306763.

The Seattle Fire Code[1] shall consist of the 2003 International Fire Code with some exceptions, together with the amendments and additions thereto adopted.

Wherever in this ordinance there is a conflict between metric units of measurement and English units, the English units shall govern.
(Ord. 121524 § 1, 2004.)

1. Editor's Note: Amendments to the 2003 Fire Code adopted by Section 1 of Ordinance 121524 are set out in Sections 3 through 491 of Ordinance 121524, on file in the City Clerk's Office.

22.600.025 Exclusion pursuant to RCW 36.70B.140 (2).

The special circumstances presented by the fire and life safety hazards regulated by this code warrant a review process different from that provided in Section 23.76.005 of the Seattle Municipal Code, RCW 36.70B.060 through 36.70B.080 and 36.70B.110 through 36.70B.130, and therefore the processing and review of any applications for permits required pursuant to the provisions of this chapter are excluded from the requirements of Section 23.76.005 of the Seattle Municipal Code, RCW 36.70B.060 through 36.70B.080 and 36.70B.110 through 36.70B.130. Applications for permits required pursuant to this chapter will be processed and reviewed according to the provisions of this code and applicable Fire Department regulations.
(Ord. 120157 § 1, 2000: Ord. 119124 § 2(part), 1998.)

22.600.030 Fees.

Fees for permits, certificates, inspections, plans review and code alternates required by the Seattle Fire Code shall be as established in Chapter 22.602 of the Seattle Municipal Code.
(Ord. 119124 § 2(part), 1998.)

22.600.050 Examinations--Duration.

Certificates indicating successful completion of an examination shall be valid for a period of three (3) years from the date of examination.
(Ord. 119124 §2(part), 1998.)

Chapter 22.602

FIRE CODE PERMIT AND INSPECTION FEES

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Sections:

22.602.010 Title and purpose.
22.602.020 Payment of fees.
22.602.030 Administration and enforcement.
22.602.040 Fees.
22.602.050 Fees for certain inspections.
22.602.070 Fees for Fire Department plan review and inspection of fire protection systems in new or existing buildings undergoing construction, reconstruction, remodeling, or renovation.
22.602.080 Fees for filing of code alternates/variances.

22.602.010 Title and purpose.

A. Title. The ordinance codified in this chapter shall be known as the "Fire Code Permit and Inspection Fee Ordinance."

B. Purpose. It is the purpose of this chapter to prescribe fees in accordance with the regulatory authority vested in the Seattle Fire Department and for services provided, as follows:

1. Fees for permits including, but not limited to, permits to store, handle or use hazardous materials or conduct hazardous processes;

2. Fees for second acceptance tests of fire protection equipment, systems or devices as required by the Seattle Fire Code;

3. Fees for inspections or plan review by the Fire Prevention Division of the Seattle Fire Department, outside regular business hours;

4. Fees for the examination and/or review of plans;

5. Fees for filing of code alternates/variances resulting from other than plan review;

6. Fees for the administration of examinations and certificates issued as prescribed in the Seattle Fire Code;

7. Fees for subsequent inspections required to gain compliance with Seattle Fire Code requirements after completion of one (1) initial permit inspection and two (2) reinspections;

8. Fees for subsequent inspections by the Fire Prevention Division of the Seattle Fire Department required to gain compliance with Seattle Fire Code requirements; and

9. Fees for training provided by the Seattle Fire Department.

(Ord. 118391 § 1, 1996: Ord. 115956 § 1, 1991; Ord. 115636 § 1, 1991: Ord. 110893 § 2(part), 1982.)

22.602.020 Payment of fees.

A. Fees shall be paid at the time of application for permit, certification, examination or inspection.

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B. Fees which are invoiced by the Seattle Fire Department shall be paid within thirty (30) days of invoice issuance.

C. Failure to pay fees stipulated in this chapter is a violation of the Seattle Fire Code.
(Ord. 115636 § 2, 1991: Ord. 110893 §2(part), 1982.)

22.602.030 Administration and enforcement.

The Chief of the Fire Department or his/her designated representative, herein referred to as the Chief, is authorized to administer and enforce the provisions of this chapter.
(Ord. 115636 § 3, 1991: Ord. 110893 § 2(part), 1982.)

22.602.040 Fees.

A. The fees for the following permits and inspections are established in Schedule A. See Schedule A in Table 22.602.040 A.

Schedule A

Table 22.602.040 A

Code No.	Code Renewal Reference	Permit	Original Fee	Renewal Fee
107	107.1	Temporary permit	No Fee	None
901	901.2	Plan review	$78/hour	No renewal
103	103.2	Subsequent inspections	See Section 22.602.050	
1101	1101.3	Combustible material storage	$88	$88
1102	1102.4	Outdoor fire (ceremonial/traditional/recreation)	$88	No renewal
105	103.1.2	Requests for Code alternate/variance	$117	No renewal
2501	2501.3	Place of assembly (nonprofit)	None	None
2502	2501.3	Place of assembly--R-1, B, A-3	See Table 2502	See Table 2502

Table 2502

Code	Permit Name	Fee	Renewal
2502	Place of Assembly, R-1, B, A-3 Occupancy load 100-199	$200	$200
2502	Place of Assembly, R-1, B, A-3 Occpancy load 200-999	$250	$250

Code No.	Code Renewal Reference	Permit	Original Fee	Renewal Fee

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2503	2501.3	Place of assembly, temporary (B, A-3, or outdoor events with less than 1,000 people), where the event alters the existing exit configuration or fire lanes	$88	Norenewal
2504	2501.3	Place of assembly-A-1, A-2, A-2.1	SeeTable 2504	See Table 2504

Table 2504

Code	Permit Name	Fee	Renewal
2504	Place of assembly A, A-1, A-2.1 Occupancy load 1,000--2,999	$300	$300
2504	Place of assembly A, A-1, A-2.1 Occupancy load 3,000--9,999	$500	$500
2504	Place of assembly A, A-1, A-2.1 Occupancy load 10,000--19,999	$876	$876
2504	Place of assembly A, A-1, A-2.1 Occupancy load 20,000 and over	$1,167	$1,167

Code No.	Code Renewal Reference	Permit	Original Fee	Renewal Fee
2505	2501.3	Place of assembly, temporary (A, A-1, A-2.1,) or outdoor events, where the event alters the existing exit configuration or fire lanes	See Table2505	No renewal

Table 2505

Code	Permit Name	Fee	Renewal
2505	Place of assembly, A, A-1, A-2.1 Occupancy load 1,000--2,999	$175	Norenewal
2505	Place of assembly, A, A-1, A-2.1 Occupancy load 3,000--9,999	$350	No renewal
2505	Place of assembly, A, A-1, A-2.1 Occupancy load 10,000--19,999	$500	No renewal
2505	Place of assembly, A, A-1, A-2.1 Occupancy load 20,000 and over	$1,000	No renewal

Code No.	Code Reference	Permit	Original Fee	Renewal Fee
2508	2501.3	Exhibition (nonprofit) place of assembly	None	None

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December 2004 code update file
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2509	2501.3	Open flame, place of assembly	$88	$88
2510	2501.3	Open flame, place of assembly (nonprofit)	None	None
2511	2501.3	Open flame, place of assembly (special, temporary)	$233	Norenewal
3001	3002	Lumber storage	$88	$88
3201	3203	Tent or air-supported structure	$117	Norenewal
3401	3401	Wrecking yard (Nonhazard)	$88	$88
1103	1103.2.3	Waste material plant	$88	$88
6201	6202	Industrial oven	$88	$88
7801	7801.3	Fireworks use/display Class 1.3G, outdoor	$584	Norenewal
7802	7801.3	Fireworks use/display Class 1.4G, indoor special effects	$233	Norenewal
8020	7901.3.1	Flammable liquids--Temporary place of assembly only	$117	Norenewal
8101	8101.3	High-piled stock	$88	$88
8206	8202.1	LPG--Place of assembly--Temporary	$233	Norenewal
8207	8202.1	LPG<5 gal.--Temporary place of assembly only	$88	Norenewal
9999		All other nonhazardous material related permits	$88	$88

B. The fees for examinations and training are established in Schedule B, as follows:

Schedule B

Table 22.602.040 B

AS-1	Automatic Sprinkler Examination (systems in any type of building)	$117
AS-2	Automatic Sprinkler Examination (systems up to four (4) stories)	117
AS-3	Automatic Sprinkler Examination (install only)	117
CT-1	Confidence Testing-Specific Building or Testing Examination	117
CT-2	Confidence Testing-Specific Building or Testing Examination	117
E-1	Engineered Foam Examination	117
E-2	Engineered CO_2 Examination	117
E-3	Engineered Halon/Substitutes Examination	117
E-4	Engineered Chemical Examination	117

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
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EG-1	Emergency Generator Examination	117
EG-2	Emergency Generator Examination	117
FA-1	Fire Alarm Examination	117
FA-2	Fire Alarm Examination	117
FA-3	Fire Alarm Examination	117
FP-1	Fire Pump Examination	117
FP-2	Fire Pump Examination	117
FEX-1	Fire Extinguisher Examination	117
FEX-2	Fire Extinguisher Examination	117
FEX-3	Fire Extinguisher Examination	117
FEX-4	Fire Extinguisher Examination	117
SC-1	Smoke Control Examination	117
SC-2	Shaft Pressurization Examination	117
STP-1	Standpipe Examination	117
STP-2	Standpipe Examination (includes marine standpipes)	117
	Fire Extinguisher Practical Training	29

C. Hazardous Material Related Permits. Fees for hazardous material related permits are established in Schedule C (See Table 22.602.040 C). In some cases these fees are based on the quantity of hazardous material stored and/or handled at the site and the relative risk posed by each material.

1. Definitions.

a. "Quantity Range Number" as established in the Quantity Range Table below, is a number between 1 and 2 which is assigned to a hazard category based upon the amount of hazardous material located at the site.

QUANTITY RANGE TABLE

Quantity Range Number	Solids (Pounds)	Liquids (Gallons)	Gases (Cu. Ft.)
1	0 - 550	0 - 55	0 - 1,000
1.25	>550 - 5,500	>55 - 550	>1,000 - 5,000
1.5	>5,500 - 27,500	>550 - 2,750	>5,000 - 50,000
1.75	>27,500 - 55,000	>2,750 - 5,500	>50,000 - 100,000
2	>55,000	>5,500	>100,000

b. "Assigned Risk Factor" as established below, is a number assigned to each hazard class and category of hazardous material indicating the relative hazard posed by materials in that hazard category.

Hazard Category	Assigned Risk Factor

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December 2004 code update file
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Aerosol products	1.3
Cellulose nitrate	1.3
Combustible fiber	1.2
Combustible liquids	
Class II	1.2
Class III-A	1.1
Class III-B	1.1
Compressed gases	
Highly toxic	1.5
Pyrophoric	1.4
Flammable	1.4
Unstable	1.4
Oxidizing	1.4
Toxic	1.3
Cryogenic	1.3
Corrosive	1.3
Corrosives	1.1
Explosives and blasting agents	1.5
Flammable liquids	
Class I-A	1.5
Class I-B	1.4
Class I-C	1.3
Flammable solids	1.3
Highly toxic liquids and solids	1.5
Liquid petroleum gas	1.4
Magnesium	1.3
Organic peroxides	
Unclassified	1.5
Class I	1.4
Class II	1.3
Class III	1.2
Class IV	1.1
Oxidizers	
Class 4	1.5
Class 3	1.4
Class 2	1.2
Class 1	1.1

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December 2004 code update file
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Pyrophoric liquids and solids	1.3
Radioactives	1.4
Toxic liquids and solids	1.2
Unstable (reactive) liquids and solids	
Class 4	1.5
Class 3	1.4
Class 2	1.3
Class 1	1.2
Water-reactive materials	
Class 3	1.5
Class 2	1.3
Class 1	1.1

c. "Fixed permit cost" One Hundred Fourteen Dollars ($114) is the minimum cost for the Seattle Fire Department to issue a hazardous material permit.

d. "Base permit fee" is determined by multiplying the sum of the products of the quantity range number and assigned risk factor for each hazard class by the fixed permit cost divided by 1.1 and is represented by the following equation:

$$\text{Base permit fee}=[(Q)(R)][F/1.1]$$

Where:

Q=The quantity range number

R=The assigned risk factor

F=The fixed permit cost ($114)

Example:

XYZ Company stores five hundred (500) gallons of gasoline and two hundred (200) pounds of nitric acid. Gasoline is classified as a Class I-B flammable liquid which has an assigned risk factor of 1.4. Nitric acid is classified as a corrosive liquid and a Class 1 oxidizer, both of which have an assigned risk factor of 1.1.

Base permit fee =

$$[(1.25)\ (1.4)_{\text{flammable}} + (1)(1.1)_{\text{Class 1 oxidizer}}]\ [\$114/1.1]$$

Base permit fee=$295.37

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Seattle Municipal Code
December 2004 code update file
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When a material has multiple hazards, only the hazard presented by the material that has been assigned the highest risk factor shall be considered.

Schedule C
Table 22.602.040 C

Hazardous Materials Related Permits

One (1), or a combination of more than one (1), of the following abbreviations shall be placed before the permit code number to indicate whether the permit applies to storage, retail sales, or use of hazardous materials or is a temporary permit:

R = Retail

S = Storage

U = Use

T = Temporary

Code No.	Code Reference	Permit	Base Fee	Renewal Fee
Special Occupancy Uses				
105(H)	103.1.2	Code alternate--HazMat	$117	No renewal
1070	107.1	Temporary permit--HazMat	$114	No renewal
1071	107.1	Special inspection/review/permit	$117 plus time charge	No renewal
2401	2401.2	Aircraft repair hangar	Fee worksheet	Half original
2601	2602	Bowling alley	Fee worksheet	Half original
2701	2703	Cellulose nitrate plastic (pyroxylin)	Fee worksheet	Half original
2801	2803	Combustible fiber storage	Fee worksheet	Half original
2901	2902	Repair garage (no hazardous activities)	$114	$114
2902	2902	Repair garage (includes 1 of the following)	$200	$200
		• Parts washing tank (1 to 3 tanks maximum)		
		• Cutting and welding (1 to 3 units maximum)		
		• Incidental flammable or combustible liquid storage		
2903	2902	Repair garage (includes 2 or more of the following):	$300	$300
		• Parts washing tank (1 to 3 tanks maximum)		
		• Cutting and welding (1 to 3 units maximum)		
		• Incidental flammable or combustible liquid storage		
3601	3601.3	Dry cleaner (Class IV plants or systems)	$114	$114
3602	3601.3	Dry cleaner (Class II or III plants or systems)	Fee worksheet	Half original

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Special Processes

Application of Flammable Finishes

4501	4502.6	Temporary limited spray finishing	$114	No renewal
4502	4501.3	Spray finishing process (nonmarine) (below permit quantities)	$114	$114
4503	4501.3	Spray finishing process (nonmarine) (above permit quantities)	Fee worksheet	Half original
4504	4501.3	Marine spray finishing process (below permit quantities)	$114	$114
4505	4501.3	Marine spray finishing process (above permit quantities)	Fee worksheet	Half original
4506	4501.3	Combustible powder finishing (below permit quantities)	$114	$114
4507	4501.3	Combustible powder finishing (above permit quantities)	Fee worksheet	Half original
4508	4501.3	Dip tanks (1 to 3 nonexempted tanks)	$125	$125
4509	4501.3	Dip tank (4 or more nonexempted tanks)	$225	$225
4510	4501.3	Dip tank (Class I liquids-over exempt amounts)	Fee worksheet	Half original
4601	4602	Fruit ripening	Fee worksheet	Half original
4701	4702	Fumigation and thermal insecticidal fogging (no storage)	$114	$114
4702	4702	Fumigation and thermal insecticidal fogging (storage included)	Fee worksheet	Half original
4801	4802	Magnesium working	Fee worksheet	Half original
4901	4901	Annual shipyard welding and cutting facility	$1,167	$1,167
4902	4901	Class I designated facility	$500	$500
4903	4901	Class II designated facility	$250	$250
4911	4901	Annual nonmarine cutting and welding (1-3 units)	$200	$200
4912	4901	Annual nonmarine cutting and welding (4 or more units)	$400	$400
4913	4901	Temporary nonmarine cutting and welding	$114	No renewal
4914	4901	Annual marine hot work	$500	$500
4915	4901	Temporary marine hot work	See Table 4915	No renewal

Table 4915--Marine Cutting and Welding Fees[1,2,3,4]

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Seattle Municipal Code
December 2004 code update file
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Permit Duration (Days)	Length of Vessel (Feet)						
<40	40<60	60<90	90<130	130<200	200<300	=>300	
2	$ 58	$ 82	$105	$128	$152	$175	$198
7	82	105	128	152	175	198	222
15	105	128	152	175	198	222	245
30	128	152	175	198	222	245	269
60	187	210	233	263	292	321	350

[1] Fees apply to nonpreapproved applicants.
[2] Fees for preapproved applicants equal one-half (1/2) of the fee identified in Table 4915.
[3] Any preapproved applicant found to be in violation of permit conditions shall be removed from the preapproved applicant list and subject to nonpreapproved applicant fees and conditions.
[4] Each applicant who receives a minimum of six (6) permits (Code 4915) during a six (6) month period and is found to be in compliance with all permit conditions will be considered a preapproved applicant after the six (6) month period. Applicants who obtain fewer than six (6) permits (Code 4915) during a six (6) month period will be considered a preapproved applicant only after six (6) permits have been issued and no permit violations are noted.

Code No.	Code Reference	Permit	Base Fee	Renewal Fee
4916	4901	Welding gas generator	$500	$500
5001	5003	Manufacture of organic coatings	Fee worksheet	Half original
5101	5101.3	Semiconductor fabrication facility	Fee worksheet	Half original
5201	5202	Motor vehicle fueling station (underground tank)	$114	$114
5202	5202	Motor vehicle fueling station (above-ground tank)	$292	$292
5203	5202	Marine motor vehicle fueling station	$250	$250
5204	5203	Liquified petroleum gas motor vehicle fuel-dispensing station	$292	$292
5205	5204	Compressed natural gas motor vehicle fuel-dispensing station	$250	$250
6103	6103	Combustible liquid tank decommission-residential (1-4 units)	$58	No renewal
6301	6304	Refrigeration equipment	$114	No renewal
6401	6403	Battery system	$114	$114
7401	7401	Inert compressed gas	$114	$114
7402	7401	Medical gas system	Fee worksheet	Half original
7403	7401	Temporary medical gas inspection	$114	No renewal
7501	7501.3	Nonflammable cryogens	$114	$114
7601	7601.3	Dust producing operation	$114	$114
7901	7901.3	Torchdown operations	$114	$114
7901T	7901.3	Torchdown operations-temporary	$114	No renewal
7902	7901.3	Hot roof tank truck/tar kettle	$114	$114
7903	7901.3	Temporary hot tar operation	$114	No renewal
7904	7901.3	Bulk flammable liquid plant	Fee worksheet	Half original
7905	7901.3	Master fuel transfer	$114	$114
7906	7901.3	Refueling facility	$114	$114

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Seattle Municipal Code
December 2004 code update file
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7907	7901.3	Above-ground fuel dispensing	Fee worksheet	Half original
7908	7901.3	Flammable/combustible liquid tank decommission-commercial	$114	No renewal
7909	7903.2	Parts washing tank (1 to 3 nonexpempted tanks)	$125	$125
7910	7903.2	Parts washing tanks (4 or more nonexempted tanks)	$225	$225
7911	7903.2	Parts washing tanks (Class I liquids over exempt amounts)	Fee worksheet	Half Original
7912	7904.5	Mobile Fleet Fueler	$114	$114
7913	7904.5	Mobile Fleet Fueling Site	$114	$114
Hazardous Materials				
8000	8001.3	Contaminated soil remediation	$292	No renewal
8001	8001.3	Incidental flammable and combustible liquids ((30 gal.)	$150	$150
8002	8001.3	Hazardous materials laboratory (below exempt amounts)	$117	$117
801-A	8001.3	Combustible liquids	Fee worksheet	Half original
801-B	8001.3	Corrosive compressed gas	Fee worksheet	Half original
801-C	8001.3	Corrosive liquids and solids	Fee worksheet	Half original
801-D	7501.3	Cryogenic fluids	Fee worksheet	Half original
801-E	7701.3	Explosives and blasting agents	Fee worksheet	Half original
801-F	7401	Flammable compressed gas (except LPG)	Fee worksheet	Half original
801-G	7901.3	Flammable liquids	Fee worksheet	Half original
801-H	8001.3	Flammable solids	Fee worksheet	Half original
801-I	8001.3	Highly toxic compressed gas	Fee worksheet	Half original
801-J	8001.3	Highly toxic liquids and solids	Fee worksheet	Half original
801-K	8001.3	Organic peroxides	Fee worksheet	Half original
801-L	8001.3	Oxidizer compressed gas	Fee worksheet	Half original
801-M	8001.3	Oxidizer liquids and solids	Fee worksheet	Half original
801-N	8001.3	Pyrophoric compressed gas	Fee worksheet	Half original
801-O	8001.3	Pyrophoric liquids and solids	Fee worksheet	Half original
801-P	8001.3	Radioactive materials	No fee	No fee
801-Q	8001.3	Toxic compressed gas	Fee worksheet	Half original
801-R	8001.3	Toxic liquids and solids	Fee worksheet	Half original
801-S	8001.3	Unstable (reactive) compressed gas	Fee worksheet	Half original
801-T	8001.3	Unstable (reactive) liquids and solids	Fee worksheet	Half original
801-U	8001.3	Water-reactive liquids and solids	Fee worksheet	Half original
801-V	8001.3	Aerosols (Level 2 and 3)	Fee worksheet	Half original
801-W	8001.3	LPG retail	Fee worksheet	Half original
801-X	8001.3	Health hazard materials	No fee	No fee
8025	8001.3	Marine terminal	$2,335+[$169 x(no. of acres>5)]	Same as base

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December 2004 code update file
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8030	8001.3	Container freight station/break bulk operation	$1,167	$1,167
8009	8001.3	Health hazard materials	No fee	No fee
Liquid Petroleum Gas				
8201	8202	Liquid petroleum gas (LPG) ((550 gal.)	$175	$175
8202	8202	Liquid petroleum gas (LPG) (>550-2,000 gal.)	$210	$210
8203	8202	LPG storage and use (>2,000 gal.)	$250	$250
8204	8202	LPG container filling	$500	$500
8801	8801.3	Aerosol products	Fee worksheet	Half original
Tank Vehicles				
7900	7901.3	Flammable liquids vehicle	$114	$114*
8010	8001.3	Hazardous materials vehicle	$114	$114*

*Biannual renewal fee

D. All permits listed under subsections A and C of this section, except for those permits for which a time charge is indicated, have a base fee which incorporates the cost of an initial site inspection and one (1) site reinspection to determine compliance with the Seattle Fire Code. Permits for which a time charge is indicated include a base fee and a labor charge calculated on actual costs for labor and other services incurred by the Fire Department before a permit is issued. Any subsequent inspections will result in a fee based on a time charge which shall be calculated on actual costs for labor and other services. Such fees shall include overtime costs only when the work performed outside normal business hours (eight (8:00) a.m. to four-thirty (4:30) p.m. Monday through Friday) is required by the Seattle Fire Code or is performed at the request of the owner or responsible person or permit holder.

E. Temporary permits listed under Schedules A and C will not be renewed on an annual basis.

F. Those permit applications which are required to be filed within time limitations specified under the Seattle Fire Code or by order of the Fire Chief, shall be subject to a late fee, if not filed within the prescribed time period. The late fee shall be calculated at 1.75 times the original permit fee.

For permits listed under Schedules A and C as renewable, renewal payments received more than thirty (30) days, but less than ninety-one (91) days, past the permit expiration date shall be subject to a late fee. Permit renewal payments received more than ninety (90) days past the expiration date will not be processed as a renewal and will be subject to new permit fees and the new permit application process.

G. Unless specifically stated on the permit, no temporary use permit shall be valid for a term exceeding twelve (12) months.

H. Each examination fee listed under this section shall include one (1) test and one (1) retest.

I. The annual permit renewal fee for Schedule C permits where the fee worksheet is used to determine permit fee will be one-half (1/2) of the original base permit fee, if the facility is found to be in compliance with the original permit conditions.

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Seattle Municipal Code
December 2004 code update file
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J. Effective January 1, 2003, those facilities which have existing hazardous materials-related permits authorized under Ordinance 119256, or any other prior version of this section, shall have their permits renewed at the rate of One Hundred Fourteen Dollars ($114) until the Fire Department Article 80 program inspection and inventory analysis for the facility has been performed.

K. In special circumstances, hazardous material permit fees may be adjusted, modified or combined. Authority to adjust, modify or combine such permit fees is limited to the Fire Chief, the Fire Marshal and the Assistant Fire Marshal.
(Ord. 120982 § 1, 2002: Ord. 120639 § 1, 2001: Ord. 119256 § 1, 1998: Ord. 118774 § 1, 1997: Ord. 118391 § 2, 1996: Ord. 118238 § 6, 1996; Ord. 116350 § 1, 1992; Ord. 116258 §§ 1, 2, 1992: Ord. 115956 §§ 2, 3, 1991: Ord. 115636 § 5, 1991: Ord. 114829 § 1, 1989: Ord. 114246 § 1, 1988; Ord. 113734 § 1, 1987; Ord. 110893 § 2(part), 1982.)

22.602.050 Fees for certain inspections.

A. Whenever the Fire Prevention Division is requested or required by the Fire Code to perform inspections outside normal business hours (eight (8:00) a.m.-four-thirty (4:30) p.m. Monday through Friday) the Chief shall collect and the responsible party shall pay a fee for such an inspection. Such fees shall be based on actual labor costs including any overtime actually paid as determined by the then-current collective bargaining agreement adopted by ordinance.

B. Whenever the Fire Prevention Division is requested to perform an inspection as required by the Fire Code and the responsible party fails to appear within twenty (20) minutes from the original appointment time, the Chief shall collect and the responsible party shall pay a fee for such staff time and preparation required to meet the inspection appointment. Such fees shall be based on actual labor costs including any overtime actually paid as determined by the then-current collective bargaining agreement adopted by ordinance.

C. Whenever the Fire Prevention Division is required to perform an inspection after three (3) inspections have been performed to gain compliance with Seattle Fire Code requirements, the Chief shall collect and the responsible party shall pay a fee in the amount of One Hundred Dollars ($100). Such fee shall be due upon each inspection performed by the Fire Prevention Division until compliance with Seattle Fire Code requirements has been accomplished. The Chief shall waive the inspection fee if the original order or notice is determined to be invalid or when mitigating circumstances beyond the responsible party's control exist such as conflicting enforcement by other jurisdictions, conditions caused by third parties or where alternate materials, methods or designs are under review to meet the intent of the Seattle Fire Code.

D. All permits listed under subsections A and C of SMC Section 22.602.040, Fees, except for those permits for which a time charge is indicated, have a base fee which incorporates the cost of an initial site inspection and one (1) site reinspection to determine compliance with the Seattle Fire Code. Any subsequent inspections will result in a fee based on a time charge which shall be calculated on actual costs for labor and other services. Such fees shall include overtime costs only when the work performed outside normal business hours (eight (8:00) a.m. to four-thirty (4:30) p.m. Monday through Friday) is required by the Seattle Fire Code or is performed at the request of the owner or responsible person or permit holder.
(Ord. 120982 § 2, 2002: Ord. 119256 § 2, 1998: Ord. 117392 § 1, 1994: Ord. 116258 §§ 1, 2, 1992: Ord. 115956 §§ 4, 5, 1991: Ord. 114829 § 2, 1989: Ord. 110893 § 2(part), 1982.)22.602.050

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Seattle Municipal Code
December 2004 code update file
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22.602.070 Fees for Fire Department plan review and inspection of fire protection systems in new or existing buildings undergoing construction, reconstruction, remodeling, or renovation.

A. The responsible party shall pay a fee for the Fire Prevention Division to examine and review plans and inspect fire protection systems in new or existing buildings undergoing construction, reconstruction, remodeling, or renovation.

B. The fee for such plan examination or review shall be Seventy-eight Dollars ($78) per hour.

C. The fee for inspection of fire protection systems in new or existing buildings undergoing construction, reconstruction, remodeling, or renovation shall be as follows:

Fire Alarm Systems	$250.00 plus $2.50 per device> 6 devices
Fire Extinguishing System - Pre-engineered or Rangehood	$100.00
Fire Sprinkler System	$150.00, plus $1.50 per sprinkler head > 6 sprinkler heads
Standpipe	$100.00
Fire Pump	$100.00 per pump
Sprinkler System Supply Main	$100.00
Tenant Improvement Inspection without modification of fire protection systems, Or Tenant Improvement with 6 or less sprinkler heads and 6 or less fire alarms devices.	$75.00

D. The Director of the Department of Planning and Development is authorized to collect fees listed in this section for the Seattle Fire Department, and to transfer those funds to the Seattle Fire Department. (Ord. 121276 § 37, 2003; Ord. 120982 § 3, 2002: Ord. 114829 § 3, 1989: Ord. 110893 § 2(part), 1982.)

22.602.080 Fees for filing of code alternates/variances.

A. This section shall not apply to requests for a code alternate/variance which result from plan review and examination, issuance of hazardous material related permits, or due to deferment of provisions to a separate regulating agency.

B. Whenever a building owner or other responsible party proposes to use an alternate material or method to meet the intent or requirement of the Fire Code, the Chief shall collect and the responsible party shall pay a fee for field inspection and research.

C. The fee for such code alternates/variances shall be One Hundred Dollars ($100) plus a time

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charge of Twenty-eight Dollars ($28) per hour after one (1) hour for those alternate/variance requests involving field inspection in addition to code research and analysis. Alternate/variance requests which do not require field inspection or detailed code research exceeding one (1) hour of staff time will be subject to a flat nonrefundable fee of One Hundred Dollars ($100).
(Ord. 115956 § 6, 1991: Ord. 115636 § 7, 1991: Ord. 114829 § 4, 1989: Ord. 110893 § 2(part), 1982.)

Seattle Municipal Code
December 2004 code update file
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Subtitle VII.

Energy Code

Chapter 22.700

ADMINISTRATION

Sections:

22.700.010 Adoption of the 2003 Washington State Energy Code and local amendments.

22.700.010 Adoption of the 2003 Washington State Energy Code and local amendments.

The 2003 Washington State Energy Code (WAC 51-11), which is filed with the City Clerk in C.F. 306766, and the amendments thereto adopted by Ordinance 121522 that incorporate the Seattle Amendments,[1] are hereby adopted and by this reference made a part of this subtitle and shall constitute the official Energy Code of the City. The 2001 Washington State Energy Code, and amendments thereto, are hereby repealed.
(Ord. 121522 § 1, 2004; Ord. 120804 § 1, 2002: Ord. 120525 § 1, 2001: Ord. 120378 § 1, 2001: Ord. 119081 § 1, 1998: Ord. 117698 §1, 1995: Ord. 117081 § 1, 1994: Ord. 116368 § 298, 1992: Ord. 116159 § 1, 1992: Ord. 115641 § 1, 1991: Ord. 113059 § 1, 1986: Ord. 112500 § 1, 1985.)

1. Editor's Note: Amendments to the Washington State Energy Code adopted by Section 1 of Ordinance 121522 are set out in Sections 2 through 83 of Ordinance 121522, on file in the City Clerk's Office.

Subtitle VIII.

Grading and DrainageControl[1]

22.808.140 Severability. The provisions of this subtitle are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this subtitle, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances.
(Ord. 116425 § 2(part), 1992.)

1. Cross-reference: For provisions regarding emergency control of drainage problems, mud flows and earth slides, see Chapter 10.06 of this Code.

Chapter 22.800

TITLE, PURPOSE, SCOPE AND AUTHORITY

Sections:

22.800.010 Title.
22.800.020 Purpose.
22.800.030 Scope.
22.800.050 Potentially hazardous locations.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
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sections for complete text, graphics,
and tables and to confirm accuracy of
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22.800.060 Compliance with other laws.
22.800.070 City projects.
22.800.080 Authority.
22.800.090 City not liable.

22.800.010 Title.

This subtitle, comprised of SMC Chapters 22.800 through 22.808, shall be known as the "Stormwater, Grading and Drainage Control Code," and may be cited as such.
(Ord. 119965 § 1, 2000: Ord. 116425 § 2(part), 1992.)

22.800.020 Purpose.

A. The provisions of this subtitle shall be liberally construed to accomplish its remedial purposes, which are:

1. Protect, to the greatest extent practicable, life, property and the environment from loss, injury and damage by pollution, erosion, flooding, landslides, strong ground motion, soil liquefaction, accelerated soil creep, settlement and subsidence, and other potential hazards, whether from natural causes or from human activity;

2. Protect the public interest in drainage and related functions of drainage basins, watercourses and shoreline areas;

3. Protect surface waters and receiving waters from pollution, mechanical damage, excessive flows and other conditions in their drainage basins which will increase the rate of downcutting, streambank erosion, and/or the degree of turbidity, siltation and other forms of pollution, or which will reduce their low flows or low levels to levels which degrade the environment, reduce recharging of groundwater, or endanger aquatic and benthic life within these surface waters and receiving waters of the state;

4. Meet the requirements of state and federal law and the City's municipal stormwater NPDES permit; and

5. Fulfill the responsibilities of the City as trustee of the environment for future generations.

B. It is expressly the purpose of this subtitle to provide for and promote the health, safety and welfare of the general public. This subtitle is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by its terms.

C. It is expressly acknowledged that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, the water quality protection measures in this subtitle are necessary to protect the health, safety and welfare of the residents of Seattle and the integrity of natural resources for the benefit of all and for the purposes of this subtitle. Such water quality protection measures are required under the federal Clean Water Act, 33 U.S.C. Section 1251, et seq., and in response to the obligations of the City's municipal stormwater discharge permit, issued by the State of Washington under the federal National Pollutant Discharge Elimination System program.

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Seattle Municipal Code
December 2004 code update file
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(Ord. 119965 § 2, 2000; Ord. 116425 § 2(part), 1992.)

22.800.030 Scope.

This subtitle applies to:

A. All grading and drainage and erosion control, whether or not a permit is required; and

B. All new or replaced impervious surface and all land disturbing activities, whether or not a permit is required; and

C. All discharges directly or indirectly to a public drainage control system; and

D. All new and existing land uses.
(Ord. 119965 § 3, 2000: Ord. 116425 § 2(part), 1992.)

22.800.050 Potentially hazardous locations.

A. Any site on a list, register, or data base compiled by the United States Environmental Protection Agency ("EPA") or the Washington State Department of Ecology ("DOE") for investigation, cleanup, or other action regarding contamination under any federal or state environmental law shall be a potentially hazardous location under this subtitle. When EPA or DOE removes the site from the list, register or data base, or when the owner otherwise establishes contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

B. The following property may also be designated by the Director of DCLU as potentially hazardous locations:

1. Existing and abandoned solid waste disposal sites;

2. Hazardous waste treatment, storage, or disposal facilities, all as defined by the federal Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.
(Ord. 116425 § 2(part), 1992.)

22.800.060 Compliance with other laws.

A. The requirements of this subtitle are minimum requirements. They do not replace, repeal, abrogate, supersede or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this subtitle imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this subtitle shall prevail.

B. Approvals and permits granted under this subtitle are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state and local laws and regulations, including rules promulgated under authority of this subtitle.

C. Compliance with the provisions of this subtitle and of regulations and manuals adopted by the

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Seattle Municipal Code
December 2004 code update file
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City in relation to this subtitle does not necessarily mitigate all impacts to the environment. Thus, compliance with this subtitle and related regulations and manuals should not be construed as mitigating all stormwater impacts, and additional mitigation may be required to protect the environment. The primary obligation for compliance with this chapter, and for preventing environmental harm on or from property, is placed upon responsible parties as defined by this subtitle.
(Ord. 119965 § 4, 2000; Ord. 116425 § 2(part), 1992.)

22.800.070 City projects.

A. Compliance.

1. City agencies shall comply with all the requirements of this subtitle, except they shall not be required to obtain permits and approvals under this subtitle for work performed within a public right-of-way and for work performed for the operation and maintenance of park lands under the control or jurisdiction of the Department of Parks and Recreation. Where the work occurs in a public right-of-way, it shall comply with Seattle Municipal Code Title 15, Street and Sidewalk Use, including the applicable requirements to obtain permits or approvals. Where appropriate as set forth in Section 22.804.040 C of this Code, a soils report and analysis by an experienced geotechnical engineer shall be prepared for City projects.

2. A City agency project, as defined in Section 22.801.170, that is not required to obtain permit(s) and approval(s) per subsection A1 of this section, is not required to comply with Sections 22.802.015 C4, 22.802.016 B1, and 22.802.016 B2, if the project begins land disturbing activities on or before July 1, 2002, and if the project meets one or more of the following criteria:

a. Project funding was appropriated as identified in Ordinance 119750, titled, "An ordinance adopting a budget, including a capital improvement program and a position list, for the City of Seattle for fiscal year 2000;" or

b. Project received or will receive voter approval of financing before January 1, 2001; or

c. Project received or will receive funds based on grant application(s) submitted before January 1, 2001; or

d. Project conducted or will conduct land disturbing activity before January 1, 2001.

B. Inspection.

1. When the City conducts projects for which review and approval is required under Section 22.802.020 or 22.804.030, the work shall be inspected by the City agency conducting the project or supervising the contract for the project. The inspector for the City agency shall be responsible for insuring that the grading and drainage control is done in a manner consistent with the requirements of this subtitle.

2. Where a soils analysis and report has been prepared as required under subsection A of this section, the grading shall also be inspected by the geotechnical engineer who prepared the report.

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the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
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3. A City agency need not provide an inspector from its own agency provided either:

a. The work is inspected by an appropriate inspector from another City agency; or

b. The work is inspected by the licensed civil or geotechnical engineer who prepared the plans and specifications for the work; or

c. A permit or approval is obtained from the Director of DPD, and the work is inspected by the Director.

C. Certification of Compliance. City agencies shall meet the same standards as non-City projects, and shall certify that each individual project meets those standards.
(Ord. 121276 § 37, 2003; Ord. 119965 § 5, 2000: Ord. 116425 § 2(part), 1992.)

22.800.080 Authority.

A. 1. The Director of DPD has authority regarding the provisions of this subtitle pertaining to grading, review of drainage control plans, and review of erosion control plans, and has inspection and enforcement authority pertaining to temporary erosion/sediment control measures.

2. The Director of SPU has authority regarding all other provisions of this subtitle pertaining to stormwater, drainage, and erosion control, including inspection and enforcement authority.

B. The Directors of DPD and SPU are authorized to take actions necessary to implement the provisions and purposes of this subtitle in their respective spheres of authority, including, but not limited to, the following: promulgating and amending rules and regulations, pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code; establishing and conducting inspection programs; establishing and conducting or, as set forth in Section 22.802.012, requiring responsible parties to conduct monitoring programs, which may include sampling of discharges to or from drainage control facilities, the public drainage control system, or surface water; taking enforcement action; abating nuisances; promulgating guidance and policy documents; and reviewing and approving or disapproving required submittals and applications for approvals and permits.

C. The Director of SPU is authorized to develop drainage basin plans for managing surface water, drainage water, and erosion within individual subbasins. A drainage basin plan may, when approved by the Director of SPU, be used to modify requirements of this subtitle, provided the level of protection for human health, safety and welfare, the environment, and public or private property will equal or exceed that which would otherwise be achieved.
(Ord. 121276 § 37, 2003; Ord. 119965 § 6, 2000: Ord. 118396 § 173, 1996: Ord. 117432 § 10, 1994; Ord. 116425 § 2(part), 1992.)

22.800.090 City not liable.

A. Nothing contained in this subtitle is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of responsible parties to comply with the provisions of this subtitle, or by reason or in

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consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this subtitle, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this subtitle by its officers, employees or agents.

B. The Director or any employee charged with the enforcement of this subtitle, acting in good faith and without malice on behalf of the City, shall not be personally liable for any damage that may accrue to persons or property as a result of any act required by the City, or by reason of any act or omission in the discharge of these duties. Any suit brought against the Director of DPD, Director of Engineering or other employee because of an act or omission performed in the enforcement of any provisions of this subtitle, shall be defended by the City.

C. Nothing in this subtitle shall impose any liability on the City or any of its officers or employees for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
(Ord. 121276 § 37, 2003; Ord. 116425 § 2(part), 1992.)

Chapter 22.801

DEFINITIONS

Sections:
22.801.010 General.
22.801.020 "A."
22.801.030 "B."
22.801.040 "C."
22.801.050 "D."
22.801.060 "E."
22.801.070 "F."
22.801.080 "G."
22.801.090 "H."
22.801.100 "I."
22.801.130 "L."
22.801.140 "M."
22.801.150 "N."
22.801.160 "O."
22.801.170 "P."
22.801.190 "R."
22.801.200 "S."
22.801.210 "T."
22.801.220 "U."
22.801.240 "W."

22.801.010 General.

For the purpose of this subtitle, the words listed in this chapter have the following meanings, unless the context clearly indicates otherwise. Terms relating to pollutants and to hazardous wastes, materials, and substances, where not defined in this subtitle, shall be as defined in Washington Administrative Code Chapters 173-303, 173-304 and 173-340, the Seattle Building Code or the Seattle Fire Code, including future amendments to those codes. Words used in the singular include the plural, and words used in the plural include the singular.

All references in the Seattle Municipal Code Chapters 22.800 through 22.808 to "SPU" shall be deemed

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references to "Seattle Public Utilities". All references in the Seattle Municipal Code Chapters 22.800 through 22.808 to "Department of Construction and Land Use," "Department of Design, Construction and Land Use," "Director of Construction and Land Use," "Director of Design, Construction and Land Use," or "DCLU", shall be deemed references to "Department of Planning and Development", "Director of Planning and Development" or "DPD". The City's code reviser is authorized to amend the Seattle Municipal Code Chapters 22.802 through 22.808 over time as he or she deems appropriate in order to carry out these changes.
(Ord. 121276 § 22, 2003; Ord. 119965 § 7, 2000: Ord. 116425 § 2(part), 1992.)

22.801.020 "A."

"Abandoned solid waste disposal site" means a site that is no longer in use and where solid waste was disposed with or without a permit.

"Agency" means any governmental entity or its subdivision.

"Agency with jurisdiction" means those agencies with statutory authority to approve, condition or deny permits, such as the United States Environmental Protection Agency, the Washington State Department of Ecology or the Seattle-King County Department of Public Health.

American Petroleum Institute (API) oil/water separator. See "oil/water separator, American Petroleum Institute (API)."

"Approved" means approved by either the Director of Planning and Development or the Director of Seattle Public Utilities.

"As-graded" means the surface condition existing after completion of grading.
(Ord. 121276 § 37, 2003; Ord. 119965 § 8, 2000: Ord. 118396 § 174, 1996: Ord. 116425 § 2(part), 1992.)

22.801.030 "B."

"Backfilling" means returning a site to its original or approved contours after earth materials were removed for construction purposes.

"Basin plan" means a plan to manage the quality and quantity of stormwater in a watershed, including watershed action plans.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Best management practice (BMP)" means a physical, chemical, structural or managerial practice or device that prevents, reduces, or treats contamination of water or which prevents or reduces soil erosion. When the Directors develop rules and/or manuals prescribing best management practices for particular purposes, whether or not those rules and/or manuals are adopted by ordinance, BMPs prescribed in the rules and/or manuals shall be the BMPs required for compliance with this subtitle.

1. "Nonstructural" or "operational" best management practices are those pollution control strategies that require modified or additional behavioral practices, such as sweeping a parking lot or

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December 2004 code update file
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maintaining special equipment on site, such as spill-response equipment.

2. "Structural" best management practices are those pollution control strategies that require the construction of a structure or other physical modification on the site.

"Biofiltration swale" means a long, gently sloped, vegetated channel designed and maintained to treat stormwater runoff through sedimentation, adsorption, and biological uptake. Grass is the most common vegetation, but wetland vegetation can be used if the soil is saturated.

"Building permit" means a document issued by The City of Seattle Department of Design, Construction and Land Use giving permission for construction or other specified activity in accordance with the Seattle Building Code (Chapter 22.100 SMC).
(Ord. 119965 § 9, 2000: Ord. 116425 § 2(part), 1992.)

22.801.040 "C."

"Cause or contribute to a violation" means and includes acts or omissions that create a violation, that increase the duration, extent or severity of a violation, and that aid or abet a violation.

"Civil engineer, licensed" means a person who is licensed by the State of Washington to practice civil engineering.

"Coalescing plate oil/water separator" means a multichambered vault, containing a set of parallel, corrugated plates that are stacked and bundled together in the center of the vault. Coalescing plate separators are designed to remove dispersed oil and floating debris as well as in containing spills.

Combined sewer. See "public combined sewer."

"Compaction" means the densification of a fill by mechanical means.

"Containment area" means the area designated for conducting high-risk pollution generating activities for the purposes of implementing operational source controls or designing and installing structural source controls or treatment facilities.

"Contaminate" means the addition of sediment, any other pollutant or waste, or any illicit discharge.

"Cut" means the changing of a grade by excavation.
(Ord. 119965 § 10, 2000: Ord. 116425 § 2(part), 1992.)

22.801.050 "D."

"DCLU" means the Department of Design, Construction and Land Use.

"Damages" means monetary compensation for harm, loss, costs, or expenses incurred by the City, including but not limited to the following: costs of abating violations of this subtitle or public nuisances; fines or penalties the City incurs as a result of a violation of this subtitle; and costs to repair or clean the public

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Seattle Municipal Code
December 2004 code update file
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drainage control system as a result of a violation. For the purposes of this subtitle, it does not include compensation to any person other than the City.

"Design storm" means a rainfall event used in the analysis and design of drainage facilities.

"Designated receiving waters" means the Duwamish River, Puget Sound, Lake Washington, Lake Union, and the Lake Washington Ship Canal, and other receiving waters designated by the Director of SPU as having the capacity to receive drainage discharges.

"Detention" means temporary storage of drainage water for the purpose of controlling the drainage discharge rate.

"Detention system" means a facility designed to control the discharge rate of stormwater runoff from a site by detaining flows in a tank or vault.

"Development" means land disturbing activity or the addition or replacement of impervious surface.

"Developmental coverage" means all areas within a site planned for land disturbing activity or new or replaced impervious surface.

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

"Director of Design, Construction and Land Use" means the Director of the Department of Design, Construction and Land Use of The City of Seattle and/or the designee of the Director of Design, Construction and Land Use, who may be employees of that department or another City department.

"Director of Seattle Public Utilities" means the Director of Seattle Public Utilities of The City of Seattle and/or the designee of the Director of Seattle Public Utilities, who may be employees of that department or another City department.

"Discharge point" means the location to which drainage water from a specific site is released.

"Discharge rate" means the rate at which drainage water is released from a specific site. The discharge rate is expressed as volume per unit of time, such as cubic feet per second.

"Drainage basin" means the tributary area through which drainage water is collected, regulated, transported, and discharged to receiving waters.

"Drainage control" means the management of drainage water. Drainage control is accomplished through the collection, conveyance, and discharge of drainage water, controlling the rate of discharge from a site, or separating, treating or preventing the introduction of pollutants.

"Drainage control facility" means any facility, including best management practices, installed or constructed for the purpose of controlling the flow, quantity, and/or quality of drainage water.

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Seattle Municipal Code
December 2004 code update file
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"Drainage control plan" means a plan for collecting, controlling, transporting and disposing of drainage water falling upon, entering, flowing within, and exiting the site, including designs for drainage control facilities.

"Drainage control system" means a system intended to collect, convey and control release of only drainage water. The system may serve public or private property. It includes constructed and/or natural components such as ditches, culverts, streams and drainage control facilities.

"Drainage water" means stormwater, snow melt, surface water, surface and irrigation runoff, water from footing drains and other drains approved by the Director of Seattle Public Utilities or installed in compliance with this subtitle and rules which may be adopted hereunder. Other water which is not an illicit discharge as defined in Section 22.802.012 C shall be considered drainage water if it drains from the exterior of a building or structure, a pervious or impervious surface, or undeveloped land, or by surface or shallow subsurface flow.

"Dredging" means the excavation of earth materials from land covered by water. The term includes dredging that maintains an established water depth.
(Ord. 119965 § 11, 2000: Ord. 118396 § 175, 1996: Ord. 117432 § 11, 1994; Ord. 116425 § 2(part), 1992.)

22.801.060 "E."

"Earth material" means any rock, gravel, natural soil or resedimented soil, or any combination thereof, and does not include any solid waste as defined by RCW Chapter 70.95.

"Environmentally critical area" means an area designated in Chapter 25.09 of the Seattle Municipal Code.

"Erosion" means the wearing away of the ground surface as a result of mass wasting or of the movement of wind, water and/or ice.

"Excavation" means the mechanical removal of earth material.

"Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

"Exploratory excavation" means borings, or small pits, hand-dug or excavated by mechanical equipment. Exploratory excavation does not include preloading of the site.
(Ord. 119965 § 12, 2000: Ord. 116425 § 2(part), 1992.)

22.801.070 "F."

"Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.

"Filter strip" means a gently sloping vegetated area that is designed and maintained to treat, through sedimentation, adsorption and biological uptake, stormwater runoff from overland sheet flow from adjacent paved areas before it concentrates into a discrete channel.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
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"Finished grade" means the grade upon completion of the fill or excavation.

"Flow control" means controlling the discharge rate of stormwater runoff from the site through means such as infiltration or detention.

"Flow control facility" means a method, such as pursuant to this subtitle or associated rules, for controlling the discharge rate of stormwater runoff from a site.
(Ord. 119965 § 13, 2000: Ord. 116425 § 2(part), 1992.)

22.801.080 "G."

"Garbage" means putrescible waste.

"Geotechnical engineer, experienced" or "Geotechnical/civil engineer, experienced" means a professional civil engineer licensed by The State of Washington who has at least four (4) years of professional experience as a geotechnical engineer, including experience with landslide evaluation.

"Grade" means the ground surface contour (see also "existing grade" and "finished grade").

"Grading" means excavation, fill, in-place ground modification, or any combination thereof, including the establishment of a grade following demolition of a structure.

"Grading approval" means an approved component of a building permit relating to grading, as required by this subtitle.
(Ord. 119965 § 14, 2000: Ord. 116425 § 2(part), 1992.)

22.801.090 "H."

"High-risk pollution generating activities" are the following:

1. Fueling operations that involve transferring fuel into mobile vehicles or equipment at permanent stations, temporary stations, and mobile fueling stations. Permanent stations include facilities, such as, but not limited to, commercial gas stations, maintenance yards, and private fleet fueling stations, where fuel is transferred from a dedicated fueling station. Temporary fueling stations include, but are not limited to, construction sites and any other site where fuel is temporarily stored and dispensed into vehicles or equipment. Mobile fueling stations are fueling operations where fuel is delivered to vehicles and equipment via mobile tank trucks;

2. Vehicle, equipment or building washing or cleaning, including any of the following: mobile vehicle steam cleaning operations or vehicle washing at commercial car wash facilities, charity car washes, or permanent parking lots such as new, used, and rental car lots and fleet lots; outside washing of tools or other manufacturing equipment; outside cleaning of commercial cooking equipment such as filters and grills; or washing of buildings, including exteriors or mobile interior building cleaning services;

For current SMC, contact
the Office of the City Clerk

3. Truck or rail loading or unloading of liquid or solid materials that involves transferring noncontainerized bulk liquids from truck or rail, or loading/unloading materials at a commercial or industrial loading dock;

4. Liquid storage in stationary aboveground tanks, including storing liquid chemicals, fertilizers, pesticides, solvents, grease, or petroleum products in stationary aboveground tanks;

5. Outside portable container storage of liquids, food wastes, or dangerous wastes including storing any of the following: vegetable grease, animal grease, or other accumulated food wastes; used oil; liquid feedstock; cleaning compounds; chemicals; solid waste as defined by SMC Chapter 21.36; or dangerous waste;

6. Outside storage of noncontainerized materials, by-products, or finished products, including outside storage of any of the following: nonliquid pesticides or fertilizers; contaminated soil; food products or food wastes; metals; building materials, including but not limited to lumber, roofing material, insulation, piping, and concrete products; or erodible materials, including but not limited to sand, gravel, road salt, topsoil, compost, excavated soil, and wood chips;

7. Outside manufacturing activity including any of the following: processing; fabrication; repair or maintenance of vehicles, products or equipment; mixing; milling; refining; or sand blasting, coating, painting, or finishing of vehicles, products, or equipment;

8. Landscape construction or maintenance, including any of the following: land disturbing activities as described in SMC Section 22.801.130; fertilizer or pesticide application near public drainage control system; and disposal of yard waste near a public drainage control system or riparian corridor.

"High-use" means any project planned to generate or accommodate any of the following:

1. Expected average daily traffic (ADT) count equal to or greater than one hundred (100) vehicles per one thousand (1,000) square feet of gross building area. In addition, the following is high-use unless the responsible party demonstrates to the satisfaction of the Director of DCLU or of the Director of SPU that the project will generate less than one hundred (100) vehicles per one thousand (1,000) square feet of gross building area: uncovered parking lot accessory to any fast-food restaurant, convenience market, supermarket, shopping center, discount store, movie theater, athletic club, or bank;

2. Petroleum storage or transfer in excess of one thousand five hundred (1,500) gallons per year, not including delivered heating oil;

3. Storage, or maintenance of a fleet of twenty-five (25) or more diesel vehicles that are over ten (10) tons net weight (including, but not limited to, trucks, buses, trains, heavy equipment);

4. Road intersections with a measured ADT count of twenty-five thousand (25,000) vehicles or more on the main roadway and fifteen thousand (15,000) or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

Seattle Municipal Code
December 2004 code update file
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Seattle Municipal Code
December 2004 code update file
Text provided for historic reference only.
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sections for complete text, graphics,
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(Ord. 119965 § 15, 2000.)

22.801.100 "I."

"Illicit discharge" means the discharges defined by Section 22.802.012.

"Impervious surface" means any surface exposed to rainwater from which most water runs off including, but not limited to, paving, packed earth material, oiled macadam, or other treated surfaces, and roof surfaces, patios, and formal planters.

Impervious surface, replaced. See "replaced or replacement of impervious surface."

"Infiltration facility" means a drainage facility that temporarily stores, and then percolates stormwater runoff into the underlying soil. Examples include but are not limited to infiltration trenches, ponds, vaults, and tanks.

"In-place ground modification" means activity occurring at or below the surface which is designed to alter the engineering parameters and physical characteristics of soil or rock, including but not limited to, insitu consolidation, solidification, void space reduction and infilling.

"Inspector" means the City inspector, inspection agency, or licensed civil engineer performing the inspection work required by this subtitle.
(Ord. 119965 § 16, 2000: Ord. 116425 § 2(part), 1992.)

22.801.130 "L."

"Land disturbing activity" means any activity that results in a movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) or the existing topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, or addition or replacement of impervious surface.

"Large project" means a project including five thousand (5,000) square feet or more of new or replaced impervious surface or one (1) acre or more of land disturbing activity.
(Ord. 119965 § 17, 2000: Ord. 116425 § 2(part), 1992.)

22.801.140 "M."

"Master use permit" means a document issued by DCLU giving permission for development or use of land or street right-of-way in accordance with the Land Use Code (Title 23, Seattle Municipal Code).

"Media filter" means a stormwater treatment system that utilizes a filtration medium such as sand or leaf compost to remove pollutants via physical filtration and chemical adsorption or precipitation. Filters may be constructed underground in a vault or above ground in a pond. In both systems, stormwater that has passed through the filter media is collected in an underground pipe and discharged to the nearby drainage system.

"Municipal stormwater NPDES permit" means the permit issued to the City under the federal Clean

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Seattle Municipal Code
December 2004 code update file
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Water Act for public drainage control systems within the City limits.
(Ord. 119965 § 18, 2000: Ord. 116425 § 2(part), 1992.)

22.801.150 "N."

"NPDES" means National Pollutant Discharge Elimination System, the national program for controlling discharges under the Federal Clean Water Act.

"NPDES permit" means an authorization, license or equivalent control document issued by the United States Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

"Nondesignated receiving waters" means all creeks, streams and lakes in The City of Seattle not designated as receiving waters, including Green Lake, Haller Lake, and Bitter Lake, and all the creeks and streams.
(Ord. 119965 § 19, 2000: Ord. 116425 § 2(part), 1992.)

22.801.160 "O."

"Oil/water separator" means a structure, usually underground, that is designed to provide quiescent flow conditions so that globules of free oil or other floatable materials that may be present in stormwater can float to the water surface and become trapped in the structure.

"Oil/water separator, American Petroleum Institute (API)" means a vault that has multiple chambers separated by baffles and weirs to trap oil in the vault. API oil/water separators are designed to remove dispersed oil and floating debris and in containing spills.

Oil/water separator, coalescing plate. See "coalescing plate oil/water separator."

"Owner" means any person having title to and/or responsibility for, a building or property, including a lessee, guardian, receiver or trustee, and the owner's duly authorized agent.
(Ord. 119965 § 20, 2000: Ord. 116425 § 2(part), 1992.)

22.801.170 "P."

"Person" means an individual, firm, partnership, corporation, municipal corporation, and government, and the individual's or entity's heirs, successors and assigns.

"Plan" means, for the purposes of this subtitle, and unless a different meaning is set forth or clearly required, a graphic or schematic representation, with accompanying notes, schedules, specifications and other related documents.

"Plot plan" means a scaled map of a site and adjacent public rights-of-way showing locations and dimensions of various existing and proposed features, such as buildings, curbs, driveways, sidewalks, trees, grades and drainage patterns.

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Seattle Municipal Code
December 2004 code update file
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"Preloading" means the temporary stockpiling of earth material over a site for the purpose of consolidating the existing soils.

"Project" means the addition or replacement of impervious surface or the undertaking of land disturbing activity on a site.

"Public combined sewer" means a publicly owned and maintained sewage system which carries drainage water and sewage and flows to a publicly owned treatment works.

"Public drainage control system" means a drainage control system owned or used by The City of Seattle serving City streets and adjacent property.

"Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved.

"Public storm drain" means the part of a public drainage control system which is wholly or partially piped, is owned or operated by a public entity, and is designed to carry only drainage water.
(Ord. 119965 § 21, 2000: Ord. 117697 § 2, 1995: Ord. 117432 § 12, 1994; Ord. 116425 § 2(part), 1992.)

22.801.190 "R."

"Receiving waters" means the waters ultimately receiving drainage water, including the Duwamish River, Puget Sound, Lake Washington, Lake Union, and the Lake Washington Ship Canal, including associated bays, but not including tributary streams, creeks and lakes. See also "designated receiving waters" and "nondesignated receiving waters."

"Replaced impervious surface" or "replacement of impervious surface" means impervious surface that is removed down to earth material and a new impervious surface is installed.

"Responsible party" means all of the following persons:

1. Owners and occupants of property within The City of Seattle; and,

2. Any person causing or contributing to a violation of the provisions of this subtitle.

(Ord. 119965 § 22, 2000: Ord. 116425 § 2(part), 1992.)

22.801.200 "S."

"SPU" means Seattle Public Utilities.

"Sand filter" means a depression or basin with the bottom made of a layer of sand designed and maintained to filter pollutants. Stormwater is treated as it percolates through the sand layer.

"Sanitary sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section 21.16.030.

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Seattle Municipal Code
December 2004 code update file
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"Serve" or "Service," when used regarding a document, means the procedures set forth in Section 22.808.030.

"Service drain" means a privately owned and maintained drainage control facility or system which carries only drainage water. Service drains include, but are not limited to, conveyance pipes, catch basin connections, downspout connections, pipes, and subsurface drain connections.

"Shoreline district" means all land regulated by the Shorelines Management Act of 1971 (RCW Chapter 90.58) or City ordinances implementing it, as defined in the Land Use Code, Title 23 of the Seattle Municipal Code.

"Side sewer" is as defined in the Side Sewer Ordinance, Seattle Municipal Code Section 21.16.030.

"Site" means the lot or parcel, or portion of street, highway or other public right-of-way, or contiguous combination thereof, where a permit for the addition or replacement of impervious surface or the undertaking of land disturbing activity has been issued or where any such work is proposed or performed. For development limited to a public street, each segment from mid-intersection to mid-intersection shall be considered a separate site.

"Slope" means an inclined ground surface. In this subtitle, the inclination of a slope is expressed as a ratio of horizontal distance to vertical distance.

"Small project" means a project with:

1. Less than five thousand (5,000) square feet of new and replaced impervious surface; and

2. Less than one (1) acre of land disturbing activities.

"Soil" means naturally deposited non-rock earth materials.

"Solid waste" means solid waste as defined by SMC Section 21.36.016.

"Source controls" mean structures or operations that prevent contaminants from coming in contact with stormwater through physical separation or careful management of activities that are known sources of pollution.

1. "Operational source controls" are those which require modified or additional behavioral practices, such as sweeping a parking lot, or maintaining special equipment on site, such as spill response equipment.

2. "Structural source controls" are those which require the construction of a structure or other physical modification on the site.

"Standard design" is a design pre-approved by Seattle Public Utilities for drainage and erosion control available for use by a site with pre-defined characteristics.

Storm drain. See "public storm drain" and "service drain."

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Seattle Municipal Code
December 2004 code update file
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"Stormwater" means water originating from rainfall and other precipitation, and from footing drains and other subsurface drains approved by the Director of Seattle Public Utilities or installed in compliance with rules which may be adopted hereunder.
(Ord. 119965 § 23, 2000: Ord. 118396 § 176, 1996: Ord. 116425 § 2(part), 1992.)

22.801.210 "T."

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"Topsoil" means the weathered surface soil, usually including the organic layer, in which plants have most of their roots.

"Treatment facility" means a method, such as pursuant to this subtitle and associated rules, designed to remove pollutants from stormwater runoff.
(Ord. 119965 § 24, 2000: Ord. 116425 § 2(part), 1992.)

22.801.220 "U."

"Uncontaminated" means, for the purposes of this subtitle, not containing sediment or other pollutants or contaminants above natural background levels, when referring to surface or groundwater; and not containing pollutants or contaminants in levels greater than City-supplied drinking water when referring to potable water.
(Ord. 116425 § 2(part), 1992.)

22.801.240 "W."

"Watercourse" means the route, constructed or formed by humans or by natural processes, generally consisting of a channel with bed, banks or sides, in which surface waters flow. Watercourse includes small lakes, bogs, streams, creeks, and intermittent artificial components (including ditches and culverts) but does not include receiving waters.

"Wetpool" means a permanent pool of water that is contained in the bottom of a wet pond or wet vault stormwater treatment facility. Water in the wetpool is normally lost only through evaporation, evapotranspiration, or slow infiltration into the ground. The wetpool, also referred to as dead storage, is designed to reduce the velocity of incoming stormwater flows, encouraging particulates and particulate-bound pollutants to settle in wet ponds and wet vaults.

"Wetpond" and "wetvault" mean stormwater treatment facilities that contain a permanent pool of water (wetpool). They are designed to settle out particles of fine sediment, and allow biologic activity to occur to metabolize nutrients and organic pollutants, by providing a long retention time. Wetvaults are covered by a lid.
(Ord. 119965 § 25, 2000: Ord. 116425 § 2(part), 1992.)

Chapter 22.802

STORMWATER, DRAINAGE, AND EROSION CONTROL

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Seattle Municipal Code
December 2004 code update file
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sections for complete text, graphics,
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Sections:

22.802.010 Scope and exemptions from subtitle.
22.802.012 Prohibited discharges.
22.802.013 Requirements for all discharges and land uses.
22.802.015 Drainage, erosion control, and source control requirements for all land disturbing activities or addition or replacement of impervious surface.
22.802.016 Additional requirements for large projects.
22.802.020 Drainage control review and application requirements.
22.802.040 Drainage control plan registry.
22.802.060 Installation of drainage control facilities.
22.802.070 Modifications of drainage control facilities during construction.
22.802.090 Maintenance and inspection.

22.802.010 Scope and exemptions from subtitle.

A. General. All discharges subject to this subtitle as set forth in Section 22.800.030, all land uses, additions and replacement of impervious surface, land disturbing activity, and grading shall comply with all requirements of this subtitle unless explicitly exempted by this subtitle or by the Director exercising authority granted under this subtitle.

B. Exemptions. The following land uses are exempt from the provisions of this subtitle:

1. Commercial agriculture, including only those activities conducted on lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade;

2. Forest practices regulated under Title 222 Washington Administrative Code, except for Class IV general forest practices, as defined in WAC 222-16-050, that are conversions from timber land to other uses; and

3. Development undertaken by the Washington State Department of Transportation in state highway right-of-way that complies with standards found in Chapter 173-270 Washington Administrative Code, the Puget Sound Highway Runoff Program.

(Ord. 119965 § 26, 2000: Ord. 116425 § 2(part), 1992.)

22.802.012 Prohibited discharges.

A. Stormwater Discharges to Sanitary and Combined Sewers. In consultation with the local sewage treatment agency, the Director of SPU may approve discharges of stormwater to a public combined sewer or sanitary sewer if other methods of controlling pollutants in the discharge are not adequate or reasonable, the discharging party certifies that the discharge will not harm the environment and will not overburden or otherwise harm the public combined sewer or sanitary sewer systems. The Director of SPU shall condition approval of such a discharge on compliance with local pretreatment regulations.

B. Discharges Prohibited to Public Drainage Control Systems. It is unlawful to make illicit discharges, as defined in subsection C below, either directly or indirectly to a public drainage control system.

C. Illicit Discharges Defined.

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December 2004 code update file
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1. Except as provided in subsection D below, all discharges which are not composed entirely of stormwater are illicit discharges. See Section 22.808.020 for defenses available to responsible parties.

2. The following is a partial list, provided for informational purposes only, of common substances which are illicit discharges when allowed to enter a public drainage control system: Solid waste; human and animal waste; antifreeze, oil, gasoline, grease and all other automotive and petroleum products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers; painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides; fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap; detergent; ammonia; chlorine; chlorinated swimming pool or hot tub water; domestic or sanitary sewage; animal carcasses; food and food waste; yard waste; dirt; sand; and gravel.

D. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the Director of SPU determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a violation of the City's NPDES stormwater permit or is causing or contributing to a water quality problem, such as those which contain more contamination than typical discharges in the City, or which contain a type of contamination that is more toxic or is otherwise a more serious problem than typical discharges in the City: Potable water sources; washing of potable water storage reservoirs; flushing of potable water lines; natural uncontaminated surface water; natural uncontaminated groundwater; air-conditioning condensation; natural springs; uncontaminated water from crawl space pumps; runoff from lawn watering; irrigation runoff; runoff from residential car washing by individuals; flows from riparian habitats and wetlands; heat; discharges in compliance with an NPDES permit; and discharges from approved footing drains and other subsurface drains or, where approval is not required, installed in compliance with this subtitle and rules promulgated pursuant to this subtitle.

E. Exemption. Discharges resulting from public firefighting activities, but not from activities not related to firefighting such as the maintenance or cleaning of firefighting equipment, are exempt from regulation under this section.

F. Testing for Illicit Discharges. When the Director of SPU has reason to believe that any discharge is an illicit discharge, the Director of SPU may sample and analyze the discharge and recover the costs from a responsible party in an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring basis, the Director of SPU may0. conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense.
(Ord. 118396 § 177, 1996: Ord. 117432 § 13, 1994; Ord. 116425 § 2(part), 1992.)

22.802.013 Requirements for all discharges and land uses.

A. For all discharges except those that drain only to the public combined sewer, responsible parties shall implement and maintain operational source controls, including but not limited to the following, as further described in rules promulgated by the Director:

1. Maintaining drainage control systems such as conveyance systems, detention systems and treatment systems;

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Seattle Municipal Code
December 2004 code update file
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2. Maintaining streets, driveways, parking lots and sidewalks; and

3. Identifying and eliminating illicit connections to the drainage control system.

B. For high-risk pollution generating activities except those that discharge only to the public combined sewer:

1. Operational source controls shall be implemented for the high-risk pollution generating activities as specified in rules promulgated jointly by the Directors of SPU and DCLU. Operational source controls for high-risk pollution generating activities shall include, but are not limited to, enclosing, covering, or containing the activity, developing and implementing inspection and maintenance programs, sweeping, and training employees on pollution prevention.

2. Spill prevention shall be required. Parties responsible for undertaking, operating, or maintaining the high-risk pollution generating activities are required to do the following, as further defined in rules promulgated by the Director:

a. Develop and implement plans and procedures to prevent spills and other accidental releases of materials that may contaminate stormwater. This requirement may be satisfied by a Stormwater Pollution Prevention Plan prepared in compliance with an NPDES industrial stormwater permit for the site;

b. Implement procedures for immediate containment and other appropriate action regarding spills and other accidental releases to prevent contamination of stormwater; and

c. Provide necessary containment and response equipment on-site, and training of personnel regarding the procedures and equipment to be used.

3. The responsible parties are required to make plans, procedures, and schedules required by this subsection available to the Director of SPU when requested.

C. If the Director of SPU determines that discharges from a drainage control facility are causing or contributing to a water quality problem, such as but not limited to discharges that violate the City's municipal stormwater NPDES permit or that cannot be adequately addressed by the required operational or structural best management practices, then the Director of SPU may require the responsible party to undertake more stringent or additional best management practices. These best management practices may include operational or structural best management practices or other action necessary to cease causing or contributing to the water quality problem or violation of the City's permit. Structural best management practices may include but shall not be limited to drainage control facilities, structural source controls, treatment facilities, constructed facilities such as enclosures, covering and/or berming of container storage areas, and revised drainage systems. For existing discharges as opposed to new projects, the Directors of SPU and DCLU shall allow twelve (12) months to install a new flow control facility, structural source control or treatment facility after a Director determines pursuant to this subsection that discharges from a site are causing or contributing to a water quality problem and notifies the responsible party in writing of that determination and of the flow control facility, structural source control or treatment facility that must be installed.

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December 2004 code update file
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D. Release Reporting Requirements. A responsible party is required to, at the earliest possible time, but in any case within twenty-four (24) hours of discovery, report to the Director of SPU, a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants to a public drainage control system. This reporting requirement is in addition to, and not instead of, any other reporting requirements under federal, state or local laws.

E. Natural Drainage Patterns. Natural drainage patterns shall be maintained.

F. Obstruction of Watercourses. Watercourses shall not be obstructed.
(Ord. 119965 § 27, 2000: Ord. 118396 § 178, 1996: Ord. 117432 § 14, 1994; Ord. 116425 § 2(part), 1992.)

22.802.015 Drainage, erosion control, and source control requirements for all land disturbing activities or addition or replacement of impervious surface.

A. Compliance Required. All land disturbing activities or addition or replacement of impervious surface are required to comply with this section, even where drainage control review is not required. Exception: Maintenance, repair, or installation of underground or overhead utility facilities, such as, but not limited to, pipes, conduits and vaults, is not required to comply with the provisions of this section except subsection C3 of this section.

B. Approval of Exceptions Required. Exceptions to the requirements of this subtitle may not be used on any projects, including those that do not require drainage control review, unless allowed by this subtitle, by rule promulgated jointly by the Director of SPU and the Director of DCLU, or approved by the Director of DCLU. Approval shall be obtained prior to initiating land disturbing activities or adding or replacing impervious surface. Approvals ar required for exceptions to any and all requirements of this subtitle, including but not limited to the requirement that natural drainage patterns be maintained and the requirement that watercourses not be obstructed.

C. Requirements of All Projects.

1. Discharge Point. The discharge point for drainage water from each site shall be selected as set forth in rules promulgated jointly by the Directors of SPU and DCLU specifying criteria, guidelines, and standards for determining drainage discharge points to meet the purposes of this subtitle. The criteria shall include, but not be limited to, preservation of natural drainage patterns and whether the capacity of the drainage control system is adequate for the additional volume. For those projects meeting the drainage review threshold, the proposed discharge point shall be identified in the drainage control plan required by Section 22.802.020, for review and approval or disapproval by the Director of DCLU.

2. Flow Control. The peak drainage water discharge rate from the portion of the site being developed shall not exceed 0.2 cubic feet per second per acre under twenty-five (25)-year, twenty-four (24)-hour design storm conditions or 0.15 cubic feet per second per acre under two (2)-year, twenty-four (24)-hour design storm conditions unless the site discharges water directly to a designated receiving water or to a public storm drain which the Director of SPU determines has sufficient capacity to carry existing and anticipated loads from the point of connection to a

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Seattle Municipal Code
December 2004 code update file
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designated receiving water body. Projects with more than two thousand (2,000) square feet of new and replaced impervious surface shall be required to install and maintain a flow control facility, in accordance with rules promulgated by the Director, that is sized for the volume of runoff routed through the facility. Approved exceptions and flow control methods may be prescribed in rules promulgated by the Director.

3. Construction Stormwater Control. During land disturbing activities or addition or replacement of impervious surface, temporary and permanent construction controls shall be used to accomplish the following (a - g). Rules promulgated jointly by the Directors of SPU and DCLU specify the minimum required controls as well as additional controls that may be required by the Director of DCLU when minimum controls are not sufficient to prevent erosion or transport of sediment or other pollutants from the site.

   a. Prevent on-site erosion by stabilizing all soils, including stock piles, that are temporarily exposed. Methods such as, but not limited to, the installation of seeding, mulching, matting, and covering may be specified by rules promulgated by the Director. From October 1st to April 30th, no soils shall remain unstabilized for more than two (2) days. From May 1st to September 30th, no soils shall remain unstabilized for more than seven (7) days.

   b. Before the completion of the project, permanently stabilize all exposed soils that have been disturbed during construction. Methods such as permanent seeding, planting, and sodding may be specified by rules promulgated by the Director.

   c. Prevent the transport of sediment from the site. Appropriate use of methods such as, but not limited to, vegetated buffer strips, stormdrain inlet protection, silt fences, sediment traps, settling ponds, and protective berms may be specified in rules promulgated by the Director.

   d. During construction, prevent the introduction of pollutants in addition to sediment into stormwater. Appropriate methods, as prescribed in rules promulgated by the Director, include operational source controls such as, but not limited to, spill control for fueling operations, equipment washing, cleaning of catch basins, treatment of contaminated soils, and proper storage and disposal of hazardous materials.

   e. Limit construction vehicle access, whenever possible, to one route. Stabilize access points as specified in rules promulgated by the Director to minimize the tracking of sediment onto public roads.

   f. Inspect and maintain required erosion and sediment controls as prescribed in rules promulgated by the Director to ensure continued performance of their intended function.

   g. Prevent sediment from entering all storm drains, including ditches, which receive runoff from the disturbed area.

4. Source Control.

For current SMC, contact
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Seattle Municipal Code
December 2004 code update file
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a. Effective January 1, 2001, structural source controls shall be installed for high-risk pollution generating activities to the maximum extent practicable to the portion of the site being developed, in accordance with rules promulgated by the Director, except in the following circumstances:

i. When that portion of the site being developed discharges only to the public combined sewer; or

ii. For normal residential activities unless the Director determines that these activities pose a hazard to public health, safety or welfare; endanger any property; or adversely affect the safety and operation of city right-of-way, utilities, or other property owned or maintained by the City.

b. The structural source controls shall include, but not be limited to, the following, as further defined in rules promulgated jointly by the Directors:

i. Enclose, cover, or contain within a berm or dike the high-risk pollution generating activities;

ii. Direct drainage from containment area of high-risk pollution generating activity to a closed sump or tank for settling and appropriate disposal, or treat prior to discharging to a public drainage control system;

iii. Pave, treat, or cover the containment area of high-risk pollution generating activities with materials that will not interact with or break down in the presence of other materials used in conjunction with the pollution generating activity; and

iv. Prevent precipitation from flowing or being blown onto containment areas of high-risk pollution generating activities.

5. Flood-prone Areas. On sites within flood prone areas, responsible parties are required to employ procedures to minimize the potential for flooding on the site and for the project to increase the risk of floods on adjacent or nearby properties. Flood control measures shall include those set forth in other titles of the Seattle Municipal Code and rules promulgated thereunder, including, but not limited to, SMC Chapter 25.06 (Floodplain Development) and Chapter 25.09 (Environmentally Critical Areas), and in rules promulgated jointly by the Directors of SPU and DCLU to meet the purposes of this subtitle.

6. Natural Drainage Patterns. Natural drainage patterns must be maintained.

7. Obstruction of Watercourses. Watercourses shall not be obstructed.

8. Water Quality Sensitive Areas. The Director of SPU may impose additional requirements for areas determined to be water quality sensitive areas.

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Seattle Municipal Code
December 2004 code update file
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D. The Director of DCLU may require sites with addition or replacement of five thousand (5,000) square feet or less of impervious surface and with less than one (1) acre of land disturbing activity to comply with the requirements set forth in Section 22.802.016, in addition to the requirements set forth in this section, when necessary to accomplish the purposes of this subtitle. In making this determination, the Director of DCLU may consider, but not be limited to, the following attributes of the site: location within an Environmentally Critical Area; proximity and tributary to an Environmentally Critical Area; proximity and tributary to an area with known erosion or flooding problems.
(Ord. 119965 § 28, 2000: Ord. 118396 § 179, 1996: Ord. 117697 § 3, 1995; Ord. 117432 § 15, 1994: Ord. 116425 § 2(part), 1992.)

22.802.016 Additional requirements for large projects.

A. Applicability. One (1) acre or more of land disturbing activity or addition or replacement of five thousand (5,000) square feet or more of impervious surface shall comply with the requirements set forth in this section, in addition to the other applicable requirements of this subtitle. Exception: Maintenance, repair, or installation of underground or overhead utility facilities, such as, but not limited to, pipes, conduits and vaults, is not required to comply with the provisions of this section except subsection B7.

B. Requirements.

1. Flow Control. Effective January 1, 2001, in addition to the discharge rate specified in Section 22.802.015, the peak drainage water discharge rate shall not exceed 0.5 cubic feet per second per acre in a one hundred (100)-year, twenty-four (24)-hour design storm for portions of the site being developed that drain to a Class A or Class B Riparian Corridor, excluding Bitter Lake and Haller Lake, as defined by Section 25.09.020 or to a drainage control system that drains to a Class A or Class B Riparian Corridor, excluding Bitter Lake and Haller Lake.

2. Stormwater Treatment.

a. Effective January 1, 2001, stormwater treatment facilities shall be installed and maintained to treat that portion of the site being developed, as specified in this section and in rules promulgated jointly by the Directors of DCLU and SPU, unless the following conditions exist:

i. The site produces no stormwater runoff discharge as determined by a licensed civil engineer; or

ii. The entire project drains to a combined sewer.

b. Stormwater treatment facilities shall be designed to treat the runoff volume from the six (6)-month, twenty-four (24) hour storm, collected from the drainage area being routed through the facility.

c. One of the following stormwater treatment facilities shall be installed and maintained in accordance with rules promulgated jointly by the Directors: infiltration, wetpond, stormwater wetland, biofiltration swale, filter strip, wet vault, media filter, or an

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
Text provided for historic reference only.
See ordinances creating and amending
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alternative technology if the conditions in subsection B2e of this section are met.

d. For high-use sites, one of the following stormwater treatment facilities shall be installed and maintained in accordance with rules promulgated by the Director, in addition to other required treatment facilities:

i. Coalescing plate/oil water separator;

ii. Media filter;

iii. API oil/water separator; or

iv. An alternative technology if the conditions in subsection B2e of this section are met.

e. Alternative technology to meet runoff treatment requirements may be permitted if the following criteria are met, as further specified in rules promulgated jointly by the Directors of SPU and DCLU:

i. Treatment effectiveness monitoring is conducted, which requirement may be waived if sufficient research has been conducted to demonstrate to the Director of SPU's satisfaction that an alternative technology offers equivalent protection;

ii. Monitoring and maintenance records are reported to the Director of SPU at the end of each of the first three (3) years following installation; and

iii. The applicant demonstrates to the Director of SPU's satisfaction that the alternative will provide protection equivalent to the methods prescribed in the applicable subsection B2c or d of this section.

f. The Director of SPU may ask the Washington State Department of Ecology to approve a commitment by the City to develop a water quality improvement plan to identify pollutants of concern and associated sources, prioritize drainage basins, and evaluate alternative improvement strategies. After such approval and consistent with its terms, the Directors may grant exemptions to or make inapplicable the treatment requirements of Section 22.802.016 B2, pursuant to rules promulgated by the Directors.

3. Protection of Streams. Where stormwater is discharged directly to a stream or to a conveyance system that discharges to a stream, streambank erosion and effects on water quality in streams shall be minimized through the selection, design, installation, and maintenance of temporary and permanent controls.

4. Protection of Wetlands. Where stormwater discharges directly to a wetland, as defined by SMC Chapter 25.09, or to a conveyance system that discharges to a wetland, the introduction of sediment, heat, and other pollutants and contaminants into wetlands shall be minimized through the selection, design, installation, and maintenance of temporary and permanent controls.

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Seattle Municipal Code
December 2004 code update file
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Discharges to wetlands of exceptional value, as defined by SMC Chapter 25.09, shall maintain existing flows to the extent necessary to protect the functions and values of the wetland. Detention and treatment systems shall not be located within any wetland or its buffer. Prior to discharging to a wetland, alternative discharge locations shall be evaluated and infiltration options outside the wetland shall be maximized.

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5. Off-site Analysis. When the portion of a site being developed is within one-quarter (1/4) mile of a stream and discharges directly to that stream, or to a drainage system that drains to that stream, impacts to off-site water quality resulting from the project are to be analyzed and mitigated. The analysis shall comply with this section and rules the Directors may jointly promulgate pursuant to this section. The analysis shall provide for mitigation of all surface water quality or sediment quality impacts. The analysis shall evaluate impacts likely to occur one-quarter (1/4) mile downstream from the project. The impacts to be evaluated and mitigated shall include at least the following:

   a. Amount of sedimentation;

   b. Streambank erosion;

   c. Discharges to groundwater contributing to recharge zones;

   d. Violations of state or federal surface water, groundwater, or sediment quality standards; and

   e. Spills and other accidental illicit discharges.

6. Inspection and Maintenance Schedule. Temporary and permanent drainage control and stormwater treatment facilities and other controls shall be inspected and maintained according to a schedule submitted to the Director. The schedule shall meet the requirements of this subtitle and rules promulgated under this subtitle.

7. Construction Stormwater Control. In addition to the requirements described in Section 22.802.015, construction stormwater controls shall be used to accomplish the following (a--j). Rules promulgated by the Directors of SPU and DCLU specify the minimum required controls as well as additional controls that may be required by the Director when minimum controls are not sufficient to prevent the erosion or transport of sediment or other pollutants from the site. These controls (subsection B7(a)-(j) of this section) and those required by Section 22.802.015 C3 shall be shown on a construction stormwater control plan complying with the requirements and purposes of this subtitle and rules promulgated hereunder and submitted to the Director. The construction stormwater control plan shall address at least the following (subsection B7(a)-(j) of this section) and Section 22.802.015 C3:

   a. Before leaving the site, stormwater runoff shall pass through a sediment trap, sediment pond, or similar device;

   b. In the field, clearing limits and any easements, setbacks, critical areas and their buffers,

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trees, and drainage courses shall be marked;

c. Sediment ponds and traps, perimeter dikes, sediment barriers, and other erosion and sedimentation controls intended to trap sediment on site shall be constructed as a first step in grading. These controls shall be functional before the land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be stabilized in accordance with Section 22.802.015 C3;

d. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes will be stabilized in accordance with Section 22.802.015 C3;

e. Properties and waterways downstream from the project site shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater from the project site;

f. All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the expected velocity of a two (2)-year, twenty-four (24)-hour design storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems;

g. Whenever construction vehicle access routes intersect paved roads, the transport of sediment onto the paved road shall be minimized. If sediment is transported onto a paved road surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall be removed from paved roads by shoveling or sweeping and shall be transported to a controlled sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner;

h. All temporary erosion and sediment controls shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary controls are no longer needed, whichever is later. Trapped sediment shall be removed or stabilized on site. Disturbed soil areas resulting from removal shall be permanently stabilized;

i. When dewatering devices discharge on site or to a public drainage control system, dewatering devices shall discharge into a sediment trap or sediment pond or gently sloping vegetated area; and

j. In the construction of underground utility lines, where feasible, no more than five hundred (500) feet of trench shall be opened at one time, unless soil is replaced within the same working day, and where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches. Trench dewatering devices shall discharge into a sediment trap or sediment pond.

(Ord. 119965 § 29, 2000.)

22.802.020 Drainage control review and application requirements.

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A. Thresholds for Drainage Control Review. Drainage control review and approval shall be required for any of the following:

1. Standard drainage control review and approval shall be required for the following:

a. Any land disturbing activity encompassing an area of seven hundred fifty (750) square feet or more;

b. Applications for either a master use permit or building permit that includes the cumulative addition of seven hundred fifty (750) square feet or more of land disturbing activity and new and replaced impervious surface;

c. Applications for which a grading permit or approval is required;

d. Applications for street use permits for the cumulative addition of seven hundred (750) square feet or more of new and replaced impervious surface and land disturbing activity after the effective date of the ordinance codified in this subtitle;

e. City public works project or construction contracts, including contracts for day labor and other public works purchasing agreements, for the cumulative addition of seven hundred fifty (750) square feet or more of new and replaced impervious surface and land disturbing activity to the site after the effective date of the ordinance codified in this subtitle, except for projects in a City-owned right-of-way and except for work performed for the operation and maintenance of park lands under the control or jurisdiction of the Department of Parks and Recreation;

f. Permit approvals and contracts that include any new or replaced impervious surface on a site deemed a potentially hazardous location, as specified in Section 22.800.050; or

g. Whenever an exception to a requirement set forth in this subtitle or in a rule promulgated under this subtitle is desired, whether or not review and approval would otherwise be required, including but not limited to, alteration of natural drainage patterns or the obstruction of watercourses.

2. Large project drainage control review and approval shall be required for projects that include:

a. Five thousand (5,000) square feet or more of new or replaced impervious surface; or

b. One (1) acre or more of land disturbing activity.

3. The City may, by interagency agreement signed by the Directors of SPU and DCLU, waive the drainage and erosion control permit and document requirements for property owned by public entities, when discharges for the property do not enter the public drainage control system or the public combined sewer system. Whether or not they are required to obtain permits or submit documents, public entities are subject to the substantive requirements of this subtitle, unless exceptions are granted as set forth in Section 22.808.010.

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B. Submittal Requirements for Drainage Control Review and Approval.

1. Information Required for Standard Drainage Control Review. The following information shall be submitted to the Director for all projects for which drainage control review is required.

a. Standard Drainage Control Plan. A drainage control plan shall be submitted to DCLU. Standard designs for drainage control facilities as set forth in rules promulgated by the Director may be used.

b. Construction Stormwater Control Plan (Standard Erosion and Sediment Control Plan). A construction stormwater control plan demonstrating controls sufficient to determine compliance with Section 22.802.015 C3 shall be submitted. The Director may approve a checklist in place of a plan, pursuant to rules promulgated by the Director.

c. Memorandum of Drainage Control. The owner(s) of the site shall sign a "memorandum of drainage control" that has been prepared by the Director of SPU. Completion of the memorandum shall be a condition precedent to issuance of any permit or approval for which a drainage control plan is required. The applicant shall file the memorandum of drainage control with the King County Department of Records and Elections so as to become part of the King County real property records. The applicant shall give the Director of SPU proof of filing of the memorandum. The memorandum shall not be required when the drainage control facility will be owned and operated by the City. A memorandum of drainage control shall include:

i. The legal description of the site;

ii. A summary of the terms of the drainage control plan, including any known limitations of the drainage control facilities, and an agreement by the owners to implement those terns;

iii. An agreement that the owner(s) shall inform future purchasers and other successors and assignees of the existence of the drainage control facilities and other elements of the drainage control plan, the limitations of the drainage control facilities, and of the requirements for continued inspection and maintenance of the drainage control facilities;

iv. The side sewer permit number and the date and name of the permit or approval for which the drainage control plan is required;

v. Permission for the City to enter the property for inspection, monitoring, correction, and abatement purposes;

vi. An acknowledgment by the owner(s) that the City is not responsible for the adequacy or performance of the drainage control plan, and a waiver of any and all claims against the City for any harm, loss, or damage related to the plan, or to

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drainage or erosion on the property, except for claims arising from the City's sole negligence; and

vii. The owner(s)' signatures acknowledged by a notary public.

2. Information Required for Large Project Drainage Control Review. In addition to the submittal requirements for standard drainage control review, the following information is required for projects that include one (1) acre or more of land disturbing activities or five thousand (5,000) square feet or more of new and replaced impervious surface.

a. Comprehensive Drainage Control Plan. A comprehensive drainage control plan, in lieu of a standard drainage control plan, to comply with the requirements of this subtitle and rules promulgated hereunder and to accomplish the purposes of this subtitle shall be submitted with the permit application. It shall be prepared by a licensed civil engineer in accordance with standards adopted by the Director of DCLU.

b. Inspection and Maintenance Schedule. A schedule shall be submitted that provides for inspection of temporary and permanent drainage control facilities, treatment facilities, and source controls to comply with Sections 22.802.015 and 22.802.016.

c. Off-site Analysis. When the portion of a site being developed is within one-quarter (1/4) mile of a stream and discharges directly to that stream, or to a drainage control system that discharges to that stream, an analysis of impacts to off-site water quality resulting from the project prepared in accordance with Section 22.802.016 shall be submitted.

d. Construction Stormwater Control Plan. A construction stormwater control plan prepared in accordance with Section 22.802.015 and 22.802.016 shall be submitted.

3. Applications for drainage control review and approval shall be prepared and submitted in accordance with provisions of this section, with Chapter 21.16, Side Sewers, and with associated rules and regulations adopted jointly by the Directors of DCLU and SPU.

4. The Director of DCLU may require additional information necessary to adequately evaluate applications for compliance with the requirements and purposes of this subtitle and other laws and regulations, including but not limited to SMC Chapter 25.09, Regulations for Environmentally Critical Areas. The Director of DCLU may also require appropriate information about adjoining properties that may be related to, or affected by, the drainage control proposal in order to evaluate effects on the adjacent property. This additional information may be required as a precondition for permit application review and approval.

5. Where an applicant simultaneously applies for more than one (1) of the permits listed in subsection A of this section for the same property, the application shall comply with the requirements for the permit that is the most detailed and complete.

C. Authority to Review. The Director of DCLU may approve those plans that comply with the provisions of this subtitle and rules promulgated hereunder, and may place conditions upon the approval in

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order to assure compliance with the provisions of this subtitle. Submission of the required drainage control application information shall be a condition precedent to the processing of any of the above-listed permits. Approval of drainage control shall be a condition precedent to issuance of any of the above-listed permits. The Director of DCLU may review and inspect activities subject to this subtitle and may require compliance regardless of whether review or approval is specifically required by this section. The Director of DCLU may disapprove plans that do not comply with the provisions of this subtitle and rules promulgated hereunder. Disapproved plans shall be returned to the applicant, who may correct and resubmit the plans.
(Ord. 119965 § 30, 2000: Ord. 117432 § 16, 1994: Ord. 116425 § 2(part), 1992.)

22.802.040 Drainage control plan registry.

The Director of SPU shall maintain an official registry and permanent file of all approved drainage control plans. Each plan shall be cataloged in the registry according to the property address, legal description of the property, and the side sewer permit number of the permit or approval for which the plan is required. Where a drainage control plan covers more than one (1) property, the approved plan shall be cataloged for each property covered by the plan.
(Ord. 118396 § 180, 1996: Ord. 116425 § 2(part), 1992.)

22.802.060 Installation of drainage control facilities.

A. All privately owned and operated drainage control facilities or systems, whether or not they discharge to a public drainage control system, shall be considered side sewers and shall be subject to Title 21 of the Seattle Municipal Code, the SPU Director's Rules promulgated under that title, and the design and installation specifications and permit requirements of the SPU and DCLU for side sewer and drainage control systems.

B. Side sewer permits and inspections shall be required for construction, capping, alterations, or repairs of privately owned and operated drainage control systems as provided in Chapter 21.16 of the Seattle Municipal Code. When the work is ready for inspection, the permittee shall notify the Director of SPU. If the work is not in accordance with plans approved under this subtitle and in accordance with Chapter 21.16, SPU and DCLU Director's Rules, and SPU and DCLU design and installation specifications, the SPU, after consulting with the DCLU, may order the work stopped by written notice to the persons engaged in performing the work or causing the work to be done, and may require modifications as provided in this subtitle and Chapter 21.16.
(Ord. 118396 § 181, 1996: Ord. 117432 § 17, 1994: Ord. 116425 § 2(part), 1992.)

22.802.070 Modifications of drainage control facilities during construction.

A. During construction the Director of SPU may require, or the applicant may request, that the construction of drainage control facilities and associated project designs be modified if physical conditions are discovered on the site which are inconsistent with the assumptions upon which the approval was based, including but not limited to unexpected soil and/or water conditions, weather generated problems, or changes in the design of the improved areas. Modifications shall be submitted to the Director of DCLU for approval prior to implementation.

B. Any such modifications made during the construction of drainage control facilities shall be

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recorded on the final approved drainage control plan, a revised copy of which shall be filed by the Director of SPU.
(Ord. 118396 § 182, 1996: Ord. 117432 § 18, 1994; Ord. 116425 § 2(part), 1992.)

22.802.090 Maintenance and inspection.

A. Responsibility for Maintenance and Inspection. Drainage control facilities, source controls, and stormwater treatment facilities required by this subtitle and by rules adopted hereunder, shall be maintained as specified in rules promulgated by the Director, by the owner and other responsible party. The owner and other responsible party shall inspect permanent drainage control facilities at least annually, and shall inspect temporary drainage control facilities and other temporary best management practices or facilities on a schedule consistent with Section 22.802.016 B6 of this subtitle and sufficient for the facilities to function at design capacity. The Director of SPU may require the responsible party to conduct more frequent inspections and/or maintenance when necessary to insure functioning at design capacity. The owner(s) shall inform future purchasers and other successors and assignees to the property of the existence of the drainage control facilities and the elements of the drainage control plan, the limitations of the drainage control facilities, and the requirements for continued inspection and maintenance of the drainage control facilities.

B. Inspection by City. The Director of SPU may establish inspection programs to insure compliance with the requirements of this subtitle and accomplishment of its purposes. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the City's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other best management practices.

C. Entry for Inspection and Abatement Purposes.

1. New Installations and Connections. When any new drainage control facility is installed on private property, and when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall execute a permission form provided by the Director of SPU. The property owner shall grant the City the right to enter the property at reasonable times and in a reasonable manner pursuant to an inspection program established pursuant to subsection B above, and to enter the property when the City has a reasonable basis to believe that a violation of this subtitle is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this subtitle.

2. Existing Land Uses and Discharges. Owners of property with existing discharges or land uses subject to this subtitle who are not installing a new drainage control facility or making a new connection between private property and a public drainage control system, sanitary sewer or

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combined sewer, shall have the option to execute a permission form for the purposes described above when provided with the form by the Director of SPU.

D. Disposal of Waste from Maintenance Activities. Disposal of waste from maintenance of drainage and stormwater control facilities shall be conducted in accordance with federal, state and local regulations, including the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, guidelines for disposal of waste materials, and, where appropriate, Dangerous Waste Regulations, Chapter 173-303 WAC, including any subsequent amendments to these provisions.

E. Records of Installation and Maintenance Activities. When a new drainage control facility is installed, the party having the facility installed shall obtain a copy of the as-built plans from the Director of SPU. Responsible parties shall make records of the installation and of all maintenance and repair, and shall retain the records for at least ten (10) years. These records shall be made available to the Director of SPU during inspection of the facility and at other reasonable times upon request of the Director of SPU.
(Ord. 119965 § 31, 2000; Ord. 118396 § 183, 1996: Ord. 117432 § 19, 1994; Ord. 116425 § 2(part), 1992.)

Chapter 22.804

GRADING

Sections:

22.804.010 Scope.
22.804.020 Grading in areas of special flood hazard.
22.804.030 Grading permit or approval required.
22.804.040 Grading permit or approval-Application requirements.
22.804.050 Grading requirements.
22.804.100 Protection of adjoining property.
22.804.110 Erosion control.
22.804.120 Boundary location.
22.804.130 Fencing.
22.804.140 Grading application--Referral and consultation.
22.804.150 Grading application--Cancellation.
22.804.160 Granting or denial of grading approvals and permits.
22.804.170 Expiration of grading permit.
22.804.180 Grading inspection.
22.804.200 Completion of grading work.
22.804.210 Grading modifications during construction.

22.804.010 Scope.

All grading shall comply with this subtitle and with federal, state and local laws and regulations, even where no permit or approval is required.
(Ord. 116425 § 2(part), 1992.)

22.804.020 Grading in areas of special flood hazard.

In addition to requirements for grading approval or permit set forth in this subtitle, any grading in areas of special flood hazard, as identified in the report entitled "Flood Insurance Study for King County, Washington and Incorporated Areas" and the accompanying Flood Insurance Rate Maps that are filed with the City Clerk in C.F. 296948, or located in a flood-prone area, is subject to additional standards and requirements, including

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floodplain development approval or a floodplain development license, as set forth in Chapter 25.06, the Seattle Floodplain Development Ordinance, of the Seattle Municipal Code, and any applicable requirements of Chapter 25.09, the Environmentally Critical Areas Ordinance.
(Ord. 116425 § 2(part), 1992.)

22.804.030 Grading permit or approval required.

A. Grading Permit Required. A grading permit is required for all grading activities as specified below. Actions exempt from a grading permit are specified in subsection C.

1. Special Sites. A permit shall be required for any site located in any of the following areas if the combined volume of excavation, fill, dredging, or other movement of earth materials is more than twenty-five (25) cubic yards:

a. Shoreline districts as defined in SMC Section 23.60.010. In addition to the permit requirement established in subsection A1 of this section, a permit is also required for any grading within ten (10) feet of the line of mean higher high tide adjoining saltwater or the line of mean high water adjoining fresh water and for any grading of lands covered by water;

b. Environmentally critical areas as defined in SMC Chapter 25.09 except liquefaction-prone and abandoned landfills. In addition to the permit requirement established in subsection A1 of this section:

i. A permit is required for any grading within wetlands and their buffers, or riparian corridor buffers;

ii. Grading activities that increase the potential for earth movements or the risk of damage due to earth movement within steep slopes or other landslide hazard areas is prohibited;

c. The drainage basins of Thornton Creek, Pipers Creek, Longfellow Creek, and Taylor Creek, as mapped by SPU, unless stormwater runoff from the site is discharged to a combined sewer system or otherwise piped (tightlined) to a drainage basin other than the named drainage basin.

2. Potentially Hazardous Locations. A permit is required for any site identified under the provisions of Section 22.800.050 for any volume of excavation, fill, dredging or other movement of earth materials.

3. Grading Near Public Places. A permit is required for all grading activities in excess of four (4) feet, measured vertically, on private property within any area between the vertical prolongation of the margin of a public place, and a one hundred (100) percent slope line (forty-five (45) degrees from a horizontal line) from the existing elevation of the margin of a public place to the proposed elevation of the private property.

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4. General Sites. For sites not included in subsections A1 and A2 above, a permit is required where the grade at any location is changed more than three (3) feet and either:

   a. The cumulative volume of excavation, fill, dredging or other movement of earth materials is more than one hundred (100) cubic yards over the lifetime of the site; or

   b. The grading will result in a slope steeper than three (3) horizontal to one (1) vertical.

5. In-place Ground Modification. A permit is required for any site where in-place ground modification will take place. The Director of DCLU may waive the requirement for a permit when the Director determines the in-place ground modification will be insignificant in amount or type.

6. Temporary Stockpiles. A grading permit or approval is required for temporary stockpiles which meet the thresholds of subsections A1, A2 and A4 above and are not located on sites for which a valid grading permit or grading approval has been issued.

B. Grading Approvals Required.

1. A grading approval is required for grading activities located on any site where a concurrent building permit is requested except that no approval is required for grading activities where the combined volume is less than the amounts specified for each site in subsection A above.

2. Where a grading approval is required and issued as a component of a building permit, no separate grading permit shall be required. This provision shall apply to grading which is incidental to construction, the temporary stockpiling of earth materials during construction and grading needed for other site improvements. Where there will be construction or placement of a building within the lifetime of the permit, the grading approval shall be a component of the building permit.

C. Exemptions. The following grading activities shall be exempt from a grading permit, but shall still comply with the provisions of this subtitle:

1. Activity conducted under a street use permit that specifically authorizes the grading work to be performed;

2. Excavations and filling of cemetery graves;

3. Exploratory excavations that comply with the requirements of Section 22.804.050;

4. Operation of sewage treatment plant sludge settling ponds;

5. Operation of surface mines for the extraction of mineral and earth materials subject to the regulations and under a permit of The State of Washington;

6. Stockpiling and handling of earth material when the earth material is consumed or produced in a

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process which is the principal use of the site and which complies with the requirements of Section 22.804.050;

7. Maintenance or reconstruction of active tracks and yards of a railroad in interstate commerce within its existing right-of-way;

8. Maintenance or reconstruction of the facilities of parks and playgrounds including work required for the protection, repair, replacement or reconstruction of any existing paths, trails, sidewalks, public improvement or public or private utility, and the stockpiling of material for maintenance activities;

9. Excavation and filling of post holes;

10. On-site work required for construction, repair, repaving, replacement or reconstruction of an existing road, street or utility installation in a public right-of-way;

11. Trenching and backfilling for the installation, reconstruction or repair of utilities on property other than a public right-of-way;

12. Grading done in performance of work authorized by the City for public works projects (see also Section 22.800.070);

13. Public works and other publicly funded activities on property owned by public entities, when discharges from the property do not enter the public drainage control system or the public combined sewer system, and the project will not undercut or otherwise endanger adjacent property, and the Director has waived the permit requirements by interagency agreement;

14. Underground storage tank removal and replacement that is subject to regulation by a state or federal agency, except where excavation meets the criteria of Section 22.804.030 A3, Grading Near Public Places.

D. Compliance Required for All Grading. Any grading activity, whether or not it requires a grading permit or approval, shall comply with the provisions of this subtitle.
(Ord. 119965 § 32, 2000: Ord. 117697 §§ 4, 5, 1995; Ord. 117432 § 20, 1994; Ord. 116425 § 2(part), 1992.)

22.804.040 Grading permit or approval--Application requirements.

A. General. Application for a grading permit or approval shall be made to the Director of DCLU by the owner of the property to be graded. All applications shall contain the submittal information detailed in this section.

B. Plans Required.

1. Projects Requiring Plans. The information listed in subsection B2 below shall be provided on plans submitted with each application for a grading permit or approval. However, when the only grading included in an application is for an approved drainage control plan or is for excavation

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and replacement of earth material within an area four (4) feet or less from the footing lines of a building or structure, the only information required is the location of temporary stockpiles.

2. Information to be Submitted on Plans. The following information shall be submitted with applications for projects requiring plans:

   a. A general vicinity map and legal description of the site;

   b. A plot plan showing: location of existing buildings and structures, easements, utilities and other surface and aboveground improvements on the property where the work is to be performed; the approximate location of all buildings, structures and other improvements on adjacent land; the location of existing and planned temporary and permanent drainage control facilities, existing and proposed drainage discharge points, watercourses, drainage patterns, environmentally critical areas, and areas of standing water; the approximate location, type and size of trees and other vegetation on the site; designation of trees and vegetation to be removed, and the minimum distance between tree trunks and the nearest excavation and/or fill; and areas where equipment traffic will be permitted and excluded;

   c. The latest available topographic map, including cross-sections of the site and adjacent property, showing the present and proposed contours of the land at not more than two (2)-foot contour intervals, and the location and amount of all temporary stockpiles and excavations. On steeper sites, the Director of DCLU may authorize plans to show a contour interval greater than two (2) feet but in no case more than a five (5)-foot interval. The information relating to adjacent properties may be approximated;

   d. A drainage control plan as set forth in Section 22.802.020, except when the grading is limited to the area providing for vehicular and pedestrian access to the building or to the temporary stockpiling of excavated material.

3. Number Required. A minimum of three (3) sets of plans shall be submitted with each application for a grading permit. The number of plan sets required for grading approval applications shall be the same as required for the specific permit application. Additional sets may be required by the Director.

4. Clarity of Plans. Plans shall be drawn to a clearly indicated and commonly accepted scale upon substantial paper such as blueprint quality or standard drafting paper. Tissue paper, posterboard or cardboard will not be accepted. The plans shall be of microfilm quality and limited to a minimum size of eighteen (18) inches by eighteen (18) inches and a maximum size of forty-one (41) inches by fifty-four (54) inches.

5. Preparation by Civil Engineer. The grading plans shall be prepared by, or under the direction of, a licensed civil engineer for all applications where the total amount of materials graded is more than two thousand five hundred (2,500) cubic yards. The Director of DCLU may require that grading plans for lesser quantities be prepared by or under the direction of a licensed civil engineer for sites such as, but not limited to, those in geologic hazard zones and areas with known erosion problems.

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6. Stamping by Geotechnical Engineer. When required by the Director of DCLU in accordance with the provisions of this subtitle, the grading plans shall be reviewed and stamped by the geotechnical engineer who performed the site analysis and report to indicate that the plans conform to the conclusions and recommendations of the report.

C. Information Required.

1. Required with Application. The following information shall be submitted with grading plans at the time of application:

a. The disposal site for any excavated materials to be removed from the site. If the disposal site is located within the City limits and is not an approved disposal site, an application for a grading permit for the disposal site shall be submitted at the same time as the application for grading permit or approval at the excavation site. In the event that the applicant is unable to specify the disposal site at the time of application, the applicant shall request, in writing, a postponement of the identification of the disposal site. The request shall include a commitment that the applicant will specify a disposal site acceptable to the Director of DCLU prior to any excavation;

b. Where placement of a fill is proposed, a description of the composition of fill material and its structural qualities;

c. Where any portion of the grading will encroach on an adjacent property, proof of ownership and an easement or authorization in accordance with Section 22.804.100;

d. The immediate and long-term intended use of the property;

e. Identification of past industrial or manufacturing uses or hazardous materials treatment, disposal or storage that have occurred on the site;

f. Where a site is located in an area identified pursuant to Section 22.800.050, a copy of all applicable permit or approval applications, and/or permits and approvals from the appropriate regulatory agencies;

g. When required by Section 22.802.020, an erosion/sediment control plan;

h. Where the site is located in an area of potential landslide, a draft covenant complying with the requirements of Section 22.808.130;

i. Each grading proposal shall contain provisions for the preservation of natural drainage patterns and watercourses; for reasonable preservation of natural land and water features and other indigenous natural features of the site; and for replacement, where necessary, of vegetation or other means to control runoff.

2. Required after Initial Screening. The Director of DCLU may require the following information

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December 2004 code update file
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after the initial screening of a grading application:

a. A description of methods to be used to minimize sediment or other pollution from leaving the site during and after construction and to protect cleared areas and cut and fill slopes from erosion;

b. A time schedule of operations, including but not limited to, implementation of the applicable requirements of Sections 22.802.015 and 22.802.016, clearing, minimization of grading of unprotected soil surfaces, restoration of topsoil and vegetative cover, and construction of improvements;

c. A survey of boundaries and topography of the site and the grades of adjacent public rights-of-way prepared by a surveyor licensed by The State of Washington;

d. A soils analysis complying with the following:

i. When Required. A soils analysis and report may be required when an application for a grading permit or approval is made for property located:

(A) In areas described in Section 22.800.050,

(B) In areas where there is a potential for landslide,

(C) In areas where grading may result in instability of the site or adjoining property,

(D) In areas where soils may not be suitable for the use intended,

(E) In areas where the Director determines pollutants are likely to be present, or

(F) In any area where the Director determines that the information which would be supplied by a soils analysis and report is necessary for the review of the application,

ii. Contents. The soils analysis and report shall include:

(A) Data regarding the nature, distribution and strength of existing soils and subsurface conditions,

(B) History of the site including history of landslides, known excavations and fills, and location of utilities,

(C) Where appropriate as indicated by information provided under subsection B above, analytical testing of soils to determine the concentration of pollutants,

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December 2004 code update file
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(D) Conclusions and recommendations for clearing the site, of the adequacy of the site for proposed immediate and long-term intended use, foundation, retaining and structural designs, grading methods, and construction and post-construction monitoring, and

(E) Other information as determined necessary by the Director to adequately evaluate compliance with the requirements of this subtitle and accomplishment of its purposes, such as an assessment of contamination when past industrial or chemical use have been present on the site,

iii. Preparation. The soils analysis and report shall be prepared by an experienced geotechnical engineer or other equally qualified person approved by the Director. The Director may require that the plans and specifications be stamped and signed by the geotechnical engineer to indicate that the grading and proposed structure comply with the conclusions and recommendations of the reports,

iv. Minimal Risk. In geologic hazard areas as identified in SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the geotechnical engineer who prepared the soils analysis and report may be required to submit a letter stating that the plans and specifications conform to the recommendations of the soils analysis and report. The letter shall also state that, so long as conditions stated in the soils report are satisfied, areas disturbed by construction will be stabilized, the risk of damage to the proposed development or to adjacent properties from soil instability will be minimal, and the proposed grading and development will not increase the potential for soil movement;

e. Site Analysis. For properties located in any of the areas identified in subsection C2d, an analysis and report of the following site factors. The analysis and report shall be prepared by a licensed civil engineer or other person approved by the Director:

i. A description of the hydrology of the site and the drainage basin in which the development is located,

ii. The effect of grading upon surrounding properties, watercourses and the drainage basin, including impacts on water quality and fish habitat when a stream, lake or other body of water is affected. Where applicable, the analysis specified in Section 22.802.016 B5 may also be required;

f. A letter in a form acceptable to the Director from the owner of the site stating that the owner understands and accepts the risk of developing in an area with potentially unstable soils and that the owner will advise, in writing, any prospective purchasers of the site, structures or portions of a structure about the landslide potential of the site;

g. The Director may require additional information pertaining to the specific site and any other relevant information needed in order to assess potential hazards associated with the

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site and to determine whether a grading permit or approval should be issued.
(Ord. 119965 § 33, 2000: Ord. 116425 § 2(part), 1992.)

22.804.050 Grading requirements.

A. Earth Movement. Grading shall not create or increase the likelihood of earth movement, including but not limited to, landslides, accelerated soil creep, settlement and subsidence, and hazards associated with strong ground motion and soil liquefaction of the site to be graded and adjoining properties.

B. Natural Features. Each grading proposal shall contain provisions for the preservation of natural drainage patterns and watercourses; for reasonable preservation of natural land and water features and other indigenous natural features of the site; and replacement, where necessary, of vegetation or other means to control runoff.

C. Watercourses. Grading shall not create or contribute to flooding, erosion, or increased turbidity, siltation or other forms of pollution in a watercourse, and shall comply with the applicable requirements of Chapter 22.802.

D. Pollution Control. Grading shall be performed, and the completed work shall be in accordance with, all applicable environmental laws, rules and regulations, and with the applicable requirements of Chapter 22.802.

E. Conformance with Plans. Grading shall be performed in accordance with the plans approved by the Director of DCLU.

F. Slopes. Final graded slopes shall be no steeper than is safe for the intended use, and shall in no case be steeper than two (2) horizontal to one (1) vertical. For requirements for temporary slopes see Sections 22.804.050 M and 22.804.100.

G. Surface Preparation. The ground surface shall be prepared to receive fill by removing vegetation, nonapproved materials, topsoil and other unsuitable materials, including but not limited to mud, peat and other materials with insufficient strength to satisfy the design as determined by the Director.

H. Fills. Fills shall be located so that the base edge of the fill is located more than twelve feet (12') horizontally from the top edge of an existing slope or a planned cut slope. A sloping fill shall not be placed on top of slopes which are steeper than one and one-half (1) horizontal to one (1) vertical.

I. Requirements for Fill Material. Materials used in fills shall comply with the following requirements:

1. Material used in filling shall be appropriate to the site and the intended use of that portion of the site.

2. Fill shall be composed of earth materials. Any rock or other similar irreducible material used in a fill shall be of a maximum diameter of twelve (12) inches and shall compose not more than twenty (20) percent of the total fill material.

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December 2004 code update file
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Seattle Municipal Code
December 2004 code update file
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3. Topsoil shall not be used as a fill material except that the upper twelve (12) inches of a fill site may be covered with topsoil.

4. No frozen or thawing material shall be used in a fill.

5. No solid waste, hazardous waste or hazardous material may be used in a fill.

6. No organic material shall be used in a fill unless approved by the Director.

7. As necessary, the Director shall specify other characteristics of the fill material used, the degree of compaction, moisture content, and the method of placement appropriate to the site and the intended use of that portion of the site and the requirements for water retention, drainage control and erosion control.

J. Terraces. The Director may require steps and terraces sufficient to control surface drainage and deposit of debris. Suitable access to the terraces shall be provided to permit proper cleaning and maintenance.

K. Subsurface Drainage. Cut-and-fill slopes shall be provided with subsurface drainage when needed to maintain slope stability.

L. Access. When an adjoining site relies on the site to be graded for pedestrian or vehicular access, the Director may require reasonable access to be maintained to the adjoining site.

M. Stockpiling of Earth Materials.

1. General. Stockpiling of any kind shall not adversely affect the lateral support or significantly increase the stresses in or pressure upon any adjacent or contiguous property. Stockpiling shall comply with the applicable erosion control requirements for temporarily exposed soils set forth in Sections 22.802.015 and 22.802.016 and rules promulgated under those sections.

2. Temporary Stockpiling During Construction or Grading. Temporary stockpiles of earth materials during construction or grading shall not exceed ten (10) feet in height. Stockpiles shall have slopes no greater than one (1) horizontal to one (1) vertical.

3. Temporary Stockpiling During Dredging. Temporary stockpiles of earth materials excavated during dredging or maintenance dredging shall be subject to the approval of the Director of DCLU.

4. Stockpiling and Handling of Earth Materials in Processing. Earth materials consumed or produced in a process may be stockpiled and handled on a site provided the process is the principal use of the site.

5. Removal. Temporary stockpiles shall be removed prior to final inspection for a grading permit where no building permit is issued on the same site. Where grading is approved as a component of a building permit, temporary stockpiles shall be removed prior to issuance of a final certificate

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Seattle Municipal Code
December 2004 code update file
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of occupancy or approval for occupancy after a final inspection.

N. Exploratory Excavations. Exploratory excavations shall be under the direction of a licensed civil engineer or experienced geotechnical engineer. No stockpiles of materials shall remain after completion of the exploratory activities. The grading shall comply with other requirements that may be established by the Director.
(Ord. 119965 § 34, 2000: Ord. 116425 § 2(part), 1992.)

22.804.100 Protection of adjoining property.

A. General. The provisions of this section shall apply to permanent and temporary protection of, and encroachment on, adjoining property except as specifically limited. Permanent encroachment of grading on adjoining property shall require a separate permit under Section 22.804.030 for the adjoining property.

B. Maximum Slopes. When the existing grade of a site is altered by filling, excavating, dredging or moving of earth materials, the owner shall protect all adjoining property during construction from encroachment or collapse by sloping the sides of the temporary grading at a slope which is safe and not more than one (1) horizontal to one (1) vertical. In addition, adjoining property shall be protected from encroachment or collapse by sloping the sides of the permanent grading at a slope not greater than two (2) horizontal to one (1) vertical. The Director may approve temporary or permanent slopes of greater steepness based on a design by an experienced geotechnical/civil engineer. In areas of known unsuitable soils, the Director may require slopes of lesser steepness to assure protection of adjoining property.

C. Encroachments.

1. All grading shall occur entirely within the site unless encroachment on adjoining property is allowed by the Director of DCLU. Encroachment may be permitted where the applicant provides one of the following:

   a. Proof of ownership; or

   b. An easement, granted by the fee owner of the encroached-upon property, which authorizes the encroachment on the adjoining property; or

   c. A letter signed by the owner of the adjoining property, which authorizes such temporary encroachments during construction on the adjoining property as temporary change of grade, temporary stockpiling or shoring tiebacks.

2. Where an application for grading permit or approval includes an easement authorizing permanent encroachment on adjoining property, the easement instrument shall be provided to the Director by the applicant prior to issuance of any grading permit or approval. The instrument shall specify the purpose for granting the encroachment. The instrument shall be recorded with the King County Department of Records and Elections.

3. Any instrument authorizing temporary encroachment may terminate only after the grading work is completed in accordance with Section 22.804.200.

For current SMC, contact
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Seattle Municipal Code
December 2004 code update file
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D. Setbacks. The tops and toes of graded slopes shall be set back from property boundaries and structures as far as is necessary for safety and foundation support and to prevent damage resulting from drainage or other water runoff, erosion or excessive loading.

E. Screening. The Director shall require view-obscuring planting or ground cover on sites with cut-or-fill slopes more than four (4) feet in height adjacent to lots zoned for or developed with residential uses.
(Ord. 116425 § 2(part), 1992.)

22.804.110 Erosion control.

A. Methods. Grading operations shall comply with the applicable requirements set forth in Sections 22.802.015 and 22.802.016 and rules promulgated thereunder. Devices or procedures for erosion control shall be initiated or installed prior to commencing grading operations when technically feasible, and in any case as soon thereafter as is technically feasible, and shall be maintained to function at design capacity.

B. Exposure. Grading operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. Grading operations shall comply with the applicable requirements for exposed soils, including best management practices, promulgated pursuant to Sections 22.802.015 and 22.802.016.
(Ord. 119965 § 35, 2000: Ord. 116425 § 2(part), 1992.)

22.804.120 Boundary location.

The Director may also require sufficient staking of property lines, top and toe of the fill and all areas where equipment traffic is to be excluded. Stakes shall be at least two (2)-inch by two (2)-inch posts or one-half (1/2)-inch pipes which are readily visible and durable. Stakes shall be maintained and visible during grading operations to enable the Director to determine property lines, the top and toe of the fill and excluded areas. A survey prepared by a land surveyor licensed by The State of Washington may be required.
(Ord. 116425 § 2(part), 1992.)

22.804.130 Fencing.

The Director may, where unauthorized material has been deposited during grading operations at a permitted grading site, require fencing and a lockable gate of suitable materials to control access to the grading site until all grading activity is complete, or until a Certificate of Occupancy is issued, whichever occurs last. Failure of the Director to require a fence shall not relieve the owner of liability arising out of access to and use of the site.
(Ord. 116425 § 2(part), 1992.)

22.804.140 Grading application--Referral and consultation.

The Director of DCLU may refer applications for grading, including plans and other required information and reports, to, and consult with, other agencies or City departments as may be appropriate. Comments and recommendations received shall be considered by the Director in making a decision regarding the grading application.

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Seattle Municipal Code
December 2004 code update file
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sections for complete text, graphics,
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(Ord. 116425 § 2(part), 1992.)

22.804.150 Grading application--Cancellation.

A. An application shall be deemed abandoned and void if a permit is not issued after a period of sixty (60) days from the date of notice of approval for issuance or if corrections are not received after a period of sixty (60) days from the date of notification of required corrections. The Director of DCLU may extend the period for issuance or submission of corrections if it is determined that there are good reasons for the delay, such as litigation or appeals.

B. If the application is canceled, the site may be inspected to verify that no work has taken place. The application and any accompanying plans and specifications may be destroyed.
(Ord. 116425 § 2(part), 1992.)

22.804.160 Granting or denial of grading approvals and permits.

A. Approval.

1. The Director of DCLU may grant a grading permit or approval that complies with the requirements of this subtitle and rules promulgated thereunder. An approval may be granted with or without conditions, to assure compliance with the requirements of this subtitle. Conditions may include, but are not limited to, the following: restricting permit work to specific seasons or weather conditions; limiting vegetation removal; sequencing of work; requiring recommendations contained in the soils analysis and report to be followed; requiring observation by a licensed civil or geotechnical engineer; requiring special inspection pursuant to Section 1701 of the Seattle Building Code; limiting quantities of soils; requiring structural safeguards; specifying methods of erosion, sedimentation, and drainage control; requiring compliance with other applicable provisions of this subtitle; specifying methods for maintenance of slope stability; retaining existing trees; requiring revegetation and grass seeding and/or long term maintenance activities; requiring compliance with SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and other regulations of the City or other agencies with jurisdiction.

2. The Director may require that plans and specifications be stamped and signed by a licensed civil engineer or experienced geotechnical engineer to indicate that the grading and proposed structure comply with the conclusions and recommendations of any required reports.

B. Denial. The application for grading permit or approval may be denied if the Director determines that the plans do not comply with the requirements of this subtitle and rules promulgated hereunder, or do not accomplish the purposes of this subtitle, or the grading is inconsistent with the proposed development of the site, or the plans do not comply with other applicable federal, state and local laws and regulations.

C. Limitations. The issuance or granting of a grading permit of approval shall not be construed to be permission for, or an approval of, any violation of any of the provisions of this subtitle or rules promulgated hereunder, or of any other law or regulation.
(Ord. 119965 § 36, 2000: Ord. 117852 § 1, 1995; Ord. 116425 § 2(part), 1992.)

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Seattle Municipal Code
December 2004 code update file
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22.804.170 Expiration of grading permit.

Grading permits shall be valid for eighteen (18) months and may be renewed for up to eighteen (18) additional months. Where advisable to satisfy the requirements or purposes of this subtitle, the Director may issue nonrenewable grading approvals which shall expire within a period less than eighteen (18) months from date of issue. Requirements of this subtitle that are not explicitly temporary during the grading operations, including but not limited to requirements for erosion control, drainage and slope management, do not terminate with the expiration of the grading approval.
(Ord. 116425 § 2(part), 1992.)

22.804.180 Grading inspection.

A. General. The Director of DCLU may conduct or require inspection of grading sites to determine that work is done according to the grading approval. The permittee and owner shall be notified if the work is in violation. The Director may initiate enforcement action for work that is in violation.

B. Preloading. Preloading shall be conducted as directed and supervised by a licensed civil or experienced geotechnical engineer.

C. Special Inspections. The Director of DCLU may require periodic or continuous inspection from site inspection through foundation inspection by a licensed civil engineer, experienced geotechnical engineer or special inspector at the permittee's expense. Licensed civil and experienced geotechnical engineers or special inspectors shall be designated in accordance with Section 1701 of the Seattle Building Code, Chapter 22.100 of the Seattle Municipal Code. The approved inspector shall inspect in accordance with the duties specified in Section 1701 of the Seattle Building Code and rules adopted thereunder and shall:

1. Be present during the execution of all work the inspector has been approved to inspect;

2. Report to the job site in advance of grading operations to become familiar with approved plans and to inspect all materials to be used;

3. Not undertake or engage in other occupations which interfere or create a conflict of interest with the inspection duties during the work on the project;

4. Inspect the clearing, excavating, filling, compaction, grading, erosion and drainage control measures, and all other soils-control aspects of the construction, and observe whether there is compliance with the approved plans;

5. Inspect soils for evidence of hazardous substances or wastes;

6. Observe whether the approved plans are sufficient to control the soil on the site and prevent off-site transport of sediment;

7. Immediately report all evidence of hazardous substances or wastes, irregularities, insufficiencies, substitutions of material or other changes from approved plans, and violations of this subtitle to

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Seattle Municipal Code
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the owner's architect, engineer or contractor. If the project is not brought immediately into compliance, the Director of DCLU shall be immediately notified. In any event, the Director of DCLU shall be immediately notified when any condition threatens public health, safety or welfare, private or public property, or the environment, whether or not the threat is immediate or likely;

8. Notify DCLU of the time schedule for off-site disposal of excavated material and, when within the City limits, of the location of and permit number of the approved disposal site; and

9. The special inspector may require soil grading reports prepared by a licensed civil engineer or experienced geotechnical engineer. These tests may include field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading but not shown on the approved plans and their effect on the recommendations.

D. Other Inspections. Subject to the approval of the Director of DCLU, a person other than a licensed civil or experienced geotechnical engineer or special inspector may conduct the required inspection provided the person is under the supervision of a licensed civil engineer or experienced geotechnical engineer and is qualified to conduct the inspection.
(Ord. 119965 § 37, 2000: Ord. 117852 § 2, 1995; Ord. 116425 § 2(part), 1992.)

22.804.200 Completion of grading work.

A. Final Inspection. Upon completion of the work, the owner shall notify the Director of DCLU that the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage control facilities and their protective devices and all erosion control measures, have been completed in accordance with the final approved plans and required reports have been submitted. The owner also shall submit proof of the approval of other agencies with jurisdiction, if any is required, before a final grading approval is issued.

B. Final Plans and Reports. When grading plans have been modified during construction, the Director of DCLU may require an as-graded plan including original ground-surface elevations, as-graded ground-surface elevations, lot drainage patterns and locations, location of discharge points, elevations, and location and maintenance requirements of all surface and subsurface drainage control facilities as called out by a drainage control plan. The Director may require the comments from the person who prepared the original grading plans or soils report about changes made during grading and the effect of the changes.
(Ord. 116425 § 2(part), 1992.)

22.804.210 Grading modifications during construction.

The Director of DCLU may require that grading operations and project designs be modified during operations if physical conditions are discovered on the site which are inconsistent with the assumptions upon which the approval was based, including but not limited to unexpected soil and/or water conditions, weather-generated problems, and undue delays caused by labor disputes.
(Ord. 116425 § 2(part), 1992.)

Chapter 22.808

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Seattle Municipal Code
December 2004 code update file
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ADMINISTRATION AND ENFORCEMENT

Sections:

22.808.010 Exceptions to requirements.
22.808.020 Liability and defenses of responsible parties.
22.808.025 Right of entry.
22.808.030 Enforcement actions.
22.808.040 Enforcement of notice of violation.
22.808.050 Voluntary compliance agreement.
22.808.060 Penalties and damages.
22.808.070 Collection of costs and penalties.
22.808.080 Public nuisance.
22.808.090 Violations.
22.808.100 Additional relief.
22.808.110 Suspension or revocation.
22.808.120 Fees.
22.808.130 Financial assurance and covenants.
22.808.140 Severability. The provisions of this subtitle are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this subtitle, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances.
(Ord. 116425 § 2(part), 1992.)

22.808.010 Exceptions to requirements.

A. General. Requests for exceptions to the requirements of this subtitle shall be made according to this section. Exceptions shall include alternative requirements, waivers, reductions, or modifications of the requirements. An exception shall only be granted to the extent necessary to meet the criteria set forth in this section. An applicant is not entitled to an exception, whether or not the criteria allowing approval of an exception are met. The Director may require an applicant to submit an engineer's report or analysis with a request for an exception. When an exception is granted, the Director may impose new or additional requirements to offset or mitigate harm that may be caused by granting the exception, or that would have been prevented if the exception had not been granted.

B. Equally Protective Exceptions. The Director may approve a request for an exception if the Director determines that it is likely to be equally protective of public health, safety and welfare, the environment, and public and private property as the requirement from which an exception is sought.

C. Other Exceptions. The Director may approve a requested exception even if it is not equally protective of public health, safety and welfare, the environment, and public and private property, or if the Director cannot determine whether it is equally protective, if the Director determines that substantial reasons exist for approving the requested exception. Substantial reasons may include, but are not limited to:

1. The requirement is not technically feasible;

2. An emergency situation necessitates approval of the exception;

3. No reasonable use of the property is possible unless the exception is approved;

4. The requirement would cause harm or a significant threat of harm to public health, safety and

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December 2004 code update file
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welfare, the environment, or public and private property, or would cause extreme financial hardship, which outweighs its benefits, and the requested exception would not cause significant harm.

D. Public Notice. Public notice of an application for an exception under the criteria set forth in subsections C3 and C4 above, and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions, as set forth in SMC Chapter 23.76.

E. Appeal. In addition to rights under Chapter 3.02 of the Seattle Municipal Code, any person aggrieved by a Director's decision on an application for an exception under subsections C3 and C4 above may appeal to the Hearing Examiner's Office by filing an appeal, with the applicable filing fee, as set forth in SMC Section 23.76.022.

F. Burden of Proof on Appeal. The Hearing Examiner shall affirm the Director's determinations unless a determination is clearly erroneous. The person requesting an exception shall have the burden of proving, by a preponderance of the evidence, all issues related to justifying the exception.
(Ord. 116425 § 2(part), 1992.)

22.808.020 Liability and defenses of responsible parties.

A. Who Must Comply. It is the specific intent of this subtitle to place the obligation of complying with its requirements upon the responsible parties, as defined in Section 22.801.190. The City of Seattle and its agencies are intended to have the same obligation for compliance when the City is a responsible party. No provision of this subtitle is intended to impose any other duty upon the City or any of its officers or employees.

B. Joint and Several Liability. Each responsible party is jointly and severally liable for a violation of this subtitle. The Director of SPU or the Director of DCLU or both of them may take enforcement action, in whole or in part, against any responsible party. All applicable civil penalties may be imposed against each responsible party. In the event enforcement action is taken against more than one (1) responsible party, recoverable damages, costs, and expenses may be allocated among the responsible parties by the court or the Hearing Examiner based upon the extent to which each responsible party's acts or omissions caused the violation, unless this factor cannot be determined, or the party receiving the allocation under this factor is unable to correct the violation, or is unable to pay the damages, costs, expenses, and any penalty imposed, in which case the trier of fact shall consider:

1. Awareness of the violation;

2. Ability to correct the violation;

3. Ability to pay the damages, costs, and expenses;

4. Cooperation with government agencies;

5. Degree to which any impact or threatened impact on water or sediment quality, human health, or the environment is related to acts or omissions by each responsible party;

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Seattle Municipal Code
December 2004 code update file
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6. Degree to which the responsible parties made good-faith efforts to avoid a violation or to mitigate its consequences; and

7. Other equitable factors.

C. Defenses. A responsible party shall not be liable under this subtitle when the responsible party carries the burden of proving, by a preponderance of the evidence, one (1) of the following defenses:

1. The violation was caused solely by an act of God;

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

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

4. The responsible party implemented and maintained all appropriate drainage control facilities, treatment facilities, flow control facilities, erosion and sediment controls, source controls and best management practices identified in rules promulgated by the Director of DCLU and the Director of SPU, or in manuals published by the State Department of Ecology until superseded by rules of the Directors, or as otherwise identified and required of the responsible party by the Director in writing pursuant to this subtitle.

(Ord. 119965 § 38, 2000: Ord. 118396 § 184, 1996: Ord. 117432 § 21, 1994; Ord. 116425 § 2(part), 1992.)

22.808.025 Right of entry.

With the consent of the owner or occupant of a building or premises, or pursuant to a lawfully issued warrant, the Director of DCLU may enter a building or premises at any reasonable time to perform the duties imposed by this code.
(Ord. 117852 § 3, 1995; Ord. 117697 § 6, 1995.)

22.808.030 Enforcement actions.

A. Investigation. The Director of SPU or the Director of DCLU or both of them may investigate any site where there is reason to believe that there may be a failure to comply with the requirements of this subtitle.

B. Notice of Violation.

1. Issuance. Whenever the Director determines that a violation of this subtitle has occurred or is occurring, the Director is authorized to issue a notice of violation to the property owner or other responsible party. The notice of violation shall be considered an order of the Director.

2. Contents.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2004 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

a. The notice of violation shall include the following information:

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

ii. The date of the notice; and

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

b. A notice of violation may be amended at any time to correct clerical errors and to add citations of authority.

3. Service. The Director of SPU or the Director of DCLU shall serve the notice upon the responsible party either by personal service or by certified mail, return receipt requested, sent to the party's last known address and, where possible, by posting a copy on the site. Service by certified mail shall be effective on the date of mailing. If the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable diligence, and either Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two (2) consecutive weeks in the City official newspaper.

C. Alternatives to Notice of Violation.

1. Stop-work Order.

a. In lieu of issuing a notice of violation, the Director of SPU or the Director of DCLU may order work on a site stopped when he or she determines it is necessary to do so in order to obtain compliance with or to correct a violation of any provision of this subtitle or rules promulgated hereunder or to correct a violation of a permit or approval granted under this subtitle. The stop-work notice shall contain the following information:

i. A description of the violation; and

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

b. The stop-work order shall be posted conspicuously on the premises or personally served on the property owner or other person known to be responsible for the work. It is unlawful for any work to be done after posting or service of a stop-work order, except work necessary to conduct the required corrective action, until authorization to proceed is given by either Director. It is unlawful for any person to remove, obscure or mutilate a posted stop work order.

2. Emergencies.

a. The Director of SPU and the Director of DCLU are each authorized to enter any property

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when it reasonably appears that a condition associated with grading, drainage, erosion control or a drainage control facility creates a substantial and present or imminent danger to the public health, safety or welfare, the environment, or public or private property. The Director of SPU and the Director of DCLU each may enter property without permission or an administrative warrant in the case of an extreme emergency placing human life, property or the environment in immediate and substantial jeopardy which requires corrective action before either permission or an administrative warrant can be obtained.

b. The Director of SPU or the Director of DCLU or both of them may order the responsible party to take corrective action and set a schedule for compliance and may require immediate compliance with an order to correct. Any emergency which is not corrected as ordered by the Director of SPU or the Director of DCLU is a public nuisance which each Director is authorized to abate summarily. The costs of abatement shall be collected as set forth in Section 22.808.080.

D. Appeal of Director's Decisions. Any Notice of Violation or final order other than a stop-work order or emergency order issued by the Director of SPU or the Director of DCLU pursuant to this subtitle may be appealed to the Hearing Examiner by an aggrieved person. Appeals shall be initiated by filing a written notice with the applicable fee, as set forth in SMC Section 23.76.022. When, as set forth in Section 22.808.070, an invoice is issued without a prior hearing, the appeal period shall commence upon issuance of the invoice.

E. Filing Notice or Order. A notice of violation, voluntary compliance agreement or an order issued by a Director of SPU, Director of DCLU, Hearing Examiner or municipal Judge, may be filed with the King County Department of Records and Elections.

F. Change of Ownership. When a notice of violation, voluntary compliance agreement or an order issued by a Director of SPU, Director of DCLU, Hearing Examiner or municipal Judge has been filed with the King County Department of Records and Elections, a notice of violation or an order regarding the same violations need not be served upon a new owner of the property where the violation occurred. If no notice of violation or order is served upon the new owner, the Director of SPU or Director of DCLU may grant the new owner the same number of days to comply as was given the previous owner. The compliance period for the new owner shall begin on the date that the conveyance of title to the new owner is completed.
(Ord. 118396 § 185, 1996: Ord. 117432 § 22, 1994: Ord. 116425 § 2(part), 1992.)

22.808.040 Enforcement of notice of violation.

A. Hearing Examiner and Municipal Court. The Director of SPU or the Director of DCLU or both of them may choose to enforce a Notice of Violation through either of the following means:

1. An enforcement hearing through the Hearing Examiner's Office, as set forth in this section; or

2. Referral to the City Attorney's Office for action in the appropriate court according to that court's normal rules and procedures.

B. Enforcement Through Hearing Examiner's Office. Enforcement actions through the Office of the Hearing Examiner shall proceed according to this subsection.

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1. Hearing Schedule. The Hearing Examiner's Office shall schedule a hearing after notification by the Director that enforcement will be pursued through the Hearing Examiner's Office.

2. Conduct of the Hearing. The Hearing Examiner shall conduct a hearing on the violation pursuant to the rules of procedure of the Hearing Examiner, as modified by this section. The Director, the person to whom the notice of violation was issued, and any other responsible party regarding the matters addressed in the notice of violation may participate as parties in the hearing, with or without representation by an attorney. Each party may call and compel the attendance of witnesses.

3. Standard of Review and Burden of Proof. The determinations of the Director of Seattle Public Utilities and the determinations of the Director of Construction and Land Use shall be accorded substantial weight by the Hearing Examiner. The defending responsible party shall have the burden of proving by a preponderance of the evidence all defenses, mitigating factors and objections to the required corrective action or schedule.

4. Hearing Examiner's Order. The Hearing Examiner shall affirm, vacate or modify the Director's determinations. The Hearing Examiner shall issue an order within fifteen (15) days following the close of the record unless all parties agree to an extension of time. The order shall contain the following information:

   a. The decision regarding the alleged violation;

   b. Findings of fact and conclusions based thereon in support of the decision;

   c. The required corrective action (if any);

   d. The date and time by which the corrective action must be completed;

   e. The monetary penalties and other costs, expenses, or damages being assessed against the responsible party;

   f. Notice that the responsible party has twenty-one (21) days from the date of issuance of the decision to petition for judicial review, as provided by Section 705 of Chapter 347 of the Laws of 1995; and

   g. Authorization for the City to abate or correct the violation following expiration of the appeal period and the time set for compliance with the order if the responsible party has not completed the required corrective action, and to charge the responsible party for its costs, as set forth in Section 22.808.080. The order shall not require the City to abate or correct the violation.

5. Failure to Appear. If the responsible party to whom the notice of violation was issued fails to appear at a scheduled hearing before the Hearing Examiner, and no other responsible party appears to defend, then, upon an offer of proof by the City, which may be made by declaration,

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the Hearing Examiner shall issue an order finding that the violation occurred. The order shall contain the information set forth in subsection B4 above. In the absence of an offer of proof by the City, the Hearing Examiner shall issue an order finding the responsible party to be in default, and setting forth the penalties and other relief described in subsection B4.

(Ord. 118396 § 186, 1996: Ord. 117789 § 2, 1995; Ord. 117432 § 23, 1994: Ord. 116425 § 2(part), 1992.)

22.808.050 Voluntary compliance agreement.

A. Initiation. Either a responsible party or the Director of Seattle Public Utilities or the Director of Construction and Land Use may initiate negotiations for a voluntary compliance agreement at any time. Neither Director has any obligation to enter into any voluntary compliance agreement.

B. Contents. A voluntary compliance agreement shall set forth actions to be taken by the responsible party that will correct past or existing violations of this subtitle. It may also set forth actions to mitigate the impacts of violations. The voluntary compliance agreement shall set forth a schedule for completion of the corrective and mitigating actions. It shall contain a provision allowing the Director of Seattle Public Utilities and the Director of Construction and Land Use to inspect the premises to determine compliance with the agreement.

C. Effect of Agreement.

1. A voluntary compliance agreement is a binding contract between the party executing it and the City. It is not enforceable by any other party. All voluntary compliance agreements shall provide that the responsible party agrees the City may perform the actions set forth in the agreement if the responsible party fails to do so according to the terms and schedule of the agreement, and the responsible party will pay the costs, expenses and damages the City incurs in performing the actions, as set forth in Section 22.808.080 regarding abatements. By entering into a voluntary compliance agreement, a responsible party waives the right to an administrative appeal of the violation.

2. Penalties may be reduced or waived if violations are corrected or mitigated according to the terms and schedule of a voluntary compliance agreement. If the responsible party fails to perform according to the terms and schedule of the voluntary compliance agreement, penalties for each violation addressed in the agreement may be assessed starting from the date the violation occurred.

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

(Ord. 118396 § 187, 1996: Ord. 117432 § 24, 1994: Ord. 116425 § 2(part), 1992.)

22.808.060 Penalties and damages.

A. Commencement of Penalties. The Hearing Examiner and any Judge hearing matters under this subtitle shall have the following options in assessing monetary penalties:

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1. Assess monetary penalties beginning on the date the notice of violation was issued and thereafter; or

2. Assess monetary penalties beginning on the correction deadline set by the Director or an alternate deadline for corrective action set by the Judge or Hearing Examiner, and thereafter; or

3. Assess no monetary penalties; or

4. When it appears likely the responsible party will perform the required corrective action, suspend assessment of the penalty conditioned upon completion of the corrective action by the ordered deadline.

B. Schedule of Penalties.

1. Basic Penalty. Each day or portion thereof during which a violation of this subtitle exists is a separate violation of this subtitle. The cumulative monetary penalty for each violation of this subtitle shall be as follows:

   a. The penalty for the first day a violation exists is One Hundred Dollars ($100.00);

   b. The penalty for the second day a violation exists is Two Hundred Dollars ($200.00);

   c. The penalty for the third day a violation exists is Three Hundred Dollars ($300.00);

   d. The penalty for the fourth day a violation exists is Four Hundred Dollars ($400.00);

   e. The penalty for each day a violation exists beyond four days is Five Hundred Dollars ($500.00).

Schedule of Penalties per Violation

Day	Fine for that Day	Cumulative Total
1	$100.00	$ 100.00
2	200.00	300.00
3	300.00	600.00
4	400.00	1,000.00
5	500.00	1,500.00
6 and up	500.00	

2. Triple Penalties. Penalties may be trebled for:

   a. A repeat violation, which means an additional violation of a requirement of this subtitle for which the responsible party has previously received a notice of violation and failed to correct the violation by the compliance date;

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b. A violation resulting in physical harm to persons or to private or public property;

c. A knowing or deliberate violation;

d. A violation resulting from gross negligence or reckless conduct.

3. Reduction of Penalties. Penalties may be reduced based upon one (1) or more of the following mitigating factors:

a. The person showed due diligence and/or substantial progress in correcting the violation;

b. Another responsible party was the primary cause of the violation;

c. The person was unaware of the violation and had not acted negligently or recklessly;

4. Penalty for Significant Violation. Responsible parties for violations causing significant harm to public health, safety or welfare, the environment, or public or private property shall be assessed the penalties set forth in the schedule above, or an amount equivalent to the economic benefit the responsible party derived from the violation, whichever is greater. "Significant harm" is harm which cannot be fully corrected or mitigated by the responsible party, and which cannot be adequately compensated for by assessment of penalties, costs, expenses or damages under this subtitle. Economic benefit may be determined by an increase in market value of property, value received by the responsible party, savings in costs realized by the responsible party, increased income to the responsible party, or any other method reasonable under the circumstances.

C. Damages. Whoever violates any of the provisions of this subtitle shall, in addition to any penalties provided for such violation, be liable for any cost, expense, loss or damage occasioned thereby to the City, plus a charge of fifteen percent (15%) for administrative costs. This subtitle does not establish a cause of action that may be asserted by any party other than the City. Penalties, damages, costs and expenses may be recovered only by the City.

D. Effect of Payment of Penalties. The person to whom an order is directed is not relieved of the duty to take corrective action to correct the violation by payment of a monetary penalty pursuant to this subtitle. (Ord. 116425 § 2(part), 1992.)

22.808.070 Collection of costs and penalties.

A. Invoice and Demand for Payment. When either Director has abated a public nuisance or corrected a violation of this subtitle and a hearing has not been conducted, the Director shall issue an invoice and demand for payment of the City's abatement costs. The invoice shall include:

1. The amount of the City's abatement or correction costs;

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

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3. A notice that the Director's determinations regarding the abatement and correction, including the amount owed, may be appealed to the Hearing Examiner by following the procedure set forth in SMC Section 23.76.022;

4. Notice that if the amount due is not paid within thirty (30) days, the outstanding balance may be collected in any of the manners set forth in subsection B of this section; and

5. Notice that interest shall accrue on the unpaid balance.

B. Collection Following a Hearing. The Director of Construction and Land Use and the Director of Seattle Public Utilities are not required to issue an invoice for payment when a hearing has been conducted as set forth in Section 22.808.040, and an order has issued imposing any penalties, costs, damages, expenses or abatement costs. If the order is not appealed within fifteen (15) days of mailing or other delivery of the order to the responsible party, the Director of Construction and Land Use or the Director of Seattle Public Utilities may immediately seek to collect the amounts owed by:

1. Referral to the City Attorney's Office for action in the appropriate court; or

2. Referral, after consultation with the City Attorney's Office to a collection agency; or

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

(Ord. 118396 § 188, 1996: Ord. 117432 § 25, 1994: Ord. 116425 § 2(part), 1992.)

22.808.080 Public nuisance.

A. Abatement Required. A public nuisance affecting stormwater, drainage, erosion control, grading and other public nuisances set forth in this section are violations of this subtitle. A responsible party shall immediately abate a public nuisance upon becoming aware of its existence.

B. Dysfunctional Facility or Practice. Any private drainage control facility or best management practice relating to grading, stormwater, drainage control or erosion not installed or maintained as required by this subtitle, or otherwise found to be in a state of dysfunction creating, presently or in the event of a design storm, a threat to the public health, safety or welfare, the environment, or public or private property is hereby declared to be a public nuisance.

C. Obstruction of Watercourse. Obstruction of a watercourse without authorization by the Director, and obstruction in such a manner as to increase the risk of flooding or erosion should a design storm occur, is hereby declared to be a public nuisance.

D. Dangerous Conditions. Any condition relating to grading, stormwater, drainage or erosion which creates a present or imminent danger, or which is likely to create a danger, in the event of a design storm, to the public health, safety or welfare, the environment, or public or private property is hereby declared to be a public nuisance.

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E. Abatement by the City. The Director of Seattle Public Utilities and the Director of Construction and Land Use are authorized, but not required, to investigate a condition that either Director suspects of being a public nuisance under this subtitle, and to abate any public nuisance. If a public nuisance is an immediate threat to the public health, safety or welfare or to the environment, the Director of Seattle Public Utilities or the Director of Construction and Land Use may summarily and without prior notice abate the condition. The Director of Seattle Public Utilities or the Director of Construction and Land Use shall give notice of the abatement to the responsible party as soon as reasonably possible after the abatement.

F. Collection of Abatement Costs. The costs of abatement may be collected from the responsible party, including a reasonable charge for attorney time and a fifteen percent (15%) charge for administrative expenses as set forth in Section 22.808.060 C. Abatement costs and other damages, expenses and penalties collected by the City shall go into an abatement account for the department collecting the moneys. The money in the abatement account shall be used for abatements and corrections of violations conducted by the City. When the account is insufficient the Director of Seattle Public Utilities and the Director of Construction and Land Use may use other available funds.
(Ord. 118396 § 189, 1996: Ord. 117432 § 26, 1994; Ord. 116425 § 2(part), 1992.)

22.808.090 Violations.

A. Civil Violations.

1. General. It is a violation of this subtitle to not comply with any requirement of, or to act in a manner prohibited by, this subtitle, or a permit, approval, rule, manual or order issued pursuant to this subtitle.

2. Aiding and Abetting. It is a violation of this subtitle to aid, abet, counsel, encourage, commend, incite, induce, hire or otherwise procure another person to violate this subtitle.

3. Alteration of Existing Drainage. It is a violation of this subtitle to alter existing drainage patterns which serve a tributary area of more than five (5) acres without authorization or approval by the Director.

4. Obstruction of Watercourse. It is a violation of this subtitle to obstruct a watercourse without authorization or approval by the Director.

5. Dangerous Condition. It is a violation of this subtitle to allow to exist, or cause or contribute to, a condition of a drainage control facility, or condition related to grading, stormwater, drainage or erosion that is likely to endanger the public health, safety or welfare, the environment, or public or private property.

6. Interference. It is a violation of this subtitle for any person to interfere with or impede the correction of any violation, or compliance with any notice of violation, emergency order, stop work order, or the abatement of any nuisance.

B. Criminal Violations.

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1. Failing to Comply with Orders. Failing to comply with an order properly issued pursuant to this subtitle by the Director of Engineering, the Director of Construction and Land Use, the Hearing Examiner, or a Judge is a criminal violation, punishable upon conviction by a fine of not more than Five Thousand Dollars ($5,000.00) per day of each violation or imprisonment for each violation for not more than three hundred sixty (360) days, or both such fine and imprisonment.

2. Tampering and Vandalism. Tampering with or vandalizing a drainage control facility or other best management practice, a public or private drainage control system, monitoring or sampling equipment or records, or notices posted pursuant to this subtitle is a criminal violation, punishable upon conviction by a fine of not more than Five Thousand Dollars ($5,000) or imprisonment for not more than three hundred sixty (360) days, or both such fine and imprisonment.

3. Repeat Violations. Anyone violating this subtitle who has had a judgment or Hearing Examiner's order against them pursuant to this subtitle in the preceding five (5) years, shall be subject to criminal penalties for the present violation, and, upon conviction thereof, be fined in a sum not to exceed Five Thousand Dollars ($5,000), or imprisonment for not more than three hundred sixty (360) days, or both such fine and imprisonment.

(Ord. 117432 § 27, 1994; Ord. 116425 § 2(part), 1992.)

22.808.100 Additional relief.

In lieu of or in addition to any enforcement procedure provided in this subtitle, the Directors of Engineering and DCLU may seek any other available legal or equitable relief, including to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this subtitle or a public nuisance.
(Ord. 116425 § 2(part), 1992.)

22.808.110 Suspension or revocation.

Approvals or permits granted in error, or on the basis of incomplete, inaccurate or misleading information, or in violation of any law, ordinance or regulation may be suspended or revoked. Other permits or approvals interrelated with an approval suspended or revoked under this section, including certificates of occupancy or approvals for occupancy, may also be suspended or revoked. When an approval or permit is suspended or revoked, the Director of SPU or the Director of DCLU may require the applicant to take corrective action to bring the project into compliance with this subtitle by a deadline set by the Director of SPU or the Director of DCLU, or may take other enforcement action.
(Ord. 118396 § 190, 1996: Ord. 117432 § 28, 1994: Ord. 116425 § 2(part), 1992.)

22.808.120 Fees.

Fees for grading permits, drainage control plan review and approvals shall be as set forth in the Fee Subtitle, Subtitle IX of Title 22, Seattle Municipal Code. Fees for recordkeeping or other activities pursuant to this subtitle shall, unless otherwise provided for in this subtitle, be prescribed by ordinance.
(Ord. 119965 § 39, 2000: Ord. 117432 § 29, 1994: Ord. 116425 § 2(part), 1992.)

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22.808.130 Financial assurance and covenants.

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

A. Insurance.

1. The Director of DCLU may require the owner(s), or contractor to carry liability and property damage insurance against damage, naming the City as an additional insured. The amount shall be commensurate with the risks as determined by the Director.

2. The Director of DCLU may also require the owner(s) to maintain a policy of general public liability insurance against personal injury, death, property damage and/or loss from activities conducted pursuant to the permit or approval, or conditions caused by such activities, and naming the City as an additional insured. The policy shall be in an amount which the Director determines to be commensurate with the risks. It shall cover a period of not more than ten (10) years from the date of issuance of a certificate of occupancy or finalization of the permit or approval. A certificate evidencing such insurance shall be filed with the Director of DCLU before issuance of a certificate of occupancy or finalization of a permit for any single family dwelling or duplex.

3. The insurance policy shall provide that the City will be notified of cancellation of the policy at least thirty (30) days prior to cancellation. The notice shall be sent to the Director of DCLU who required the insurance and shall state the insured's name and the property address. If a property owner's insurance is canceled and not replaced, the permit or approval and any interrelated permit or approval may be revoked, including a certificate of occupancy or approval for occupancy.

B. Bonds, Cash Deposits or Instruments of Credit.

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

b. The bond will be exonerated one (1) year after a determination by the Director of DCLU that the requirements of the permit or approval have been met. For work under a building permit, issuance of a certificate of occupancy or approval for occupancy following a final inspection shall be considered to be such a determination. For grading, completion of the

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final grading inspection and submittal of required final reports in accordance with Section 22.804.200 shall be such a determination.

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

C. Covenants.

1. The Director of DCLU may require a covenant between the owner(s) of the property and the City. The covenant shall be signed by the owner(s) of the site and notarized prior to issuance of any permit or approval in a potential landslide area, potentially hazardous location, flood prone zone, or other area of potentially hazardous soils or drainage or erosion conditions. The covenant shall not be required where the permit or approval is for work done by the City. The covenant shall include:

a. A legal description of the property; and

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

c. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks; and

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

e. A statement waiving the right of the owner(s), the owner's heirs, successors and assigns to assert any claim against the City by reason of or arising out of issuance of the permit or approval by the City for the development on the property, except only for such losses that may directly result from the negligence of the City.

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

D. Bonds for Grading Near Public Places. Security for grading activity covered under Section 15.44.020 shall be in accordance with Section 15.44.030.
(Ord. 117432 § 30, 1994: Ord. 116425 § 2(part), 1992.)

Subtitle IX.

Permit Fees

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Chapter 22.900A

ADMINISTRATION AND ENFORCEMENT

Sections:

22.900A.010 Title.
22.900A.020 Purpose.
22.900A.030 Payment and responsibility for fees.
22.900A.040 Administration and enforcement.
22.900A.050 Transition.
22.900A.060 Delinquent fees.
22.900A.070 Work done without permit--Director's authority.
22.900A.080 Civil penalty for violations.
22.900A.090 Severability. If any section, subsection, sentence, clause or phrase of this subtitle is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this subtitle. The City Council hereby declares that it would have passed this subtitle and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or otherwise invalid.
(Ord. 119255 § 2 (part), 1998.)

22.900A.010 Title.

Chapters 22.900A through 22.900G shall be known as the "Fee Subtitle," may be cited as such, and will be referred to in this subtitle as "this subtitle."
(Ord. 119255 § 2 (part), 1998.)

22.900A.020 Purpose.

A. It is the purpose of this Subtitle to prescribe equitable fees and fee collection policies for all services provided by the Department of Planning and Development, hereafter, "Department" or "DPD," and other City departments, that are sufficient to cover their costs of processing applications, inspecting and reviewing plans, and preparing detailed statements required by Chapter 43.21C RCW.

B. An additional purpose of this subtitle is to prescribe special fees for testing, examination, registration, inspection, or the furnishing of certain services or materials.
(Ord. 121338 § 1, 2003; Ord. 121276 §§ 23, 37, 2003; Ord. 119255 § 2 (part), 1998.)

22.900A.030 Payment and responsibility for fees.

A. No permit shall be issued or approved, no certificate of occupancy shall be issued, and no drawing or other data relating to such permit shall be examined until the corresponding fees prescribed by this subtitle have been paid.

B. Unless otherwise specified in this subtitle, each distinct component of an application, review, or permit shall be charged as a separate fee.

C. Both the applicant for the permit, and the owner of the property for which the permit is required, are jointly and severally responsible for payment of fees required by this subtitle, regardless of whether the permit is issued or whether the application is canceled or denied before permit issuance. However, when an applicant is not the owner and is not acting, even in part, as agent for the owner, the applicant is solely

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responsible for payment of applicable fees.

D. The Director is authorized to accept as payment for fees contemplated under the ordinance codified in this subtitle the following forms of payment: U.S. currency, cashier's checks, corporate checks, traveler's checks, personal checks drawn on in-state banks, electronic funds transfers, and credit cards. Further, the Director has full authority to refuse any form of payment where the Director believes sufficient causes exists to question the City's ability to collect full payment.
(Ord. 120818 § 1, 2002; Ord. 119255 § 2 (part), 1998.)

22.900A.040 Administration and enforcement.

A. For the purpose of this subtitle, the term "Director" means the Director of the Department or an authorized representative.

B. The Director is authorized to administer, interpret, and enforce the provisions of this subtitle provided, that:

1. The Director of Public Health shall administer, interpret and enforce sections of this subtitle that are applicable to fuel gas piping permits; and

2. The Director of Transportation shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Transportation review of projects; and

3. The Director of Seattle Public Utilities shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Public Utilities review of projects; and

4. The Director of the Department of Neighborhoods shall administer, interpret and enforce sections of this subtitle that are applicable to certificates of approval, special tax valuation for historic properties and for environmental (SEPA) review of projects that include City of Seattle landmarks and projects located in special review districts or landmark districts; and

5. The Director of the Office of Arts and Cultural Affairs shall administer, interpret and enforce sections of this subtitle that are applicable to the Office's review of projects.

C. The Director is authorized to collect fees listed in the preceding subsection for Seattle Transportation or Seattle Public Utilities, and to transfer those funds to them.

D. Where no definite method is prescribed in the subtitle for calculating the amount of fees, the Director may assess charges as required to cover costs.

E. The Director has full authority to specify the terms and conditions upon which services and materials are made available, and the fees as determined by the Director shall be consistent with the reasonable estimated cost to the City for furnishing such services or materials.

F. The total fee assessed for any permit, decision, review, inspection, or approval shall be rounded to the nearest whole dollar (rounded down: $.01 through $.50; rounded up: $.51 through $.99).

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(Ord. 121006 § 15, 2002; Ord. 119255 § 2 (part), 1998.)

22.900A.050 Transition.

A. Land Use and Environmentally Critically Areas Fees. Minimum land use review fees for applications requiring a land use or environmentally critical areas review shall be charged according to the permit fee legislation in effect when the application was received by the Department. Hourly fees shall be charged according to the legislation in effect when the review is performed.

B. Other Fees. Fees for other applications shall be set according to the permit fee legislation in effect at the time the permit is issued unless one of the following occurs:

1. The permit is issued within twelve (12) months of the start of the initial review; or

2. If longer than twelve months, the Director determines that there was reasonable and continuous progress on the completion of permit requirements.

If either Item 1 or 2 occurs, the application shall be subject to the permit fee legislation in effect at the time the application was received by the Department.

(Ord. 120997 § 1, 2002; Ord. 120448 § 1, 2001; Ord. 119766 § 1, 1999: Ord. 119255 § 2 (part), 1998.)

22.900A.060 Delinquent fees.

A. Delinquent Fees. Whenever any fees have not been paid within thirty (30) days after the billing date, the person or persons responsible for payment of the fee may be billed, payable immediately, for the remainder of the fees due. Interest shall accrue on the unpaid balance at twelve (12) percent per annum, with a minimum One Dollar ($1) charge. The Director is authorized to collect any fees that remain unpaid at ninety (90) days after the billing date.

B. Not Sufficient Funds Fees. Whenever checks accepted prove not to be covered by sufficient funds, the person or persons responsible for payment of the fee shall be billed, payable immediately, for the remainder of the fees due and a Twenty Dollar ($20) charge. This shall be in addition to the delinquent fees assessed in Section 22.900A.060 A.

C. Remedies.

1. The Director may issue a stop-work order as provided in Section 22.900A.070 where the person or persons responsible for payment of a fee have not done so within 30 days after the billing.

2. The Director may suspend processing and/or withhold issuance of a permit, decision, certificate or approval on any application where fees have not been fully paid, or on any subsequent or concurrent applications by the same person or persons responsible for payment of fees until such time as the fees are paid.

3. The Director may refer collection of any amounts due under this Subtitle to a collection agency. The cost to the Department for the collection services will be assessed as costs, at the rate agreed

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to between the Department and the collection agency, and added to the penalty.

4. The Director may take other actions to collect amounts due, including but not limited to, placing delinquent accounts on a cash-only basis.

(Ord. 121338 § 2, 2003; Ord. 120818 § 2, 2002; Ord. 119255 § 2 (part), 1998.)

22.900A.070 Work done without permit--Director's authority.

A. It is unlawful to proceed with any work or with any portion of any construction, installation, alteration or repair when the fee required in this subtitle has not been paid.

B. Should it be found that any work is proceeding for which the required permit or approval fee has not been paid, the Director may immediately order the suspension of such construction, installation, alteration or repair by posting a stop work order on the structure or premises and/or by notifying the owner, lessee or person in charge. It is unlawful for any person to remove, mutilate, conceal or destroy posted lawful notice or to proceed with work after posting or notification until written authorization from the Director to proceed with the work has been received.

(Ord. 119255 § 2 (part), 1998.)

22.900A.080 Civil penalty for violations.

A. Any person failing to comply with the provisions of this subtitle shall be subject to a civil penalty in the amount of Twenty-five Dollars ($25) per day for each failure to comply, from the date of failure to comply until compliance is achieved.

B. The penalty imposed by this subtitle shall be collected by civil action brought in the name of the City and commenced in Municipal Court. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty and the amount of the penalty and the City Attorney shall, with the assistance of the Director, take appropriate action to collection the penalty.

(Ord. 119255 § 2 (part), 1998.)

Chapter 22.900B

GENERAL PROVISIONS

Sections:

22.900B.010 Base fee and hourly rate.
22.900B.020 Miscellaneous and special fees.
22.900B.030 Time of collection of fees.
22.900B.050 Refunds.
22.900B.060 Revisions and additions to applications.

22.900B.010 Base fee and hourly rate.

A. The base fee shall be charged as specified in this subtitle and shall be One Hundred Fifty Dollars ($150).

B. Any services provided by the Department for which an hourly charge is assessed shall be

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charged at a rate specified in this subtitle. Applicants and owners shall be liable according to Section 22.900A.030C for all hourly charges incurred whether or not a favorable decision or recommendation is given by the Director or a project is canceled or denied.

C. Where an hourly fee is specified, overtime shall be charged at that same rate; otherwise overtime shall be at a rate of One Hundred Fifty Dollars ($150) per hour. All overtime shall require approval by the Director. The minimum fee for each overtime request shall be one (1) hour, with minimum increments of one-quarter (1/4) hour, in addition to other permit fees established by this subtitle.

D. The Director may bill an applicant and require payment for accrued hourly or overtime charges at any time in the permit review process.
(Ord. 120997 § 2, 2002: Ord. 119766 § 2, 1999: Ord. 119255 § 2 (part), 1998.)

22.900B.020 Miscellaneous and special fees.

A. General. Miscellaneous and special fees shall be assessed to recover City costs for services and materials which are not otherwise specified in this subtitle or where the valuation or other methodology normally used does not reflect actual conditions which may include but are not limited to the following:

1. Notification, examination, consultation, testing, or inspection of proposals, sites (or locations), particular plans, construction, equipment, personnel or material which may be related to, but not directly covered by, a specific permit or approval process;

2. Furnishing or certification of affidavits, reports, data, or similar documentation;

3. Recording or filing documents with other agencies;

4. Delivery and mailing costs.

B. Failure to Cancel Missed Appointments. A fee of Fifty Dollars ($50) per appointment shall be charged for failure by applicant to notify the Department at least twenty-four (24) hours prior to a scheduled application intake appointment or a preapplication conference appointment that the appointment will not be kept.

C. Expert Witness Testimony. The fee for expert witness testimony shall be One Hundred Fifty Dollars ($150) per hour.

D. Address Change. The fee to correct the address on an application or, if applicable, on an issued permit is Forty Dollars ($40). When an address change is requested which is unrelated to an application for a permit or for an issued permit, a fee one (1) times the base fee shall be assessed.

E. Microfilm Copies of Microfilm Records. Charges for plans reproduced from the microfilm library are shown in Table B-1.

Table B-1--FEES FOR REPRODUCTIONS FROM MICROFILM

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Size or Type of Page	Price
8 1/2" X 11" or 8 1/2" X 14"	$ .25 per page
11" X 17"	1.00 per page
Diazo	3.00 per diazo

F. Special Investigation.

1. Where a special investigation is made for an action requiring Department approval, a fee in addition to the permit fee shall be assessed as provided in Table B-2.

Table B-2 - SPECIAL INVESTIGATION FEES

Value of Work (For Permit)	Investigation Fee
$ 0--5,000	$ 150
5,001--50,000	450
50,001--100,000	750
100,001--500,000	1,500
500,001--5,000,000	7,500
Over $5,000,000	100% of permit fee

2. When a permit fee is not determined by valuation, the special investigation fee with be two (2) times the amount of the permit fee.

3. Alternatively, at the discretion of the Director, the special investigation fee may be assessed at an hourly rate. Special investigation fees may be waived, at the discretion of the Director, for necessary work done in emergency situations.

4. The payment of a special investigation fee shall not relieve any person from complying with the requirements of the applicable codes in the execution of the work nor from any violation penalties prescribed by law.

5. The special investigation fee for a use not established by a permit under the current or previous Land Use Code shall be assessed at a rate of One Hundred Fifty Dollars ($150).

6. Special investigation fees are not refundable.

G. Reinspection. To obtain a reinspection a permit holder shall be charged at the rate of one-half (1/2) times the base fee per reinspection. No reinspection of the work shall be performed until the required fees have been paid; provided, that in the case of boilers and refrigeration systems, the permit holder may be billed for the reinspection fee. Reinspections of fuel-gas piping shall be charged according to Section 22.900G.030. (Ord. 120997 § 3, 2002: Ord. 120818 § 3, 2002; Ord. 119255 § 2 (part), 1998.)

22.900B.030 Time of collection of fees.

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A. Fees shall be collected at the times specified elsewhere in this Code. If not specified, the minimum fee shall be collected at the time of application.

B. The fee collected at the time of application will be based on Department estimates of the total fees due at the time of permit issuance. The final fees will be recalculated during review, and any additional amount due shall be collected prior to the issuance of the permit, approval, denial, decision or recommendation, provided that hourly fees may be collected earlier, as described in Section 22.900B.010 D. Any fee in excess of the final calculated fee shall be refunded pursuant to Section 22.900B.050 and other sections of this Code.

C. At the time an application or permit is denied or canceled, the final fee shall be determined. If a balance is due to the Department, the Director shall have the authority to waive fees when strict application of the fees is inconsistent with the purpose of collecting the fee.
(Ord. 119255 § 2 (part), 1998.)

22.900B.050 Refunds.

Applicants may apply for refunds when an application or permit is withdrawn or canceled prior to the completion of the review and inspection process. The Director shall establish reasonable procedures for refund requests, including limitations on the time at which refund requests may be submitted. To request a refund, the applicant shall submit a request to the Director on a refund request form. The Director shall determine whether a refund is appropriate according to this subtitle.
(Ord. 119766 § 3, 1999: Ord. 119255 § 2 (part), 1998.)

22.900B.060 Revisions and additions to applications.

A. According to standards promulgated by the Director, the Department may assess an additional fee for the plan examination of previous designs when a subsequent redesign of a project is submitted prior to permit issuance. The revision fee shall be assessed at the hourly rate not to exceed the fee that would have been charged for the original design. The total fee is the fee for the final design plus the revision fee.

B. The Department may assess a fee in addition to fees already charged for the original permit if the applicant makes an amendment to an existing unexpired or reestablished permit. The applicable fees will be assessed for all work necessary to process the amendment, including Seattle Transportation or Seattle Public Utilities review associated with the submitted amendment.
(Ord. 120818 § 4, 2002; Ord. 119255 § 2 (part), 1998.)

Chapter 22.900C

FEES FOR LAND USE AND ZONING REVIEW

Sections:

22.900C.010 Land use fees.

22.900C.010 Land use fees.

A. Land Use Review Fees. The land use review fee for Master Use Permits, Council and Hearing Examiner approvals, environmentally critical area approvals and other miscellaneous reviews, research and

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services shall be charged according to Table C-1 unless otherwise specified.

B. Types of Land Use Reviews. The fee for applications with one (1) or more Type A components and no Type B components shall be as specified in Table C-1 for Type A land use reviews. The fee for applications with one (1) or more Type B land use review and no Type A component shall be as specified in Table C-1 for Type B land use reviews. The fee for applications with both Type A and Type B components shall be as specified in Table C-1 for Type C reviews. Only one (1) minimum review fee shall be charged.

C. Fee Components of Land Use Review Fees. Land use review fees include a minimum land use review fee and may include an hourly fee as specified in Table C-1. The minimum land use review fee covers administrative costs, public notice costs other than environmental review signs, and the number of review hours specified in Table C-1. Additional hours shall be charged at the rate specified in the table.

D. Time of Payment.

1. Pre-application Conference Fee. The fee for land use pre-application conference specified in Table C-1 shall be paid prior to the conference.

2. Minimum Land Use Review Fee. The minimum land use review fee specified in Table C-1 shall be paid at application submittal. For projects entailing hourly fees in addition to the minimum land use review fee, the Director may require an additional deposit to be made at application submittal and periodic progress payments to be made during the application review process.

3. The following fees and amounts are due at the times specified below:

a. All outstanding land use fees shall be paid prior to the publication of a decision or recommendation on the application and prior to issuance of the permit. The actual charges and fees paid shall be reconciled and all outstanding balances are due and payable on demand. In cases where no published decision or recommendation is required, fees owed shall be paid prior to issuance of the permit, or issuance of a letter.

b. For Council and Hearing Examiner approvals, the fee due to date plus an estimated charge for future work up to and through final Council or Hearing Examiner action shall be paid at the time the recommendation of the Director is available for public review and before it is forwarded for final action. After final Council or Hearing Examiner action, the actual charges and estimated fee paid shall be reconciled and all outstanding balances shall be due and payable upon demand, and prior to issuance of the permit.

c. For early design guidance projects entailing hourly fees in addition to the minimum land use review fee, all outstanding fees shall be paid upon application for the master use permit. Any hours paid by the minimum land use review fee but not spent at the time of application for the master use permit shall be credited toward land use review of the master use permit application.

E. Additional Review. In addition to the fees set in Table C-1, review time required on a project prior to, or in lieu of, an application will be charged hourly as determined by the Director.

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F. Correction Penalty Fee. After written notice to the applicant, a penalty fee of Three Hundred Dollars ($300) may be charged for each additional correction cycle required due to lack of response from the applicant.

Table C-1 LAND USE FEES

A. GENERAL PROVISIONS				
			Review Hours Covered by Minimum Fee	
Type of Land Use Review	**Minimum Fee**	**Hourly Fee**[1]	**General**	**Low-Income Housing**[2]
A	$1,620	$250	20	30
B	$2,632	$250	10	20
C	$3,897	$250	16	26

Type of Land Use Review	**Type of Land Use Review**
B. MASTER USE PERMIT and ENVIRONMENTALLY CRITICAL AREAS APPROVALS	
1. Administrative conditional uses (ACUs)	A
2. Design review	
a. Design review required by SMC 25.11.070 or 25.11.080 to protect exceptional tree when no other land use reviews are required	See Item 19 of this table.
b. Design review elected by applicant for tree protection	See Item 19 of this table.
c. All other design review	A
3. Environmental reviews (SEPA), including projects with more than one addressed site[3]	
a. DNSs, mitigated DNSs, other lead agency project review	B
b. DSs and EISs	B; 40-hour deposit is required
c. EIS addenda/SEIS	B; 10-hour deposit is required
d. PEIS latecomers fees	Reserved
4. Environmentally critical areas (ECA)	
a. Exemption review	See Section 22.900D.145
b. Exemption and wetland alteration exception	A
c. Yard reduction variance	B
d. Buffer reductions and restoration exceptions	A

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e. Short plat cluster housing and ACU to recover development potential	B
5. General development plan	B
6. Plan shoreline permit--See Council concept approvals	
7. Shoreline permits	
a. Substantial development permits	B
b. Variances[4] and conditional uses	B
c. Revisions (not due to required conditions)	See Item 39 of this table
8. Short subdivisions[5]	B
9. Special exceptions	B
10. Temporary use permit for more than 4 weeks	B
11. Variances[4]	A
C. COUNCIL and HEARING EXAMINER APPROVALS	
12. Concept approvals (e.g., planned community/residential development, public projects, City facilities, plan shoreline developments, other general development plans)	B
13. Council conditional uses	B
14. Full subdivisions[6]	B
15. Major Institution	
a. Master Plans	B; 40-hour deposit is required
b. Designation	B
16. Zoning map changes and rezones	B

D. MISCELLANEOUS REVIEWS, RESEARCH AND OTHER SERVICES

Type of Land Use Review	Minimum Land Use Review Fee	Hourly Land Use Review Fee[1]	Review Hours Covered by Minimum Fee
17. Concurrency	Reserved		
18. Curb cuts as a separate component			
a. Single-family residential	$62 each	None	None
b. Other than single-family residential	$125 each	None	None
19. Design Review for Tree Protection[7]			

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a. Design review required by SMC 25.11.070 or 25.11.080 to protect exceptional tree when no other land use reviews are required	$1,000	$62 per hour for the second 10 hours; $250 per hour after 20 hours	10
b. Design review elected by applicant for tree protection	$0	$62 per hour for the second 10 hours; $250 per hour after 20 hours	10
20. Early design guidance	$1,500	$250	6
21. Environmental review sign[8]	$370	None	None
22. Establishing use for the record	$500	$250	2
23.	Interpretations[9]		
a. Interpretations	$1,500	$250	6
b. Interpretations requested after publication of Director's report	$2000	$250	8
c. Major Institution master plan	$500	$250	2
24. Letters for detailed zoning analysis or permit research	$1,000	$250	4
25. Lot boundary adjustment	$1,250	$250	5
26. Major Institution-review of annual plan	$1,500 per year	$250	6
27. Major phased development permit-minor amendment	$500	$250	2
28. Neighborhood planning	Reserved		
29. Noise survey review and variance	See Table D-2		
30. Notice (additional)[10]			
a. Land use information bulletin (GMR notice)	$125	$250	0.5
b. Re-posting large sign or placards	$250	$250	1
c. Mailed notice	$500	$250	2
d. Landslide prone notice	$375	$250	1.5
31. Open space remainder lots and surplus state property	$1,000	$250	4
32. Pre-application conference[11]	$100	$250	1
33. Public benefit feature review	$500	$250	2
34. Records research by the Public Resource Center	$110	$110	1
35. Renewals including shoreline renewals	$500	$250	2
36. Revisions other than shoreline revisions	$250	$250	1
37. School use and school development advisory committee reviews	$2,500	$250	10

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December 2004 code update file
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38. Shoreline permit revisions not due to required conditions	$500	$250	2
39. Sidewalk cafes	$1,250	$250	5
40. Special accommodation	$500	$250	2
41. Structural building overhangs and areaways as a separate component	$500	$250	2
42. Vegetation removal[12]			
a. Class A	$500	$250	2
b. Class B	$250	$250	1
c. Class C	$125	$250	0.5

Notes to Table C-1:

1. The hourly fee shall be charged for hours in excess of the review hours covered by the minimum land use review fee.
2. For purposes of these land use fees, low-income housing is housing that both (1) satisfies the definition of "low-income housing" in SMC 23.84.024.; and (2) where at least fifty (50) percent of the total gross floor area of each structure on the site is committed to low-income housing use for at least twenty (20) years.
3. A flat fee of $430 shall be assessed by DPD for Determinations of Non-significance (DNSs) and Mitigated Determinations of Non-significance (MDNSs) for projects that include City of Seattle landmarks and projects located within a special review or landmark district. No hourly fees shall be assessed for these types of approvals unless DPD is the lead agency.
4. The single variance fee shall be applicable whether the project requires one (1) or multiple variances.
5. Includes short subdivisions in environmentally critical areas.
6. Includes full subdivisions in environmentally critical areas.
7. This fee applies when design review is initiated only for tree protection and the application has no other Type A or B components.
8. The minimum fee is applied to the cost to fabricate, install and remove the environmental review sign. If the sign is removed or defaced before the final City decision, the applicant will be responsible for paying the vendor contracted with the City to repair or replace the sign.
9. The fees for interpretations of SMC Chapters 25.12, 25.20, 25.22 and 25.24 shall be collected by the Director of the Department of Neighborhoods.
10. Additional notice may be given in circumstances including but not limited to the following: reinstallation of environmental review signs, reposting of the land use review or environmental signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.
11. This fee is not refundable and shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the pre-application conference and if the project is identified by address at the time of the pre-application conference. The pre-application conference fee covers a one (1) hour conference. Additional pre-application review time will be charged at the hourly rate. See also Section 22.900C.010.E.
12. The three classes are defined by Director's Rule 3-94.

G. Refunds.

1. Nonrefundable Fees. Fees for pre-application conferences and environmental signs are not refundable.

2. Calculating Refunds for Land Use Fees. The amount of land use review fee that may be refunded is calculated as follows.

a. For refunds requested before a required notice is complete, the amount eligible for refund is seventy-five (75) percent of the minimum land use review fee plus one hundred (100) percent of the hourly deposit, if any, paid by the applicant.

b. For refunds requested after notice is complete and for applications for which notice is not required, the amount eligible for refund is the number of hours of review time multiplied

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by Two Hundred Fifty Dollars ($250), subtracted from the amount paid by the applicant. The amount refunded shall not exceed seventy-five (75) percent of the minimum land use review fee.

(Ord. 121338 § 3, 2003; Ord. 120997 § 4, 2002; Ord. 120818 §§ 5, 6, 7, 2002; Ord. 120448 § 2, 2001; Ord. 119766 § 4, 1999; Ord. 119326 § 1, 1998; Ord. 119255 § 2 (part), 1998.)

Chapter 22.900D

FEES FOR NEW AND ALTERED BUILDINGS AND EQUIPMENT

Sections:

22.900D.010 Development permit fees.
22.900D.030 Concrete mix design approval.
22.900D.060 Fees for parking facilities outside of buildings.
22.900D.070 Floodplain development approval or license fee.
22.900D.080 Demolitions and relocations.
22.900D.090 Permit fees for mechanical equipment and systems, other than boilers and pressure vessels and refrigeration systems.
22.900D.100 Refrigeration equipment and systems.
22.900D.110 New installations and alterations of boilers and pressure vessels.
22.900D.130 Shop and field assembly inspections.
22.900D.140 New installations and alterations of elevators and other conveyances.
22.900D.145 Site review fee.
22.900D.150 Electrical permit fees.
22.900D.160 Sign, billboard, awning and canopy permit fees.
22.900D.170 Design Commission fees.

22.900D.010 Development permit fees.

A. General. The development fee shall cover the application, review and inspection process associated with new construction, additions, alterations, and repairs to existing buildings and establishment of use. The development fee shall consist of a permit fee and, where plans are routed for review, a separate plan review fee. The permit fee and plan review fee shall be determined based on valuation, except as provided below.

B. Time of Payment of Fees. Fees collected at the time of application will be based on Department estimates of the total fees due at the time of permit issuance. The final Department fees will be recalculated during review, and any additional amount due shall be collected prior to the issuance of the permit, approval, denial, decision or recommendation, provided that hourly fees may be collected earlier, as described in Section 22.900B.010 D. Any fee in excess of the final calculated fee shall be refunded pursuant to Section 22.900B.050 and 22.900D.010 K.

If, during the initial review, the previously-collected fee is determined to be less than ninety (90) percent of the estimated fee, the review work subsequent to the initial review will not proceed until the discrepancy is paid to the Department.

1. Amount Due Prior to Application.Fees for building preapplication conference shall be paid prior to the conference. See Section 22.900D.010 I for building preapplication conference fees.

2. Amounts Due at Time of Application. The following amounts are due at the time of application:

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a. Applications for building and/or mechanical permits without plan review shall pay a fee for subject-to-field inspection (STFI) permits equal to the permit fee specified in Table D-2.

b. Applications for building and/or mechanical permits with plan review shall pay the plan review fee plus one-half (1/2) the permit fee as specified in Table D-2.

c. For other applications, the minimum fee shall be collected at the time of application.

C. Determination of Value.

1. The Director shall determine the value of construction for which the permit is issued (the estimated current value of all labor and materials, whether actually paid or not, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, automatic sprinkler systems, other mechanical systems, retaining walls, rockeries and any other permanent work or permanent equipment, but not including furnishings). The building valuation data from the International Conference of Building Officials (ICBO) as published in "Building Standards" and other valuation criteria approved by the Director will be used to determine the value of construction.

2. Dish or Panel Antennae. The fee for processing applications for installation of a dish or panel antenna shall be charged on the value of the foundation and supports constructed for the installation. The value of the dish or panel antenna shall not be included in the determination of value.

3. The development fee for parks and playgrounds shall be based on the project value, including the value of improvements for structures incidental to the park or playground such as retaining walls, rockeries and restrooms, but shall not include the value of playground equipment.

4. The valuation shall be based on the highest type of construction to which a proposed structure most nearly conforms, as determined by the Director.

D. Phased Permits.

1. When a new building project is proposed to be built in phases and the Director determines that separate development permits may be issued for portions of the project, the development fee for initial permits shall be based on the estimated value of the work under that permit according to Table D-2, except excavating permits shall be based on Section 22.900D.145. The fee for the final permit shall be the fee based on the total value of the new building project minus the sum of the fees for the initial permits, with no credit for an excavation permit fee.

2. In addition to the fee specified in 22.900D.010 D 1 above, where an applicant requests division of an already-submitted permit application with a value of Five Million Dollars ($5,000,000) or less into separate applications, a fee of one (1) times the base fee shall be charged for each separate application (including the original application which results from the division). Where the application has a value of more than Five Million Dollars ($5,000,000) the additional fee

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shall be two (2) times the base fee for each application.

E. Calculation of Development Fees. The development fee for a permit shall be calculated as described in this section. Table D-1 establishes the development fee index for value-based development fees. Except as specified in Section 22.900D.010 F below, Table D-2 establishes the permit fee and plan review fee, calculated as a percentage of the development fee index where determined by value. If two (2) or more buildings are allowed under one (1) permit, they shall be assessed fees as separate buildings under Table D-2. The individual fees shall then be added to determine the total development fee for the permit.

Table D-1 - CALCULATION OF THE DEVELOPMENT FEE INDEX

Total Valuation	Development Fee Index
$0 to $1,000	$150 for the first $1,000 or fraction thereof
$1,001 to $50,000	$150 for the first $1,000 plus $1.25 for each additional $100 or fraction thereof
$50,001 to $100,000	$762.50 for the first $50,000 plus $1 for each additional $100 or fraction thereof
$100,001 to $250,000	$1,262 for the first $100,000 plus $4.75 for each additional $1,000 or fraction thereof
$250,001 to $500,000	$1,975 for the first $250,000 plus $4.50 for each additional $1,000 or fraction thereof
$500,001 to $750,000	$3,100 for the first $500,000 plus $4.25 for each additional $1,000 or fraction thereof
$750,001 to $1,000,000	$4,162.50 for the first $750,000 plus $4 for each additional $1,000 or fraction thereof
$1,000,001 to $2,000,000	$5,162.50 for the first $1,000,000 plus $3.75 for each additional $1,000 or fraction thereof
$2,000,001 to $3,000,000	$8,912.50 for the first $2,000,000 plus $3.50 for each additional $1,000 or fraction thereof
$3,000,001 to $4,000,000	$12,412.50 for the first $3,000,000 plus $3.25 for each additional $1,000 or fraction thereof
$4,000,001 to $5,000,000	$15,662.50 for the first $4,000,000 plus $3 for each additional $1,000 or fraction thereof
$5,000,001 to $50,000,000	$18,662.50 for the first $5,000,000 plus $2.25 for each additional $1,000 or fraction thereof

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Seattle Municipal Code
December 2004 code update file
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$50,000,001 to $100,000,000	$119,912.50 for the first $50,000,000 plus $1.75 for each additional $1,000 or fraction thereof
$100,000,001 to $200,000,000	$207,412.50 for the first $100,000,000 plus $1.25 for each additional $1,000 or fraction thereof
$200,000,001 and up	$332,412.50 for the first $200,000,000 plus $0.75 for each additional $1,000 or fraction thereof

Table D-2 - CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
Type of Development	Percent of Development Fee Index (DFI) Calculated from Project Value as Specified in Table D-1[1]	
Permit Fee	Plan Review Fee	
1. Building, with or without mechanical, with or without use[2, 3]	100% of DFI	100% of DFI
2. STFI (Subject to field inspection-building and/or mechanical without plan review)	100% of DFI	none
3. Reserved	Reserved	Reserved
4. Mechanical permit separate from building permit[3] (see also Section 22.900D.090)	100% of DFI	100% of DFI
5. Blanket permit review fees:		
a. Initial tenant alterations within three (3) years of first tenant permit within a building where the area of work is more than fifty thousand (50,000) square feet	$2 per 100 square feet[1]	$2.30 per 100 square feet[1]
b. Initial tenant alterations after three (3) years of first tenant permit, and other tenant alterations	100% of DFI	40% of DFI
6. Initial tenant alterations within eighteen (18) months of first tenant permit (nonblanket permit initial tenant improvements to shell and core)[4]	25% of DFI based on new building value of shell and core	25% of DFI based on new building value of shell and core
7. Standard plans:		
a. Establishment of standard plan, including temporary structures. (For swimming pools, see Item 14 below)	100% of DFI	100% of DFI
b. Establishment of already permitted plan as standard plan	100% of DFI	None

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Seattle Municipal Code
December 2004 code update file
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See ordinances creating and amending
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c. Subsequent reviews of standard plan, other than temporary structures	100% of DFI	40% of DFI
d. Subsequent reviews of standard plans for temporary structures	See Item 15 below	See Item 15 below
8. Factory-built housing and commercial structures	Base Fee x 1; base fee x 1 for each module up to 10 modules for multistory multifamily structures	Base Fee x 1
9. Establishing use for the record:		
a. Applications with no construction	Base Fee x 1.5	None
b. Applications with construction	100% of DFI	100%
10. Noise survey reviews	None	$150 per hour; 30-minute minimum
11. Parking facilities		
a. Outside a building	See Sec. 22.900D.060	
b. Within or on a building	See Sec. 22.900D.010 C	
12. Renewal fees		
a. Development permits and separate mechanical permits where original plans will be changed	$150 per hour	$150 per hour
b. Development permits other than separate mechanical where no change will be made to original plans	Base fee (1.5	
c. Separate mechanical where no change will be made to original plans	Base fee (1	
13. Special inspection	Base fee (1	
14. Swimming pools[5]		
a. Unenclosed pools accessory to Group R-3 occupancy	Base fee x 4	
b. Unenclosed pools accessory to occupancies other than Group R-3	Base fee x 6	
c. Principal use unenclosed pools	Base fee x 6	
d. Future construction of an unenclosed swimming pool	Base fee x 1	
e. Initial approval of standard plan for swimming pool accessory to Group R-3 occupancy	Base fee x 5	
f. Subsequent review of application based on approved swimming pool standard plan	Base fee x 1.5	

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Seattle Municipal Code
December 2004 code update file
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15. Temporary structures, such as commercial coaches; renewal of permits for temporary structures[6]	Base fee x 2 per structure	
16. Temporary tents, off-site construction offices and similar facilities	Base fee x 2 plus $500 refundable deposit per site[7]	
17. Temporary use permits		
a. For 4 weeks or less[8]	Base fee x 1.5	
b. For more than 4 weeks[8]	Base fee x 2	

Notes to Table D-2:
1. The minimum permit fee or plan review fee for value-based fees is One Hundred Fifty Dollars ($150).
2. The minimum fee for accessory dwelling units is Three Hundred Dollars ($300).
3. When there is no separate mechanical permit, the value of mechanical equipment included in the building permit application shall be included in the project value for the building permit.
4. This fee is applicable only to those initial tenants that reflect the use and occupancy established in the shell and core permit. The value used shall be the new construction value used in calculating value for the core and shell permit.
5. When a swimming pool is located within an enclosed building and is included in the building plans for that building, a separate fee shall not be charged for the swimming pool. The swimming pool area will be considered as floor area of the principal occupancy of the building.
6. This fee shall not apply to any on-site, temporary construction office where a valid building permit is in force.
7. All costs to the City for site cleanup shall be deducted from the deposit before the deposit is refunded.
8. Master use permit fees for such temporary uses shall be charged according to Table C-1.

F. Blanket Permits.

1. The application fee for a blanket permit to cover initial nonstructural tenant alterations within the first three (3) years of the first tenant alteration permit shall be charged at the rate of Four Dollars and Thirty Cents ($4.30) per one hundred (100) square feet of space to be improved within the life of the permit. A deposit based on the estimated value of the work to be completed during the life of the permit shall be collected at the time of application. As individual tenant spaces are reviewed, the amount of the fee equivalent to the floor space examined shall be deducted from the deposit per Table D-2.

2. The application fee for a blanket permit to cover nonstructural tenant alterations in previously-occupied space, or to cover initial nonstructural tenant alterations after three (3) years of the first tenant alteration permit, is One Hundred Fifty Dollars ($150). A deposit based on the estimated value of the proposed work within eighteen (18) months shall be collected at the time of application. As individual tenant spaces are reviewed, the fee for the work to be done shall be calculated according to Table D-2 and deducted from the deposit.

3. When the estimated blanket fee deposit is used up in less time than the life of the permit and work remains to be done, an additional deposit shall be paid based on the estimated floor area remaining to be improved during the remaining life of the permit. When a portion of the deposit is unused at the end of the life of the permit and work remains to be done, credit for the balance of the deposit may be transferred from the expiring permit to a new blanket permit. To minimize additional accounting costs associated with blanket permits, where more than two (2) deposits are made during the life of the blanket permit, the minimum amount of each subsequent deposit

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shall be Two Thousand Dollars ($2,000).

G. Revisions to Issued Permits. Fees for revisions to issued permits shall be charged according to standards promulgated by the Director that approximate the additional cost of reviewing the revisions. A nonrefundable fee of one times the Base Fee shall be paid at the time the revisions are submitted.

H. Certificate of Occupancy. The issuance of a certificate of occupancy for existing buildings, either where no certificate of occupancy has previously been issued or where a change of occupancy is requested, requires a building permit. When there is no construction valuation (there is no work which would require a building permit), the minimum building permit fee shall be assessed. In addition to the minimum building permit fee, where records research, plan examination or inspection is required, charges shall be assessed at the rate of One Hundred Fifty Dollars ($150) per hour. Where work is being done as authorized by a permit, the permanent certificate of occupancy fee is not assessed in addition to the building permit fee. The fee for a temporary certificate of occupancy shall be charged at the rate of one-half the base fee. The fee for the duplication of a certificate of occupancy is Twenty-five Dollars ($25) unless records research, plan examination or inspection is required, in which case charges shall be assessed at the rate of One Hundred Fifty Dollars ($150) per hour.

I. Building Preapplication Conferences.

1. Required Building Preapplication Conferences. When there is a requirement for a preapplication or predesign conference, such as buildings subject to the Seattle Building Code special provisions for atria (Section 402), or highrise buildings (Section 403), thirty-five (35) percent of the estimated plan review fee for the structure shall be charged and paid as specified in Section 22.900D.010 B, and applied toward the development permit fee. (See Table C-1 for land use preapplication conference fees.)

2. Other Building Preapplication Conferences. When a preapplication conference is requested by the applicant but is not required by Code, a fee equal to one and one-half (1 1/2) times the base fee shall be paid no later than the time of the conference. Such fee is required for each meeting held on a project, and will be applied toward the future permit application fee provided:

a. The project is identified by the proper address at the time of the preapplication conference; and

b. The permit application is made within six (6) months of the date of the preapplication conference.

J. Correction Penalty Fee. After written notice to the applicant, a penalty fee of Three Hundred Dollars ($300) will be charged for each additional correction cycle required due to lack of adequate response from the applicant.

K. Refunds.

1. Refunds of development permit fees shall be calculated as specified in Table D-3. See also Section 22.900B.050.

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December 2004 code update file
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2. Refunds shall not be given for the following fees:

a. Demolition permits;

b. Renewal or reestablishment of permits; and

c. Preapplication conferences.

Table D-3--CALCULATING REFUNDS OF DEVELOPMENT PERMIT FEES

Stage in Review Process	Amount of Permit Fee Eligible for Refund Based on 50% of Total Permit Fee Calculation[1]	Amount of Plan Review Fee Eligible for Refund Based on 100% of Total Plan Review Fee Calculation
I. Application Filed, Permit Not Issued		
A. Application filed, plans not routed	40%	90%
B. Plans routed for initial review, review not completed	20%	80%
C. Initial review completed, plans not approved	0%	70%
D. Initial review completed, routed for first correction review, review of first corrections not completed	0%	60%
E. Review of first corrections completed plans not approved	0%	50%
F. Plans routed for review of second corrections, but review not completed	0%	40%
G. Review of second corrections completed, plans not approved	0%	30%
H. Review of third corrections not completed	0%	20%
I. Review of third corrections completed, plans not approved	0%	10%
J. Application approved, permit not issued	0%	0%

Stage in Review Process	Amount of Permit Fee Eligible for Refund Based on 100% of Total Permit Fee Calculation[1]	Amount of Plan Review Fee Eligible for Refund
II. Permit Issued[2]		
Permit issued, work not started	25%	0%
Permit issued, work started	0%	0%

Notes to Table D-3:

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December 2004 code update file
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1. Fifty (50) percent of the estimated permit fee is paid at the time the application is submitted. The amount refunded before the permit is issued is a percentage of the fifty (50) percent.
2. After the permit is issued, the entire permit fee has been paid. Therefore, the amount to be refunded after issuance is based on one hundred (100) percent of the permit fee.

L. Renewals. Fees for renewal of permits shall be charged according to Table D-2. When the fee for a new permit would be less than one and one-half (1 1/2) times the base fee, then the fee to renew the permit shall be the same as for a new permit.

M. Reestablishment. The following fee shall be charged for reestablishment of development permits:

1. Three (3) times the base fee; plus

2. If changes are made to the original plans, an additional fee shall be charged for inspection and/or plan examination at One Hundred Fifty Dollars ($150) per hour.

When the fee for a new permit would be less than three (3) times the base fee, then the fee to reestablish the permit shall be the same as for a new permit.
(Ord. 120997 § 5, 2002: Ord. 120818 § 8, 2002: Ord. 120448 §§ 3,4,5, 2001: Ord. 119766 § 5, 1999: Ord. 119255 § 2 (part), 1998.)

22.900D.030 Concrete mix design approval.

The fee for the evaluation of a concrete design mix is one-half (1/2) times the base fee, paid in advance of the evaluation decision being rendered.
(Ord. 119255 § 2 (part), 1998.)

22.900D.060 Fees for parking facilities outside of buildings.

A. A fee for parking facilities outside of buildings shall be charged for the review of plans to regrade and resurface existing parking facilities, to reconfigure existing parking facilities (rearrange parking spaces and aisles), to establish parking facilities on existing paved areas, and to establish and construct new parking facilities, whether the principal use of a lot or accessory to another use, as provided in Table D-7. (Parking facilities within buildings shall be charged fees in accordance with Section 22.900D.010.)

B. In determining the area of the parking facility, all aisles and landscape areas internal to the parking facility shall be included. Driveways to the parking facility and landscape areas on the periphery of the parking facility shall not be included.

C. These fees shall not apply to any parking facility which is underground and within a structure or on the roof of a structure, or to any extension of a parking facility which is primarily under a building, provided that the uncovered extension is no more than four (4) feet beyond the footprint of the building. The fees for these parking facilities shall be charged in accordance with Section 22.900D.010.

Table D-7 - PARKING FACILITIES FEES		
Parking Lot Size (Square Feet of Gross Parking Area[1])	Fee Without Associated Building or Use Permit[2]	Fee With Associated Building or Use Permit[2]

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December 2004 code update file
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Over 4,000	$450	$375
2,000-4,000	$375	$225
Less than 2,000	$150	No fee

Notes to Table D-7:
1. Where an existing parking facility is being reconfigured, gross parking area shall be the area being reconfigured.
2. Associated building or use permits are permits that have not expired (or are still going through the review process).

D. The fee for renewal or reestablishment of a permit for a parking facility is one and one-half (1 1/2) times the base fee where there are no changes in the plans. If changes are made to the original plans, an additional fee shall be charged for inspection and/or plan examination at One Hundred Fifty Dollars ($150) per hour.
(Ord. 120997 § 6, 2002; Ord. 120818 § 9, 2002; Ord. 119766 § 8, 1999; Ord. 119255 § 2 (part), 1998.)

22.900D.070 Floodplain development approval or license fee.

The fee for processing and review of applications for floodplain development approvals shall be charged at the rate of one and one-half (1 1/2) times the base fee, except that the fee for processing and review of applications for a floodplain development license shall be charged at the rate of one (1) times the base fee.
(Ord. 119255 § 2 (part), 1998.)

22.900D.080 Demolitions and relocations.

A. Demolition. The fee for demolition permits is Two Hundred Twenty-five Dollars ($225).

B. Relocation other than floating homes.

1. The fee to relocate a building from within the City to a location outside of the City is Two Hundred Twenty-five Dollars ($225) demolition fee for the site from which the building is moved.

2. The fee to relocate a building to any location with the City limits includes:

a. An amount calculated according to Table D-2 as for new construction for the foundation and additions to the building; and

b. A fee for alterations to the building calculated as for alterations to other buildings; and

c. Two Hundred Twenty-five Dollars ($225) demolition fee for the site from which the building is moved.

3. Relocation permits require a deposit or bond of Ten Thousand Dollars ($10,000), refundable upon the completion and approval of the foundation and framing.

C. Floating Home Relocation. The fee to relocate a floating home shall be charged at the rate of one and one-half (1 1/2) times the base fee.
(Ord. 120997 § 7, 2002: Ord. 120448 § 6, 2001: Ord. 119255 § 2 (part), 1998).

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Seattle Municipal Code
December 2004 code update file
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22.900D.090 Permit fees for mechanical equipment and systems, other than boilers and pressure vessels and refrigeration systems.

A. Mechanical permit fees for the installation, replacement or major alteration of heating equipment, incinerators and other miscellaneous heat-producing appliances shall be charged as set in Table D-8. Fees shall be charged for each furnace when it is applied for without plans. No separate fee shall be charged for a furnace when it is included in plans for a mechanical air-moving system submitted for a mechanical permit.

B. Mechanical permits are considered part of a building permit, with no additional fee, when mechanical plans are reviewed at the same time as structural and architectural plans for the same building project. The fees for a separate mechanical permit for installation, alteration or repair of mechanical air-moving systems, including ducts attached thereto, associated nonresidential heating and cooling equipment, and mechanical exhaust hoods, including ducts attached thereto, are charged per Table D-2. See Table D-12 for rates for burners installed in boilers.

C. The fee to renew or reestablish a furnace permit is one-half (1/2) the base fee.

Table D-8 -- PERMIT FEES FOR MECHANICAL EQUIPMENT	
Type of Installation	Fee
Forced air, gravity-type, or floor furnace, gas or oil suspended heater, heat pump, recessed wall heater or floor-mounted space heater, wall furnace, circulating heater or woodstove/fireplace insert, including ducts and burners attached thereto	$100 per unit
New gas or oil burners and newly installed used gas or oil burners[1]	$100 per unit
Appliance vents Class A, B, BW or L when installed separately	$80 per unit
Mechanical air-moving systems	See Table D-2
Appliances or equipment or other work not classed in other categories, or for which no other fee is listed	Hourly at $150 per hour. Minimum of one-half (1/2) times the base fee.

D. Refunds. Refunds of mechanical equipment permit fees shall be calculated as specified in Table D-9.

Table D-9 - CALCULATING REFUNDS OF MECHANICAL EQUIPMENT FEES MECHANICAL EQUIPMENT

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Seattle Municipal Code
December 2004 code update file
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Stage in Review Process	Amount Eligible for Refund
Permit is issued;	25%
no work started.	
Permit is issued;	0% (No refund
work started.	allowed)

(Ord. 120997 § 8, 2002: Ord. 120818 § 10, 2002: Ord. 120448 §§ 5, 6, 7, 2001: Ord. 119766 § 9, 1999: Ord. 119255 § 2 (part), 1998.)

22.900D.100 Refrigeration equipment and systems.

A. Fees for the installation, addition, repair, replacement and alteration of refrigeration equipment and systems shall be charged as set in Table D-10.

B. Temporary installations of ten (10) days' duration or less, made for the purposes of exhibition, display or demonstration shall be charged a fee of Forty-five Dollars ($45) for each installation.

Table D-10 - REFRIGERATION PERMIT FEES[1]	
Type or Size of System/Equipment	**Fee**
____	
Basic fee[2]	$ 45
Additional installation fee per compressor	
0--5 HP	$ 45
6--25 HP	$ 90
26--100 HP	$180
101--500 HP	$240
Over 500 HP	$290
Repair and alteration (value of work)	
$0--$1,000	$ 45
$1,001--$5,000	$ 65
$5,001--$10,000	$110
Over $10,000	$110 plus $45/each $5,000 or fraction thereof of valuation above $10,000

Notes to Table D-10:
1. Where the application for permit shows cooling tonnage rather than horsepower, the fees of this table shall apply at a rate of one (1) horsepower equals one (1) ton of cooling capacity.
2. The basic fee applies to new installations, repairs and alterations.

C. Refunds. Refunds of refrigeration permit fees shall be calculated as specified in Table D-11.

Table D-11 - CALCULATING REFUNDS OF REFRIGERATION FEES

REFRIGERATION EQUIPMENT

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Seattle Municipal Code
December 2004 code update file
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Stage in Review Process	**Amount Eligible for Refund**
Permit is issued;	25%
no work started.	
Permit is issued;	0% (No refund
work started.	allowed)

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D. The fee to renew or reestablish a refrigeration permit is one-half the base fee. (Ord. 120997 § 9, 2002: Ord. 120818 § 11, 2002: Ord. 119255 § 2 (part), 1998.)

22.900D.110 New installations and alterations of boilers and pressure vessels.

A. Fees for the installation of boilers and pressure vessels shall be charged as set in Table D-12. The fee for alteration or repair of boilers and pressure vessels when an inspection is required is a minimum fee of one-half (1/2) times the base fee and a fee for inspection time beyond the first one-half (1/2) hour of One Hundred Fifty Dollars ($150) per hour.

B. The fee to renew or reestablish a boiler permit is one-half (1/2) the base fee.

Table D-12 - INSTALLATION PERMIT FEES FOR BOILERS AND PRESSURE VESSELS			
Type of Installation			Installation Fee
____			
	Heated By	**Electric Power**	
	Combustion	Input (in KW)	
	Products		
	Heating Surface (in Square Feet)		
Boilers	0--250	0--200	$165
	>250--500	201--400	$245
	>500--750	401--600	$330
	>750--1,000	601--800	$475
	>1,000	Over 800	$600
____			
Pressure Vessels[1]			
	Length times diameter in square feet		
	0--15		$110
	>15--30		$145
	>30--50		$210
	>50--100		$270
	>100		$330
____			
Burner[2]	0--12,500,000 Btu/hr		$165 (each fuel)
	Over 12,500,000 Btu/hr		$255 (each fuel)
____			

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Seattle Municipal Code
December 2004 code update file
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Automatic certification	0--12,500,000 Btu/hr Over 12,500,000 Btu/hr		$165 (each fuel) $255 (each fuel)
____			
Monitoring system	Per Boiler		$305

Notes to Table D-12:
1. Rating size is the product of the two (2) greatest dimensions of the vessel; diameter x overall length for the cylindrical vessels; maximum width x maximum length for rectangular vessels.
2. When a burner is installed in conjunction with a boiler, a separate fee shall not be charged for the burner.
(Ord. 120997 § 10, 2002: Ord. 120818 § 12, 2002: Ord. 120448 § 8, 2001; Ord. 119766 § 10, 1999; Ord. 119255 § 2 (part), 1998.)

22.900D.130 Shop and field assembly inspections.

A. The Director may, upon written request of any manufacturer or assembler licensed to do business in The City of Seattle who has an appropriate American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Symbol and holds a valid certificate of authorization from the ASME, make shop and field assembly inspection of boilers, boiler piping and unfired pressure vessels and provide for certification of manufacturers' data reports of such inspections as may be required by the ASME Boiler and Pressure Vessel Code rules. This service shall be provided only when the equipment is to be installed within The City of Seattle, and only when the applicant is unable to obtain inspections from private inspection agencies or other governmental authorities.

B. Fees for shop and field assembly inspection of boilers and pressure vessels shall be charged at the same rate as the installation fees for the equipment or at an hourly rate of One Hundred Fifty Dollars ($150) per hour, with a minimum fee charged at the rate of one (1) times the base fee for any one (1) inspection.

C. Fees for inspection requested for other than shop and field assembly inspection shall be charged at an hourly rate of One Hundred Fifty Dollars ($150) per hour, with a minimum fee charged at the rate of one (1) times the base fee for any one (1) inspection.

D. No fee shall be charged for the emergency inspection of a boiler or pressure vessel which has burst, burned or suffered other accidental damage, provided the boiler or pressure vessel is covered by a current valid certificate of inspection.
(Ord. 120997 § 11, 2002; Ord. 119255 § 2 (part), 1998.)

22.900D.140 New installations and alterations of elevators and other conveyances.

A. Permit fees for new installations and relocations of passenger or freight elevators, automobile parking elevators, escalators, moving walks, material lifts, dumbwaiters, lifts, private residence elevators and other conveyances shall be charged as set forth in Table D-13.

B. The permit fee for alterations and repairs to existing elevators, escalators, lifts, moving walks, dumbwaiters, and other conveyances shall be charged on a valuation basis as set forth in Table D-13, provided that in no case shall the fee for alteration or repair exceed the fee if the same were a new installation.

C. The fee for a temporary, 60-day operating permit is one (1) times the base fee.

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December 2004 code update file
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D. The fee to renew or reestablish an elevator permit is one-half (1/2) the base fee.

Table D-13 - PERMIT FEES FOR ELEVATORS AND OTHER CONVEYANCES[1, 2, 3, 4]	
Type of Conveyance	**Fee**
____	
New Installations and Relocations	
Hydraulic elevators	$430 plus $37.50 per hoistway opening
Cabled geared and gearless elevators	$825 plus $62.50 per hoistway opening
Residential hydraulic and cabled elevators	$325
Dumbwaiters, manual doors	$156 plus $19 per hoistway opening
Dumbwaiters, power doors	$156 plus $44 per hoistway opening
Escalators and moving walks	$1,225 plus the following (width in inches + run in feet + vertical rise in feet) ($3.75
Accessibility lifts (vertical and inclined)	$250
Material lifts	$300
____	
Alterations and Repairs	
____	
Accessibility lifts (vertical and inclined)	$125 plus $19 for each $1,000 of construction value or fraction thereof
Other elevators, escalators, walks, dumbwaiters and lifts	$150 plus $25 for each $1,000 of construction value or fraction thereof
Elevator cosmetic alterations only:	
Weight differential less than or equal to 5%	$150 plus $25 for each $1,000 of construction value or fraction thereof, to a maximum fee of $300
Weight differential greater than 5%	$150 plus $25 for each $1,000 of construction value or fraction thereof
Alteration or replacement of a door opening device	$180 per opening device

Notes to Table D-13:
1. Each separately-powered unit is considered a separate conveyance. Applications and permits shall be issued accordingly. (See Seattle Building Code Section 3006.1.)
2. Installation fees include charges for electrical equipment installed in connection with any conveyance and such equipment shall not be subject to a separate electrical permit and fee.
3. Each of these fees includes a nonrefundable portion in the amount of one (1) times the base fee.
4. The fee for alteration and repair shall not exceed the fee for the same device if installed as new.
(Ord. 120997 § 12, 2002: Ord. 120818 § 14, 2002: Ord. 119255 § 2 (part), 1998.)

22.900D.145 Site review fee.

A. The fees for plan review and inspection of the following are as provided in this section and Table

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D-SR:

1. Land-disturbing activity as defined in the Stormwater, Grading and Drainage Control Code SMC 22.801.130;

2. Drainage, including temporary drainage and erosion and sedimentation control.

B. The minimum fees for site review are specified in Table D-SR, and shall be paid at the time specified in the table. Hourly fees due in addition to the minimum fee will be calculated during review. Payment of hourly fees is due at the times specified in Table D-SR or may be charged in accordance with Section 22.900B.010.

C. The charge for review time, including inspections, in excess of the time included in the minimum fee is One Hundred Fifty Dollars ($150) per hour.

D. The fee for third-party review as specified in the environmentally critical areas regulations, Seattle Municipal Code Section 25.09.080 C, and for shoring review, is the contract cost to the Department for the review plus an amount equal to fifteen (15) percent of the contract amount for administration and review of the third-party geotechnical report and professional opinion. Seventy-five (75) percent of the estimated contract amount shall be paid prior to the contract award.

E. Site review fees are nonrefundable.

Table D-SR Site Review Fee

Type of Site Review	Minimum Fee	Time at Which Minimum Fee Is Due	Review Time Included In Minimum Fee	Time at Which Hourly Fees Are Due
1. Pre-application site inspection	$113	At the time of application intake	3/4 hour	At the time of application intake
2. Drainage and grading separate from a development permit	$150	At the time of application intake	1 hour	At the time of permit issuance
3. Review to determine Environmentally Critical Area exemptions[1]	$75	At the time of application intake	1/2 hour	At the time of decision
4. Site located in Environmentally Critical Area unless fully exempt from ECA standards	$375	At the time of application intake	2 1/2 hours	At the time of permit issuance
5. Sites requiring either Geotechnical or Drainage review or both	None--fee will be charged for each hour of review	Not Applicable	Not Applicable	At the time of permit issuance
6. Post-issuance site inspection and other review	$150 times the minimum number of required inspections[2]	At the time of permit issuance	One hour times the minimum number of required inspections	At the time of final inspection, issuance of Certificate of Occupancy or permit expiration

Note to Table D-SR:
1. The fee for review of exemptions applies to all levels of exemption.
2. When the permit is issued, the minimum number of required inspections shall be determined according to rules promulgated by the Director. The charge for review time, including inspections, in excess of the time included in the minimum fee is One Hundred Fifty Dollars ($150) per hour.

(Ord. 120997 § 13, 2002: Ord. 120818 § 15, 2002: Ord. 120448 § 39, 2001: Ord. 119766 § 12, 1999.)

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22.900D.150 Electrical permit fees.

A. Permit Fees When Plans and Specifications Are Reviewed.

1. Permit fees for electrical installations for which plans and specifications are reviewed by the Director shall be charged on a valuation basis as set forth in Table D-14.

2. When approved by the Director to submit plans for advance plan examination, 50% of the estimated permit fee shall be collected at the time of the permit application and plan submittal.

3. The Director shall determine the value of the construction, which is the value to the vendee of all labor, material, fittings, apparatus and the like, whether actually paid for or not, supplied by the permit holder and/or installed by the permit holder as a part of, or in connection with, a complete electrical system, but which does not include the cost of utilizing equipment connected to the electrical system. The Director may require verification of the stated cost of any work subject to these fees.

When the cost of any proposed installation is unknown, an estimate of the cost shall be made and used to compute the permit fee.

The permit fee specified in Table D-14 is due at the time of application. Upon completion of the installation, a fee adjustment may be made in favor of the City or the permit holder, if requested by either party.

4. When a duplicate set of approved plans is submitted for examination and approval at any time after a permit has been issued on the original approved plans, hourly charges for Departmental work shall be assessed.

B. Permit Fees When Plans and Specifications Are Not Required.

1. Permit fees for electrical installations, additions and alterations for which plans and specifications are not required shall be as set forth in Table D-15. The permit fee specified in Table D-15 is due at the time of application.

2. Permit fees for temporary electrical installations shall be charged for services only at the rate set forth in Table D-15.

C. Phased Permits.

1. When an electrical project is proposed to be installed in phases and the Director determines that separate electrical permits may be issued for portions of the project, the permit fee for the initial permits shall be based on the estimated value of the work under that permit according to Table D-14. The fee for the final permit shall be the fee based on the total value of the electrical installations minus the sum of the values of the initial permits.

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2. Where an applicant requests that an application for a permit be divided into separate applications subsequent to the initial submittal of a unified application, an additional fee shall be charged at the rate of one times the base fee for each separate application which results from the division.

Table D-14 - ELECTRICAL PERMIT FEES (When Plans are Reviewed)	
Total Valuation	**Fee**
$0.00 to $1,000.00	$150.00 for the first $1,000.00 or fraction thereof.
$1,001.00 to $5,000.00	$150.00 for the first $1,000.00 plus $6.25 for each additional $100.00 or fraction thereof.
$5,001.00 to $50,000.00	$400.00 for the first $5,000.00 plus $2.50 for each additional $100.00 or fraction thereof.
$50,001.00 to 100,000.00	$1,525.00 for the first $50,000.00 plus $2.00 for each additional $100.00 or fraction thereof.
$100,001.00 to $250,000.00	$2,525.00 for the first $100,000.00 plus $10.00 for each additional $1,000.00 or fraction thereof.
$250,001.00 to $500,000.00	$4,025.00 for the first $250,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof.
$500,001.00 to $750,000.00	$6,400.00 for the first $500,000.00 plus $9.00 for each additional $1,000.00 or fraction thereof.
$750,001.00 to $1,000,000.00	$8,650.00 for the first $750,000.00 plus $8.50 for each additional $1,000.00 or fraction thereof.
$1,000,001.00 to $2,000,000.00	$10,775.00 for the first $1,000,000.00 plus $8.00 for each additional $1,000.00 or fraction thereof.
$2,000,001.00 to $3,000,000.00	$18,775.00 for the first $2,000,000.00 plus $7.50 for each additional $1,000.00 or fraction thereof.
$3,000,001.00 to $4,000,000.00	$26,275.00 for the first $3,000,000.00 plus $7.00 for each additional $1,000.00 or fraction thereof.
$4,000,001.00 to $5,000,000.00	$33,275.00 for the first $4,000,000.00 plus $6.50 for each additional $1,000.00 or fraction thereof.

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$5,000,001.00 to $50,000,000.00	$39,775.00 for the first $5,000,000.00 plus $5.50 for each additional $1,000.00 or fraction thereof.
$50,000,001.00 to $100,000,000.00	$287,275.00 for the first $50,000,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof.
$100,000,001.00 to $200,000,000.00	$512,275.00 for the first $100,000,000.00 plus $3.50 for each additional $1,000.00 or fraction thereof.
$200,000,001.00 and up	$862,275.00 for the first $200,000,000.00 plus $1.50 for each additional $1,000.00 or fraction thereof.

Table D-15 - ELECTRICAL PERMIT FEES* (When Plans are Not Required)				
____				
1. **Administrative Fee**				
a. An administrative fee of $55.00 will be charged for items 2 through 8 and 10 in addition to the other fees specified in this table.				
b. An administrative fee of $40.00 will be charged when work is added to an existing permit and when other information is changed.				
____				
2. **Services**			**Size**	**Fee**
a. Services (installation, relocation and temporary installations; size based on conductor ampacity)			1--125A	$64.50
			126--200A	$106.50
			201--300A	$148.50
			301--400A	$213.00
			401--500A	$255.00
			501--599A	$310.50
b. Temporary construction power for single-family residence			Any	$64.50
____				
3. Feeders[1] Size		**120v only**	**208v-480v**	**>480v**
15-25A		$10.50	$10.50	$22.50
30-50A		$22.50	$22.50	$45.00
60-125A		$33.75	$33.75	$67.50
150-225A			$45.00	$90.00
250-400A			$110.00	135.00
450 & above			$165.00	$211.50
____				
4. Connections, Devices and Branch Circuits[2]				
a. Connections			**Fee**	
Light outlet, switches, receptacles, fixtures[3], residential-type fan			$1.35 each	
Track lighting or multi-outlet assembly			$1.35 for every 2 feet of track	
b. Devices and Branch Circuits				
Dimmer (commercial 2,000 watt or over)			$12.90 each	
Non-electric furnace[4]			$10.50 each	
Dedicated appliances & utilization circuits (cord and plug or direct wired)				

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(15--25A)	$10.50 each
(30--50A)	$22.50 each
Range	$22.50 each
Water heater (220 volt)	$22.50 each
Floodlight[5]	$4.80 each
Sign	$28.50 each
____	
5. Transformer Installations[6]	**Fee**
Up to 300 VA	$4.80
300 VA to 6 KVA	$10.50
7 KVA to 15 KVA	$33.75
16 KVA to 30 KVA	$45.00
31 KVA to 45 KVA	$64.50
46 KVA to 75 KVA	$106.50
76 KVA to 112.5 KVA	$213.00
113 KVA to 225 KVA	$255.00
> 225 KVA	$310.50
____	
6. Motor Installations	**Fee**
1/3 HP	$4.80
1/3 HP to 3/4 HP	$10.50
1 HP to 3 HP	$16.05
4 HP to 5 HP	$20.40
6 HP to 10 HP	$22.50
11 HP to 20 HP	$37.50
21 HP to 50 HP	$64.80
51 HP to 100 HP	$88.95
101 HP to 200 HP	$182.85
Over 200 HP	$200.55
____	
7. Electric Furnaces and Heaters	**Fee**
Up to 2 KW	$4.80
2 KW to 5 KW	$10.50
6 KW to 15 KW	$14.40
16 KW to 30 KW	$28.35
31 KW to 50 KW	$61.20
51 KW to 100 KW	$99.75
101 KW to 200 KW	$243.00
Over 200 KW	$405.00
____	
8. Low-voltage and Communication Systems	**Fee**
a. Low-voltage systems[7]--sound systems, security systems, fire alarms, nurse call, industrial controls and similar	Requires separate permit for each system
Control unit	$4.00 each
Device (actuating, horn, alarm, etc.)	$1.00 each
Control systems (>100 volts) shall be based on the feeder schedule.	
b. Communications systems[8]--voice cable, data cable, coaxial cable, fiber optics and similar. The maximum fee is $352.50.	
Control unit	$4.00 each
Outlet	$1.00 each
____	
9. Special Events	
a. Inspections occurring during normal business hours--$75.00 for first one-half hour; $150.00 per hour for additional time	
b. Inspections occurring outside normal business hours--$225.00	
____	
10. Inspections for which no other fee is listed, including but not limited to Conditional Work and "Get Started" permits Each	$150 per hour; minimum one-half hour
____	
* See Electrical Code for permit exemptions	

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Notes to Table D-15:

1. Feeders will be charged only for (a) subpanels, (b) distribution panels, and (c) branch circuits of 60 amperes or over.
2. Fees will be charged according to either section 4a or 4b. Section 4a will be used only when fees according to section 4b cannot be determined.
3. Fixtures will be charged only for replacement, reinstallation or installation separate from light outlet wiring.
4. For furnaces where service exceeds 25 amperes, provided an additional feeder fee shall not be charged. For furnaces where service is 25 amperes or less, the furnace fee shall not apply provided a feeder fee is charged.
5. Outdoor area lighting (parking lots, streets, etc.) The floodlight fee is charged per luminaire.
6. The transformer fee includes the primary feeder and one secondary feeder up to and including the first panelboard or disconnect. Additional secondary panelboards or disconnecting means are charged at the appropriate feeder rate.
7. Low-voltage systems include, but are not limited to, systems listed in Chapter 7 of the National Electrical Code.
8. Communication systems include, but are not limited to, systems listed in Article 770 and Chapter 8 of the National Electrical Code.

D. Renewals and Reestablishment. The fee to renew or reestablish an electrical permit is one-half times the base fee.

E. Refunds. Refunds of electrical fees shall be calculated as specified in Table D-16. See also Section 22.900B.050.

Table D-16 - CALCULATING REFUNDS OF ELECTRICAL FEES	
Electrical: For Plan Review or Over-the-Counter (OTC) Permits	
Stage in Review/Inspection Process	**Amount Eligible for Refund**
Permit filed, plan review required but not started	100% minus 1/2-hour processing fee
Plan review started or completed, no inspections	100% minus the sum of the following: any accrued hourly charges for plan review
Plan review completed/permit issued and inspection(s) made, permit not finaled	100% minus the sum of the following: any accrued hourly charges for plan review + 1/2-hour charge for each inspection made
Advance plan review process completed but permit not issued	100% of fee paid minus the sum of the following: any hourly charges for plan review
Permit issued (OTC) (no plan review required) no inspection(s) requested	100% minus the sum of the following: $55.00 + 1/2-hour charge for one (1) inspection
Permit issued (OTC) (no plan review required) Inspection(s) made, permit not finaled	100% minus the sum of the following: $55.00 + 1/2-hour charge for each inspection made
Sign permit filed, plan review required, no inspections made	100% minus 1/2-hour processing fee

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Sign permit filed, plan review required, inspections made, permit not finaled	100% minus the sum of the following: 1/2-hour processing fee + 1/2-hour charge for each inspection made
Any permit finaled	No refund

(Ord. 121338 § 4, 2003; Ord. 120997 § 14, 2002; Ord. 120818 § 16, 2002; Ord. 120448 §§ 10, 11, 12, 2001; Ord. 119766 § 13, 1999; Ord. 119255 § 2 (part), 1998.)

22.900D.160 Sign, billboard, awning and canopy permit fees.

A. Permanent Signs. For permanent signs, a permit fee of $120.00 shall be charged for the first 100 square feet or less of the total display area of the sign plus an additional charge of $10.00 for each ten square feet or fraction thereof of total display area in excess of 100 square feet. Each sign or group of signs for a single business entity installed simultaneously on a single structure shall be charged a separate permit fee per business entity. The addition of a sign or group of signs for one business entity to the structure requires a separate permit.

B. Sign Measurements. All signs erected or painted simultaneously for a single business entity, provided they are on a single structure, shall be measured together and assessed a fee as if a single sign. Directional ground signs between five (5) and seven (7) square feet may be measured together and assessed a fee as if a single sign.

C. Sign Area. For the purpose of this section, sign area shall be measured in accordance with Section 23.86.004 of the Land Use Code.

D. Wall Signs. The maximum fee for signs painted on or otherwise applied directly to the building wall without a frame or mechanical fasteners is Four Hundred Fifty-seven Dollars and Fifty Cents ($457.50).

E. Awnings and Canopies. A separate permit fee is required for the installation of awnings and canopies. The fee assessed for the installation is based on the valuation of the awning or canopy and is one hundred (100) percent of the development fee index as calculated according to Table D-1. This fee is separate from the fee for any sign on the awning or canopy.

F. Signs on Awnings and Canopies. A permit fee separate from the awning permit fee is required for a sign installed or painted on an awning or canopy. Signs for separate business entities are assessed a separate fee whether or not on a separate awning or canopy. All signs for each business entity installed concurrently on an awning or canopy shall be measured to determine the total square footage and shall be assessed a fee as though one (1) sign. The subsequent addition or a sign or group of signs for one (1) business entity requires a separate permit.

G. Time of Payment. Permit fees for signs, awnings and canopies shall be paid at the time of application.

H. Renewal. The fee to renew or reestablish a sign, awning or canopy permit is one-half (1/2) the base fee.
(Ord. 121338 § 5, 2003; Ord. 120997 § 15, 2002; Ord. 120818 § 17, 2002; Ord. 120448 § 13, 2001; Ord. 119255 § 2 (part), 1998.)

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22.900D.170 Design Commission fees.

A. City Capital Improvement Projects, as Defined in SMC Section 3.58.020. Design Commission fees shall be assessed at a rate of three-tenths of one (0.3) percent of the construction cost for City capital improvement projects for which billing will commence on or before December 31, 1998, except as specified in subsections B and D of this section. Billing will occur at the time of contract award by the Department of Finance, who will forward the bills to the Department for distribution to appropriate City departments. Payment will be made through a fund transfer to the Department Operating Fund.

B. Major City Capital Improvement Projects. Except as specified in subsection D of this section, Design Commission fees shall be assessed at a rate of up to three-tenths of one (0.3) percent of the construction cost for major City capital improvement projects (greater than Ten Million Dollars ($10,000,000) construction budget) for which billing will commence on or before December 31, 1998. The fee shall be set through negotiations with the Budget Director and the Design Commission. Billing shall occur in accordance with a schedule agreed upon by the Budget Director and the Design Commission.

C. 1. For City capital improvement projects, as defined in Section 3.58.020, for which no billing commenced under subsection A or B on or before December 31, 1998, and that do not fall within an exception in subsection D of this section, the Budget Director, the Design Commission, and each affected City department will attempt to agree on that department's projects, that are expected to be assessed by the Design Commission in the following year. If no agreement is reached by a date established by the Budget Director, the Budget Director will establish the list of such projects. The Budget Director may establish the assessable appropriation of a City capital improvement below the actual appropriation in order that the project not be assessed an unduly high fee relative to the cost of the anticipated Design Commission review.

2. The Budget Director will assess a uniform fee of up to one (1) percent of the total of all departments' capital improvement project appropriations for those projects assessable for Design Commission fees. Such fee shall be set so as to be sufficient, when combined with other funding sources, to support the anticipated costs of the Design Commission for the following year, but in no case shall the fee exceed one (1) percent.

3. The Director of Design, Construction and Land Use shall bill each department in the amount determined by the Budget Director, and that amount shall be paid by fund transfer to the Department Operating Fund.

4. If a capital improvement project's appropriation has been included in a fee assessed under this section, but Design Commission review of that project is delayed into a future year, that appropriation amount shall not be counted again in the calculation of the fee for any future year. If review of a project on which a fee has been assessed under this subsection C is canceled, or if review commences on a project that, but for timeliness, would have been included but was not included in the calculation of a fee under this subsection C, the Budget Director shall adjust the department's total assessable appropriation downwards or upwards, respectively, when establishing the subsequent year's fee.

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D. Special Exceptions. The Commission will bill the following projects at the hourly rate of One Hundred Dollars ($100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars ($700) per hour for full Commission review, except that fees may be waived, in whole or in part, at the discretion of the Commission with the concurrence of the Budget Director in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment of the project for the following types of projects: art-works, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and small capital improvements;

2. For low-income and special needs housing projects subject to Design Commission review.

E. Street Use Permit Reviews. Street use permit reviews, which are required before issuance of a street use permit for improvements within the public right-of-way, will be billed at the hourly rate of One Hundred Dollars ($100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars ($700) per hour for full Com-mission review. Billing will be sent to Seattle Transportation for inclusion into the plan review costs charged to the applicant, or be billed directly by the Department. For those projects billed through Seattle Transportation, payment will be made by a fund transfer from the Seattle Transportation Operating Fund to the Department Operating Fund from funds paid by the applicant.

F. Early Master Use Permit Stage or Projects Outside City Contract Process. For design review at an early Master Use Permit stage or for projects outside The City of Seattle contract award process, Design Commission fees will be billed by the Department at an hourly rate of One Hundred Dollars ($100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars ($700) per hour for full Commission review.
(Ord. 120181 § 152, 2000; Ord. 119274 § 1, 1998: Ord. 119255 § 2 (part), 1998.)

Chapter 22.900E

FEES FOR CERTIFICATES AND REGISTRATIONS

Sections:

22.900E.010 Off-premises advertising sign (billboard) registration fees.
22.900E.020 Boiler and pressure vessel certificates of operation.
22.900E.030 Fees for elevator certificates of inspection.
22.900E.040 Refrigeration systems annual operating permit fee.
22.900E.050 Boiler, refrigeration and gas piping licenses and examinations.
22.900E.060 Registration of special inspectors.
22.900E.070 Certification of fabrication plants.
22.900E.080 Revisions to current special inspection authorizations.

22.900E.010 Off-premises advertising sign (billboard) registration fees.

A registration fee of Sixty Dollars ($60) shall be charged initially to establish and annually to renew each face of an off-premises advertising sign (billboard). The renewal fees are due on or before July 1, 2002, and on July 1 of each subsequent year.
(Ord. 120997 § 16, 2002: Ord. 120448 § 14, 2001: Ord. 119255 § 2 (part), 1998.)

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22.900E.020 Boiler and pressure vessel certificates of operation.

The fee for certificates of operation for boilers and pressure vessels shall be charged in accordance with Table E-1. Where the inspection is performed by the City, the certificate fee includes the certificate of operation, the inspection and one (1) reinspection, if necessary.

Table E-1 - FEES FOR CERTIFICATES OF OPERATION FOR BOILERS AND PRESSURE VESSELS			
Type of Installation			**Reinspection and Certificate Fee[1]**
Boilers[3]	Heating by Combustion Products Heating Surface	Heated by Electricity Electric Power Input	
	(In Square Feet)	(In KW)	
	0-250	0-200	$97.50
	251-500	201-400	$183
	501-750	401-600	$267
	751-1,000	601-800	$412.50
	Over 1,000	Over 800	$510
Controls and limit devices for automatic boilers (Charged in addition to those fees listed above)	Automatic boilers (input) 0--12,500,000 Btu Over 12,500,000		Annual $97.50 $121.50
Monitoring systems for automatic boiler (Charged in addition to those fees listed above)			Annual $243
Unfired pressure vessels[1,2,3]		Rating Size	Biennial
		0-15	$55.50
		16-30	$97.50
		31-50	$159
		51-100	$207
		Over 100	$304.50
Domestic water heaters located in Group A, E or I occupancy			Biennial $37.50

Notes to Table E-1:

1. Fees for boiler and pressure vessels which are inspected by authorized insurance company inspectors are fifty (50) percent of those set forth in Table E-1; provided, that the fifty (50) percent rate shall not apply to the charges for controls and limit devices for automatic boilers specified in Table E-1, and further provided that no fee shall be less than the minimum.
2. Rating size is the product of the two (2) greatest dimensions of the vessel: diameter x overall length for the cylindrical vessels; maximum width x maximum length for rectangular vessels.
3. Fees for low-pressure hot water supply boilers installed prior to January 1, 1989, consisting of tanks whose contents are heated by electric elements shall be charged at the same rates that apply to unfired vessels of the same size.

(Ord. 120997 § 17, 2002: Ord. 120818 § 18, 2002: Ord. 119255 § 2 (part), 1998.)

22.900E.030 Fees for elevator certificates of inspection.

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A. Certificates of inspection for elevators will be issued upon acceptance inspection and for each subsequent annual reinspection after payment of the fee set in Table E-2.

B. The fee for renewal of a certificate of inspection to operate any conveyance is as set in Table E-2.

Table E-2 - FEES FOR ELEVATOR CERTIFICATES OF INSPECTION[1]

Type of Conveyance	**Fee for Each Conveyance**
Hydraulic elevators	$137.50
Cable elevators[2,3]	$187.50 plus $14 for each hoistway opening in excess of two
Sidewalk elevators	$125
Hand-powered elevators	$125
Dumbwaiters	$125
Escalators and moving walks	$187.50
Accessibility lifts (vertical and inclined)	$125
Material lifts	$125
Fire emergency systems, Phase I or both Phase I and Phase II	$62.50

Notes to Table E-2:

1. Each separately-powered unit is considered a separate conveyance. Separate applications and permits are required for each conveyance. (See Section 3006.1, Seattle Building Code.)
2. Elevators having a continuous hoistway wall of one hundred (100) feet or more without openings shall be charged a fee of Three Hundred Six Dollars ($306) plus Fourteen Dollars ($14) for each hoistway opening in excess of two.
3. The fee for roped hydraulic elevators is the same as cable elevators.

(Ord. 120997§ 18, 2002: Ord. 120818 § 19, 2002: Ord. 120448 § 15, 2001: Ord. 119255 § 2 (part), 1998.)

22.900E.040 Refrigeration systems annual operating permit fee.

The annual operating permit fee for any refrigeration system is calculated according to Table E-3. The fee for multiple systems on a single premises is based upon the total motor horsepower at the premises.

Table E-3 - REFRIGERATION SYSTEMS ANNUAL OPERATING FEES

Size of Equipment	**Fee**
0-50 HP	$ 88.50
51-100 HP	$135
Over 100 HP	$189
Over 100 HP (Type 2 refrigerant)	$277.50

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(Ord. 120997§ 19, 2002: Ord. 119255 § 2 (part), 1998.)

22.900E.050 Boiler and refrigeration licenses and examinations.

Fees for boiler, refrigeration and gas piping examination and annual license fees, payable in advance, shall be charged as set in Table E-4.

Table E-4 - FEES FOR BOILER AND REFRIGERATION LICENSES AND EXAMINATIONS

License Fees[1]	
Refrigeration contractor	
Class A	$150
Class B	$150
Class C	$240
Air-conditioning contractor	$150
Refrigeration service shop	$67.50
Journeyman refrigeration mechanic	$67.50
Refrigeration service shop mechanic	$67.50
Industrial refrigeration engineer	$67.50
Refrigeration operating engineer	$67.50
Steam engineers and boiler firemen	
(all grades)	$67.50
Boiler supervisor, all grades	$75
Gas piping mechanic	$67.50
Examination fees--all licenses	$30

Note to Table E-4:
1. When a license is issued that will expire in less than six (6) months from the date of issuance, the fee is one-half (1/2) the annual fee.

(Ord. 120997 § 20, 2002: Ord. 119766 § 14, 1999: Ord. 119255 § 2 (part), 1998.)

22.900E.060 Registration of special inspectors.

A. The fee for the initial examination of an applicant for registration as a registered special inspector, including the special inspector certificate of registration, shall be charged at the rate of one and one-half (1 1/2) times the base fee.

B. Special inspectors who wish to be registered for additional categories shall take an examination for each new category. The fee for each additional examination shall be charged at the rate of one (1) times the base fee.

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C. The fee for renewal of a special inspector certificate of registration covering one (1) or more types of inspection for which the registrant has been qualified is Thirty-seven Dollars and Fifty Cents ($37.50).

D. The fee for a special inspector to repeat an examination shall be charged at the rate of one (1) times the base fee.
(Ord. 120997 § 21 (part), 2002; Ord. 119255 § 2 (part), 1998.)

22.900E.070 Certification of fabrication plants.

A fee of three (3) times the base fee shall be charged for certification of an approved fabri-cator's manufacturing plant at the time of initial application for approval. The fee to renew an approved fabricator's manufacturing plant certification is one and one-half (1 1/2) times the base fee.
(Ord. 119255 § 2 (part), 1998.)

22.900E.080 Revisions to current special inspection authorizations.

When changes to the authorized special inspections or inspectors are requested, separate from a permit revision, a fee shall be charged for each additional change, after the first such change. The fee is one-half (1/2) times the base fee for any changes that occur at one (1) time for a single permit. All fees shall be paid prior to final Department approval of the special inspections.
(Ord. 119255 § 2 (part), 1998.)

Chapter 22.900F

COMPLIANCE AND OTHER INSPECTIONS

Sections:

22.900F.010 Monitoring vacant buildings.
22.900F.020 Noise fees.
22.900F.030 Research and inspection on notices of violation.
22.900F.040 Advisory Housing and Building Maintenance Code and condominium conversion inspection.
22.900F.050 House barge licenses.

22.900F.010 Monitoring vacant buildings.

A. A quarterly reinspection fee shall be charged as set forth in Table F-1 for reinspections of buildings closed pursuant to or in response to the requirements of the Housing and Building Maintenance Code. Building and premises shall be maintained per the standards of the Housing and Building Maintenance Code, Land Use Code, Solid Waste Code and Weeds and Vegetation Ordinance.

Table F-1 - MONITORING VACANT BUILDINGS	
Condition of Premises	Fee
Building is closed to entry and premises are in compliance with applicable codes	$165
Building is closed to entry and premises are not in compliance with applicable codes	$275

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Building is not closed to entry regardless of compliance with applicable codes	$330

B. The Department shall send a bill to the taxpayer and/or owner of record of each property inspected.
(Ord. 119766 § 15, 1999: Ord. 119255 § 2 (part), 1998.)

22.900F.020 Noise fees.

A. Certain construction and land use proposals require noise survey reviews. Project review shall be charged according to Table F-2. Any hourly fees owed shall be paid prior to the publication of a decision on the application and prior to issuance of the permit. The actual charges and fees paid shall be reconciled and all outstanding balances shall be due and payable on demand. In cases where no published decision is required, hourly fees owed shall be paid prior to issuance of the permit, or issuance of a letter.

B. Applications for noise variances shall be charged according to Table F-2, except for applications for temporary noise variances as components of a master filming permit issued pursuant to SMC Section 15.35.010 which shall be charged as part of the single fee for the master filming permit. In addition to the amounts specified in Table F-2, applicants shall reimburse the Department for actual costs associated with review of the application.

The fee for renewal of noise variances is the same as for new applications.

Fees for noise variances are nonrefundable.

Table F-2 - NOISE FEES		
Type	**Permit Fee**	**Project Review Fee**
Temporary noise variance	$150	None
(No separate fee when issuedas part of a master filming permit)		
Economic/technical variance inresidential zones	$100	$125 per hour (2-hour deposit)
Economic/technical variance incommercial/industrial zones	$250	$125 per hour (2-hour deposit)
Noise survey reviews	See Table D-2	See Table D-2

(Ord. 120818 § 20, 2002: Ord. 120448 § 16, 2001: Ord. 119255 § 2 (part), 1998.)

22.900F.030 Research and inspection on notices of violation.

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The fee to conduct research to issue a certificate to clear the title records of a property cited with a notice of violation shall be charged at the rate of one-half (1/2) times the base fee. If an inspection in the field is also performed an additional fee at the rate of one (1) times the base fee shall be charged.
(Ord. 119255 § 2 (part), 1998.)

22.900F.040 Advisory Housing and Building Maintenance Code and condominium conversion inspection.

A. The fee for advisory inspections requested pursuant to the Housing and Building Maintenance Code or inspections required by the Condominium Conversion Ordinance and the Cooperative Conversion Ordinance shall be charged at the rate of two and one-half times the Base Fee for inspecting a building and one housing unit plus a charge at the rate of one-half times the Base Fee for inspecting each additional housing unit in the same building. No additional fee shall be charged for one follow-up inspection, if requested.

B. Additional reinspections requested or required after the first reinspection shall be charged a fee at the rate of one times the Base Fee for each building and one housing unit plus one-fourth times the Base Fee for each additional housing unit in the same building.

C. Refunds. Refunds of housing fees shall be calculated as specified in Table F-3.

Table F-3 - CALCULATING REFUNDS of HOUSING FEES (Advisory housing and required condominium conversion inspections)

Stage in Review Process	Inspection Fee Amount Eligible for Refund
Written request received by the Director; but initial file setup not started	100%
File set up, but inspection not undertaken	100% minus (2 x base fee and .5 x base fee for each unit in excess of 1 unit)
Inspection has been made and the building is found to be in compliance at initial inspection	0% (No refund allowed)

(Ord. 121338 § 6, 2003; Ord. 119255 § 2 (part), 1998.)

22.900F.050 House barge licenses.

The fee for a house barge license is Three Hundred Thirty Dollars ($330). The fee to renew a house barge license is One Hundred Sixty-five Dollars ($165).
(Ord. 119255 § 2 (part), 1998.)

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Chapter 22.900G

FEES COLLECTED FOR OTHER DEPARTMENTS

Sections:

22.900G.010 Fees for Department of Neighborhoods review.
22.900G.020 Fees for review by the Seattle Department of Transportation and the Seattle Public Utility.
22.900G.030 Fees for review by the Seattle-King County Department of Public Health.
22.900G.040 Fees for review by the Office of Arts and Cultural Affairs.

22.900G.010 Fees for Department of Neighborhoods review.

The following fees shall be collected by the Director of the Department of Neighborhoods and deposited in the General Fund.

A. Certificate of Approval Fees. There is a charge for a certificate of approval as required by all applicable ordinances for the construction or alteration of property in a designated special review district, Landmark, Landmark District, or historic district of Ten Dollars ($10) for construction costs of One Thousand Five Hundred Dollars ($1,500) or less, plus Ten Dollars ($10) for each additional Five Thousand Dollars ($5,000) of construction costs up to a maximum fee of One Thousand Dollars ($1,000) except that when an applicant applies for a certificate of approval for the preliminary design of a project and later applies for a certificate of approval for a subsequent phase or phases of the same project, a fee shall only be charged for the first application. There is an additional charge of Ten Dollars ($10) for a certificate of use approval in the Pioneer Square Preservation District, the Pike Place Market Historical District and the International Special Review District.

B. Special Valuation Program for Historic Properties. There is a charge of Two Hundred Fifty Dollars ($250) for review by the Seattle Landmarks Preservation Board of applications for special tax valuation for historic properties pursuant to the Historic Property Act (RCW Chapter 84.26). A fee for Board review of proposed alterations to historic properties shall be charged according to the schedule of fees set forth in Section 22.900G.010 A (Certificate of Approval Fees).

C. Public School Citizen Advisory Committee Fees. There is a charge of $100.00 per hour for convening and staffing School Use Citizen Advisory Committees and School Departure Citizen Advisory Committees.
(Ord. 121338 § 7, 2003; Ord. 119255 § 2 (part), 1998.)

22.900G.020 Fees for review by the Seattle Department of Transportation and the Seattle Public Utility.

The fees shown in Table G-1 shall be collected by the Department for transfer to the Seattle Department of Transportation (SDOT) or the Seattle Public Utility (SPU).

Table G-1 - SEATTLE DEPARTMENT OF TRANSPORTATION and SEATTLE PUBLIC UTILITY FEES

Work for Which Fee is Charged	Amount of Fee	Department

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1. Building grade sheet	$430 for 1--3 lots plus	
	$85 per lot over 3	SPU
2. School use and school developmentadvisory committee reviews	$110 per hour	SDOT
3. Major Institution master plans	$110 per hour	SDOT
4. Processing of right-of-way dedications	$110 per hour	SPU
5. Shoring and excavation review[1]	$110 per hour	SDOT

Note to Table G-1:
1. A separate street use permit must be obtained from SDOT under Title 15 if excavation or shoring will occur in the public right-of-way. This fee is collected for SDOT for shoring projects adjacent to the public right-of-way; it is for the review of utility conflicts, bonding, and temporary use of the right-of-way, and for a deposit to pay for inspections during construction.
(Ord. 121420 § 6, 2004; Ord. 120997 § 21 (part), 2002: Ord. 119255 § 2 (part), 1998.)

22.900G.030 Fees for review by the Seattle-King County Department of Public Health.

A. Fees for fuel gas piping shall be collected by the Director of Public Health. The basic fee for gas piping installations is Ninety-five Dollars ($95) for one (1) outlet, and Ten Dollars ($10) for each additional outlet. A minimum of Ninety-five Dollars ($95) is nonrefundable.

B. The fee shall not apply to the installation of any domestic hot-water heaters or any other domestic gas-fired appliance connected to a plumbing system whenever such appliance or heater is included in a plumbing installation for which a basic plumbing permit has been issued.

C. A reinspection fee for fuel gas piping of One Hundred Dollars ($100) may be assessed for each inspection where such portion of work for which inspection is called for is not complete or when corrections called for are not made. This is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspection or reinspection.

Reinspection fees may be assessed when the permit is not properly posted on the work site, the work to be inspected is not under test, and for failure to make required corrections. To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with this Code. In instances in which reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
(Ord. 120998 § 1, 2002: Ord. 119255 § 2 (part), 1998.)

22.900G.040 Fees for review by the Office of Arts and Cultural Affairs.

The fee for services furnished by the Office of Arts and Cultural Affairs is Fifty Dollars ($50) per hour. The minimum charge is Two Hundred Dollars ($200).
(Ord. 121006 § 16, 2002: Ord. 119255 § 2 (part), 1998.)

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Subtitle X.

Miscellaneous Rules and Regulations

Chapter 22.902

COOPERATIVE CONVERSION

Sections:

22.902.010 Short title.
22.902.020 Definitions.
22.902.030 Application to conversion of cooperatives.
22.902.040 Application to tenants.
22.902.060 Notice to all tenants prior to offering any unit for sale to the public as a cooperative unit.
22.902.080 Purchase rights of tenants whose units are offered for sale prior to effective date.
22.902.110 Tenant's right to rescind.
22.902.120 Evictions only for good cause during notice period.
22.902.130 Relocation assistance.
22.902.140 Tenant's right to vacate.
22.902.150 Mandatory Housing Code inspection and repair-Notice to buyers and tenants.
22.902.160 Department of Construction and Land Use certification of repairs.
22.902.170 Disclosure requirements.
22.902.180 Warranty of repairs-Fund set aside for repairs.
22.902.190 Unlawful representations.
22.902.200 Purchaser's right to rescind documents.
22.902.210 Delivery of notice and other documents.
22.902.230 Filing of complaint.
22.902.240 Penalties.
22.902.250 Authority to make rules.

Severability: If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such decision shall not affect the validity of the remaining portions thereof.
(Ord. 109125 § 19(part), 1980: Ord. 107707 (part), 1978.)

22.902.010 Short title.

This chapter may be cited as the "Cooperative Conversion Ordinance."
(Ord. 115105 § 1, 1990: Ord. 107707 § 1.1, 1978.)

22.902.020 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth in this section:

A. "Acceptance of offer of sale" means a written commitment for the purchase of an interest in a cooperative at a specific price and on specific terms.

B. "Agent" means any person, firm, partnership, association, joint venture, corporation or any other entity or combination of entities who represents or acts for or on behalf of a developer in selling or offering to sell any cooperative unit or interest in a cooperative.

C. "Building" means any existing structure containing one (1) or more housing units and any grouping of such structures which as rental units were operated under a single name.

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D. "Conversions of cooperatives" means the execution of a lease agreement by a member of a cooperative association.

E. "Converted building" means any cooperative which formerly contained rental housing units.

F. "Cooperative" means any existing structure, including surrounding land and improvements, which contains one (1) or more housing units and which:

1. Is owned by an association organized pursuant to the Cooperative Association Act (RCW Chapter 23.86); or

2. Is owned by an association with resident shareholders who are granted renewable leasehold interests in housing units in the building.

G. "Cooperative unit" means any housing unit in a cooperative.

H. "Developer" means any person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who undertake to convert rental units to cooperative units or sell cooperative shares in an existing building which contains housing units or lease units to a cooperative association's shareholders. The term "developer" shall include the developer's agent and any other person acting on behalf of the developer.

I. "Eviction" means any effort by a developer to remove a tenant from the premises or terminate a tenancy by lawful or unlawful means.

J. "Housing Code" means the Seattle Housing and Building Maintenance Code as codified in Ordinance No. 113545 as amended.1

K. "Offer for sale to public" means any advertisement, inducement, solicitation, or attempt by a developer to encourage any person other than a tenant to purchase a cooperative unit.

L. "Offer of sale to tenant" means a written offer to sell a cooperative unit to the tenant in possession of that unit at a specific price and on specific terms.

M. "Owners' association" means the association formed by owners of units in a cooperative for the purpose of managing the cooperative.

N. "Person" means any individual, corporation, partnership, association, trustee or other legal entity.

O. "Rental unit" means any housing unit, other than a single-family dwelling or units in a single-family dwelling, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a cooperative unit on the effective date of the ordinance codified in this chapter.2 A housing unit in a converted building for which there has been no acceptance of sale on the effective date of the ordinance codified in this chapter shall be considered a rental unit.

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P. "Tenant" means any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement whether oral or written, express or implied.
(Ord. 115105 § 2, 1990: Ord. 107707 § 1.2, 1978.)
1. Editor's Note: The Housing and Building Maintenance Code is codified in Subtitle II of this title.
2. Editor's Note: Ord. 107707 became effective on November 3, 1978; amending Ord. 115105 became effective July 1, 1990.

22.902.030 Application to conversion of cooperatives.

This chapter shall apply only to the conversion and sale of rental units that have not yet been converted to cooperative units, and to those units in converted buildings that are not subject to a binding purchase commitment or have not been sold on the effective date of the ordinance codified in this chapter.1 This chapter shall not apply to cooperative units that are vacant on October 2, 1978 and which have been offered for sale prior to that date; provided, that any tenant who takes possession of the unit after October 2, 1978 shall be provided the disclosures required by Section 22.902.040 and shall be entitled to the benefits of that section if the required disclosures are not given.
(Ord. 115105 § 3, 1990: Ord. 107707 § 2.1, 1978.)
1. Editor's Note: Ord. 107707 became effective on November 3, 1978; amending Ord. 115105 became effective July 1, 1990.

22.902.040 Application to tenants.

This chapter shall apply only to those tenants and subtenants who occupy rental units in converted buildings at the time the notices, offers, and disclosures provided by this chapter are required to be delivered. This chapter shall not apply to tenants who take possession of a unit vacated by a tenant who has received the notices and other benefits provided by this chapter; provided, that developers shall disclose in writing to all tenants who take possession after service of the notice required by Section 22.902.060, that the unit has been sold or will be offered for sale as a cooperative. This disclosure shall be made prior to the execution of any written rental agreement or prior to the tenant's taking possession whichever occurs earlier. A developer's failure to disclose, within the time specified above, that the unit has been sold, or offered for sale shall entitle the tenant to all the protections and benefits of this chapter.
(Ord. 115105 § 4, 1990: Ord. 107707 § 2.2, 1978.)

22.902.060 Notice to all tenants prior to offering any unit for sale to the public as a cooperative unit.

At least one hundred twenty (120) days prior to offering any rental unit or units for sale to the public as a cooperative unit, the developer shall deliver to each tenant in the building written notice of his or her intention to sell the unit or units. The notice shall specify the individual units to be sold and the sale price of each unit. This notice shall be in addition to and not in lieu of the notices required for eviction by RCW Chapters 59.12 and 59.18, and shall be delivered as provided in Section 22.902.210. With the notice the developer shall also deliver to the tenant a statement, in a format to be provided by the Director of Construction and Land Use, of the tenant's rights.
(Ord. 115105 § 6, 1990: Ord. 109125 § 19(part), 1980: Ord. 107707 § 3.2, 1978.)

22.902.080 Purchase rights of tenants whose units are offered for sale prior to effective date.

Tenants of rental units which were offered for sale as cooperative units prior to the effective date of the ordinance codified in this chapter[1] but for which offers there have been no acceptances, shall be entitled to the rights and benefits of this chapter.

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(Ord. 121409 § 2, 2004; Ord. 115105 § 7, 1990: Ord. 107707 § 3.4, 1978.)

1. Editor's Note: Ord. 107707 became effective on November 3, 1978; amending Ord. 115105 became effective July 1, 1990; amending Ord. 121409 became effective April 4, 2004.

22.902.110 Tenant's right to rescind.

A tenant may rescind an earnest money agreement or any other acceptance of an offer of sale by delivering to the developer or his agent, by registered or certified mail, written notice of revocation within fifteen (15) days of acceptance of the offer. Upon receipt of a timely revocation the developer shall immediately refund any deposit, earnest money, or other funds and the parties shall have no further rights or liabilities under the purchase agreement. Developers shall include in their sales contracts a clause informing purchasers of their rights under this section. The clause shall be located either immediately above the purchaser's signature or under a separate conspicuous caption entitled "Purchaser's Right To Cancel." In addition each binding sale agreement shall provide that the prevailing party in any action to enforce rights under the agreement shall be entitled to reasonable attorney's fees.
(Ord. 107707 § 3.7, 1978.)

22.902.120 Evictions only for good cause during notice period.

A developer shall not evict tenants or force tenants to vacate their rental units for the purposes of avoiding application of this chapter. No cooperative unit shall be sold or offered for sale if, in the one-hundred-fifty (150) day period immediately preceding the sale or offer for sale, any tenant has been evicted without good cause. For one hundred twenty (120) days prior to offering a rental unit for sale to the public, the tenant of that unit shall be evicted only for good cause. For the purposes of this chapter "good cause" shall mean:

A. Failure to pay rent after service of a three (3) day notice to pay rent or vacate as provided in RCW 59.12.030(3);

B. Failure to comply with a term or terms of the tenancy after service of a ten (10) day notice to comply or vacate as provided in RCW 59.12.030(4); and

C. The commission or permission of a waste or the maintenance of a nuisance on the premises and failure to vacate after service of a three (3) day notice as provided in RCW 59.12.030(5).
(Ord. 115105 § 8, 1990: Ord. 107707 § 3.8, 1978.)

22.902.130 Relocation assistance.

Relocation assistance of Five Hundred Dollars ($500.00) per unit shall be paid to tenants and subtenants who vacate the building either voluntarily or involuntarily after receiving the notice of intention to sell as provided in Section 22.902.060. In unfurnished sublet units the subtenant shall be entitled to the benefits of this provision. Otherwise, the tenant shall be entitled to the benefit; provided, that the developer shall not be obligated to determine tenant from subtenant and shall have fulfilled his obligation under this section by delivering the relocation benefit to either the tenant or the subtenant. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled.
(Ord. 115105 § 9, 1990: Ord. 107707 § 3.9, 1978.)

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22.902.140 Tenant's right to vacate.

Tenants who receive one-hundred-twenty (120) day notices of sale may terminate their tenancies at any time in the manner provided by RCW 59.18.200 and RCW 59.18.220.
(Ord. 107707 § 3.11, 1978.)

22.902.150 Mandatory Housing Code inspection and repair-Notice to buyers and tenants.

Prior to delivery of the one-hundred-twenty (120) day notice described in Section 22.902.060, developers shall, at their expense, request a Housing Code1 inspection of the entire building by the Seattle Department of Construction and Land Use. The inspection shall be completed within forty-five (45) days of a developer's request. The inspection for compliance shall be completed within seven (7) days of a developer's request unless the developer fails to provide or refuses access to Department of Construction and Land Use personnel. All violations of the Housing Code revealed by the inspection must be corrected at least seven (7) days prior to the closing of the sale of the first unit or by the compliance date on the inspection report, whichever is sooner. A copy of the Department of Construction and Land Use's inspection report and certification of repairs shall be provided by the developer to each prospective purchaser at least seven (7) days before the signing of any earnest money agreement or other binding purchase commitment. Copies of the inspection report shall be delivered to tenants in the converted building by the developer with the notice of sale as provided in Section 22.902.060.
(Ord. 109125 § 19(part), 1980: Ord. 107707 § 4.1, 1978.)
1. Editor's Note: The Housing Code is codified in Subtitle II of this title.

22.902.160 Department of Construction and Land Use certification of repairs.

For the protection of the general public, the Department of Construction and Land Use shall inspect the repairs of defective conditions identified in the inspection report and certify that the violations have been corrected. The certification shall state that only those defects discovered by the Housing Code1 inspection and listed on the inspection report have been corrected and that the certification does not guarantee that all Housing Code violations have been corrected. Prior to closing any sale the developer shall deliver a copy of the certificate to the purchaser. No developer, however, shall use the Department of Construction and Land Use's certification in any advertising or indicate to anyone, in any fashion, for the purpose of inducing a person to purchase a cooperative unit, that the City or any of its departments has "approved" the building or any unit for sale because the City has certified the building or any unit to be in any particular condition.
(Ord. 115105 § 10, 1990: Ord. 109125 § 19(part), 1980: Ord. 107707 § 4.2, 1978.)
1. Editor's Note: The Housing Code is codified in Subtitle II of this title.

22.902.170 Disclosure requirements.

In addition to the disclosures required by previous sections of this chapter, developers shall make available the following information to prospective purchasers at least seven (7) days before any purchase commitment is signed, or, in the case of existing tenants, with the one-hundred-twenty (120) day notice provided in Section 22.902.060: (A) an itemization of the specific repairs and improvements made to the entire building during the six (6) months immediately preceding the offer for sale; (B) an itemization of the repairs and improvements to be completed before the close of sale; (C) a statement of the services and expenses which are being paid for by the developer but which will in the future be terminated, or transferred to the purchaser, or

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transferred to the owners' association; (D) an accurate estimate of the useful life of the building's major components and mechanical systems (foundation, exterior walls, exterior wall coverings other than paint or similar protective coating, exterior stairs, floors and floor supports, carpeting in common areas, roof cover, chimneys, plumbing system, heating system, water heating appliances, mechanical ventilation system, and elevator equipment) and an estimate of the cost of repairing any component whose useful life will terminate in less than five (5) years from the date of this disclosure. For each system and component whose expected life cannot be accurately estimated, the developer shall provide a detailed description of its present condition and an explanation of why no estimate is possible. In addition, the developer shall provide an itemized statement in budget form of the monthly costs of owning the unit that the purchaser intends to buy. The itemization shall include but shall not be limited to: (1) payments on purchase loan; (2) taxes; (3) insurance; (4) utilities (which shall be listed individually); (5) homeowner's assessments; (6) the projected monthly assessment needed for replacing building components and systems whose life expectancy is less than five (5) years; and (7) a statement of the budget assumptions concerning occupancy and inflation factors.
(Ord. 115105 § 11, 1990: Ord. 107707 § 4.3, 1978.)

22.902.180 Warranty of repairs-Fund set aside for repairs.

Each developer shall warrant for one (1) year from the date of completion all improvements and repairs disclosed pursuant to Section 22.902.170. In addition, the developer shall establish within thirty (30) days after sale of the first unit, in a bank or other financial institution of his or her choosing, an escrow fund in an amount equal to ten percent (10%) of the cost of all repairs and improvements warranted. The location of the fund shall be made known to all cooperative unit owners and to the owners' association and shall be available for making repairs to warranted improvements and repairs; provided, that no money shall be withdrawn from the fund unless the developer has been advised in writing of the need for the specific repair and has failed to complete the repairs within a reasonable period of time. Depletion of the escrow fund prior to expiration of the warranty period shall not relieve the developer of the obligation of making all repairs warranted. Any money remaining in the fund at the end of the one (1) year period shall be returned to the developer. The owners' association's claim to any money in the escrow fund shall be prior to any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such funds are commingled.
(Ord. 115105 § 12, 1990: Ord. 107707 § 4.4, 1978.)

22.902.190 Unlawful representations.

It shall be unlawful for any developer, agent, or person to make or cause to be made in any disclosure or other document required by this chapter any statement or representation that is knowingly false or misleading. It shall also be unlawful for any developer, agent, or other person to make, or cause to be made, to any prospective purchaser, including a tenant, any oral representation which differs from the statements made in the disclosures and other documents required to be provided tenants and purchasers by this chapter.
(Ord. 107707 § 4.5, 1978.)

22.902.200 Purchaser's right to rescind.

Any purchaser who does not receive the notices, disclosures, and documents required by this chapter may, at any time prior to closing of the sale, rescind, in writing, any binding purchase agreement without any liability on the purchaser's part and the purchaser shall thereupon be entitled to the return of any deposits made on account of the agreement.

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(Ord. 107707 § 4.6, 1978.)

22.902.210 Delivery of notice and other documents.

A. Unless otherwise provided, all notices, contracts, disclosures, documents and other writings required by this chapter shall be delivered by registered or certified mail. The refusal of registered or certified mail by the addressee shall be considered adequate delivery. All documents shall be delivered to tenants at the address specified on the lease or rental agreement between the tenant and the developer or landlord. If there is no written lease or rental agreement then documents shall be delivered to the tenants' address at the converted building. In any sublet unit all documents shall be delivered to the tenant at his current address if known, and to the subtenant in possession. If the tenant's current address is unknown, then two (2) copies of all documents shall be delivered to the subtenant, one (1) addressed to the tenant and the other addressed to the subtenant.

B. The one-hundred-twenty (120) day notice of intention to sell required by Section 22.902.060, and all disclosure documents shall be delivered to the tenants in a converted building at a meeting between the developer and the tenants. The meeting shall be arranged by the developer at a time and place convenient to the tenants. At the meeting the developer shall discuss with the tenants the effect that the conversion will have upon the tenants. Should any tenant refuse to acknowledge acceptance of the notice and disclosures the developer shall deliver the documents in the manner prescribed in subsection A of this section.
(Ord. 121409 § 5, 2004; Ord. 107707 § 4.7, 1978.)

22.902.230 Filing of complaint.

Any person subjected to any unlawful practice as set forth in this chapter may file a com plaint in writing with the Director of Construction and Land Use. The City Director of Construction and Land Use is authorized and directed to receive complaints and conduct such investigations as are deemed necessary. Whenever it is determined that there has been a violation of this chapter the City Director of Construction and Land Use is authorized, at the Director's discretion, to follow one (1) or more of the following procedures:

A. Attempt to conciliate the matter by conference or otherwise and secure a written conciliation agreement;

B. Refer the matter to the City Attorney for criminal prosecution.
(Ord. 109125 § 19(part), 1980: Ord. 107707 § 5.1, 1978.)

22.902.240 Penalties.

Any person who violates any provision of this chapter, fails to comply with the provisions of this chapter or who deliberately attempts to avoid the application of this chapter shall, upon conviction thereof, be fined a sum not to exceed Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.
(Ord. 109125 § 19(part), 1980: Ord. 107707 § 5.2, 1978.)

22.902.250 Authority to make rules.

The Director of Construction and Land Use is authorized and directed to adopt, promulgate, amend and

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rescind in accordance with the Administrative Code of the City,1 administrative rules consistent with the provisions of this chapter and necessary to carry out the duties of the Director under this chapter.
(Ord. 109125 § 19(part), 1980: Ord. 107707 Part VII, 1978.)
1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

Chapter 22.903

CONDOMINIUM CONVERSION

Sections:

22.903.010 Short title.
22.903.020 Definitions.
22.903.030 Relocation assistance.
22.903.040 Mandatory Code inspection and repair.
22.903.050 Certification of repairs.
22.903.060 Warranty of repairs--Escrow fund.
22.903.070 Violations.
22.903.080 Filing of complaint.
22.903.090 Civil penalty.
22.903.100 Criminal penalty.
22.903.110 Authority to make rules.

22.903.010 Short title.

This chapter may be cited as the "Condominium Conversion Ordinance."
(Ord. 115103 § 1(part), 1990.)

22.903.020 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth in this section:

A. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to the Horizontal Property Regimes Act (RCW Chapter 64.32) or the Condominium Act (RCW Chapter 64.34).

B. "Condominium conversion notice" means the notice required by the Condominium Act (RCW Chapter 64.34, Section 64.34.440) to be given to residential tenants and subtenants in real property to be converted to condominium ownership.

C. "Conversion condominium" means a condominium (1) that, at any time before creation of the condominium, was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, or (2) that, at any time before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before the effective date of the ordinance codified herein,1 any unit

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therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

D. "Declarant" means any person or group of persons acting in concert who:

1. Executes as declarant the document, however denominated, that creates a condominium by setting forth the information required by the Condominium Act (RCW 64.34); or

2. Reserves or succeeds to any special declarant rights under such a document.

E. "Developer" means any person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who undertake to convert, sell, or offer for sale units in a condominium. The term "developer" shall include the developer's agent and any other person acting on behalf of the developer.

F. "Director" means the Director of the Seattle Department of Planning and Development or the Director's designee.

G. "Housing and Building Maintenance Code" means the Seattle Housing and Building Maintenance Code,2 as codified in Ordinance No. 113454 as amended.

H. "Owners' association" means the association formed by owners of units in a condominium for the purpose of managing the condominium.

I. "Person" means any individual, corporation, partnership, association, trustee or other legal entity.

J. "Tenant" means any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.

K. "Unit" means a physical portion of a condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d).
(Ord. 121276 § 24, 2003; Ord. 115103 § 1(part), 1990.)

1. Editor's Note: Ordinance 115103 was passed by the Council on May 29, 1990 and became effective on July 1, 1990.
2. Editor's Note: The Housing and Building Maintenance Code is codified in Subtitle II of this title.

22.903.030 Relocation assistance.

A. Relocation assistance of Five Hundred Dollars ($500.00) per unit shall be paid to tenants and subtenants of units who elect not to purchase a unit in a conversion condominium and who are in lawful occupancy for residential purposes of a unit on the date of the condominium conversion notice and whose monthly household income from all sources, on the date of the condominium conversion notice, was less than an amount equal to eighty percent (80%) of the monthly median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area, as defined and established by the United States Department of Housing and Urban Development.

B. The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit on the date of the condominium conversion notice.

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C. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance.

D. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates the unit and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.
(Ord. 115103 § 1(part), 1990.)

22.903.040 Mandatory Code inspection and repair.

A. Prior to the delivery of any public offering statement or condominium conversion notice, a developer shall, at his or her expense, request a Housing and Building Maintenance Code[1] inspection of the entire premises subject to conversion by the Seattle Department of Construction and Land Use. The inspection shall be completed within forty-five (45) days of a developer's request, and the written report shall be issued within fourteen (14) days of the completion of the inspection.

B. All violations of the Housing and Building Maintentance Code[1] revealed by the inspection shall be corrected by the developer prior to the closing of the sale of the first condominium unit or by the compliance date on the inspection report, whichever is sooner. The inspection for compliance shall be completed within seven (7) days of a developer's request unless the developer fails to provide or refuses access to Department of Construction and Land Use personnel. The certification of repairs shall be issued only if the necessary corrections are made and shall be issued within seven (7) days of the reinspection confirming compliance.

C. The public offering statement and the condominium conversion notice shall contain a copy of the written inspection report of the Department of Construction and Land Use. A copy of the Department of Construction and Land Use inspection report shall be provided by the developer to each prospective purchaser before the signing of any earnest money agreement or other binding purchase commitment. Prior to closing any sale, the developer shall deliver a copy of the certification of repairs to the purchaser.
(Ord. 115103 § 1(part), 1990.)
1. Editor's Note: The Housing and Building Maintenance Code is codified in Subtitle II of this title.

22.903.050 Certification of repairs.

For the protection of the general public, the Department of Construction and Land Use shall inspect the repairs of defective conditions identified in the inspection report and certify that the violations have been corrected. The certification shall state that only those defects discovered by the Housing and Building Maintenance Code inspection and listed on the inspection report have been corrected and that the certification does not guarantee that all Housing and Building Maintenance Code violations have been corrected. No developer shall use the Department of Construction and Land Use's certificate in any advertising or indicate to anyone, in any fashion, for the purpose of inducing a person to purchase a condominium unit, that the City or any of its departments has "approved" the premises or any unit for sale because the City has certified the premises or any unit to be in any particular condition.
(Ord. 115103 § 1(part), 1990.)

22.903.060 Warranty of repairs--Escrow fund.

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A. Each developer shall warrant for one (1) year from the date of completion all improvements and repairs required to be made pursuant to Section 22.903.040.

B. The developer shall establish within thirty (30) days after sale of the first unit, in a bank or other financial institution of his or her choosing, a separate escrow account, with terms and conditions approved by the Director, containing funds in an amount equal to ten percent (10%) of the actual cost of all repairs and improvements warranted. The location of the fund shall be made known to all condominium unit owners and to the owners' association and shall be available for making repairs to warranted improvements and repairs; provided, that no money shall be withdrawn from the fund unless the developer has been advised in writing of the need for the specific repair and has failed to complete the repair within a reasonable period of time.

C. Depletion of the escrow fund prior to expiration of the warranty period shall not relieve the developer of the obligation of making all repairs warranted.

D. Any money remaining in the fund at the end of the one (1) year period shall be returned to the developer. The owners' association's claim to any money in the escrow fund shall be prior to any creditor of the developer.
(Ord. 115103 § 1(part), 1990.)

22.903.070 Violations.

It shall be a violation of this chapter for any person to fail or refuse to comply with the provisions of this chapter.
(Ord. 115103 § 1(part), 1990.)

22.903.080 Filing of complaint.

A. Any person subjected to any violation of the provisions of this chapter may file a complaint with the Director. The Director is authorized and directed to receive complaints and conduct such investigations as are deemed necessary.

B. Whenever it is determined that there has been a violation of this chapter, the Director is authorized, at the Director's discretion, to follow one (1) or more of the following procedures:

1. Attempt to mediate the matter by conference or otherwise and secure a written mediation agreement;

2. Refer the matter to the City Attorney for civil prosecution; or

3. Refer the matter to the City Attorney for criminal prosecution.

(Ord. 115103 § 1(part), 1990.)

22.903.090 Civil penalty.

A. Any person who fails or refuses to comply with the provisions or requirements of this chapter

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shall be subject to a cumulative civil penalty in the amount of One Hundred Dollars ($100.00) per day from the date the violation begins until the person complies with the requirements of this chapter.

B. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.
(Ord. 115103 § 1(part), 1990.)

22.903.100 Criminal penalty.

Any person who violates any provision of this chapter, fails to comply with the provisions of this chapter or who deliberately attempts to avoid the application of this chapter and who has had a prior civil judgment entered against him or her pursuant to Section 22.903.090 shall, upon conviction of the violation, be fined a sum not to exceed Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.
(Ord. 115103 § 1(part), 1990.)

22.903.110 Authority to make rules.

The Director is authorized to adopt, promulgate, amend and rescind in accordance with the Administrative Code of the City1 administrative rules consistent with the provisions of this chapter and necessary to carry out the duties of the Director under this chapter.
(Ord. 115103 § 1(part), 1990.)
1. Editor's Note: The Administrative Code is set out at Chapter 3.02 of this Code.

Chapter 22.904

MOBILE HOMES AND MOBILE HOME PARKS

Sections:

22.904.010 Definitions.
22.904.020 Enforcement authority.
22.904.030 Existing mobile home parks.
22.904.040 Mobile home park license--Fee and expiration.
22.904.050 License--Late renewal fee.
22.904.060 License applications.
22.904.070 License revocation.
22.904.080 Filing of site plan.
22.904.090 Site plan requirements.
22.904.100 Approval of site and building plans.
22.904.110 Issuance of building permit.
22.904.120 Mobile home lot boundaries--Placement of mobile homes.
22.904.130 Areas for independent and dependent mobile homes--Driveways and walkways.
22.904.140 Service buildings.
22.904.150 Toilet facilities.
22.904.160 Laundry facilities.
22.904.170 Accessory buildings.
22.904.180 Storage lockers.
22.904.190 Water supply.
22.904.200 Water connections.
22.904.210 Surface water drainage.
22.904.220 Sewage and waste water disposal.

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22.904.230 Sewer laterals.
22.904.240 Sewer line venting.
22.904.250 Outside lighting.
22.904.260 Sanitation.
22.904.270 Lighting.
22.904.280 Heating equipment in service buildings.
22.904.290 Hot water supply.
22.904.300 Sanitation of toilet facilities.
22.904.310 Garbage containers.
22.904.320 Capping of sewer connections.
22.904.330 Mobile home maintenance.
22.904.340 Mobile home dwellings to be in mobile home park.
22.904.350 Location of mobile home on lot.
22.904.360 Permanent attachment--Awnings.
22.904.370 Plumbing maintenance.
22.904.380 Insanitary or unsafe mobile homes.
22.904.390 Violation--Penalty.
22.904.400 Reservation of mobile home lots.
22.904.410 Eviction notices for change of use or closure of a mobile home park.
22.904.420 Relocation report and plan.
22.904.430 Certificate of completion of the relocation report and plan.
22.904.440 Notice of provisions.
22.904.450 Administration.
22.904.460 Penalties--Sections 22.904.400 through 22.904.469.
22.904.470 Construction of language.
Severability: Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.
(Ord. 89715 § 7.030, 1960.)
Section 3 of Ordinance 115183 reads as follows:
Severability. The provisions of this ordinance [Sections 22.904.400 through 22.904.470] are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person, owner or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons, owners or circumstances.

22.904.010 Definitions.

For the purpose of this chapter certain words, terms and phrases are defined and shall be construed as follows:

A. "Accessory building" means a building on a mobile home lot used in conjunction with a mobile home.

B. "Certificate of completion" means the Director of the Department of Planning and Development's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation report and plan, has complied with eviction notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.020, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

C. "Eviction notice" means the minimum twelve (12) month notice by the owner of a mobile home park to the mobile home park tenants to vacate a mobile home park, conforming to state law and this chapter.

D. "Mobile home" means, for purposes of Sections 22.904.030 through 22.904.390, a vehicle equipped as a dwelling place. "Mobile home" or "manufactured home," for purposes of Sections 22.904.400

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through 22.904.470, means a factory-assembled structure that requires a separate highway movement permit for highway travel, is built on a permanent chassis, and is designed for use as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. "Mobile home" or "manufactured home," for purposes of Sections 22.904.400 through 22.904.470, includes recreational vehicles that, before December 22, 1988, have been used as permanent residences in the same location (one hundred eighty (180) days or longer), have been structurally modified so they are no longer mobile, and have been connected to the required utilities in a mobile home park.

E. "Mobile home, dependent" means a mobile home dependent upon toilet facilities provided in a service building.

F. "Mobile home, independent" means a mobile home independent of toilet facilities provided in a service building.

G. "Mobile home lot" means a plot of ground within a mobile home park designated to accommodate one (1) mobile home.

H. "Mobile home park" means, for purposes of Sections 22.904.030 through 22.904.390, a tract of land upon which two (2) or more mobile homes occupied as dwellings may be located. "Mobile home park" or "manufactured home park" means, for purposes of Sections 22.904.400 through 22.904.470, a residential use in which a tract of land is rented or held out for rent to others for the use of two (2) or more mobile homes occupied as a dwelling unit, except where such land is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.

I. "Mobile home park owner" or "manufactured home park owner" means any person, firm, partnership, association, joint venture, partnership, corporation or other legal entity or combination of entities who owns a mobile home park within The City of Seattle.

J. "Mobile home park tenant" or "manufactured home tenant" means the head of a household who either rents a mobile home in a mobile home park or who owns a mobile home and rents a mobile home lot in a mobile home park for thirty (30) days or more and who uses the mobile home lot for the site of his or her permanent residence.

K. "Recreational vehicle" means a vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use, with or without motive power, being of such size or weight as not to require a special highway movement permit. The term "recreational vehicle" includes, without limitation, camping trailers, travel trailers, motor homes and truck campers, and any other type of temporary easily movable vehicle/residence. The term "recreational vehicle" does not include any vehicle falling within this chapter's definition of "mobile home" or "manufactured home."

L. "Service building" means a building in a mobile home park housing community toilet, bathing or laundry facilities.

M. "Storage locker" means a minor structure on a mobile home lot used for storage purposes.
(Ord. 121276 § 25, 2003; Ord. 115183 § 1, 1990: Ord. 89715 § 1.010, 1960.)

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22.904.020 Enforcement authority.

Unless otherwise provided in this chapter the Director of Public Health shall be responsible for the enforcement of this chapter and is authorized to adopt rules and regulations consistent with this chapter for the purpose of carrying out the provisions hereof.
(Ord. 89715 § 1.020, 1960.)

22.904.030 Existing mobile home parks.

Nothing in this chapter shall be construed to require physical alteration of any mobile home park now legally operating.[1]
(Ord. 89715 § 1.030, 1960.)
1. Editor's Note: Ord. 89715 was passed by the City Council on October 31, 1960, and became effective on December 1, 1960.

22.904.040 Mobile home park license--Fee and expiration.

It is unlawful to operate a mobile home park without a valid and subsisting mobile home park license which shall be posted in a conspicuous place in the office thereof at all times. The fee for such license shall be Fifty-five Dollars ($55.00), plus Twelve Dollars and Fifty Cents ($12.50) per year for each mobile home lot therein in excess of ten (10). The fee for any such license issued during the last six (6) months of the license year shall be one-half (1/2) the annual fee. Mobile home park licenses shall expire at midnight July 31st of each year, and applications for renewal shall be made at least thirty (30) days prior to expiration.
(Ord. 118395 § 21, 1996: Ord. 116467 § 1, 1992: Ord. 113183 § 1, 1986: Ord. 110892 § 1, 1982: Ord. 106063 § 17, 1976: Ord. 99749 § 1, 1971: Ord. 89715 § 2.010, 1960.)

22.904.050 License-Late renewal fee.

A. Any person who has held a license in the previous license year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

1. If the renewal application is received after the date of expiration of the previous license but before the end of thirty (30) days into the new license year: ten percent (10%) of the annual license fee or Ten Dollars ($10.00), whichever is greater;

2. If the renewal application is received after thirty (30) days into the new license year: twenty percent (20%) or Twenty-five Dollars ($25.00), whichever is greater.

B. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.
(Ord. 106025 § 5, 1976: Ord. 89715 § 2.015, 1960.)

22.904.060 License applications.

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Applications for mobile home park licenses and renewals thereof shall be made to the Director of Executive Administration upon forms provided by him/her and shall set forth the name and residence address of the applicant, the location of the mobile home park, and the number of mobile home lots to which such license applies. The Director of Executive Administration thereupon shall request the Director of Public Health, the Director of Construction and Land Use and the Fire Chief to inspect the premises therein described and the fixtures and facilities to be used. If the Director of Public Health, Director of Construction and Land Use and Fire Chief find, upon inspection, that such premises, fixtures and facilities are constructed, installed, operated and maintained in compliance with this chapter and other applicable ordinances, they shall approve the application and so notify the Director of Executive Administration, who shall issue the license. If the Director of Public Health, Director of Construction and Land Use or Fire Chief shall find that the premises, fixtures or facilities are not constructed, installed, operated or maintained in compliance with this chapter or any other applicable ordinance, he/she shall forthwith disapprove the application and so notify the applicant and the Director of Executive Administration, citing the reason therefor. If, after thirty (30) days from date of application for a new license, or, in the case of renewal, upon expiration of an existing license, approval of the Director of Public Health, Director of Construction and Land Use and Fire Chief are not forthcoming, the Director of Executive Administration thereupon shall deny the license.
(Ord. 120794 § 291, 2002: Ord. 117169 § 136, 1994: Ord. 109125 § 2, 1980: Ord. 107158 § 8, 1978: Ord. 102629 § 1, 1973: Ord. 89715 § 2.020, 1960.)

22.904.070 License revocation.

Any mobile home park license may be revoked by the Director of Executive Administration in the manner and subject to the procedure provided in the License Code1 upon the filing with him by the Director of Public Health, the Director of Construction and Land Use or the Fire Chief of a written notice stating the premises licensed or any fixtures or facilities used therein have become or are unsafe or unsanitary, or that otherwise they are not being operated or maintained in compliance with the provisions of this chapter or any other applicable ordinance.
(Ord. 120794 § 292, 2002: Ord. 117169 § 137, 1994: Ord. 109125 § 3, 1980: Ord. 102629 § 2, 1973: Ord. 89715 § 2.030, 1960.)
1. Editor's Note: The License Code provisions regarding revocation of licenses are codified in Chapter 6.02 of this Code.

22.904.080 Filing of site plan.

It is unlawful to construct a mobile home park without first placing on file with the Director of Construction and Land Use three (3) complete copies of a site plan therefor, approved as provided in this chapter. Such plan shall be drawn to scale and completely dimensioned, shall be prepared by a licensed professional architect or engineer or by an owner capable of producing drawings equivalent to the conventional drawings of architects and engineers, and shall set forth the address and legal description of the mobile home park site, and the name and address of the applicant.
(Ord. 109125 § 4 (part), 1980: Ord. 89715 § 3.010, 1960.)

22.904.090 Site plan requirements.The site plan required in this chapter shall show:

A. The dimensions of the mobile home park site;

B. The location, dimensions and number of independent and dependent mobile home lots;

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December 2004 code update file
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C. The location, dimensions and number of automobile parking accommodations other than mobile home lots;

D. The location and width of entrances, exits, driveways and walkways;

E. The location and dimensions of service buildings, accessory buildings, storage lockers and other structures;

F. The water system;

G. The drainage system;

H. The sewer system;

I. The electrical system.
(Ord. 89715 § 3.020, 1960.)

22.904.100 Approval of site and building plans.

Site and building plans and specifications shall be examined by the Director of Construction and Land Use, and by the Fire Chief and the Director of Public Health, to whom the Director of Construction and Land Use shall supply copies. Upon approval of the Fire Chief and the Director of Public Health, and, upon being himself satisfied that the plans conform to the requirements of this chapter and other applicable ordinances, the Director of Construction and Land Use shall approve the same. One (1) copy of approved plans shall be retained in the office of the Director of Construction and Land Use, one (1) copy in the office of the Director of Public Health, and one (1) copy, which shall be maintained in the mobile home park office, shall be returned to the applicant.
(Ord. 109125 § 4 (part), 1980: Ord. 89715 § 3.030, 1960.)

22.904.110 Issuance of building permit.

No building permit shall be issued for any construction in mobile home parks except for such structures at such locations as are provided for in a site plan approved pursuant to this chapter.
(Ord. 89715 § 4.010, 1960.)

22.904.120 Mobile home lot boundaries--Placement of mobile homes.

The boundaries of mobile home lots shall be plainly marked, and such lots shall have a minimum area of seven hundred fifty (750) square feet; provided, that mobile homes shall be placed on mobile home lots so as to provide a minimum of ten feet; provided, that mobile homes shall be placed on mobile home lots so as to provide a minimum of ten feet (10') between adjacent mobile homes and between any mobile home and an adjacent building, and a minimum of three feet (3') between a mobile home and a mobile home accessory building.
(Ord. 102926 § 1, 1973: Ord. 89715 § 4.020, 1960.)

22.904.130 Areas for independent and dependent mobile homes--Driveways and walkways.

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Seattle Municipal Code
December 2004 code update file
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Mobile home parks shall have segregated areas for dependent and independent mobile homes, if both are to be accommodated; there shall be surfaced and lighted driveways to each mobile home lot, with a minimum width of twenty-five feet (25'); and there shall be surfaced and lighted walkways to all service buildings.
(Ord. 89715 § 4.030, 1960.)

22.904.140 Service buildings.

Mobile home parks shall have one (1) or more service buildings located at least eight feet (8') away from any mobile home lot, but within two hundred feet (200') of any dependent mobile home lot, and within five hundred feet (500') of any independent mobile home lot. Such service buildings shall be provided with heating equipment capable of maintaining a room temperature of seventy degrees Fahrenheit (70° F.) at an atmospheric temperature of twenty degrees Fahrenheit (20° F.) and shall be adequately ventilated; shall have smoothly finished, light colored water-resistant interior walls and ceilings, and floors shall be constructed of concrete or similar impervious material and sloped to floor drains.
(Ord. 89715 § 4.040, 1960.)

22.904.150 Toilet facilities.

Mobile home parks shall have toilet facilities located in service buildings and separate facilities, appropriate marked, shall be provided for males and females in accordance with the following:

A. For dependent mobile homes, toilet facilities shall be provided in the following minimum ratios:

Males				
No. Mobile Home Lots	Urinals	Water Closets	Lavatories	Showers
2-20	1	1	2	1
21-30	1	2	3	2
31-40	1	3	4	2
41-50	1	4	5	4
61-70	1	6	7	5
Over 70	Add one additional water closet and lavatory for each additional ten (10) mobile home lots or fraction thereof. (Urinals may be substituted for up to one-third (1/3) of the additional water closets required.) Add one (1) additional shower for each additional twenty (20) mobile home lots or fraction thereof.			

Females			
No. Mobile Home Lots	Water Closets	Lavatories	Showers
2-20	2	2	1
21-30	3	3	2
31-40	4	4	2
41-50	5	5	4
51-60	6	6	4
61-70	7	7	5
Over 70	Add one additional water closet and lavatory for each additional ten (10) mobile home lots or fraction thereof. Add one (1) additional shower for each additional twenty (20) mobile home lots or fraction thereof.		

B. For independent mobile homes, a minimum of one (1) water closet, one (1) lavatory and one (1)

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December 2004 code update file
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shower, for males and females respectively, shall be provided.

C. Water closets, lavatories and showers required for independent mobile homes may be housed in service buildings for dependent mobile homes.

D. Water closets shall be located in separated stalls at least three feet (3') wide in the smallest dimension. Water closets and urinals shall be flush-type fixtures.

E. Showers shall be located in separated stalls, at least three (3') feet wide in the smallest dimension, and equipped with a waterproof draw curtain or door. Suitable dressing areas shall be provided.
(Ord. 89715 § 4.050, 1960.)

22.904.160 Laundry facilities.

Mobile home parks shall have laundry facilities, together with laundry drying facilities and no less than one (1) double laundry tray or automatic washing machine shall be provided for each twenty 820) mobile home lots. Such laundry facilities may be in separate service buildings, or in service buildings in rooms separate from toilet facilities, but such separate rooms shall have an exterior door.
(Ord. 89715 § 4.060, 1960.)

22.904.170 Accessory buildings.

One (1) accessory building, the floor area of which shall not exceed three hundred (300) square feet, may be located on a mobile home lot, provided that the spaces on the mobile home lot and on adjoining mobile home lots, reserved exclusively for the occupancy of mobile homes, are clearly shown on the site plan, or an amendment thereto; and provided that the accessory building shall be no less than eight feet (8') from any space reserved for a mobile home on an adjacent mobile home lot, or another accessory building shall be no less than eight feet (8') from any space reserved for a mobile home on an adjacent mobile home lot, or another accessory building on an adjacent mobile home lot, and no less than five feet (5') from any external boundary of a mobile home lot which does not abut on another mobile home lot.
(Ord. 89715 § 4.070, 1960.)

22.904.180 Storage lockers.

One (1) storage locker, the capacity of which shall not exceed one hundred fifty (150) cubic feet, may be located on a mobile home lot.
(Ord. 89715 § 4.080, 1960.)

22.904.190 Water supply.

A supply of safe and potable water, meeting the standards of the State Board of Health for quality, and sufficient in quantity, shall be provided to all plumbing fixtures in mobile home parks and to individual water connections which shall be provided at each mobile home lot.
(Ord. 89715 § 4.090, 1960.)

22.904.200 Water connections.

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December 2004 code update file
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Water connections, located on the same side as the sewer lateral, shall be provided at each mobile home lot, and shall consist of a riser terminating at least four inches (4") above the ground with two (2) three-quarter-inch (3/4") valved outlets threaded for screw-on connections. If water connections are equipped with a shutoff valve, it shall not be a stop and waste cock. Water connections shall be protected from freezing and from damage from mobile home wheels and shall have the ground surface around the riser pipe graded to divert surface drainage away from the connections.
(Ord. 89715 § 4.100, 1960.)

22.904.210 Surface water drainage.

Each mobile home park shall have a system for surface water drainage.
(Ord. 89715 § 4.110, 1960.)

22.904.220 Sewage and waste water disposal.

All sewage and waste water from toilets, urinals, slop sinks, bathtubs, showers, lavatories, laundries, and all other sanitary fixtures in a mobile home park, shall be drained to a sewage collection system and discharged to a public sewer, or where no public sewer is available, to a lawful private sewage disposal system.
(Ord. 89715 § 4.120, 1960.)

22.904.230 Sewer laterals.

Sewer laterals shall be provided to each mobile home lot. Such laterals shall be trapped and vented, terminate above grade on the same side of the lot as the water connection, be at least four inches (4") in diameter and be equipped with adequate leak-and fly-proof devices for coupling to mobile home drainage systems. Each connection to such a lateral shall be protected at its terminal with a concrete collar at least three inches (3") thick and extending from the connection in all directions.
(Ord. 89715 § 4.130, 1960.)

22.904.240 Sewer line venting.

Sewer lines in mobile home parks shall be vented in such a manner that odor nuisances will not result.
(Ord. 89715 § 4.140, 1960.)

22.904.250 Outside lighting.

An electrical system for outside lighting and including service outlets to each mobile home lot shall be provided.
(Ord. 89715 § 4.150, 1960.)

22.904.260 Sanitation.

Mobile home parks shall be maintained in a safe and sanitary condition, free from rodents, vermin, trash and litter.
(Ord. 89715 § 5.010, 1960.)

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December 2004 code update file
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22.904.270 Lighting.

Mobile home parks and service buildings shall be well lighted.
(Ord. 89715 § 5.020, 1960.)

22.904.280 Heating equipment in service buildings.

Heating equipment in service building shall be maintained in safe and good working condition.
(Ord. 89715 § 5.030, 1960.)

22.904.290 Hot water supply.

Hot water in adequate quantities shall be supplied to all service building bathing fixtures, lavatories and clothes-washing equipment.
(Ord. 89715 § 5.040, 1960.)

22.904.300 Sanitation of toilet facilities.

In mobile home parks individual toilet facilities shall be maintained in sanitary and good working condition, shower stalls and dressing areas shall be kept clean and all floors in toilet, shower and lavatory rooms which are in daily use shall be cleaned and disinfected daily, or oftener if necessary to maintain in a sanitary condition.
(Ord. 89715 § 5.050, 1960.)

22.904.310 Garbage containers.

All garbage and other refuse from mobile home parks shall be deposited in tightly covered refuse containers of not less than twenty (20), nor more than thirty (30) gallons capacity, or equivalent approved by the Director of Public Health, which shall be in sufficient number to provide at least one (1) container for each two (2) mobile home lots. Such containers shall be located not more than two hundred feet (200') from any mobile home lot, and installed so as to prevent tipping, minimize spillage and container deterioration, facilitate cleaning and prevent rodent harborage.
(Ord. 89715 § 5.060, 1960.)

22.904.320 Capping of sewer connections.

Sewer connections at mobile home lots, when not in use, shall be capped or plugged with a gastight device.
(Ord. 89715 § 5.070, 1960.)

22.904.330 Mobile home maintenance.

Mobile homes shall be maintained in a safe and sanitary condition.
(Ord. 89715 § 6.010, 1960.)

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Seattle Municipal Code
December 2004 code update file
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22.904.340 Mobile home dwellings to be in mobile home park.

Mobile homes shall not be occupied as dwellings except when in a mobile home park.
(Ord. 89715 § 6.020, 1960.)

22.904.350 Location of mobile home on lot.

Mobile homes occupied as dwellings in mobile home parks shall be parked only on mobile home lots, no less than eight feet (8') from any service building, or mobile home or accessory building on an adjacent mobile home lot, and no less than five feet (5') from any exterior boundary of the mobile home park.
(Ord. 89715 § 6.030, 1960.)

22.904.360 Permanent attachment--Awnings.

Mobile homes shall not be permanently attached to any building, or to the ground, nor shall they be made stationary by removal of the wheels or otherwise. Mobile home awnings shall be noncombustible, and shall be open on at least two (2) sides.
(Ord. 89715 § 6.040, 1960.)

22.904.370 Plumbing maintenance.

Plumbing in mobile homes shall be maintained in sanitary and good working condition, free from defects, leaks, and obstructions.
(Ord. 89715 § 6.050, 1960.)

22.904.380 Insanitary or unsafe mobile homes.

Mobile homes designated as insanitary by the Director of Public Health or as unsafe by the Fire Chief shall not be permitted to remain in a mobile home park.
(Ord. 89715 § 6.060, 1960.)

22.904.390 Violation--Penalty.

Anyone violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine in a sum not exceeding Three Hundred Dollars ($300.00), or by imprisonment in the City Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment, and each day that anyone shall continue to so violate or fail to comply shall be considered a separate offense.
(Ord. 89715 § 7.020, 1960.)

22.904.400 Reservation of mobile home lots.

All mobile home park lots shall be reserved for use by mobile homes. No recreational vehicle may displace or replace a mobile home in any mobile home lot; provided, that nothing in this chapter shall be construed to require displacement of any recreational vehicle occupying a mobile home lot on the effective date of the ordinance codified herein;[1] and further provided, that when a mobile home lot becomes vacant for any reason, it may not be occupied by a recreational vehicle unless the vacant mobile home lot, because of its size,

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Seattle Municipal Code
December 2004 code update file
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irregular configuration, or inadequate utilities or facilities, cannot accommodate a mobile home.
(Ord. 115183 § 2(part), 1990.)
1. Editor's Note: Ordinance 115183 was passed by the City Council on July 9, 1990.

22.904.410 Eviction notices for change of use or closure of a mobile home park.

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under RCW Chapter 59.21, the mobile home park owner must first submit to the Department of Construction and Land Use a relocation report and plan that meets the requirements of Section 22.904.420. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with the master use permit application. Once the Director of Construction and Land Use determines that the relocation report and plan meets the requirements of Section 22.904.420, the Director shall stamp his or her approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Director of Construction and Land Use determines that the relocation report and plan does not meet the requirements of Section 22.904.420, the Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this chapter before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the twelve (12) month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030. No mobile home park tenant who rents the mobile home in which he or she resides may be evicted until the twelve (12) month notice period expires, except for good cause as defined in SMC Section 22.206.160. No mobile home owner who rents a mobile home lot may be evicted until the twelve (12) month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, RCW Chapter 59.20.
(Ord. 115183 § 2(part), 1990.)

22.904.420 Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with RCW Chapters 59.20 and 59.21, relating to mobile home relocation assistance, and with Sections 22.904.400 through 22.904.480 of this chapter. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;

2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;

3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;

4. To the extent mobile home park tenants voluntarily make such information available, a

Seattle Municipal Code
December 2004 code update file
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confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;

5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;

6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;

7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap and Pierce Counties;

8. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;

9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and

10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.

B. The Director of Construction and Land Use may require the mobile home park owner to designate a Relocation Coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants and the Department of Construction and Land Use and other City and State offices to ensure compliance with the relocation report and plan and with state laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Once the Director of Construction and Land Use approves the relocation report and plan, a copy of the approved relocation report and plan shall be delivered to each mobile home park tenant with the required twelve (12) month eviction notice.

D. The mobile home park owner shall update the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.
(Ord. 115183 § 2(part), 1990.)

22.904.430 Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park or establish a change of use of a mobile home park until the mobile home park owner obtains a certificate of completion from the Department of Construction and Land Use. The Director of Construction and Land Use shall issue a certificate of compliance only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, with eviction notice requirements of RCW 59.20.080 and 59.21.030, with relocation assistance requirements of

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Seattle Municipal Code
December 2004 code update file
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RCW 59.21.020, and any additional requirements imposed in connection with a master use permit application.
(Ord. 115183 § 2(part), 1990.)

22.904.440 Notice of provisions.

It is unlawful to sell, lease or rent any mobile home or mobile home park rental space without advising the prospective purchaser, lessee, or renter, in writing, of the provisions of Sections 22.904.400 through 22.904.460 of this chapter.
(Ord. 115183 § 2(part), 1990.)

22.904.450 Administration.

The Director of Construction and Land Use shall administer and enforce Sections 22.904.400 through 22.904.460 of this chapter and is authorized to adopt rules and regulations consistent with and necessary to carry out these sections. Whenever an owner or an owner's agent fails to comply with the provisions of Sections 22.904.400 through 22.904.470, the Director of Construction and Land Use may deny or revoke a master use permit and/or other permits or approvals, or may, in his or her discretion, condition any permit upon the owner's successful completion of remedial actions that the Director of Construction and Land Use deems necessary to carry out the purposes of Sections 22.904.400 through 22.904.460.
(Ord. 115183 § 2(part), 1990.)

22.904.460 Penalties--Sections 22.904.400 through 22.904.470.

In addition to any other sanction or remedial measure imposed under this chapter, any person who fails to comply with any provision of Sections 22.904.400 through 22.904.470 or any notice, decision or order issued by the Director of Construction and Land Use pursuant to Sections 22.904.400 through 22.904.470, shall be subject to a cumulative civil penalty in the amount of Five Hundred Dollars ($500.00) per day for each day of noncompliance, measured from the date set for compliance until the person complies with the notice, decision or order, as determined by the Director of Construction and Land Use. The Director of Construction and Land Use shall notify the City Attorney in writing of the name of any person subject to the penalty, and shall assist the City Attorney to collect the penalty.
(Ord. 115183 § 2(part), 1990.)

22.904.470 Construction of language.

For purposes of this chapter, the singular shall include the plural and vice versa, "or" shall include "and" and vice versa, and the masculine gender shall include the feminine and neutral genders.
(Ord. 115183 § 2(part), 1990.)

Chapter 22.910

MAINTENANCE OF HEALTHFUL TEMPERATURES

Sections:

22.910.010 Exercise of police power.
22.910.020 Definitions.
22.910.030 Aiding or abetting violation.

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Seattle Municipal Code
December 2004 code update file
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22.910.040 Landlord to install and maintain sufficient heating system.
22.910.050 Certain temperatures to be maintained.
22.910.060 Right of entry.
22.910.070 Exceptions.
22.910.080 Violation--Penalty.
Severability: If any part, provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions and sections of this chapter not expressly so held to be void or unconstitutional, shall continue in full force and effect.
(Ord. 39104 § 4, 1919.)

22.910.010 Exercise of police power.

This entire chapter shall be an exercise of the police power of the state and of the City for the protection of the public health and all its provisions shall be liberally construed for the accomplishment of that purpose.
(Ord. 39104 § 1, 1919.)

22.910.020 Definitions.

The word "person" wherever used in this chapter means and includes natural persons, firms, copartnerships and corporations, and other associations of natural persons, whether acting by themselves or by servants, agents or employees. Words in the present tense shall include the future tense, and in the masculine shall include the feminine and neuter genders, and in the singular shall include the plural. "Healthful temperature" means a temperature of not more than sixty-eight (68) degrees, nor less than fifty-eight degrees Fahrenheit (58 F.).
(Ord. 102919 § 1, 1973: Ord. 47936 § 1(part), 1924: Ord. 39104 § 2, 1919.)

22.910.030 Aiding or abetting violation.

Every person concerned in the commission of a misdemeanor in violation of this chapter, whether he directly commits the act or omits to do the thing constituting the offense, or aids or abets the same, and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such misdemeanor, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.
(Ord. 39104 § 3, 1919.)

22.910.040 Landlord to install and maintain sufficient heating system.

Every person in charge or control of any tenement, apartment house, inn, hotel or lodging house who undertakes to furnish artificial heat to another within such place, shall for such purpose install and maintain a good and sufficient heating system which will uniformly heat, and be capable of so heating, all parts thereof to a temperature of sixty-eight degrees Fahrenheit (68 F.) in zero weather, with due regard to all laws and ordinances pertaining to and regulating ventilation and humidity, and it shall be unlawful for such person to fail, neglect or refuse to install or maintain the same.
(Ord. 47936 § 1(part), 1924: Ord. 39104 § 5, 1919.)

22.910.050 Certain temperatures to be maintained.

Every person in charge or control of the artificial heating of any tenement, apartment house, inn, hotel or lodging house, in case artificial heating is done for or on behalf of another therein, and every person who

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Seattle Municipal Code
December 2004 code update file
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undertakes to furnish artificial heating to another within such place, shall at all times (except during the months of June, July, August and September), between the hours of ten-thirty (10:30) p.m. and seven (7:00) a.m. keep and maintain therein a temperature of not less than fifty-eight degrees Fahrenheit (58° F.); between the hours of seven (7:00) a.m. and eight (8:00) a.m., a temperature of not less than sixty (60°) degrees; between the hours of eight (8:00) a.m. and nine (9:00) a.m. a temperature of not less than sixty-five (65°) degrees, and between the hours of nine (9:00) a.m. and ten-thirty (10:30) p.m. a temperature of not less than sixty-eight (68°) degrees, when such building or place is occupied by the one to whom such heat is undertaken to be furnished, at all times complying with all laws and ordinances pertaining to and regulating humidity and ventilation, and it is unlawful for such persons to fail, neglect or refuse to keep and maintain such healthful temperature therein. In all tenements, apartment houses, inns, hotels and lodging houses the owners and proprietors shall be presumed to have undertaken to furnish artificial heat for and on behalf of all tenants and guests therein unless a specific agreement to the contrary is expressly shown, but this provision shall not be deemed to excuse or relieve from prosecution any other person undertaking to furnish artificial heat for or on behalf of the owners or proprietors. No person shall be subject to prosecution under this provision where the failure to maintain the minimum temperatures is occasioned by a bona fide inability to obtain fuel due to the application of federal or state regulations limiting the allocation of fuel to the person undertaking to furnish such artificial heat.
(Ord. 102919 § 2, 1973: Ord. 47936 § 1(part), 1924: Ord. 39104 § 6, 1919.)

22.910.060 Right of entry.

The Commissioner of Health and his duly authorized agents shall have the right at all reasonable hours to enter any building or place coming under the provisions of this chapter and to place and maintain therein recording thermometers or other instruments for the gauging and measuring of heat, and it shall be unlawful to interfere or obstruct the officers in so doing.
(Ord. 39104 § 7, 1919.)

22.910.070 Exceptions.

The provisions of this chapter shall not be deemed or held to apply to a maximum temperature of more than sixty-eight degrees Fahrenheit (68° F.) in any of the above mentioned places during such times as the natural temperature may be above sixty-eight (68°) degrees, nor shall the provisions of this chapter be deemed or held to apply to any building occupied by one family only and used exclusively as a private dwelling.
(Ord. 47936 § 1(part), 1924: Ord. 39104 § 8, 1919.)

22.910.080 Violation--Penalty.

Any person violating any of the provisions of this chapter or failing to comply with the terms and requirements thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding One Hundred Dollars ($100.00), or imprisoned in the City Jail for a term not exceeding thirty (30) days, or may be both fined and imprisoned.
(Ord. 39104 § 9, 1919.)

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