

Title 15

STREET AND SIDEWALK USE

This title is intended for those provisions of the Code which relate to the use, maintenance and construction of streets and sidewalks.

Chapters:

Subtitle I Street Use Ordinance

- 15.02 General Provisions
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Statutory Reference: For statutory provisions authorizing first-class cities to regulate and control the use of streets and sidewalks, see RCW 35.22.280(7).

Severability: If any portion of this subtitle shall be declared invalid, it shall not thereby affect the validity of the remaining portions. (Ord. 90047 § 5, 1961.)

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Subtitle II Miscellaneous Street Use Regulations

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Editor's Note: When the words "City Engineer" are used in this title, they shall also mean "Director of Engineering."

Seattle Municipal code
as adopted in 1980
For current SMC, contact
the Office of the City Clerk

Subtitle I Street Use Ordinance

Chapter 15.02

GENERAL PROVISIONS

Sections:

- 15.02.010 Title.
- 15.02.020 Exercise of police power.
- 15.02.030 Right to prosecute civil action.
- 15.02.040 Definitions.
- 15.02.050 Safety Code, Building Code, and Washington Clean Air Act Compliance.

15.02.010 Title.

This subtitle shall constitute the "Street Use Ordinance" of the city and may be referred to as such.

(Ord. 90047 § 1, 1961.)

15.02.020 Exercise of police power.

This subtitle is an exercise of police power of the city for the public safety, health and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.

(Ord. 90047 § 2, 1961.)

15.02.030 Right to prosecute civil action.

Nothing in this subtitle shall be construed to curtail or abridge the right of anyone to prosecute a civil action for damages by reason of injury to person or property resulting from the negligent use by any other person of any public place or the space above or beneath the same, nor shall the issuance of a permit under this subtitle be construed as relieving the persons accepting the same, or anyone, from liability over to the city, nor from any damages accruing to or suffered by anyone, caused by the occupation, obstruction of or encroachment on, any public place.

(Ord. 90047 § 4, 1961.)

15.02.040 Definitions

A. The words and phrases used in this section, 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 in-

cludes the property abutting the margin of a public place contiguous and with reference to the 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. "City Engineer" means the City Engineer 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

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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 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. 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.

15.02.050 Safety Code, Building Code, and Washington Clean Air Act Compliance.

All work to be done under the authority of this subtitle shall be accomplished in compliance with the Seattle Building Code,¹ the State Safety Code, and the Washington Clean Air Act and rules and regulations of the Puget Sound Air Pollution Control Agency adopted in accordance therewith, and shall diligently proceed without undue delay or inconvenience to the public.

(Ord. 99650 § 1, 1971; Ord. 90047 § 15, 1961.)

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

Chapter 15.04

USE AND OCCUPATION PERMITS

Sections:

- 15.04.010 Permit—Required.
- 15.04.020 Permit—Application.
- 15.04.030 Processing of applications.
- 15.04.040 Indemnity deposit—Surety bond—Liability insurance.
- 15.04.050 Indemnity or cash deposit for one or more permits.
- 15.04.060 Indemnity to save city harmless from claims.
- 15.04.070 Permit—Revocation—Fee schedule.
- 15.04.080 Permit—Issuance.
- 15.04.090 Refund on permit fee.

15.04.010 Permit—Required.

It shall be unlawful for anyone to use any public place, for private purposes, without a

written permit from the Board of Public Works of the city so to do, and without complying with all of the provisions of this subtitle in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the city, street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the city.
(Ord. 90047 § 7, 1961.)

15.04.020 Permit—Application.

Applications for permits provided for in this chapter shall be filed with the City Engineer, upon a form supplied by him. Such applications shall be directed to the Board of Public Works, and shall contain:

A. An accurate description of the public place or portion thereof desired to be used as herein specified;

B. The use desired to be made of such public place by the applicant;

C. The plans and specifications for any utility or structure desired to be constructed, erected or maintained by the applicant in or on a public place; and

D. Where it is desired to construct an areaway, or fuel opening, sidewalk elevator or door, a certificate from the City Engineer, showing the applicant to be the record owner of the premises abutting and in connection with which such areaway, fuel opening, sidewalk elevator or door is to be constructed.
(Ord. 90047 § 8, 1961.)

15.04.030 Processing of applications.

A. The City Engineer shall examine each application to determine if it complies with the provisions of this subtitle relating thereto. The City Engineer may inspect the premises which are desired to be used in order to ascertain any facts which may aid in determining whether a permit shall be granted and shall endorse his findings on such application and transmit the same to the Board of Public Works. Any application for a permit to construct, erect or maintain an awning, marquee, sign, areaway, or any structure in a public place, shall be transmitted by the City Engineer to the Superintendent of Buildings, who shall ascertain if the plans and specifications conform to the regulations pertaining to safety, material and design of the Seattle Building Code.¹ The Superintendent of Buildings shall then

endorse his findings on the application and transmit the same to the City Engineer.

B. If the Board of Public Works, in regular session, finds that the application conforms to the requirements of this subtitle pertaining thereto, and also that the proposed use of such public place will not unduly interfere with the rights of the public, the Board may approve thereof, and, if approved, shall fix the time for which the permit may be granted and shall direct the City Engineer to issue a permit, upon the applicant's compliance as herein specified with the provisions of this subtitle relative to indemnity.

(Ord. 91749 § 2, 1963: Ord. 90047 § 9, 1961.)

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

15.04.040 Indemnity deposit—Surety bond—Liability insurance.

A. If the City Engineer and/or the Board of Public Works determines that there is a probability of injury, damage, or expense to the city arising from an applicant's proposed use of any public place, the applicant shall deposit with the City Treasurer in the Guarantee Deposit Fund, and take his receipt therefor, a cash indemnity deposit. The amount of the cash indemnity deposit shall be determined by the Board of Public Works or the City Engineer at the time of approving the application and shall be governed by the anticipated amount and extent of injury, damage or expense to the city as determined by the Board of Public Works and/or the City Engineer. The applicant shall endorse the receipt to the city and deposit the same with the City Engineer before receiving his permit. Such indemnity deposit shall be used to pay the cost plus fifteen percent thereof of inspections, surveys, plans and other services performed by the city, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the City Comptroller, if such an agreement is required with the permit, and any other expense the city may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the

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deficiency. If the City Engineer or the Board of Public Works determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity deposit.

B. The applicant in lieu of, or in addition to, the cash indemnity deposit may, as approved or required by the Board of Public Works or the City Engineer, file with the City Comptroller a surety bond approved as to surety by the Mayor, and as to form by the City Attorney, which bond shall assume all the requirements provided in subsection A in relation to a cash indemnity deposit, shall run for the full period of the permit, and shall be in an amount to be fixed by the Board of Public Works or the City Engineer, and conditioned that such applicant shall faithfully comply with all the terms of the permit and all the provisions of this subtitle and all other ordinances of the city, and indemnify 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 any public place, as provided for in the application.

C. An applicant for a permit 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 permit and naming the city as an additional insured. The City Engineer may establish the amount of such insurance, subject to the applicant's right of appeal to the Board of Public Works, and may require that such insurance be provided prior to issuance of the permit.

D. If the application shall be to construct, reconstruct, repair, maintain, or remove any sidewalk, pavement, sewers, water mains, grading, street lighting, or appurtenances thereto, the applicant shall file with the City Comptroller a surety bond approved as to surety by the Mayor and as to form by the City Attorney, which bond shall run for the full period of the permit plus one year after the acceptance of the permitted work by the Board of Public Works or the City Engineer, and shall be in an amount fixed by the City Engineer, and conditioned that the applicant shall faithfully complete all portions of the work according to the Standard Plans and Specifications of the

city, and the special plans approved by the City Engineer.

(Ord. 108020 § 2, 1979; Ord. 95823 § 1, 1967; Ord. 90047 § 10, 1961.)

15.04.050 Indemnity or cash deposit for one or more permits.

A. Where it is probable that more than one permit will be desired, in the alternative to making an indemnity deposit for each permit, as provided for in Section 15.04.040, the applicant may deposit with the City Treasurer in the Guaranty Deposit Fund, the sum of Five Hundred Dollars (\$500.00). The applicant shall replace said sum from time to time, whenever such sum shall have been reduced to the sum of Three Hundred Dollars (\$300.00) or less, or to a sum smaller than is required for the permit applied for when so notified by the City Engineer, provided that this section shall not apply when the sum required for one or more permits shall exceed Five Hundred Dollars (\$500.00).

B. If an applicant shall be periodically using public places, the City Engineer and/or the Board of Public Works may require the applicant to post a surety bond of sufficient amount to cover the accumulated cost or risk involved at any certain time in a calendar year for a number of permits outstanding, as determined by the Board of Public Works or the City Engineer, the bond to be in force during the period of all outstanding permits, but in no case for less than one year. The bond shall be of a form approved by the City Attorney, conditioned to assume all of the requirements provided in the previous sections of this subtitle in relation to a cash indemnity deposit. Licensed side sewer contractors who post such a one-year bond under the provisions of this subtitle shall not be required to post an additional surety bond specifically covering work under separate side sewer ordinances; and the surety bond shall contain all of the requirements of side sewer ordinances in the same manner as provided by bonds posted pursuant to the side sewer ordinances and the License Code.¹

C. However, if at any time any applicant shall apply for a permit to use a public place above or below the surface of the same, and in the opinion of the Board of Public Works or City Engineer the work or risk involved in the application shall, together with other permits

outstanding in the name of the applicant, exceed the amount of the then presently posted surety bond, the applicant may be required to post an additional or separate surety bond to cover the additional risk or work involved prior to the issuance of any new permits. The bond shall remain in force during the period of all outstanding permits, but in no case for less than one year. Also, the Board of Public Works may require any permittee to post a surety bond in the calendar year following the period of a permit when the extent of possible damage to a public place has not been completely determined.

(Ord. 95823 § 2, 1967: Ord. 90047 § 11, 1961.)

1. Editor's Note: The License Code and provisions regarding side sewer contractors are codified in Title 6 of this Code.

15.04.060 Indemnity to save city harmless from claims.

A. If the application for a permit be to construct or maintain an areaway, fuel opening, sidewalk elevator or door, or to use or occupy the planting (parking) strip by erecting a bulkhead, steps, retaining wall, rockery, structure, or any facility therein, in addition to the foregoing cash indemnity fund, the owner of the premises in front of which, and in connection with which, the same is to be constructed, erected, maintained, used or occupied, and any existing lessee, sublessee, tenant and subtenant using or occupying the basement of the premises in connection with which such structure is to be used, before the permit is issued, shall, in the manner provided by law for the execution of deeds, execute and deliver to the city upon a form to be supplied by the City Engineer, an agreement in writing, signed and acknowledged by such owners and by any such existing lessee, sublessee, tenant and subtenant, and containing an accurate legal description of the premises and a covenant on the part of such owner, lessee, sublessee, tenant and subtenant, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants and subtenants, forever to hold and save the city 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, or of the construction, existence, maintenance or use of such structure. If the

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

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

15.04.070 Permit—Revocation—Fee schedule.

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

B. If any such structure or obstruction, or use or occupancy, is not discontinued on notice so to do by the Board of Public Works, the City Engineer may forthwith remove such structure or obstruction from such place, or

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make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the grantee of the permit, or his successor, and such expense may be collected in the manner provided by law; and the Board of Public Works may require a surety bond in such connection.

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

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

E. When use requiring a permit is made of street area, without first obtaining the permit, the fee shall be double that provided in the schedule of fees. The double fee shall apply only to the first tenure of the permit.

(Ord. 101351 § 1, 1972: Ord. 100603 § 1, 1972: Ord. 90047 § 13, 1961.)

Cases: Ordinance 90047, as amended, which authorizes the city to levy street use permit fees which are commensurate with the cost of administration and "the use thereby granted," allows the city to utilize a fee schedule based on the type of use and the square footage of the area used. *Baxter-Wyckoff Co. v. Seattle*, 67 Wn. 2d 555, 408 P.2d 1012 (1965).

15.04.080 Permit—Issuance.

Upon approval by the City Engineer of an application for the use or occupation of a public place, except where applications require the approval of the Board of Public Works, as per

resolution of the Board of Public Works, the City Engineer shall issue a permit therefor. The original permit shall remain in the custody of the City Engineer and a carbon copy shall be given to the grantee.

(Ord. 91749 § 3, 1963: Ord. 90047 § 14, 1961.)

15.04.090 Refund on permit fee.

Whenever the fee paid for any street use or occupation permit shall be erroneous for any reason, and application is made for refund, the City Engineer shall certify the facts justifying such refund, the amount thereof, and his approval of such refund, and upon presentation of such certificate to the City Comptroller such officer is authorized to draw and the City Treasurer to pay a warrant on the General Fund in the amount of such refund and the necessary appropriations are hereby made from any surplus in the fund.

(Ord. 84706 § 1, 1955.)

Chapter 15.06

DRIVEWAYS

Sections:

- 15.06.010 Construction—Temporary permission.
- 15.06.020 Removal of driveway and reconstruction of curb.
- 15.06.030 Standards for construction.
- 15.06.040 Width requirements.
- 15.06.050 Parking curb setbacks.

15.06.010 Construction—Temporary permission.

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

(Ord. 90047 § 16(part), 1961.)

15.06.020 Removal of driveway and reconstruction of curb.

When driveways are no longer usable or needed to provide vehicular access onto private property, the owner of the adjacent property shall remove the driveway and restore the concrete curb and gutter and the sidewalk and planting (parking) strip. Upon failure of the owner of the adjacent property to so do, the Board of Public Works may direct the City Engineer to perform such restoration and bill the cost thereof to the property owner. (Ord. 90047 § 16(part), 1961.)

15.06.030 Standards for construction.

All driveways constructed on public places where paved roadways and curbs exist shall be constructed according to the Standard Plans and Specifications of the Department of Public Works.

(Ord. 90047 § 16(part), 1961.)

15.06.040 Width requirements.

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

15.06.050 Parking curb setbacks.

Parking curb setbacks may be allowed by the Board of Public Works on the basis of demonstrated need by the applicant therefor upon the following terms and conditions:

A. In residential areas, space for tree planting shall be reserved whenever desirable, unless existing trees in the area supply the need.

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

C. Where certain streets have been designated as entrances to the city, and sufficient street width is secured for such purposes, a given dimension from the property line to the curb shall be maintained so that trees may be included as part of the entrances.

(Ord. 101744 § 1, 1973: Ord. 90047 § 16-A, 1961.)

Chapter 15.08

AREAWAYS, VENTS AND ELEVATORS

Sections:

- 15.08.010 Entrances and openings to areaways.
- 15.08.020 Construction of walk over areaways.
- 15.08.030 Conformance to Building Code.
- 15.08.040 Areaway metal guard.
- 15.08.050 Grade and extent of areaway.
- 15.08.060 Boiler or dangerous apparatus prohibited.
- 15.08.070 Ventilation opening in sidewalks.
- 15.08.080 Sidewalk elevators.
- 15.08.090 Metal guards attached to fuel openings and trapdoors.
- 15.08.100 Time of operation of sidewalk elevators.
- 15.08.110 Construction of elevators and trapdoors.
- 15.08.120 Elevators no longer in use.
- 15.08.010 Entrances and openings to areaways.

All areaway entrances and areaway openings shall be constructed in the following manner: The walls shall be constructed of masonry or concrete of sufficient strength safely to resist a pressure from without equivalent to that exerted by a fluid weighing not less than thirty pounds per cubic foot, and having a depth equal to that of the retained earth. Plans and specifications for such structures shall be approved by the Superintendent of Buildings as heretofore provided.

If the walls are reinforced by bracing, such reinforcements shall be fireproof and protected against corrosion.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(A), 1961.)

15.08.020 Construction of walk over areaways.

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

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The concrete used in slabs shall be Class "6," using structural grade gravel as defined in City Standard Plans and Specifications.
(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(B), 1961.)

15.08.030 Conformance to Building Code.

In the construction of areaway walls and sidewalks, in addition to the requirements set forth in this chapter, all the requirements of the Seattle Building Code¹ and all amendments thereto shall be deemed to apply and govern, insofar as they may be applicable and not inconsistent with the provisions of this chapter.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(C), 1961.)

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

15.08.040 Areaway metal guard.

All uncovered areaways shall be guarded by a metal railing which, together with their fastenings, shall be of sufficient strength to withstand a lateral pressure exerted against the top of such railing of seventy-five pounds per linear foot.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(D), 1961.)

15.08.050 Grade and extent of areaway.

No uncovered areaway shall be constructed in any public place unless the grade thereof exceeds twelve percent; provided, however, that no such areaway shall extend out from the property line more than fifty-four inches, nor to a point beyond seven feet inside of the curbline, nor to within thirty-six inches of any public place other than the one in which such areaway is located; and provided, that in case the grade exceeds ten percent, an areaway may be constructed so that it does not extend more than thirty inches from the property line.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17 (E), 1961.)

15.08.060 Boiler or dangerous apparatus prohibited.

No boiler or other dangerous apparatus, or any explosive, shall be placed in any areaway or space under any public place.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(F), 1961.)

15.08.070 Ventilation opening in sidewalks.

Openings in sidewalks for purposes of ventilation shall be covered by wrought iron bars three-eighths inch by one and one-quarter inch in size, placed one inch on centers and at right angles to the direction of the sidewalk. Such bars shall be held in position by sleeves placed between them on two half-inch iron rods running through such bars.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(G), 1961.)

15.08.080 Sidewalk elevators.

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

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(H), 1961.)

15.08.090 Metal guards attached to fuel openings and trapdoors.

A metal guard shall be attached to every fuel opening or trapdoor in a public place in such a manner as to raise and lower automatically with any such door.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(I), 1961.)

15.08.100 Time of operation of sidewalk elevators.

No sidewalk elevator, door, fuel opening, or oil or gasoline intake contiguous to any business property shall be operated between the hours of nine a.m. and six p.m., except in case of emergency, in which event operation shall not continue for a longer period than thirty minutes. During the operation of a sidewalk elevator, a person shall be stationed on the sidewalk at the elevator opening to warn other persons of the danger.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(J), 1961.)

15.08.110 Construction of elevators and trapdoors.

All elevators, fuel openings and trapdoors shall be made of metal of sufficient strength to sustain a weight of two hundred fifty pounds per square foot and such doors and their hinges shall be so constructed that their surfaces will lie flat with the surface of the sidewalk upon which they are constructed and will present no obstruction whatsoever to traffic, and shall be so roughened and maintained as to occasion no danger whatsoever to pedestrians.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(K), 1961.)

15.08.120 Elevators no longer in use.

Doors shall be removed from all sidewalk elevators which are no longer used, and the opening shall be replaced with reinforced concrete capable of withstanding an imposed load of not less than two hundred fifty pounds per square foot. The metal rim around the doors must also be removed.

(Ord. 108020 § 3(part), 1979: Ord. 106780 § 1(part), 1977: Ord. 90047 § 17(L), 1961.)

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 curblin. 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. 91749 § 4(part), 1963: Ord. 90047 § 18(B), 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 in an alley, from the surface over which it is constructed.

(Ord. 91749 § 4(part), 1963: Ord. 90047 § 18(B), 1961.)

15.10.030 Vertical depth.

No marquee shall exceed thirty inches in vertical depth.

(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 foot-candles of light intensity. The lowest foot-candle value at any point shall not be less than one-half the average value.

(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 streetlight or with any utility pole.

(Ord. 91749 § 4(part), 1963: Ord. 90047 § 18(E), 1961.)

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Chapter 15.12

SIGNS, BANNERS AND STREET CLOCKS

Sections:

15.12.010 Conformance to applicable regulations.

15.12.020 Barber poles.

15.12.030 Banners.

15.12.040 Street clocks.

15.12.010 Conformance to applicable regulations.

A. All signs in public places and their supports shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable ordinances by the Superintendent of Buildings prior to action by the Board of Public Works.

B. All signs, banners, barber poles and street clocks constructed upon or projecting over a public place shall conform to Chapter 49 of the Seattle Building Code,¹ and the decisions and policies of the Board of Public Works. (Ord. 108020 § 4, 1979; Ord. 91749 § 5, 1963; Ord. 90047 § 19, 1961.)

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

15.12.020 Barber poles.

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

15.12.030 Banners.

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

15.12.040 Street clocks.

A. No clock shall be constructed, erected or maintained in or upon any public place with-

in one hundred feet of any other clock on the same side of such place, nor within eight feet of any utility pole or fire hydrant, nor so that any portion thereof extends beyond the curb-line.

B. No clock shall be more than fifteen nor less than twelve and one-half feet in height from the sidewalk to center of the dial. Each dial shall be illuminated from within only, by electric light of not less than ninety candlepower to each dial which shall be kept burning during the hours of the day in which the municipal streetlights are burning.

C. No clock shall be erected which has a base greater than twenty-eight inches nor less than sixteen inches in any dimension, nor which has a dial greater than three feet nor less than two feet in diameter.

D. No more than two lines of advertising matter shall appear upon the dial, nor anything other than the name and address of the owner, occupant or lessee upon the post or base of any clock.

E. No cloth, drapery, sign or other thing shall be added, attached or suspended from the head of any clock.

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

Chapter 15.14

NEWSSTANDS

Sections:

15.14.010 Statement of purpose—Standards.

15.14.020 Placement without permit—Exceptions.

15.14.030 Mandatory requirements.

15.14.040 When permit required—Issuance.

15.14.050 Congestion control.

15.14.060 Attended newsstands.

15.14.070 Authority of Board of Public Works.

15.14.080 Review and hearings by Board.**15.14.090 Newsstand policy in the Central Business District.**

Severability: The invalidity of any section, subsection, provision, clause, or portion of this chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.
(Ord. 106583 § 12, 1977.)

15.14.010 Statement of purpose—Standards.

A. This chapter shall be interpreted and implemented in a manner to:

1. Enable the public to acquire a wide variety of publications with a diversity of news, information, ideas, and opinions, at convenient locations in public places;

2. Facilitate the distribution of publications in public places as contemplated by Article I, Section 5, of the Constitution of the State of Washington and the First Amendment to the United States Constitution;

3. Maintain the use of city streets for travel and transportation and incidental authorized purposes, and to retain the use of other public places for the purposes established;

4. Consider the interests of owners and occupants of property adjacent to public places, while respecting the rights of all users thereof; and

5. Preserve the appearance of public places, carry out design controls in areas subject thereto, encourage improvements that make public places more pleasing, and promote the use of modern, aesthetic newsstands in congested areas.

B. The statement of purpose in subsection A shall guide the Board in determining the overall public interest in regulating the placement, construction, maintenance, size and appearance of newsstands.

(Ord. 106583 § 1, 1977; Ord. 90047 § 19-A, 1961.)

15.14.020 Placement without permit—Exceptions.

Except as otherwise provided in Sections 15.14.040 and 15.14.050, publishers and distributors may place newsstands in public places without a permit.

(Ord. 106583 § 2, 1977; Ord. 90047 § 19-B, 1961.)

15.14.030 Mandatory requirements.

All newsstands in a public place shall align parallel with the curb, allow at least five feet of clear sidewalk space for pedestrian passage, be detectable by pedestrians using canes for guidance; and be maintained in a safe condition, able to withstand strong winds, and in good repair at all times.

(Ord. 106583 § 3, 1977; Ord. 90047 § 19-C, 1961.)

15.14.040 When permit required—Issuance.

A. Without a permit from the Board of Public Works or the City Engineer acting on its behalf, no newsstand shall:

1. Be placed or maintained so as to obstruct the use of any crosswalk, wheelchair ramp, driveway, hydrant, call box, or city emergency facility, or more than four feet or less than eighteen inches from the curb;

2. Impair loading at any bus, taxi, passenger or truck loading zone; hinder egress to parked vehicles in marked parking stalls; obstruct sight lines of motorists at an intersection; orient toward the roadway; or obscure any regulatory sign;

3. Be fastened to any Metro facilities, any utility pole or tree, or be permanently affixed to or removed after affixation from the surface of any public place;

4. Contain advertising other than that which relates exclusively to the publication or publications sold; or be used for purposes other than the sale of such publications;

5. Exceed size limitations set by the Board;

6. Conflict with design policies adopted for historical and special review districts or be placed within one hundred twenty feet of the limits of a street improvement that provides for integration of newsstands into structures located therein;

7. Conflict with a rule or regulation adopted by the Board pursuant to Section 15.14.070, provided that design standards adopted for newsstands shall not apply to those newsstands in place on July 1, 1977 until January 1, 1982.

B. The Board of Public Works may issue or authorize the City Engineer to issue a permit to allow the location of a newsstand or to allow an action or condition restricted by subsections 1 through 7, whenever the same constitutes a reasonable accommodation that furthers the

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overall public interest.

(Ord. 106583 § 4, 1977; Ord. 90047 § 19-D, 1961.)

15.14.050 Congestion control.

A. Without a permit from the Board of Public Works no newsstand shall be placed within one hundred twenty feet of any corner or other location with more than four newsstands, or of any intersection with more than twelve newsstands, or the equivalent capacity in multiple publication modular unit newsstands or attended newsstands.

B. If application is made for a permit under this section, the Board shall determine whether the totality of newsstands at such location will conflict with the restrictions of subsections A1, 2, 3, or 6 of Section 15.14.040 and if not, or if the Board finds that the proposed newsstand together with the preexisting newsstands represent a reasonable accommodation furthering the overall public interest, the Board may issue or authorize the City Engineer to issue a permit for such proposed newsstand.

C. If a permit for a proposed newsstand under this section be denied, the Board shall determine: (1) whether there is a satisfactory alternate location for such newsstand in the vicinity, or (2) whether an existing newsstand shall be displaced for such proposed newsstand. When necessary, allocations of space for newsstands at particular locations as provided herein shall be made in a manner which:

(a) Offers the public convenient access to all publications, whether of large or small circulation;

(b) Guarantees to all publishers a reasonable representation of their newsstands in public places;

(c) Provides opportunity for placement of newsstands for new publications;

(d) Encourages efficient use of space through attractive multiple-publication modular units; and

(e) Minimizes hardship to applicants denied permits and to publishers whose newsstands are displaced.

Before allocating space at any location the Board shall afford the publishers affected a reasonable opportunity to do so voluntarily. (Ord. 106583 § 5, 1977; Ord. 90047 § 19-E, 1961.)

15.14.060 Attended newsstands.

Attended newsstands existing on July 1, 1977 may remain in place within the space currently occupied for so long as the newsstands shall remain attended. A newsstand shall be deemed attended when its operator or other vendor shall sell publications directly to customers, person-to-person, for at least one and one-half hours per day Mondays through Fridays and maintain the newsstand for sale of publications during general business hours when the operator or vendor is not personally present. (Ord. 106583 § 6, 1977; Ord. 90047 § 19-F, 1961.)

15.14.070 Authority of Board of Public Works.

The Board of Public Works is authorized to:

A. Adopt rules and regulations implementing Sections 15.14.020 through 15.14.080, including, but not limited to:

1. Establishing standards relating to advertising, safety, maintenance, location and the fastening of newsstands to traffic-control devices, and standards relating to the design of newsstands located within downtown Seattle between Stewart Street on the north, Sixth Avenue on the east, Yesler Street on the south and First Avenue on the west, or located along Alaskan Way adjacent to Piers 50 through 61, or located in the University District within sixty feet of the street margins of Northeast 45th Street between Brooklyn Avenue Northeast and 15th Avenue Northeast, or within sixty feet of the street margins of University Way between Northeast 42nd Street and Northeast 50th Street,

2. Requiring that every newsstand in any public place have the name, address, and telephone number of the owner or other responsible party affixed thereto in a place where it may be easily seen; and that every publisher maintain on file with the Board a current listing of newsstands placed in public places as authorized in this chapter without a permit,

3. Prohibiting newsstands in any particular sidewalk segment to alleviate congestion and maintain safe passage,

4. Requiring or providing for the relocation of newsstands temporarily to accommodate construction, maintenance and primary street uses,

5. Requiring any publisher to take such actions respecting placement, maintenance,

and repair of newsstands from time to time as may be appropriate and to cooperate with city officials in the implementation of this chapter;

B. Upon five days' notice, or without notice if emergency or unsafe conditions exist, impound newsstands unused for thirty days or left in place more than ten days after the publisher discontinues publication;

C. Upon five days' notice, or with such notice as may be practical if emergency or unsafe conditions exist, impound newsstands in violation of this chapter, including newsstands maintained without a permit where a permit is required;

D. Integrate newsstands into structures such as bus-stop shelters and traffic-control devices in street area in special districts by local improvement district;

E. Recommend a schedule of fees for newsstands under permit, for impounding and storage of newsstands, and for relocating newsstands where authorized, which fees shall take effect upon approval of the Board's recommendation by the City Council by resolution; and.

F. Dispose of, as abandoned property, any impounded newsstand that is not claimed by the owner or other person responsible within thirty days from the date of impoundment.

(Ord. 106583 § 7, 1977; Ord. 90047 § 19-G, 1961.)

15.14.080 Review and hearings by Board.

Any person or publisher aggrieved by the placement of a newsstand in a public place or by an action of the City Engineer acting for and on behalf of the Board of Public Works may seek review thereof by promptly filing a notice with the Board, identifying the action taken, the objections made thereto, and requesting a hearing thereon. The Board shall then conduct a hearing thereon. The decision of the Board shall be final and conclusive.

(Ord. 106583 § 8, 1977; Ord. 90047 § 19-H, 1961.)

15.14.090 Newsstand policy in the Central Business District.

It shall be the policy of the city to consider the location of newsstands and the practicality of integrating newsstands into structures being erected in the planning for projects in the Central Business District involving the construction or reconstruction of a substantial segment of

sidewalk or other open area for pedestrian use, and to utilize such integrated structures wherever practical in such areas, and wherever appropriate to encourage the replacement of single publication newsstands with attractive modular units.

(Ord. 106583 § 9, 1977; Ord. 90047 § 19-I, 1961.)

Chapter 15.16

SIDEWALK CAFES

Sections:

15.16.010 Permit—Required.

15.16.020 Permit—Application.

15.16.030 Notification of surrounding tenants and owners.

15.16.040 Terms and conditions.

15.16.050 Liquor.

15.16.060 Insurance.

15.16.070 Indemnity.

15.16.080 Sidewalk condition.

15.16.010 Permit—Required.

It shall be unlawful to operate a sidewalk cafe without a written permit to do so from the Board of Public Works as provided in this chapter.

(Ord. 99674 § 2(part), 1971; Ord. 90047 § 49(a), 1961.)

15.16.020 Permit—Application.

In addition to the information required by Section 15.04.020, an application for a sidewalk cafe permit shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor, as defined in RCW 66.04.010(16), will be sold or consumed in the area to be covered by the permit.

(Ord. 99674 § 2(part), 1971; Ord. 90047 § 49(b), 1961.)

15.16.030 Notification of surrounding tenants and owners.

The applicant shall mail or serve a notice stating the nature of the application, the sidewalk area sought to be used, and the date, time and place at which the Board of Public Works

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will consider such application at least ten days prior thereto, upon the owners, building managers and street-level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the City Engineer a copy of the notice mailed and a list of the persons to whom it was sent. The City Engineer shall prepare and post notices containing the aforesaid information upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection, and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.
(Ord. 99674 § 2(part), 1971: Ord. 90047 § 49(c), 1961.)

15.16.040 Terms and conditions.

In the event and to the extent that the Board of Public Works determines that:

A. The applicant is the owner or occupant of the adjacent property and operates a cafe or restaurant thereon;

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

C. The proposed sidewalk cafe area is included within a food-service establishment permit issued pursuant to Chapter 10.10 of this Code, or the Seattle-King County Director of Public Health, or his representative, has otherwise authorized such use of the area; a permit for use of sidewalk area for sidewalk cafe purposes may be issued upon such terms and conditions as the Board may deem appropriate including, but not limited to: Restrictions as to the number and placement of tables and chairs and as to the hours and dates of use; a requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the City Engineer or other appropriate city officer such as the Chief of Police or Fire Chief or their authorized representatives, and that the permittee shall maintain the sidewalk in a clean and safe condition for pedestrian travel; a requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to adjacent or other nearby properties; regulations upon lighting and illumination of the sidewalk cafe; and a surety bond in accor-

dance with the provisions of this subtitle; provided that unless expressly authorized by the city no pavement shall be broken, no sidewalk surface disturbed, and that no fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe.

(Ord. 99674 § 2(part), 1971: Ord. 90047 § 49(d), 1961.)

15.16.050 Liquor.

Liquor, as defined in RCW 66.04.010(16), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit provided for in this chapter and by permit of the Washington State Liquor Control Board, and not otherwise.

(Ord. 99674 § 2(part), 1971: Ord. 90047 § 49(e), 1961.)

15.16.060 Insurance.

An applicant for a permit for a sidewalk cafe shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in an amount specified by the Board of Public Works sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk cafe purposes, naming the city as an additional insured.

(Ord. 99674 § 2(part), 1971: Ord. 90047 § 49(f), 1961.)

15.16.070 Indemnity.

The applicant for a sidewalk cafe permit shall execute and deliver to the city upon a form supplied by the City Engineer an agreement in writing and acknowledged by the applicant, forever to hold and save the city free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk cafe. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the city, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this chapter, the same may be

revoked and the sidewalk cafe furniture ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by the City Comptroller and City Clerk in the files and records of his office. (Ord. 99674 § 2(part), 1971: Ord. 90047 § 49(g), 1961.)

15.16.080 Sidewalk condition.

The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the City Engineer or other appropriate city officer such as the Chief of Police or Fire Chief or their authorized representatives.

(Ord. 99674 § 2(part), 1971: Ord. 90047 § 49(h), 1961.)

Chapter 15.18

DANGEROUS BUILDINGS

Sections:

- 15.18.010 Notice of hazardous condition.
- 15.18.020 Construction of covered way.

15.18.010 Notice of hazardous condition.

Whenever the Superintendent of Buildings finds that a building is unsafe, according to the terms of the Building Code,¹ or any other effective ordinance, and a hazard to public safety, health or welfare may exist to members of the public using an abutting public place, then the abutting sidewalk and/or public place may be barricaded immediately by the City Engineer to the extent found necessary, so as to prevent public access to such area in the interest of public safety, and the Superintendent of Buildings forthwith shall notify the owner or his agent of such hazardous condition and to correct this condition within ten days from date of notice thereof.

(Ord. 90047 § 23(A), 1961.)

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

15.18.020 Construction of covered way.

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

Chapter 15.20

BUILDING CLEANING OR PAINTING

Sections:

- 15.20.010 Permit—Required.
- 15.20.020 Permit—Validity.
- 15.20.030 Steam cleaning—Boiler permit.
- 15.20.040 Certain chemicals prohibited.
- 15.20.050 Scaffolding—Compliance.
- 15.20.060 Scaffolding—Canvas tarpaulin.
- 15.20.070 Barricades.
- 15.20.080 Ladder safety.

15.20.010 Permit—Required.

When necessary to occupy a public place to clean or paint any building, wall, or sign, it shall be unlawful for anyone to undertake such cleaning or painting without first having obtained a permit to do so from the City Engineer. The permit shall specify the portion of the public place which may be occupied with equipment for the generating of steam or compressed air, hanging scaffold, or for any purpose whatsoever.

(Ord. 90047 § 24(A), 1961.)

15.20.020 Permit—Validity.

A permit issued under this chapter shall be valid only for the number of days stated therein and for the occupation of such portion of the street as is definitely set forth and at such hours

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as may be designated and only for the purpose of the cleaning, painting or hanging of the scaffold for the particular structure for which the permit is issued.

(Ord. 90047 § 24(B), 1961.)

15.20.030 Steam cleaning—Boiler permit.

If such cleaning is done with steam, the steam boiler and all of its appliances including piping, hose and nozzle, shall comply with the provisions of the law regulating the operations of steam boilers¹ in the city and no boiler may be put into operation without first having withstood a test by a boiler inspector. A valid boiler permit signed by the boiler inspector must be posted on the plant.

(Ord. 90047 § 24(C), 1961.)

1. Editor's Note: Provisions on steam engineers and boiler firemen are codified in Title 6 of this Code.

15.20.040 Certain chemicals prohibited.

The use of acids or chemicals or any cleaning material which, if precipitated in the street would cause injuries to persons or damage to property, is prohibited, except as otherwise provided for in this subtitle.

(Ord. 90047 § 24(D), 1961.)

15.20.050 Scaffolding—Compliance.

All scaffolding shall comply with the provisions of this subtitle pertaining to scaffolds, and to all requirements of the State Safety Code.

(Ord. 90047 § 24(E), 1961.)

15.20.060 Scaffolding—Canvas tarpaulin.

A substantial canvas tarpaulin shall be attached to the underside of such scaffold where directed by the City Engineer in such a manner as to stop any spray, dirt, or other material from spreading on the street below.

(Ord. 90047 § 24(F), 1961.)

15.20.070 Barricades.

During operations a suitable portion of the sidewalk or other public thoroughfare as required by the City Engineer shall be barricaded in an approved manner. Specified hours of operation and any additional construction may be required to protect the public in passing said point.

(Ord. 90047 § 24(G), 1961.)

15.20.080 Ladder safety.

If a ladder more than fourteen feet in height is used in building or cleaning operations, there shall be at all times a man stationed at the base thereof in the interest of public safety.

(Ord. 90047 § 24(H), 1961.)

Chapter 15.22

BUILDING OPERATIONS

Sections:

15.22.010 Compliance required.

15.22.020 Application for use permit—
Investigation and issuance.

15.22.030 Fence or enclosure—When
required.

15.22.040 Fence or enclosure—Materials
and construction.

15.22.050 Obstruction of utility or traffic
facilities prohibited.

15.22.060 Removal of earth and debris.

15.22.070 Mixing of mortar or concrete.

15.22.080 Repair of damage to public
property.

15.22.090 Excavations and cave-ins.

15.22.100 Permit to drive over sidewalk or
curb.

15.22.110 Protection of sidewalk and
pavement.

15.22.120 Types of protection required for
pedestrians and motorists.

15.22.130 Uncovered walkways.

15.22.140 Obstructions in street
intersection.

15.22.010 Compliance required.

In any district when a building is to be erected, razed, repaired or altered the specifications set out in this chapter shall be complied with by the owner of the building or his agent.

(Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(part), 1961.)

15.22.020 Application for use permit—
Investigation and issuance.

A. An application shall be filed with the City Engineer for use of street or walk area deemed necessary for building operations. The application shall also specify the period of time the applicant desires to use the specified area.

The City Engineer will investigate the area adjacent to the place of such building construction, demolition or repair to determine the traffic carried by adjacent roadway and walks, and to determine the inconvenience and hazard to the public. This application shall be accompanied by a plan of the definite limits of areas desired for use, which shall be confined to, and abutting, the property to be improved; provided, that upon written permission of other adjacent property owners filed with the application and approved by the City Engineer, such street use may extend beyond the limits of the improvement.

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

C. Upon completion of investigation of street use as applied for, the Board of Public Works may direct a permit be granted, subject to the applicant's furnishing public liability insurance and cash deposit and/or surety bonds as the City Engineer deems necessary to protect the city from any claims for damages to persons or injury to public utilities or any other cause arising out of the street use. The City Engineer may revise such plans and application, and confine the use of street to the area he finds to be of the greatest safety for the public. He may alter conditions of the permit any time he finds that such use may cause damage to persons or things, or to any improvements of the city. He shall judge the adequacy of protective devices installed in street area to safeguard utility and traffic facility devices.

(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(A), 1961.)

15.22.030 Fence or enclosure—When required.

A fence or enclosure shall be erected at any location at which a building is to be erected, razed, repaired or altered, and a hazard to pedestrian traffic is created: (A) within ten feet of a walk or roadway, (B) in a business district, or (C) in any case deemed necessary

by the City Engineer.

(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(B), 1961.)

15.22.040 Fence or enclosure—Materials and construction.

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

B. Such fence, unless otherwise provided, shall be at least seven feet in height and shall, where practicable, be erected before any work is commenced; provided, that if the enclosure is adjacent to a street intersection or corner, that portion of the fence from four feet to seven feet high which is within thirty feet each way from the corner must be of wire mesh to provide for traffic visibility at all times, unless otherwise designated by the City Engineer.

(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(C), 1961.)

15.22.050 Obstruction of utility or traffic facilities prohibited.

No materials, fence or shed shall obstruct the approach to a fire hydrant, manhole, fire alarm box, catchbasin, inlet, vault, valve chamber, or any other public utility or traffic facility which is within an area being used by a permittee. A substantial protective frame, boarding, sand bags, etc., shall be placed or built around every streetlight pole, power pole, fire hydrant, and other utility or traffic facility that may be damaged by work being done on the adjacent property. This protection shall be maintained while the work is being done, shall not obstruct the normal function of the facility and ventilation of the manholes, and shall be altered to provide for emergency access to the facility during periods when the workmen are not present nearby.

(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(D), 1961.)

15.22.060 Removal of earth and debris.

Earth taken from excavations and rubbish from buildings shall not be stored on the side-

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walk or other street area, but shall be removed from day to day as rapidly as produced. Where such materials are dry and apt to produce dust when handled, they shall be kept sufficiently moist to prevent the wind blowing the same about. Building rubbish accumulating on upper floors and all rubbish, plaster and other loose materials, produced while wrecking, altering or repairing a building must be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing the same. When likely to produce dust, the chutes must be provided with means of wetting waste to prevent the wind from blowing it about. (Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(E), 1961.)

15.22.070 Mixing of mortar or concrete.

It is unlawful to mix mortar or concrete in any public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement or any similar material. (Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(F), 1961.)

15.22.080 Repair of damage to public property.

Any damage done to sidewalk, pavement, sewers, drain inlets, catchbasins or any other public facility shall be repaired by the City Engineer as he finds necessary, and all costs plus fifteen percent shall be charged against the owner, agent or contractor; except that if a permit is granted so to do, the owner, agent or contractor may restore and repair such damages as required by, and under the inspection of, the City Engineer. (Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(G), 1961.)

15.22.090 Excavations and cave-ins.

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

the City Engineer so directs, the contractor, owner or agent shall make such backfill and restoration under the inspection of the City Engineer. The City Engineer shall collect the cost of any such work done or inspection made from the cash deposit and/or surety bond supplied by the contractor, owner or agent and/or by civil action in the manner provided by law. (Ord. 106780 § 2(part), 1977: Ord. 98197 § 3, 1969: Ord. 90047 § 25(H), 1961.)

15.22.100 Permit to drive over sidewalk or curb.

Whenever an excavation is to be made adjacent to a public place, or in any case wherein materials are to be moved across a public sidewalk or curb or a portion thereof not set aside as a driveway, and the adjacent street area is not being used under permit while building, the owner, agent or contractor shall secure a permit to drive over the walk and/or curb and shall deposit cash, a surety bond or both as provided in this subtitle and as directed by the City Engineer. (Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(I), 1961.)

15.22.110 Protection of sidewalk and pavement.

In using the street area or driving over walks and curbs, the contractor shall keep such walk and pavement reasonably clean, properly protected with planks during working hours, and safe for public travel; upon failure to so do the City Engineer may place such planking and cause such clean-up to be made, and the cost thereof plus fifteen percent shall be charged to the contractor. Any charges so made may be deducted from the contractor's deposits on file or may be charged against his bond. (Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(J), 1961.)

15.22.120 Types of protection required for pedestrians and motorists.

Table No. 25 shall be used to establish minimum requirements for pedestrian and motorist safety adjacent to building sites, demolition sites, construction sites and locations of excavations abutting upon or adjacent to public places. The height of construction in Table No. 25 refers to the height of buildings being built above sidewalk grade on the adjacent building site. The distance from construction

refers to the distance a pedestrian, railing or fence is located from the nearest edge of the building site. The protection required is:

A. Railing. A handrail not less than three and one-half feet high, capable of withstanding a fifty-pound load per lineal foot applied horizontally to the top rail;

B. Barricades. Four or more red or flashing amber lights as required in Chapter 15.40;

C. Fence and Covered Walkway. A temporary protective roof extending above a pedestrian walkway to be built and maintained during construction or demolition on the adjacent property. The requirements of a covered walkway are:

1. Four feet or more of clear walking width,

2. The roof shall have eight feet of clearance above the walkway, and shall be tightly boarded with a covering of roofing paper or other material to prevent water from falling through,

3. A tight fence of board or chain link along its entire length on the side abutting the building site,

4. Be designed to carry the loads imposed upon it, provided the minimum live load to be used in design shall not be less than one hundred fifty pounds per square foot, uniformly loaded,

5. Have a handrail on the roadway side, not less than three and one-half feet high, capable of withstanding a fifty-pound load per lineal foot applied horizontally to the top rail,

6. If the walkway is abutting upon or within the roadway area, the roadway side shall be protected by a tight board fence three and one-half feet high, and wire mesh or other suitable material from the top of the handrail to the roof,

7. If the walkway is also used as a bus zone, as required by the Traffic Division of the Engineering Department, as much of the handrail and wire mesh as stipulated by the Traffic Division shall be omitted or removed from the walkway,

8. If materials are stored or work is done on the roof of the walkway, the roadway side of the walkway shall extend one foot above the roof, or as high as needed to contain the material stored on the roof,

9. The walkway area shall be kept well lighted continuously between sunset and sunrise, and such other times as necessary,

10. Have warning lights, painting and other devices prescribed by the Traffic Control Manual for In-Street Work,

11. A walking surface must be provided if pedestrians are to be routed off the paved sidewalk or into a roadway area for more than thirty hours. The surface must be solid and not slippery, and the transition between the temporary walkway surface and the sidewalk shall be without abrupt breaks or stubs to prevent harm to handicapped persons. Pedestrians shall not be required to walk upon a roadway for more than thirty hours and in such a case the roadway must be safe for walking and the pedestrians carefully contained in a well defined space. Sleepers supporting a walking surface shall not obstruct drainage flow, and pedestrians shall not be required to walk in a gutter;

TABLE NO. 25

Type of Protection Required for Pedestrian and Motorist Safety

Height of Construction	Distance from Construction	Protection Required
8 feet or less	1. Less than 6 feet	1. Railing
	2. 6 feet or more	2. Barricades
	3. Less than one-fourth of the height of construction	3. Fence and covered walkway
		4. More than one-fourth of the height of construction
More than 8 feet		
Excavation within 4 feet of the street margin		Railing with mid-rail

D. Fence. A tight and secure fence of board or chain link must be built adjacent to the building or demolition site to protect pedestrians and motorists. It shall be at least seven feet high, erected before demolition or construction begins, and designed to withstand wind loads and any other design factors imposed by the Seattle Building Code.¹ The fence shall be located according to the permit requirements. (Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(K), 1961.)

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

15.22.130 Uncovered walkways.

Whenever it is not necessary to construct a covered temporary walkway as stipulated in Table No. 25, an uncovered walkway shall be

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constructed if pedestrians are caused to be routed away from a paved walking surface, or if pedestrians are caused to walk in a roadway area for more than thirty hours. The walking surface must be solid and not slippery and the transition from the sidewalk shall be without abrupt breaks or stubs to prevent harm to handicapped persons. Sleepers supporting a walking surface shall not obstruct drainage flow, and pedestrians shall not be required to walk in a gutter. Such a walkway shall be four feet or more in clear walking width, as required by the City Engineer, and the walkway shall be located as required in the permit.

(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(L), 1961.)

15.22.140 Obstructions in street intersection.

No temporary building, structure or machinery over four feet high shall be located within a street intersection, nor shall materials be piled over four feet high within an intersection.

(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(M), 1961.)

Chapter 15.24

SCAFFOLDS

Sections:

15.24.010 Requirements.

15.24.020 Permit required.

15.24.010 Requirements.

It shall be unlawful for anyone to use any scaffold or staging unless it has sufficient strength to support the weight to be placed upon it and unless it has sufficient width to prevent persons and materials from falling from it. Tarpaulins and scaffolds shall be braced sufficiently or anchored to the building so that they will not fall or be blown about or otherwise collapse.

(Ord. 90047 § 26(A), 1961.)

15.24.020 Permit required.

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

remodeling a structure shall carry with it the right for such scaffolding.

(Ord. 90047 § 26(B), 1961.)

Chapter 15.26

BACKFILLING

Sections:

15.26.010 Authority of City Engineer—
Billing of costs.

15.26.010 Authority of City Engineer—
Billing of costs.

After the completion of any work for which a permit has been granted, if the same shall have involved an excavation or disturbance of the surface of any public place, the City Engineer shall have control of the refilling and restoring of same to its proper condition, and the cost thereof plus fifteen percent shall be billed to the person or deducted from the grantee's indemnity deposit.

(Ord. 90047 § 27, 1961.)

Chapter 15.28

HOUSE MOVING

Sections:

15.28.010 Permit required.

15.28.020 Bond and insurance.

15.28.030 Application for permit.

15.28.040 Removal or trimming of trees or shrubbery.

15.28.050 Wires and cables.

15.28.060 Probable interference—Public hearing.

15.28.070 Grantee to bear expenses.

15.28.080 Authority to make rules and regulations.

15.28.010 Permit required.

It is unlawful to move a building along or across any public place without a permit to do so from the City Engineering Department.

(Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(A), 1961.)

15.28.020 Bond and insurance.

A. No such permit to move a building along or across any public place shall be issued unless the applicant has furnished to the Director of Engineering, for filing with the City Comptroller, a surety bond approved as to form by the City Attorney in the amount of Five Thousand Dollars (\$5,000.00), and conditioned upon the requirements of Sections 15.04.040 and 15.04.050 relating to cash indemnity funds. The bond shall be further conditioned to indemnify and save harmless the city from all claims, actions or damages of every kind and description which may accrue to or be suffered by the city by reason of the permittee's operations in moving a building on or along any public place. In addition to the bond, the applicant shall furnish to the Director of Engineering, for filing with the City Comptroller, a certificate stating that the city is included as an additional insured on his/her protective public liability insurance. The insurance shall provide for a limit of not less than Two Hundred and Fifty Thousand Dollars (\$250,000.00) for all damages arising out of bodily injuries to, or death of any persons in any one accident; and shall also provide property damage liability insurance providing for a limit of not less than Seventy-five Thousand Dollars (\$75,000.00) for all damages arising out of injury to or destruction of property in any one accident. The insurance shall state that the Director of Engineering shall be given ten days' notice of any change, cancellation or expiration of such insurance policy.

B. In the event anyone granted a permit under this chapter fails to comply with any of the terms of this subtitle, the permit may be revoked by the Director of Engineering. (Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(B), 1961.)

15.28.030 Application for permit.

All applications for permit to move buildings through, or across public places of the city shall be made to the Director of Engineering on a form provided by the Director of Engineering. Every such application shall state the location of the building to be moved, its dimensions and its principal materials; shall definitely describe the route over which the building is to be moved, the length of time that will be required to move it, and the proposed new location thereof. Before any permit to move a building to a site

within the city is issued, specific written approval must be obtained from the Building Department. The approval of all public utilities owned and operated by the city is also necessary, if those utilities are to be disturbed. (Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(C), 1961.)

15.28.040 Removal or trimming of trees or shrubbery.

Where the removal or trimming of any shade trees or other shrubbery is necessary, the building mover is required to obtain from the owner thereof a written release for any damages, holding the city free of any liability or damages whatsoever. If the building is to be moved along or across any boulevard or other public place controlled and planted by the Parks and Recreation Department, the building mover is also required to have written approval from the Superintendent of Parks and Recreation. (Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(D), 1961.)

15.28.050 Wires and cables.

The Director of Engineering shall determine the probable injury and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities. Such findings shall be endorsed upon the application for permit. (Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(E), 1961.)

15.28.060 Probable interference—Public hearing.

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

B. The Board of Public Works may, if the injury to public utilities or private property is apparently excessive as to the value of building to

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

C. Whenever the Board of Public Works determines that a public hearing must be held to determine the feasibility of moving a building, the applicant shall pay the cost to the city for advertising a hearing. Payment shall be made to the Treasurer of the city and the receipt therefor shall be delivered to the Director of Engineering. The receipt number for the sum shall be recorded on the application for permit.

(Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(F), 1961.)

15.28.070 Grantee to bear expenses.

The grantee of a permit to move a building along or across any public place shall bear any and all expense that may be occasioned by such moving; provided, however, that nothing contained in this chapter shall be construed as repealing any of the provisions of any franchise ordinance.

(Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(G), 1961.)

15.28.080 Authority to make rules and regulations.

The Director of Engineering may make rules and regulations pursuant to the Administrative Code of the city (Ordinance 102228)¹ and governing the moving of buildings along or across public places. Violation of those rules and regulations constitutes a violation of this subtitle. (Ord. 108382 § 2(part), 1979: Ord. 90047 § 28-A(H), 1961.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

Chapter 15.30

FRANCHISE PERMITS AND REGULATIONS

Sections:

15.30.010 Construction work—Permit required.

15.30.020 Permit—Application and issuance.

15.30.030 Payment of fees.

15.30.040 Nuisances.

15.30.050 Deferment of permit action.

15.30.010 Construction work—Permit required.

It shall be unlawful for anyone holding a franchise, from the city, or who may hereafter be granted a franchise, to use or occupy any public place, to go upon such public place, or to perform any construction work therein which shall disturb the surface of the street, planting (parking) strip or sidewalk, without complying with all the provisions of this subtitle in relation thereto and obtaining and having a permit from the Board of Public Works so to do; provided that the City Engineer may, without referring the application to the Board of Public Works, in his reasonable discretion, issue any permits necessary for the placing of crossarms, wires, transformers or other apparatuses, or poles already placed, or for the emergency repair of any existing construction or service connections.

(Ord. 90047 § 29(part), 1961.)

15.30.020 Permit—Application and issuance.

In order to obtain the permit provided for in Section 15.30.010, anyone desiring to do such work shall file with the City Engineer an application therefor, on a form furnished by the City Engineer, which application therefor shall be accompanied by a plat, drawn to an accurate scale, such plat being made conformable to such reasonable rules and regulations as the City Engineer may prescribe, and showing the exact location, character, position, dimension, depth and height of the work proposed to be done. The City Engineer shall note on such application his recommendation and shall transmit the application to the Board of Public Works, which, prior to the granting of any permit, may require

such modifications or changes as it deems necessary properly to protect the public in the use of the public places, and shall in the permit, if the same be granted, fix the time or times within and during which such work shall be done. When such application has been granted by the Board of Public Works a permit allowing such construction shall be issued from the office of the City Engineer, who shall have the power to supervise, regulate and direct the construction and who shall keep a record of this permit and the work done thereunder. Permits issued by the City Engineer or the Board of Public Works may be revoked by the Board of Public Works on ten days' notice. (Ord. 90047 § 29(part), 1961.)

15.30.030 Payment of fees.

Anyone doing construction work under such permit either from the Board of Public Works or the City Engineer shall pay into the City Treasury such amounts as, in the judgment of the City Engineer, are reasonably necessary to investigate any application for construction work, to inspect such work, to secure proper field notes of location, and to plat such locations on the permanent records of the City Engineering Department, or to inspect or reinspect as to maintenance during the progress of or after the repair of any construction placed under permits previously issued; or shall pay permit fees specified by ordinance when required. (Ord. 90047 § 29(part), 1961.)

15.30.040 Nuisances.

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

15.30.050 Deferment of permit action.

The Board of Public Works may, in its reasonable discretion, defer the action of the permit provided for in this chapter, until such time as it deems proper in all cases where the public place on which the work is desired to be done is occupied or about to be occupied in any work by the city, or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time, and may in granting such permit, so regulate the manner of doing such work as shall cause least inconvenience to the public in the use of such public place, and in all cases any work of the city or its contractors or employees shall have precedence over all work of every kind. (Ord. 90047 § 29(part), 1961.)

Chapter 15.32

PUBLIC UTILITY AND REGULATIONS¹

Sections:

15.32.010 Permit required.

15.32.020 Terms of use and occupancy of streets.

1. Cross-reference: For provisions regarding underground utility districts, see Chapter 21.68 of this Code.

15.32.010 Permit required.

It shall be unlawful for anyone acting as a person, firm, company, corporation or association having the right under the Charter, any ordinance or franchise or under any other law to construct, maintain and operate on, under or over the streets, alleys or public places of the city, pipes, ducts, utility tunnels, vaults, manholes, poles, fixtures, wires or any other appurtenances necessary for the purpose of conducting any lawful business, either public or private, to go upon any such public place to perform any work therein which will disturb the surface of the street, planting strip or sidewalk, or to occupy area upon the surface or beneath the surface of the street, planting strip or sidewalk without complying with all the provisions of any ordinance in relation thereto and

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obtaining and having a permit from the Board of Public Works so to do; provided, that the City Engineer may, without referring the application to the Board of Public Works, in his reasonable discretion, issue any permits necessary for the placing of crossarms, wires, transformers or other apparatuses, on poles already placed, or for the emergency repair of any existing construction, or for service connections. Permits issued either by the City Engineer or the Board of Public Works may be revoked on ten days' notice by the Board of Public Works.

(Ord. 96598 § 1(part), 1968: Ord. 90047 § 30(part), 1961.)

15.32.020 Terms of use and occupancy of streets.

The terms and conditions of the use and occupancy of public streets and alleys in the city by anyone constructing or operating under authority of this chapter and ordinances amendatory thereto shall be as follows:

A. Anyone desiring to place or maintain any of the authorized facilities mentioned in Section 15.32.010 shall, prior to the commencement of any construction work, file an application for permit therefor as hereinbefore described. When permission has been granted by the Board of Public Works a permit allowing such construction shall be issued from the office of the City Engineer, who shall have power to supervise, regulate and direct the construction and who shall keep a record of the permit and the work done thereunder.

B. Anyone doing construction work under permit from either the Board of Public Works or the City Engineer shall pay into the City Treasury such amounts as, in the judgment of the City Engineer, are reasonably necessary to investigate and process any application for construction work, to inspect such work, to secure proper field notes for location, and to plat such locations on the permanent records of the Department of the City Engineer, or to inspect or reinspect as to maintenance, during the progress of or after the repair of, any construction placed under permits previously issued.

C. Anyone constructing under authority of this chapter and ordinances amendatory thereof, any underground ducts or conduits, shall, when the number of main line ducts or conduits exceeds two, reserve free of cost to the city for the exclusive use of governmental

communication, traffic signal, and other governmental signal purposes, additional ducts in the proportion of one duct for every five or less constructed, provided the Board of Public Works may, in its reasonable discretion, limit the number of ducts to be reserved.

D. Anyone erecting or maintaining poles under authority of this chapter shall allow anyone constructing under authority of this chapter and ordinances amendatory thereof, joint use of its poles upon payment, except as provided in subsection E of this section, of a reasonable proportion of the cost of such poles installed and shall obey any order issued by the Board of Public Works relative to the joint use of poles.

E. Anyone erecting or maintaining poles under authority of this section shall allow the city the right, free of charge, to attach, maintain and operate its governmental communication and signal wires and/or fixtures, on crossarms, or on the poles erected and so maintained.

F. Anyone erecting or maintaining poles under authority of this chapter shall, upon order of the Board of Public Works or the City Engineer, paint or repaint its poles to such height and in such colors and at such times as the Board of Public Works or the City Engineer may direct.

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

H. Anyone upon order of the City Engineer or the Board of Public Works, shall upon ten days' notice, at his or its own cost and expense, move any underground, surface or overhead construction which interferes with any local improvement district work or with any construction for public purposes authorized or ordered by the city.

I. Anyone maintaining over any street, alley or other public place, any overhead construction, either poles or wires, shall place the same underground upon being directed so to do by the City Council, which notice may be given either by resolution or by ordinance of

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such City Council; provided, that all other public utility companies maintaining overhead construction shall be subject to such resolution or ordinance.

J. Anyone accepting permits under the terms of this chapter for the installation of pipes, ducts, utility tunnels, vaults, manholes, poles, wires or any other appurtenances shall remove such installation when it is no longer required or used and the Board of Public Works orders the removal thereof.

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

(Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

Chapter 15.34

TEMPORARY FENCE FOR PARKING STRIPS

Sections:

15.34.010 Temporary fence to protect plantings.

15.34.010 Temporary fence to protect plantings.

Under a permit to improve a planting (parking) strip by grass, flowers, shrubs and trees, a fence with a one-inch by three-inch, or wider, board along the top, and at least thirty inches high, may be temporarily maintained until such grass, flowers, shrubs and trees shall become thoroughly rooted. The Board of Public Works may order the removal of such fence

if the same be considered hazardous to the public.

(Ord. 90047 § 31, 1961.)

Chapter 15.36

LIFTING HEAVY EQUIPMENT

Sections:

15.36.010 Permit—Authority of City Engineer.

15.36.010 Permit—Authority of City Engineer.

The City Engineer may grant permits to qualified persons to raise and lower safes, machinery or any other heavy articles into and from buildings and to occupy in so doing such portion of the street and sidewalk as the City Engineer may deem necessary and subject to such conditions and regulations as he may prescribe for the safety and convenience of the public.

(Ord. 90047 § 32, 1961.)

Chapter 15.38

IMPOUNDING

Sections:

15.38.010 Procedure generally.

15.38.010 Procedure generally.

A. Any object or thing, except a newsstand in compliance with this subtitle, which without a permit, shall occupy continuously any public place for a period of more than twenty-four hours, is a nuisance, and the City Engineer may seize and impound the same. The seizure shall be made by the City Engineer, or, under his direction, by any employee of the City Engineering Department, or by any police officer. The one making such seizure shall take such object or thing and store, impound and detain the same at any city storage yard or building until the same is redeemed or sold, as provided in this chapter. If, at the expiration of two days from and after the time of seizing and

impounding any such object or thing, the same is not redeemed and released to the owner by payment of costs and fees, as provided in this chapter, the City Engineer shall proceed to give fifteen days' notice, by publication, in the official newspaper of the city, of the time and place where he will offer such object or thing for sale at public auction, unless for good and sufficient reason the period of sale be postponed from time to time, and when sold he shall proceed to pay all expenses theretofore incurred by reason of the seizure and impounding and all other necessary expenses incurred by the advertising and sale of the same, and shall pay the residue into the City Treasury. The notice of sale shall describe the object or thing intended to be sold with reasonable certainty, and shall state to whom, if anyone, the City Engineer believes the same belongs, and if the name of the owner is wholly unknown to the City Engineer, that fact shall be stated in the notice, and in case such owner shall be known to the City Engineer, and can be found within the city, a copy of such notice shall be served upon him, at least one day prior to the sale. At any time within six months from and after the date of the sale, the former owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after deducting the necessary expenses, and if at the expiration of six months the former owner shall not have applied to the City Treasurer, as provided in this section, the residue of the proceeds of such sale shall be turned into the general fund. The fees for any of the foregoing services shall be the cost thereof plus fifteen percent.

B. If no sale is consummated, the thing shall be disposed of in a manner determined by the City Engineer.
(Ord. 108020 § 5, 1979: Ord. 90047 § 33, 1961.)

Chapter 15.40

WARNING LIGHTS AND BARRICADES

Sections:

- 15.40.010 Lights and barricades required.
- 15.40.020 Posting on obstructions in arterial streets.
- 15.40.030 Placement by city—Payment of costs.
- 15.40.040 Authority of City Engineer.
- 15.40.050 Unlawful acts designated.

15.40.010 Lights and barricades required.

It shall be unlawful for anyone, in any manner to obstruct, excavate or tear up any public place, without at all times during the hours of darkness maintaining at the point of obstruction or excavation a barricade and four or more red or flashing amber lights of sufficient power and brilliancy and so placed as to be plainly visible for a distance of not less than five hundred feet in all directions from the point of obstructions. Obstructions in public places during daylight hours shall have sufficient barricades posted in such a manner as to indicate plainly the danger involved. Barricades may be removed at the completion of work or the removal of obstructions in public places providing the surface of the roadway has been restored to the satisfaction of the City Engineer.

(Ord. 103891 § 1(part), 1974: Ord. 92405 § 1(part), 1963: Ord. 92252 § 1(part), 1963: Ord. 90047 § 34(A), 1961.)

15.40.020 Posting on obstructions in arterial streets.

Adequate advance warning lights and barricades must be posted on all obstructions in any arterial street as defined in the Traffic Code¹ of the city.

(Ord. 103891 § 1(part), 1974: Ord. 92405 § 1(part), 1963: Ord. 92252 § 1(part), 1963: Ord. 90047 § 34(B), 1961.)

1. Editor's Note: The Traffic Code is codified in Title 11 of this Code.

15.40.030 Placement by city—Payment of costs.

The City Engineer is authorized to place barricades and warning lights at unguarded or

inadequately guarded excavations, obstructions, or other dangerous conditions existing in any public place and anyone causing or permitting such condition shall pay the cost of such barricading and lighting by the city at the rate of Ten Dollars (\$10.00) per day or part thereof for the first barricade and One Dollar (\$1.00) per day or part thereof for each additional barricade; provided, when such a hazardous condition develops after completion of work in a public place, the charges provided in this section shall commence twenty-four hours after notice from the City Engineer of the existence of such hazardous condition. (Ord. 103891 § 1(part), 1974: Ord. 92405 § 1(part), 1963: Ord. 92252 § 1(part), 1963: Ord. 90047 § 34(C), 1961.)

15.40.040 Authority of City Engineer.

The City Engineer's judgment shall be final as to the number and adequacy of lights and barricades at all obstructions and excavations. (Ord. 103891 § 1(part), 1974: Ord. 92405 § 1(part), 1963: Ord. 92252 § 1(part), 1963: Ord. 90047 § 34(D), 1961.)

15.40.050 Unlawful acts designated.

It shall be unlawful to deface, move, injure, damage, alter or remove any barricade or light placed at or near any obstruction or defect in the street, or posted to obstruct the passing of vehicles. (Ord. 103891 § 1(part), 1974: Ord. 92405 § 1(part), 1963: Ord. 92252 § 1(part), 1963: Ord. 90047 § 34(E), 1961.)

Chapter 15.42

PLANTING TREES AND SHRUBS

Sections:

- 15.42.010 General provisions—Trees.
- 15.42.020 Overhanging trees and shrubs.
- 15.42.030 Contact with telephone or electric wires.
- 15.42.040 Obstruction of intersection prohibited.
- 15.42.050 Conformance to Street Tree Planting Standards.
- 15.42.060 Removal of hazards.

15.42.010 General provisions—Trees.

No one shall plant in any public place any maple, Lombardy poplar, cottonwood or gum, or any other tree, the roots of which cause injury to the sewers, sidewalks or pavements, or which breeds disease dangerous to other trees or to the public health or allow to remain in any public place any planted tree which has become dead or is in such condition as to be hazardous to the public, and any such trees now existing in any such planting (parking) strip or abutting street area may be removed in the manner provided in this subtitle for the revocation of permits and removal of obstructions. No tree shall be planted within two feet of any sidewalk or pavement, except by special permit. (Ord. 90047 § 35(A), 1961.)

15.42.020 Overhanging trees and shrubs.

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

15.42.030 Contact with telephone or electric wires.

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

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15.42.040 Obstruction of intersection prohibited.

No trees, shrubs or flowers over two feet in height shall be planted or maintained in that portion of any planting (parking) strip lying within thirty feet of the intersection of the planting (parking) strip with the curblin of any intersecting street.

(Ord. 90047 § 35(D), 1961.)

15.42.050 Conformance to Street Tree Planting Standards.

Tree planting shall conform to the Street Tree Planting Standards of the City of Seattle adopted by the Board of Public Works, insofar as practical. Changes from those standards may not be granted without approval of the Board.

(Ord. 90047 § 35(E), 1961.)

15.42.060 Removal of hazards.

If any such trees or shrubs are or become a hazard, the Board of Public Works may order the same removed as provided by this subtitle.

(Ord. 90047 § 35(F), 1961.)

Chapter 15.44

EXCAVATIONS AND FILLS

Sections:

15.44.010 Barricades and warning devices required.

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 Charges for checking and inspection of shoring.

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 required.

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. 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 City Engineer to do so, and no work shall commence toward such excavation or fill until a permit therefor has been issued by the City Engineer.

(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 of 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 of 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.

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

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

(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 City Engineer may require that such insurance be provided prior to issuance of the permit.

(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 herein, 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. 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 City Engineer 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 the application, permit or excavation or fill.

(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 City Engineer may require special plans, specifications and proposed methods of construction to be submitted for his approval prior to issuing the permit provided for in Section 15.44.020.

B. Approval of the plans shall not relieve the contractor making such excavation or fill of responsibility for satisfactory results and shall not reduce or affect the liability of the

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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. 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 Charges for checking and inspection of shoring.

When special plans, specifications and methods of construction involving shoring for an excavation are submitted to the City Engineer for approval as provided in this chapter, **** a charge per linear foot of shoring based on the length of the shored excavation and the average depth of the shored excavation shall be made for checking plans and field inspection as follows:

TABLE FOR COMPUTATION OF CHARGES FOR FIRST PLAN REVIEW***

Depth*	Cost/foot first 200 feet	Cost/foot over 200 feet**
0 -10	\$1.00	\$0.50
10.1-20	2.00	1.00
20.1-30	3.00	2.00
30.1-40	4.00	3.00
40.1-50	5.00	4.00
50.1-60	6.00	5.00
60.1-70	7.00	6.00
70.1-80	7.50	6.50

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

** First two hundred feet of each street or alley abutting the excavation, before the lower rate is charged on the balance of such abutting street or alley.

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

**** The penalty as provided in Section 15.04.070 will apply to any shoring constructed without prior approval of the City Engineer.

(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 City Engineer shall be submitted in triplicate.

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 City Engineer may require investigations at any depth whenever specific conditions existing at the site of such excavation reveal an unstable soil structure, circumstances indicate that the excavation may impair the lateral support of any public place or any adjacent city property, or that such further investigation will supply information necessary to properly evaluate the application for the 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 City Engineer 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 City Engineer 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. 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 City Engineer, 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. 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 City Engineer 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 the 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 cancelled.

B. Upon suspension or revocation of the permit, all work thereupon shall cease, except as authorized or directed by the City Engineer. (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 City Engineer may direct the contractor making such excavation or fill and/or owner of the property upon which such excavation or fill is being made, at his own expense, to take actions to protect the public, adjacent public places, city property, and street utilities, including compliance within a prescribed time.

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 City Engineer, or if emergency conditions exist requiring immediate action, the City Engineer may enter upon the property and take such actions as he deems necessary to protect the public, the adjacent streets, or street utilities, or to maintain the lateral support thereof, including placing of temporary shoring, backfilling, 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. 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

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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 City Engineer. 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. 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 City Engineer may within ten days thereof appeal the same to the Board of Public Works by filing a written notice of appeal with the Board:

1. The denial of a permit to excavate or fill required by 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 15.44.090F;

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 City Engineer may within ten days

thereof appeal the same to the Board of Public Works by filing a written notice of appeal with the Board:

1. A directive by the City Engineer to increase the security required pursuant to 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 City Engineer 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 such permit holder shall fully comply with the City Engineer's direction or determination pending the decision of the Board, and no compensation shall be paid or allowed such permit holder for any expenses incurred in connection with compliance. The Board of Public Works may sustain, modify or reverse any such action, charge or determination of the City Engineer and its decision shall be final.

(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. 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 comple-

tion 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 City Engineer, 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. 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 City Engineer 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 prospectively 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. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(q), 1961.)

Chapter 15.46

DEBRIS IN PUBLIC PLACES

Sections:

- 15.46.010 Removal of obstructions or nuisances.**
- 15.46.020 Spilled loads.**
- 15.46.030 Debris in street or gutter.**

15.46.010 Removal of obstructions or nuisances.

Whenever it is expedient to the safety or convenience of the public, the City Engineer may remove obstructions, hazards or nuisances from public places, and anyone causing the obstructions, hazards or nuisances shall be responsible for reimbursing the City Engineer for the expense of cleaning the public place as well as being subject to prosecution in the municipal court. (Ord. 90047 § 36, 1961.)

15.46.020 Spilled loads.

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

15.46.030 Debris in street or gutter.

It shall be unlawful to sweep or otherwise deposit any matter in any street or gutter. (Ord. 90047 § 38, 1961.)

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Chapter 15.48

UNLAWFUL ACTS

Sections:

- 15.48.010 Snow and ice removal.
- 15.48.020 Barbed wire or electric fence.
- 15.48.030 Air guns.

15.48.010 Snow and ice removal.

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

15.48.020 Barbed wire or electric fence.

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

15.48.030 Air guns.

It shall be unlawful to carry or shoot any spring gun, air gun, sling or slingshot, in, upon, or onto any public place. (Ord. 90047 § 42, 1961.)

Chapter 15.50

ENFORCEMENT

Sections:

- 15.50.010 Notice calling for compliance.
- 15.50.020 Removing or destroying notices prohibited.
- 15.50.030 Citation, arrest and bail.
- 15.50.040 Violation—Penalty.

15.50.010 Notice calling for compliance.

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

15.50.020 Removing or destroying notices prohibited.

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

15.50.030 Citation, arrest and bail.

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

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

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

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

15.50.040 Violation—Penalty.

Anyone who shall violate or fail to comply

Chapter 15.62

STREET VACATION PROCEDURES

Sections:

- 15.62.010 Ordinances effecting vacation—Provisions.
- 15.62.020 Application and appraisal fees.
- 15.62.030 Appraisals—Independent or Engineering Department.
- 15.62.040 Payment of one-half appraised value—Grant or dedication of parcel.

Statutory Reference: For statutory provisions on street vacations, see RCW Ch. 35.79.

15.62.010 Ordinances effecting vacation—Provisions.

Ordinances vacating any street or alley, or any part thereof, pursuant to the provisions of RCW Chapter 35.79 shall provide that the same shall not become effective until:

A. The owners of property abutting upon the street or alley, or part thereof so vacated, pay to the city one-half of the appraised value of the area so vacated unless such payment is made prior to the introduction of any such ordinance; or

B. Such owners deliver to the city an instrument:

1. Granting or dedicating to the city for street or alley purposes right-of-way acceptable to the city and required to eliminate any adverse effect of the vacation as proposed, or

2. Granting or dedicating to the city for street or alley purposes a parcel or parcels of land acceptable to the city and not necessarily required as a result of the vacation applied for but nevertheless useful to the city for street or alley purposes; provided, however, that in each instance such alternate right-of-way exchange, or in-lieu parcel or parcels shall have a fair cash market value not less than the fair cash market value of the portion of the street or alley proposed to be vacated, and that the city may, but shall not be obligated to, either accept such property in exchange for a cash payment for the vacated portion or pay to the petitioner a sum representing one-half of the excess over the fair cash market value of the portion of the street or alley proposed to be vacated, and pro-

with any of the provisions of this subtitle, or who shall fail to remove any obstruction or discontinue use or occupancy of any public place when ordered to do so by the Board of Public Works, under authority of this subtitle, shall upon conviction be punished by a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not exceeding six months or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the provisions of this subtitle shall be deemed and considered a separate offense. (Ord. 90047 § 47, 1961.)

Subtitle II Miscellaneous Street Use Regulations

Chapter 15.60

CLASSIFICATION OF ROADS AND STREETS

Sections:

15.60.010 Map adopted.

Statutory Reference: For statutory provisions requiring cities to classify streets, see RCW 35.78.010 and 47.26.180.

15.60.010 Map adopted.

All of the roads and streets of the city are divided into "arterial" roads or streets and "access" roads or streets, and the arterials are further subdivided into "major," "secondary," and "collector" arterials, all as shown on the map entitled "City of Seattle, Classification of Arterials for State of Washington Urban Arterial Board" (including Central Business Area Insert) and filed in C.F. 261270; and the City Engineer is authorized and directed to submit the map, together with a copy of the ordinance codified in this chapter and such other documentation as shall be necessary, to the Urban Arterial Board, all as required by Section 24 of Ch. 83, Laws of 1967 (Ex. Sess.) (RCW 47.26.180).

(Ord. 96932 § 1, 1968.)

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vided also that such exchange parcel or parcels shall be acceptable to the City Council or a committee thereof; provided further, however, if such alternate right-of-way exchange, or in-lieu parcel or parcels, have a fair cash market value less than the fair cash market value of the portion of street or alley proposed to be vacated, such owners shall also pay to the city a sum representing one-half of the difference between the fair cash market value of the alternate parcel or parcels and the fair cash market value of the portion of street or alley to be vacated.

Provided, that such compensation or grant or dedication or deeding of exchange or in-lieu parcels shall not be required in connection with the vacation of any street or alley, or any part thereof, which has only been requested by city departments, other municipal corporations or state or federal governmental agencies, or by nonprofit institutions of higher education accredited by a recognized accrediting agency and requiring regular attendance by students in classes conducted at the institution; nor shall appraisal be secured or appraisal fees required in connection with such vacations; provided further, that such city departments, municipal corporations, state and federal agencies, and nonprofit institutions shall, prior to the introduction of an ordinance vacating any such street or alley or part thereof pursuant to the request of such department, municipal corporation, state or federal agency, or nonprofit institution, pay to the city an amount equal to the costs incurred by the City Engineering Department in processing the requested vacation, such costs to be accumulated against the work order or job number established for each vacation and certified by the City Engineer or his authorized agent as being the full amount of the costs incurred.

(Ord. 106750 § 1, 1977: Ord. 106019 § 1, 1976: Ord. 102342 § 1, 1973: Ord. 96020 § 1, 1967.)

15.62.020 Application and appraisal fees.

Every application for the vacation of any street or alley, or any part thereof, shall be accompanied by a payment to the city of a fee of One Hundred Dollars (\$100.00) to defray the costs of processing such vacation petitions and such fee shall not be refunded under any circumstances. In addition, at the time the City Council, or a committee thereof, recommends granting a vacation petition, an additional fee

in the amount of Two Hundred Fifty Dollars (\$250.00) shall be paid to cover appraisal costs for a street or alley abutting entirely on property zoned RM 800 Multiple Residence Low Density or less intensive, and Five Hundred Dollars (\$500.00) for a street or alley abutting on property zoned RMH 350 Multiple Residence High Density or more intensive. In the event an appraisal cost is less than the payment therefor, the vacation compensation payable to the city shall be reduced by the difference between the fee and the actual cost or, in the alternative, such difference shall be refunded.

(Ord. 107725 § 1, 1978: Ord. 103444 § 1, 1974: Ord. 98929 § 1, 1970: Ord. 96020 § 2, 1967.)

15.62.030 Appraisals—Independent or Engineering Department.

The City Engineer is authorized to obtain appraisals from either qualified, independent appraisers or qualified Engineering Department personnel in the discretion of the Engineer of such streets or alleys as are recommended for vacation after hearing by the City Council or a committee thereof, and is further authorized to obtain appraisals from either qualified independent real estate appraisers or qualified Engineering Department personnel, in the discretion of the Engineer of the fair market value of the alternate right-of-way of land proposed to be granted or dedicated to the city for street or alley purposes in lieu of a cash payment in the manner contemplated by Section 15.62.010 and in such instance an additional appraisal deposit fee shall be paid for the appraisal of such parcel or parcels, and according to the fee and time schedule provided for in Section 15.62.020. Where qualified Engineering Department personnel are used to make the required appraisals, a reasonable hourly rate of compensation, as determined from time to time by the City Engineer, shall be charged against the appraisal deposit fee.

(Ord. 106750 § 2, 1977: Ord. 103444 § 2, 1974: Ord. 96020 § 3, 1967.)

15.62.040 Payment of one-half appraised value—Grant or dedication of parcel.

Upon securing an appraisal of the value of the street or alley area to be vacated as provided in this chapter, the City Engineer shall notify the petitioner that payment of one-half such

appraised value, deducting therefrom any appraisal fee coverage not previously refunded to petitioner may be made to the City Engineer who shall upon receipt of any such payment forthwith transmit the same to the City Treasurer for deposit in the General Fund and shall make a written report of such payment to the City Council. In the event that the petitioner has received approval of delivery in lieu of a cash payment of an instrument granting or dedicating to the city a parcel or parcels of land for street or alley purposes as contemplated by Section 15.62.010, the City Engineer in his discretion, at the applicant's expense shall obtain either a policy of title insurance insuring title thereto in the city, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate to the City Council for inclusion in the appropriate file.

(Ord. 106750 § 3, 1977; Ord. 96020 § 4, 1967.)

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 Board of Public Works.

Statutory Reference: For statutory provisions on sidewalk construction in first-class cities, see RCW Ch. 35.69.

15.70.010 Purpose.

This chapter is enacted in order to enable the city to exercise the powers and authority granted by Chapter 203, Laws of Washington, 1927, and to provide for the application and enforcement of said Act in the city.

(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, to include any boulevard, avenue, alley, way, lane, square or place) shall not be improved by the construction of a sidewalk thereon (the word "sidewalk," as used in this chapter, to include any and all structures or forms of street improvement included in the space between the street margin and the roadway), or the sidewalk thereof shall have become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion shall be so improved and in good repair, and the City Council shall by resolution find 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 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 purposes of general taxation.

(Ord. 65482 § 1, 1935.)

15.70.030 Notification to construct or reconstruct—When work to be done by Board of Public Works.

Whenever the City Council shall have adopted such resolution, the Board of Public Works shall cause to be served on the owner of the abutting property a notice instructing the 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 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 such owner is a nonresident of the state, by mailing a copy to his last known address, or, if such owner be unknown or if his address be

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unknown, then by posting a copy in a conspicuous place on such portion of the 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 shall fail to make the same within such time, the city will proceed to make the same through the Board of Public Works, and at a subsequent date, to be definitely stated in the notice, the Board of Public Works 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 Board of Public Works shall proceed to perform such work and shall, within the time fixed in the 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 known. 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 abutting 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 special assessments under Chapter 27, Title 60, Remington's Revised Statutes. (Ord. 65482 § 2, 1935.)

Chapter 15.72

SIDEWALK MAINTENANCE

Sections:

- 15.72.010 Notice to clear or clean sidewalk.
- 15.72.020 Notice—Information.
- 15.72.030 Notice—Delivery.
- 15.72.040 Work done by Board of Public Works—Report to Council.
- 15.72.050 Assessment of costs.

Statutory Reference: For statutory provisions authorizing cities to provide for the construction and repair of sidewalks, see RCW Chs. 35.68 and 35.69.

15.72.010 Notice to clear or clean sidewalk.

Whenever, in the judgment of the Board of Public Works, the condition of any sidewalk, or any portion thereof, in the city, is such as to render the same unfit or unsafe for purposes of public travel, or require clearing, cleaning, repair or renewal, the Board is authorized, empowered and directed to serve upon the owner of the property immediately abutting upon the sidewalk, a notice advising such owner of the condition thereof and instructing him to clear, clean, repair or renew the same.

(Ord. 45712 § 1, 1923.)

15.72.020 Notice—Information.

The notice provided for in Section 15.72.010 shall specify a reasonable time, to be stated therein, within which such clearing, cleaning, repair or renewal shall be done, and shall state that in case the owner shall fail to do such clearing or cleaning or to make such repairs or renewals within the time therein specified, the Board of Public Works will clear or clean the walk or make such repairs or renewal forthwith, and will report to the City Council at its next regular meeting, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair, and the name of the owner if known; and that the Council will hear any or all protests against the proposed assessment.

(Ord. 45712 § 2, 1923.)

15.72.030 Notice—Delivery.

The notice provided for in Section 15.72.010 shall be served by delivering the same in person to the owner of the property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or, if the owner is a nonresident, by mailing a copy to his last known address, or, if his address be unknown, such notice shall be mailed in the U.S. Post Office, addressed to such owner in care of General Delivery.

(Ord. 45712 § 3, 1923.)

15.72.040 Work done by Board of Public Works—Report to Council.

In case any property owner fails or neglects to clear, clean, repair or renew the sidewalk, or any portion thereof, in accordance with the requirements of the notice provided for in Section 15.72.010, the Board of Public Works shall cause such sidewalk to be cleared, cleaned, repaired or renewed, and thereupon shall report to the City Council an assessment roll showing the lot or parcel of land immediately abutting upon the portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known.
(Ord. 45712 § 4, 1923.)

15.72.050 Assessment of costs.

At the time designated in the notice provided for in Section 15.72.010, or the time to which the hearing upon the roll may be adjourned, the City Council, by ordinance, shall modify or confirm such assessment roll and shall assess the cost of such improvement against such abutting property in accordance with the benefits derived therefrom, which assessment shall become a lien upon the property and shall be collected in the manner provided by law or ordinance for the collection of local improvement assessments.
(Ord. 45712 § 5, 1923.)

Chapter 15.74

DRIVEWAY PERMITS

Sections:

15.74.010 Permit required.

**15.74.020 Permit application—
Considerations and conditions.**

**15.74.030 Revocation of permit or alteration
of driveway.**

15.74.040 Appeal.

15.74.050 Violation—Penalty.

15.74.010 Permit required.

It shall be unlawful for anyone to construct, reconstruct, repair, alter or maintain any driveway providing direct vehicular access to a public street which serves as an approach to or exit from a limited access highway facility where all or any portion of the driveway or proposed driveway lies between the proximate margin of

the limited access highway facility and a line projected at right angles to the centerline of the public street from a point thereon which is four hundred feet distant, measured along the centerline, from the proximate margin of the limited access highway facility without first obtaining a permit from the Board of Public Works so to do as hereinafter provided.

(Ord. 95776 § 1, 1967.)

**15.74.020 Permit application—
Considerations and conditions.**

Applications for the driveway permit contemplated in Section 15.74.010 shall be made to the Board of Public Works on forms prescribed by the Board, which shall refer the application to the City Engineer for his report and recommendation as to the potential effect of the use of the proposed driveway upon the safe and efficient flow of traffic and shall issue the permit contemplated in Section 15.74.010 only upon a determination that the design, standard of construction, operational use, location or number of locations of the proposed driveway or driveways will not unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and from the proximate limited access highway facility, provided that such permit shall be issued in those instances in which a determination is made that the denial thereof would totally deprive the property to be served of vehicular access. The Board of Public Works may attach such conditions to any permit issued under this chapter as may be reasonably required under the particular circumstances for the protection of the public safety.

(Ord. 95776 § 2, 1967.)

**15.74.030 Revocation of permit or
alteration of driveway.**

Where the safe and efficient flow of vehicular and pedestrian traffic require, and upon the recommendation of the City Engineer, the Board of Public Works may revoke any permit issued under this chapter or order the alteration of a driveway for which a permit has been issued. The notice of alteration shall be in writing, be served upon the permittee, or his successor, and shall require compliance within one hundred eighty days of the notice.

(Ord. 95776 § 3, 1967.)

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15.74.040 Appeal.

If the Board of Public Works shall deny or revoke a driveway permit, the applicant or permittee may appeal such denial or revocation to the City Council within twenty days after receiving written notice of such denial or revocation from the Board of Public Works. The City Council, by its Streets and Sewers Committee, shall hear such appeal within thirty days of the filing of notice thereof and decide the same by resolution within a reasonable time thereafter, and the Board's denial or revocation shall remain in effect pending final determination of such appeal.

(Ord. 95776 § 4, 1967.)

15.74.050 Violation—Penalty.

Anyone who shall violate or fail to comply with any of the provisions of this chapter shall upon conviction be punished by a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not exceeding six months, or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the provisions of this chapter, shall be deemed and considered a separate offense.

(Ord. 95776 § 5, 1967.)

Chapter 15.76

INSPECTION OF CERTAIN STRUCTURES NEAR PUBLIC STREETS

Sections:

- 15.76.010 Inspection of bridges, trestles, viaducts and other structures.
- 15.76.020 Inspection costs.
- 15.76.030 Chapter not applicable when.
- 15.76.040 Violation—Penalty.

15.76.010 Inspection of bridges, trestles, viaducts and other structures.

The City Engineer shall annually, or oftener as he shall deem necessary for the protection of the public safety, inspect or cause to be inspected all bridges, trestles, viaducts, tunnels, grade crossings, and other structures which have been or may be constructed or installed in, along, over, or across the public streets of the city pursuant to ordinance granting any franchise or

special permit and required by such ordinance to be maintained by the grantee of any such franchise or special permit.

(Ord. 96715 § 1, 1968.)

15.76.020 Inspection costs.

The cost of such inspection shall be paid by the grantee of any such franchise or special permit and the City Engineer is authorized to bill for and collect fees in such amounts as are commensurate with the reasonable cost of such inspections.

(Ord. 96715 § 2, 1968.)

15.76.030 Chapter not applicable when.

This chapter shall not be applicable to inspections made in accordance with specific provisions of an ordinance authorizing or granting any such franchise or special permit where the payment of the cost of inspection is specifically provided for in such ordinance.

(Ord. 96715 § 3, 1968.)

15.76.040 Violation—Penalty.

Anyone violating or failing to comply with this chapter shall upon conviction thereof be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) or imprisonment for not exceeding ninety days, or both such fine and imprisonment.

(Ord. 96715 § 4, 1968.)

Chapter 15.78

NOTICE OF TRAFFIC RESTRICTIONS

Sections:

- 15.78.010 Notice of street closure for repairs or pipe laying.
- 15.78.010 Notice of street closure for repairs or pipe laying.

Whenever the Board of Public Works shall begin, or cause to be begun, any work of grading, repairing or altering any street, or laying water or sewer pipe therein so as to prevent the free passage of vehicles over the same, it shall give immediate notice to the Chief of the Fire Department of the street, or streets, or parts thereof, affected, together with a statement

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of the probable length of time that the obstruction will continue; and when such street shall be in condition for travel the Board shall notify the Chief of the Fire Department of such fact. (Ord. 2532 § 1, 1893.)

Seattle Municipal code
as adopted in 1980
For current SMC, contact
the Office of the City Clerk