

Chapter 14.12

COLLECTION OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

Sections:

Subchapter VIII Auditing and Notice Requirements

14.12.310 Appointment and responsibilities of the auditor.

Subchapter VIII Auditing and Notice Requirements

14.12.310 Appointment and responsibilities of auditor.

A. The Mayor shall appoint an Auditor subject to confirmation by the City Council, to monitor compliance with this chapter. The Auditor shall serve for a term of three years and may be reappointed by the Mayor, subject to confirmation by the City Council. The Auditor may be removed from office for cause by the Mayor by filing a statement of reasons for the removal with the City Council.

B. The Auditor should possess the following qualities and characteristics:

- 1. A reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;
2. A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights;
3. A commitment to the statement of purpose and policies of this chapter;
4. A history of demonstrated leadership experience and ability;
5. The potential for gaining the respect of departmental personnel and citizens of the city;
6. The ability to work effectively with the Mayor, the City Council, the City Attorney, the Chief of the Department, departmental personnel, public agencies, private organizations and citizens; and
7. The ability to work effectively under pressure. Except as limited by Section 14.12.320, the Auditor shall have access to all Department files and records, including non-conviction data pursuant to RCW 10.97.050(4).

C. The Auditor shall be compensated on an hourly basis pursuant to a contract negotiated and executed for the city by the Mayor. Payment shall be made from funds provided in the annual budget or other ordinance passed for this purpose. (Ord. 109237 § 1, 1980; Ord. 108333 § 29, 1979.)

Title 15

STREET AND SIDEWALK USE

Subtitle I Street Use Ordinance

Chapter 15.02

GENERAL PROVISIONS

Sections:

15.02.040 Definitions.

15.02.040 Definitions.

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

- 1. "Adjacent property" means and includes the property abutting the margin of a public place contiguous and with reference to said public place.
2. "Areaway" means and includes a sunken space, either covered or uncovered, or a court affording room, access or light to a building.
3. "Awning" means a protective covering attached to a building, the upper surface of which has a pitch of at least thirty degrees from the horizontal.
4. "Banner" means any pliable canvas or cloth sign material stretched over or across any public place.
5. "Business property" means and includes all properties not included in "residence property" defined in this section.
6. "Canopy" means a nonrigid, collapsible, nonretractable, protective covering located at an entrance to a building.
7. "Director of engineering" means the Director of Engineering and his authorized

representatives.

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

9. "Improved public place" means any public place, as defined in this section, which contains overhead or underground utilities or a driving or walking surface.

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

11. "Marquee sign" means a sign placed on, constructed in, or attached to a marquee.

12. "Newsstand" means any stand, box, structure, rack or other device which is designed or used for the sale and/or distribution of newspapers, periodicals, magazines, or other publications, or any combination thereof.

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

14. "Publisher" means the owner or distributor of a newspaper or other publication distributed through a newsstand.

15. "Residence property" means and includes any property designated in the Zoning Ordinance of Seattle¹ as: RS, RW, RD, RM, RMH and RMV, except when occupied or being improved by a conditional or nonconforming use.

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

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

18. "Use" means and includes to construct, store, erect, place upon, or maintain, or operate in, upon, over or under any public place, any areaway, marquee, awning, clock,

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

B. Words in the present tense shall include the future tense, words in the masculine gender shall include the feminine and neuter genders, and words in the singular shall include the plural and plural words shall include the singular.

(Ord. 109271 § 4, 1980: Ord. 108020 § 1, 1979: Ord. 106583 § 10, 1977: Ord. 102645 § 1, 1973: Ord. 99674 § 1, 1971: Ord. 98197 § 2, 1969: Ord. 91749 § 1, 1963: Ord. 90047 § 6, 1961.)

1. Editor's Note: The Zoning Ordinance is codified in Title 24 of this Code.

Chapter 15.07

PLANTING STRIPS

Sections:

15.07.010 Temporary parking in planting strips.

15.07.010 Temporary parking in planting strips.¹

The Director of Engineering is authorized to issue a permit, renewable annually, to an individual with an authorization for special parking privileges issued by the State of Washington pursuant to RCW 46.61.580, authorizing the parking of a motor vehicle bearing a card or decal issued pursuant to RCW 46.61.380, in the planting strip immediately adjacent to his or her residence, when on-street parking is not readily available due to topography, parking restrictions, or parking congestion in the vicinity, or other good cause, and the individual has no other practical off-street parking. No such parking shall occur within thirty feet from an intersection or fifteen feet from a fire hydrant. Anyone receiving a permit authorized by this section and/or adjacent property owner endorsing an application for such a permit shall repair any damage to curbs or the planting strip caused by the parking. A fee may be charged for the permit and the privilege granted as authorized by Section 15.04.070. (Ord. 109545 § 1, 1980; Ord. 90047 § 51, 1961.)

1. Editor's Note: This section expires October 1, 1982.

Chapter 15.10

MARQUEES, AWNINGS AND CANOPIES

Sections:

15.10.010 Extension—Approval and compliance.

15.10.020 Lowest point.

15.10.030 Vertical depth.

15.10.040 Lighting.

15.10.050 Obstructing streetlight or utility pole prohibited.

15.10.010 Extension—Approval and compliance.

No marquee, awning or canopy shall extend over any public place closer than to within two feet of the curbline. Marquees, awnings and canopies shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable codes by the Superintendent of Buildings before permission is granted for the street encroachment.

(Ord. 108846 § 1(part), 1980; Ord. 91749 § 4(part), 1963; Ord. 90047 § 18(A), 1961.)

15.10.020 Lowest point.

The lowest point of any part of any marquee, awning or canopy shall be not less than eight feet, or sixteen feet if an alley, from the surface over which it is constructed, unless an exception to that requirement is approved by the Board of Public Works after a showing that traffic safety considerations have been satisfied.

(Ord. 108846 § 1(part), 1980; Ord. 91749 § 4(part), 1963; Ord. 90047 § 18(B), 1961.)

15.10.030 Vertical depth.

No marquee shall exceed thirty inches in vertical depth, unless an exception to that requirement is approved by the Board of Public Works, after a showing that the proposed marquee will not obscure the visibility of any sign or traffic control devices in the immediate area.

(Ord. 108846 § 1(part), 1980; Ord. 91749 § 4(part), 1963; Ord. 90047 § 18(C), 1961.)

15.10.040 Lighting.

Any and all public places under a marquee shall be lighted during the hours of darkness and on the same time schedule as the municipal street lighting. Lights shall be designed, constructed and maintained to provide a minimum average illumination on the sidewalk of five footcandles of light intensity. The lowest foot-candle value of any point shall not be less than one-half the average value.

(Ord. 108846 § 1(part), 1980; Ord. 91749 § 4(part), 1963; Ord. 90047 § 18(D), 1961.)

15.10.050 Obstructing streetlight or utility pole prohibited.

No awning, canopy or marquee shall be constructed at a location or in a manner which will obstruct, obscure or interfere with any

street light or with any utility pole.
(Ord. 108846 § 1(part), 1980: Ord. 91749
§ 4(part), 1963: Ord. 90047 § 18(E), 1961.)

Chapter 15.17

MOBILE VENDING

Sections:

15.17.010 Areas where mobile peddling is restricted.

15.17.010 Areas where mobile peddling is restricted.

A. It is unlawful for any person to sell, offer for sale, solicit orders, rent, lease, or otherwise peddle from a public place while walking, moving from place to place, using a mobile cart, using a vehicle, or by any other mobile method, within the following boundaries:

1. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect Street, then east to West Olympic Place; then east along West Olympic Place to First Avenue West; then north along First Avenue West to West Aloha Street; then east along West Aloha Streets to Westlake Avenue North; then south along Westlake Avenue North and Westlake Avenue to Eighth Avenue; then south along Eighth Avenue to Yesler Way; then north along the waterfront to a point in direct line with West Prospect Street, the place of beginning.

2. Within two hundred feet of any public park, as defined in the Park Code, Ordinance 106615 as amended,¹ or within two hundred feet of any public school.

3. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E. 40th Street to Brooklyn Avenue; then north on Brooklyn Avenue to N.E. 50th; then east on N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the place of beginning, including both sides of the streets and avenues mentioned. Provided, that selling in the above-described areas by persons on foot along the route of any parade for which a permit has been issued by the Police Department is authorized, while the parade is in progress and for one-hour prior to its commencement; provided further, that selling in the above-described areas is autho-

ized if a Street Use Permit is obtained in accordance with this subtitle.

B. It is unlawful to sell, offer to sell, solicit orders, rent, lease, or otherwise peddle any goods or services in a public place within the area bounded by Yesler Way, Sixth Avenue South, South Atlantic Street, and Alaska Way South within two hours of the commencement of any event scheduled at the Kingdome or during the progress of any such event.
(Ord. 109271 § 3, 1980: Ord. 90047 § 50, 1961.)

1. Editor's Note: The Park Code is codified in Chapter 18.12 of this Code.

Chapter 15.44

EXCAVATION AND FILLS

Sections:

- 15.44.010 Barricades and warning devices.
- 15.44.020 Excavation and fills near improved public places—Permit.
- 15.44.030 Permit—Security.
- 15.44.040 Permit—Liability insurance.
- 15.44.050 Permit—Indemnity.
- 15.44.060 Entry and inspection.
- 15.44.070 Special plans.
- 15.44.080 Permit fees.
- 15.44.090 Permit procedures.
- 15.44.100 Compliance.
- 15.44.110 Permit—Revocation.
- 15.44.120 Protection of public.
- 15.44.130 Collection of charges.
- 15.44.140 Appeal.
- 15.44.150 Form of notice of appeal.
- 15.44.160 Indemnity agreement—Shoring materials in public places.
- 15.44.170 Restriction on encroachments by shoring.

15.44.010 Barricades and warning devices.

It shall be unlawful to leave any excavation or fill within four feet of any public place without adequate barricades and warning devices to protect the public, or to fail to maintain the lateral support of any public place or of a fill adjacent to such public places.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(a), 1961.)

15.44.020 Excavation and fills near improved public places—Permit.

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

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(b), 1961.)

15.44.030 Permit—Security.

A. An applicant for the permit provided for in Section 15.44.020 shall post or cause the owner or contractor to post security with the city in an amount sufficient to cover the following:

1. All charges and payments due under this subtitle;

2. When it can be anticipated that an earth movement might occur, the reasonable costs of the following:

a. The cost of repair and restoration of any adjacent public place, including but not limited to grading, resurfacing and drainage.

b. The cost or repair and restoration of all sewers, water, and power lines and other utilities in the adjacent public place, and

c. The expense of safety precautions and emergency measures to protect the public, street utilities and any adjacent public place, including but not limited to the expense of placing signs, barricades, and traffic detours; and

3. When soldier piles or other shoring will be located in a public place, the reasonable cost of the extraction of the soldier piles and the other materials which are to be situated in a public place for shoring purposes and are to be removed.

B. Upon notice to the applicant, the Director of Engineering may at any time increase or reduce the amount of the required security or waive the same as conditions warrant.

C. The party posting the security may elect whether the security will be in the form of a cash indemnity deposit or surety bond approved as to amount and sufficiency by the Director of Engineering, and as to the estimates of subsection A2 of this section, substitute in lieu thereof a policy of insurance indemnifying the city for such costs.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(c), 1961.)

15.44.040 Permit—Liability insurance.

An applicant for the permit provided for in Section 15.44.020 shall maintain in full force and effect public liability insurance in an amount sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the excavation or fill covered by any such permit or the operation of equipment used in connection with such excavation or fill and naming the city as an additional insured, or in lieu thereof, cause the owner or contractor to maintain the same. The Director of Engineering may require that such insurance be provided prior to issuance of the permit.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(d), 1961.)

15.44.050 Permit—Indemnity.

An applicant for the permit provided for in Section 15.44.020 shall agree to at all times protect and save harmless the city from all claims, actions, suits, losses, and expenses of every kind and description which may accrue to or be suffered by any person or persons or property or by the city by reason of any excavation or fill for which a permit has been issued pursuant to Section 15.44.020 and/or by reason of soldier piles and other shoring materials placed or left situated within a public place and shall agree to compensate the city for damages to the street and the utilities therein, and for costs of repair, reconstruction, and restoration of the street, including but not limited to the expenses of such repair, reconstruction or restoration, construction of temporary facilities and bypasses, traffic redirection, barricades, and other measures taken to protect the public, the street, and utilities therein.

and for the extraction of soldier piles and other materials that are situated within a public place for shoring purposes and will be removed as part of and prior to completion of a construction project for which the permit is sought.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(e), 1961.)

15.44.060 Entry and inspection.

The filing of an application for a permit provided for in Section 15.44.020 or the making of an excavation or fill described in Section 15.44.020, shall constitute consent by the applicant, contractor, and property owner for the Director of Engineering to enter upon the property at reasonable times and to inspect and investigate the soil conditions, the progress of the excavation or fill, or any facts and circumstances related to application, permit or excavation or fill.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(f), 1961.)

15.44.070 Special plans.

A. If the safety or stability of a public place may be jeopardized by an excavation or fill described in Section 15.44.020, the Director of Engineering may require special plans, specifications and proposed methods of construction to be submitted for his approval prior to issuing the permit provided for in Section 15.44.020.

B. Approval of the plans shall not relieve the contractor making such excavation or fill of responsibility of the contractor for damages, expenses or costs which may result from the excavation or fill, the failure of shoring, or the contractor's methods of operation.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(g), 1961.)

15.44.080 Permit fees.

Fees for the permit required in Section 15.44.020 shall be established as provided in Section 15.04.070.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974:

Ord. 101351 § 2, 1972: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(h), 1961.)

15.44.090 Permit procedures.

The following procedures and criteria shall be used in processing an application for the permit provided for in Section 15.44.020:

A. Plans, specifications and methods of construction required by the Director of Engineering shall be submitted in quadruplicate.

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

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

D. Allowable stresses, including allowances for short term loading, for timber, steel or concrete shall be based on the Seattle Building Code.¹

E. Soil investigations and reports may be required for all excavations described in Section 15.44.020 so that appropriate pressures may be established. The Director of Engineering may require investigations at any depth whenever specific conditions existing at the site of such excavation reveal an unstable soil structure, circumstances indicate that the excavation may impair the lateral support of any public place or any adjacent city property, or that such further investigation will supply information necessary to properly evaluate the application for said permit or shoring plans submitted. When highway traffic can come within a horizontal distance from the top of the shoring equal to one-half of its height, the pressure shall have added to it a live load surcharge pressure equal to not less than two feet of earth.

F. Soldier piles, tie-back rods, anchors and other shoring materials that are intended to remain in a public place after completion of the construction on adjoining property shall be shown on the plans submitted and so identified. If approved, the Director of Engineering may require that the plans filed be supplemented upon completion of construction, with a set of plans or other document showing such residuals in public places, as constructed.

G. When the plans presented show an encroachment upon the property interest of an abutting owner or franchise holder in a public place, the Director of Engineering may require

that the consent of the person so affected be obtained as a condition of the issuance of the permit provided for in Section 15.44.020.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(i), 1961.)

1. Editor's Note: The Building Code is codified in Title 22 of this Code.

15.44.100 Compliance.

All excavations and fills described in Section 15.44.020 shall be made in accordance with the plans approved by the Director of Engineering, or as modified with his approval, and unless the permit shall provide otherwise, all soldier piles and other material used for shoring purposes shall be removed from public places as part of and prior to completion of the construction project for which an excavation or fill was made.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(j), 1961.)

15.44.110 Permit—Revocation.

A. The Director of Engineering may revoke or suspend the permit provided for in Section 15.44.020 whenever:

1. The permittee requests such revocation or suspension;
2. The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this subtitle, the Seattle Building Code,¹ or other city ordinances and the State Safety Code;
3. Entry upon the property for the purposes of investigation and inspection has been denied;
4. The permittee has made a misrepresentation of a material fact in applying for said permit;
5. The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, street utilities in the street, or the excavation or fill endangers or will endanger the public, the adjoining property, street, or utilities in the street;
6. The permit has not been acted upon within one year of the time allowed by extensions;
7. The related building permit has ex-

pired without renewal, or has been revoked or canceled.

B. Upon suspension or revocation of the permit, all work thereupon shall cease, except as authorized or directed by the Director of Engineering.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(k), 1961.)

1. Editor's Note: The Building Code is codified in Title 22 of this Code.

15.44.120 Protection of public.

A. Whenever an excavation or fill described in Section 15.44.020 has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining street or public place, or endangers the public, an adjoining public place, street utilities, or city property, the Director of Engineering may direct the contractor making such excavation or fill and/or owner of the property upon which such excavation or fill is being made, at his own expense, to take actions to protect the public, adjacent public places, city property, and street utilities, including compliance within a prescribed time.

B. In the event that the owner or contractor fails or refuses to take the actions directed promptly, or fails to fully comply with such directions given by the Director of Engineering, or if emergency conditions exist requiring immediate action, the Director of Engineering may enter upon the property and take such actions as he deems necessary to protect the public, the adjacent streets, or street utilities, or to maintain the lateral support thereof, including placing of temporary shoring, back-filling, alteration of drainage patterns and any other actions reasonably necessary to decrease the possibility or extent of earth movement, or regarded as necessary safety precautions; and the owner and/or contractor shall be liable to the city for the costs thereof.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(l), 1961.)

15.44.130 Collection of charges.

A. The holder of the permit provided for in Section 15.44.020, contractor making the excavation or fill described in Section 15.44.020, or the owner of the property upon which such excavation or fill is being made shall pay all charges assessed pursuant to this subtitle on or before thirty days after mailing of a statement of charges by the Director of Engineering. In event of an appeal pursuant to Sections 15.44.140 and 15.44.150, the Board of Public Works may extend the time for payment pending its determination and for a reasonable time thereafter.

B. Such charge shall be the joint and several obligation of the permit holder, contractor and owner and in the event such charges remain unpaid thirty days after the date due recovery thereof may be made from the cash deposit and/or upon the security provided pursuant to Section 15.44.030, and/or by civil action in the manner provided by law.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98147 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(m), 1961.)

15.44.140 Appeal.

A. An applicant for the permit provided for in Section 15.44.020, feeling aggrieved by any of the following actions, charges or determinations of the Director of Engineering may within ten days thereof appeal the same to the Board of Public Works by filing a written notice of appeal with the Board:

1. The denial of a permit to excavate or fill required by Section 15.44.020;

2. The amount or sufficiency of the security to be posted pursuant to Section 15.44.030;

3. The amount and coverage of the insurance to be supplied pursuant to Section 15.44.040;

4. Requests for soil investigations made pursuant to Section 15.44.090;

5. Actions imposing conditions modifying, or rejecting any special plans, specifications, shoring plans, and proposed methods of construction required by Sections 15.44.070 or 15.44.090;

Provided, no appeal may be made from such actions or determinations after the applicant has accepted the permit to excavate or fill. Unless otherwise directed by the Board, no such

permit to excavate or fill shall issue until after final determination of any such appeal.

B. A holder of the permit provided for in Section 15.44.020, feeling aggrieved by any of the following actions, charges or determinations of the Director of Engineering may within ten days thereof appeal the same to the Board of Public Works by filing a written notice of appeal with the Board:

1. A directive by the City Engineer to increase the security required pursuant to Section 15.44.030;

2. The amount of charges for actions taken pursuant to Section 15.44.120 or 15.22.090 to protect the public;

3. Suspension or revocation of the permit pursuant to Section 15.44.110.

C. Any such permit holder feeling aggrieved by any action, directive or determination of the Director of Engineering made or taken pursuant to Section 15.44.120, other than the amount of charges made thereunder, may appeal from the same to the Board of Public Works by filing a written notice of appeal with the Board within three days (exclusive of Saturday, Sunday and holidays) from the date the direction or determination was first made, or the action first taken; provided, that the permit holder shall fully comply with the Director of Engineering's direction or determination pending the decision of the Board, and no compensation shall be paid or allowed such permit holder for any expenses incurred in connection with compliance. The Board of Public Works may sustain, modify or reverse any such action, charge or determination of the Director of Engineering and its decision shall be final.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(n), 1961.)

15.44.150 Form of notice of appeal.

The written notice of appeal required in Section 15.44.140 shall be filed in triplicate, describe precisely the action or determination appealed, explain the error alleged therein, and propose the action desired from the Board.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(o), 1961.)

15.44.160 Indemnity agreement—Shoring materials in public places.

If the application for permit to excavate or fill, or the materials submitted therewith, shows that the applicant requests the soldier piles and other materials used for shoring purposes be allowed to remain in a public place after completion of construction of the project for which the permit is sought, the owner of the abutting property to be improved and of the improvement to be built shall execute and deliver to the city an agreement in writing, on a form supplied by the Director of Engineering, signed and acknowledged in the manner provided by law for the execution of deeds, containing an accurate legal description of the premises, which covenants on the part of such owner(s) for themselves and their heirs, successors, and assigns to promptly remove the same on the order of the city in the event the space occupied by the obstruction is needed for a primary or secondary street use and to hold and save the city free and harmless from any and all claims, actions or damages of every kind and description which may accrue to or be suffered by any person by reason of the use of such public place for soldier piles and materials situated in place. The document shall be recorded with the Department of Records and Elections of King County and the covenants shall respectively be a covenant running with the land and an encumbrance upon the improvement.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(p), 1961.)

15.44.170 Restriction on encroachments by shoring.

A. All soldier piles or other shoring materials situated within four vertical feet or less of the established grade of a public place shall be removed at or prior to completion of construction of a project for which an excavation or fill permit was granted.

B. Should the Director of Engineering find:

1. The encroachment in a public place contemplated by the soldier piles and other shoring materials will not interfere with any of its present or prospective primary or secondary uses; and

2. Should the need for the street area occupied arise, it would be feasible to remove

the encroachment without expense to the public, he may by permit authorize the portion of soldier piles and shoring materials situated four feet or more below the established grade of a public place to remain in place until such time as the city, through its Board of Public Works, (or successor body) determines that the same obstructs a primary or secondary street use and orders removal of the same.

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(q), 1961.)

Subtitle III Maintenance and Construction

Chapter 15.70

SIDEWALK CONSTRUCTION

Sections:

15.70.010 Purpose.

15.70.020 Payment of construction or reconstruction costs.

15.70.030 Notification to construct or reconstruct—When work to be done by Department of Engineering.

15.70.010 Purpose.

This chapter is enacted in order to enable the city to exercise the powers and authority granted by RCW Chapter 35.69 and to provide for the application and enforcement of said Act in this city.

(Ord. 108992 § 3, 1980: Ord. 65482 § 3, 1935.)

15.70.020 Payment of construction or reconstruction costs.

Whenever a portion, not longer than one block in length, of any street (the word "street" as used in this chapter, includes any boulevard, avenue, street, alley, way, lane, square or place) is not improved by the construction of a sidewalk thereon (the word "sidewalk," as used in this chapter includes any and all structures or forms of street improvement included in the space between the street margin and the roadway), or the sidewalk thereon has become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion is so improved and in good repair, and the City

Council by resolution finds that the improvement of such portion by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion (which term "property directly abutting" or "abutting property," as used in this chapter, shall be deemed to be all property having a frontage upon the sides or margins of any such portion); provided, that such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of fifty percent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purpose of general taxation.

(Ord. 108992 § 1, 1980: Ord. 65482 § 1, 1935.)

15.70.030 Notification to construct or reconstruct—When work to be done by Department of Engineering.

Whenever the City Council has adopted such resolution, it shall cause a notice to be served on the owner of the property directly abutting on such portion of such street instructing said owner to construct or reconstruct a sidewalk on such portion in accordance with plans and specifications which shall be attached to such notice. Such notice shall be served by delivering it in person to the owner or leaving at his home with a person of suitable age and discretion then resident therein, or with an agent of such owner, authorized to collect rentals on such property, or, if the owner is a nonresident of the state, by mailing a copy to his last known address, or, if the owner is unknown or if his address is unknown, then by posting a copy in a conspicuous place on such portion of said street where such improvement is to be made. Such notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the same within such time, the city will proceed to make the same through its Department of Engineering and at a subsequent date, to be definitely stated in the notice, said department will report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such

street so improved, the cost of such improvement, the name of the owner, if known, and that the City Council at the time stated in the notice or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city may proceed to perform the work and shall, within the time fixed in said notice, report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if know, the City Council shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such improvement against the property and shall fix the time and manner for payment thereof, which assessment shall become a lien upon the property and shall be collected in the manner provided by law for collection of local improvements assessments under Title 35 of the Revised Code of Washington.

(Ord. 108992 § 2, 1980: Ord. 65482 § 2, 1935.)

Title 16

HARBOR CODE

Chapter 16.12

PORT WARDEN

Sections:

16.12.010 Duties.

16.12.030 Authority supplemental to Superintendent of Parks and Recreation when.

16.12.010 Duties.

The duties of the Port Warden shall be:

A. To enforce the ordinances and regulations of the city upon the waters of the harbor and adjacent thereto when the harbor is affected;

B. To maintain regular patrols in the harbor for the protection of life and property including, but not limited to, the removal and disposition of oil pollution, drifting debris and nuisances