

**Title 21**

**UTILITIES<sup>1</sup>**

This title is intended for those provisions of the Code which relate to the regulation of water, sewers, garbage and refuse, solid waste, lights, CATV, and other utilities, whether public or private.

**Chapters:**

**Subtitle I Water**

- 21.04 Water Rates and Regulations
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Seattle Municipal Code  
as adopted in 1980  
For current SMC, contact  
the Office of the City Clerk

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Seattle Municipal code  
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1. Cross-reference: For provisions regarding gas lines at the Seattle Center, see Chapter 17.28 of this Code; for provisions regarding public utility permits and regulations, see Chapter 15.32; for provisions regarding termination of service of water, electricity, or gas to a vacated building, see § 22.206.190.

## Subtitle I Water

## Chapter 21.04

## WATER RATES AND REGULATIONS

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- 21.04.570 Unlawful connections to water supply system.

**21.04.580 Violation—Penalty.**

**21.04.590 Violation—Reward for securing conviction.**

**21.04.600 Authority of Superintendent.**

Severability: If any section or provision of this chapter shall be held to be invalid the remaining sections or provisions thereof shall not be affected thereby.  
(Ord. 65877 § 50, 1935.)

**21.04.010 Definitions—Number and gender.**

The word "Superintendent" wherever used in this chapter, means the Superintendent of Water of the city, and any act in this chapter required or authorized to be done by the Superintendent, may be done on behalf of the Superintendent by an authorized officer or employee of the Water Department. The word "person" wherever used in this chapter means and includes natural persons of either sex, associations, copartnerships and corporations whether acting by themselves or by a servant, agent or employee; the singular number includes the plural and the masculine pronoun includes the feminine.  
(Ord. 65877 § 1, 1935.)

**21.04.020 Connection to water supply system—Application.**

Any person desiring to have premises connected with the water supply system of the city shall present at the office of the Water Department a copy of building permit or a regular certified copy from the Superintendent of Buildings, containing his name, description of the lot, block and addition and the official house number of the premises on which water is desired, and shall make application therefor upon a printed form to be furnished for that purpose, which application shall contain the description of the premises where such water is desired, and shall specify the size of service pipe required and shall state fully the purposes for which water is to be used, and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be filed in the office of the Superintendent, and at the time of filing such application the applicant shall pay to the City Treasurer and make his receipt therefor, the fees for installation of water service provided in this chapter.  
(Ord. 65877 § 2, 1935.)

**21.04.030 Contract—City nonliability.**

A. The application provided for in Section

21.04.020 shall contain a contract on the part of the person making the same to pay for the water applied for at the rate and in the manner specified in such contract, and shall reserve to the city the right to charge and collect the rates and enforce the penalties provided for in this chapter in the manner herein provided, to change the rates at any time by ordinance, to temporarily discontinue the service at any time without notice to the consumer, and shall specify that the contract is subject to all the provisions of this chapter and of any ordinance of the city relating to the subject hereafter passed, and shall provide that the city shall not be held responsible for any damage by water or other cause resulting from defective plumbing or appliances on the premises supplied with water, installed by the owner or occupant of the premises, and that the fact that the agents of the city have inspected the plumbing and appliances shall not be pleaded as a basis of recovery in case of damage to premises from defective plumbing or appliances installed by the owner or occupant of such premises, and shall provide that in case the supply of water shall be interrupted or fail by reason of accident or any other cause whatsoever, the city shall not be liable for damages for such interruption or failure, nor shall such failures or interruptions for any reasonable period of time be held to constitute a breach of contract on the part of the city or in any way relieve the consumer from performing the obligations of his contract.

B. The city shall not be held liable for damage to personal property stored in that portion of a street between the curblin and the property line, resulting from leakage or the breaking of pipes or appliances maintained by the city within that portion of the street described in this subsection.  
(Ord. 65877 § 3, 1935.)

**21.04.040 Contract—Effective date.**

All contracts shall take effect from the day they are signed and rates shall be charged from the day the premises are connected with the city's water supply and the meter installed. Meter rates shall be in effect as long as the meter remains on the service.  
(Ord. 65877 § 4, 1935.)

**21.04.050 Connection—City responsibility.**

Upon the presentation at the office of the

Superintendent, of the Treasurer's receipt for the installation fees and the execution of the contract provided for in Section 21.04.030, the Superintendent shall cause the premises described in the application, if the same abut upon a street in which there is a city water main, to be connected with the city's water main by a service pipe extending at right angles from the main to the property line, except as provided in Sections 21.04.060, 21.04.070 and 21.04.080. The city connection, which shall include a union placed at the end of pipe, and a stopcock placed within the curblin, shall be maintained by and kept within the exclusive control of the city.  
(Ord. 65877 § 5(part), 1935.)

**21.04.060 Connection—Where permanent structure erected—Premises not abutting street with water main—Limitations.**

Whenever it has been ascertained that a retaining wall, ornamental wall or landscape rockery or any other form of permanent structure is to be, or has been, erected upon any portion of a city street or public place in which a water service connection has been installed, the Superintendent may cause the relocation or readjustment of such water service connection or any portion thereof. The cost of such relocation or readjustment shall be charged against the property at which the erection of the permanent structure, as hereinabove referred to, is to be or has been done, and to the owner thereof. In no case shall the city be required to maintain or repair any portion of the service connection between the union and property line. In case of application for water service to supply premises not abutting upon a street in which there is a city water main, the city will lay its connection from the main toward the premises for a distance equal to the distance from the main to the curblin, said distance in no case to exceed forty feet, and permit connection therewith by means of a union and pipes laid at the expense and maintained by the owner of the service, or may in the discretion of the Superintendent, upon the payment of the actual cost thereof, extend the service to the premises of the applicant along and beneath any public street or avenue of the city, but not otherwise. The Superintendent may limit the size and number of service connections which may be requested for any

separate premises. No service connection will be allowed from the city mains to any premises supplied by water from any other source unless special permission is given by the Superintendent, which special permission may be terminated at any time, if in the judgment of the Superintendent the public interest would be best served.  
(Ord. 65877 § 5(part), 1935.)

**21.04.070 Cross-connections.**

In no case shall any cross-connection be allowed between two or more city service connections, or between any city service connection and pipes supplying water from any other source.  
(Ord. 65877 § 5(part), 1935.)

**21.04.080 Separate service connections for each house—Exceptions.**

Where there is a water main in front of any premises, the owner of each house supplied by city water must install his own separate service connection with the city main, and the premises so supplied will not be allowed to supply water to any other premises, except temporarily where there are no mains in the street, provided that such restrictions shall not apply to services already installed unless in the judgment of the Superintendent it is found necessary to enforce such provisions as to connections already made. Provided, further, where two or more buildings are supplied by one metered service, not less than the minimum rate for premises supplied by meters, hereinafter provided for, shall be assessed for each separate building or premises so supplied.  
(Ord. 65877 § 5(part), 1935.)

**21.04.090 Connection—Pipe materials and covering—Sprinkler systems.**

A. Anyone connecting to city water service pipes or laying their own private pipe, shall use only standard galvanized wrought iron, galvanized steel, or copper pipe up to and including two inches in size, and all pipes shall be laid with not less than two feet of earth cover over the top of such pipe, exclusive of any pavement or other improvement laid on the earth cover, except as hereinafter provided. The Superintendent will maintain private services from city mains in streets which are being graded and will have such access on private property as shall be necessary to maintain such pipes during the

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work, and shall as soon as practicable upon the completion of such work, re-lay the pipes in street. Except for above cause, owners shall maintain their private pipes from the end of the city service to and into their property, or in case the Superintendent finds it necessary to maintain same the owner shall relinquish all right in the pipes. When necessary the Superintendent may slope service in on property to conform to the slope occasioned by the grading of street and charge expense to owner of service.

B. Whenever pipes connecting with a city service connection are to be used as part of a lawn and shrubbery sprinkling system exclusively such pipes may, at the option of the property owner, be laid with less than two feet of earth cover. The property owner shall be required to install a control valve on each branch pipe which may lead from regular domestic supply pipes to the lawn and shrubbery sprinkling system.

C. Such lawn sprinkler systems may be constructed of nonmetallic material beyond an approved vacuum-breaker located on the discharge side of the last control valve; subject, however, to all provisions of the Plumbing Code (Ordinance No. 80242).<sup>1</sup>

D. Sprinkling systems of this nature shall be constructed in such manner that all pipes and fittings connected therewith can be thoroughly drained when their reasonable use has been discontinued.

(Ord. 88208 § 1, 1959; Ord. 65877 § 6, 1935.)

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

### 21.04.100 Connection--Minimum size-- Fees and charges.

A. No service connection less than three-fourths inch in size shall be installed.

B. The fees for the installation of water service as hereinbefore provided shall be the actual cost of labor and material plus overhead charges to be determined by the Superintendent of Water in laying such a service and replacing the pavement.

C. The Superintendent of Water may establish standard charges based on a review of prevailing actual costs for the installation of the various sizes of service. Such standard charges shall be subject to annual review.

D. In such cases and in cases of connections

extending along a street on which there is no main, the cost of material and labor shall be estimated by the Superintendent and the estimated cost shall be paid to the City Treasurer by the person applying for such installation before the work of connecting the main with the property is begun; provided, that whenever the estimated cost is not sufficient to cover the total expense for labor and material the deficit shall be charged to the property for which such installation was made and to the owner thereof, and provided further, that any excess payment shall be returned to the person applying for the installation.

(Ord. 104062 § 1, 1974; Ord. 88208 § 2, 1959; Ord. 80042 § 1, 1951; Ord. 65877 § 7, 1935.)

### 21.04.110 Special tap charge--Imposed.

A. In addition to water connection permit fees required by ordinance, there is imposed upon, and the owners of properties which have not been assessed or charged or borne an equitable share of the cost of the city's water distribution and hydrant system shall pay, prior to connection to a city water main or at the time of transfer of an existing water connection to a standard main designed to serve the property, a special tap charge in an amount to be computed under Section 21.04.120; provided, that the special tap charge shall not apply to property which is so located that it would not have been assessed for the construction of the water main had a local improvement district been formed for such purpose.

B. The special tap charge shall be paid in cash or under installment contract with interest computed quarterly on unpaid balances at the rate established by ordinance for local improvement district warrants. Such contract shall provide for a down payment of one-fortieth of the total special tap charge, payable upon execution of such contract and for payment of the balance in thirty-nine equal quarterly installments payable on each January 1st, April 1st, July 1st and October 1st, in addition to interest as provided in this section. Such installment contract shall provide that any unpaid balance may be paid in full at any time, shall describe the property served by water, shall be acknowledged by the property owner and shall be recorded by the Superintendent of Water in the office of the County Auditor at the expense of the property owner. Such

contract shall include a provision that in the event of default the Superintendent of Water may disconnect the city's water service from and refuse to supply water to the premises in default until the same is paid. Upon full payment of the contract, the Superintendent of Water on behalf of the city shall execute and deliver to the property owner a release of such lien.

(Ord. 103103 § 1, 1974; Ord. 99705 § 1, 1971; Ord. 95526 § 1, 1967; Ord. 88614 § 1, 1959; Ord. 83825 § 1, 1955; Ord. 77534 § 1, 1948; Ord. 69583 § 1, 1939; Ord. 65877 § 7-A-1, 1935.)

**21.04.120 Special tap charge—Computation and payment.**

A. The special tap charge imposed by Section 21.04.110 shall be paid into the Water Fund and shall be computed as follows: The number of units of property frontage to be served by the water distribution and hydrant system, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage," shall be multiplied by the average local improvement assessment per unit of frontage for such facility in Seattle for the year in which the water main to which the property is to be connected was constructed and accepted as completed.

B. The Superintendent of Water is authorized and directed on January 1, 1967 and annually thereafter to compute and establish the average local improvement assessment paid by property owners for water mains and hydrants completed and accepted by the city during the previous calendar year, which average assessment shall be used by him in computing the special tap charge imposed in Section 21.04.120 as to water main and hydrant improvements completed in 1966 and thereafter. A copy of such computation shall be delivered to the City Clerk not later than March 1st of each such year to be filed by him in C. F. 257032.

(Ord. 95526 § 2, 1967; Ord. 65877 § 7-A-2, 1935.)

**21.04.130 Special tap charge—Credit to local improvement district fund.**

If the property for which a special tap charge has been paid is subsequently included in a local improvement district for the construction of a water main of similar nature, the amount or

proper portion thereof so paid shall be credited to the assessment against such property and such amount shall be paid from the Water Fund to such local improvement district fund.

(Ord. 95526 § 3, 1967; Ord. 65877 § 7-A-3, 1935.)

**21.04.140 Four-inch or larger meters—Cost as separate item.**

On all service applications for four-inch meters or larger there shall be collected at the time of the application the cost of the meter to be installed as a separate item in addition to the cost of the service as provided in Section 21.04.100. The cost of the meter so collected will be rebated to the customer by allowing fifty percent deduction on succeeding water bills for a period of one year from date of installation or until an amount equal to the full cost of the meter has been allowed and deducted: Provided that in no event shall such rebates extend beyond one year from date of installation.

(Ord. 71189 § 1, 1941; Ord. 65877 § 7-B, 1935.)

**21.04.150 Unused connections.**

On all water service connections unused for a period fifteen years, or more, from date of installation, the city reserves the right: (A) to consider the same obsolete and remove the service, at the city's option; or (B) to require payment for a new service.

(Ord. 72857 § 1, 1943; Ord. 65877 § 7-C, 1935.)

**21.04.160 Stop and waste cocks—Inspection of water pipes.**

A. Before water will be turned on to any premises connected with the city's mains, the service pipes upon such premises must be made to conform to the following regulations: The service pipes must be so located that the supply for each separate house or premises shall be controlled by separate stop and waste cocks of the best standard make, approved by the Superintendent, with extension handle, properly protected from the frost, and so placed within the premises that all service pipes and fixtures may be thoroughly drained during freezing weather. Where sags or depressions occur in the pipe and this stop and waste cock is not sufficient to fully drain all the pipes and fixtures within the premises, additional stop and waste cocks,

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with extension handles, or other approved vents must be so placed as to fully drain them. In cases where no fixtures are placed between the property line and the basement the stop and waste cock may be placed in the basement, provided the basement is not less than six feet in height and is provided with stairways or other means of access thereto; provided further, that where basements are enclosed in wooden walls the stop and waste cock shall be placed at least twelve inches below the surface of the ground, and shall be provided with an extension handle. Stop and waste cocks on premises fronting on ungraded streets shall be placed at least six feet inside of property line of the premises. The connection between the city's pipes at the property line and the service pipes on the premises must be made with a union. Every existing service or branch service not already equipped as required in this section must be so equipped at the owner's expense as soon as the defect is noted.

B. All water pipes which shall hereafter be laid, relaid or repaired on any private premises or in any street or public place within the city, shall be subject to inspection by the Superintendent, before such water pipes are covered. (Ord. 65877 § 8, 1935.)

### 21.04.170 Request to turn on water.

Whenever the owner of any premises connected with the city's water supply system shall desire to use the water he shall notify the Superintendent and request that the water be turned on to the premises. The owner shall leave his portion of the service exposed in the trench until the water is turned on by the Superintendent, when he shall immediately properly cover the pipe. (Ord. 65877 § 9, 1935.)

### 21.04.180 Supplying water to additional premises—Application.

It shall be unlawful for any person whose premises are supplied with water to furnish water to additional premises unless he shall first make application in writing so to do at the office of the Superintendent. (Ord. 65877 § 10, 1935.)

### 21.04.190 Supplying water to additional premises—Charges.

When additional premises are connected with the application prescribed in Section

21.04.180, such premises may be charged at double the rate for the time they are in use, and the service may be shut off by the Superintendent and a charge of Two Dollars (\$2.00) made for shutting off and turning on such service. In case water shall be turned off as provided in this section, the same shall not be turned on again until all rates and charges against the premises have been paid in full. (Ord. 65877 § 11, 1935.)

### 21.04.200 New connections on old sites— Abandoned connections— Transfers to new water mains.

When new buildings are to be erected on the site of the old ones and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer used, the Superintendent may cut out or remove such service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner making an application and paying for a new tap in the regular manner. When service connection of any premises on an unpaved street does not exceed one inch in size and the same does not come from the main in front of the premises the Superintendent shall, when a main is laid in front of the premises, after notifying the owner or tenant thereof, transfer the service connection to the new main without charge, and at the same time cut out the old service connection. When a new main is laid in any street owners of premises on the street, or within one-half block on side streets, who are being supplied with city water from a private main or a connection to a private service shall make application for tap and shall connect up with a separate service connection to the main in front of premises. (Ord. 65877 § 12, 1935.)

### 21.04.210 Discontinuance of service— Reinstallation application— Temporary service.

A. Whenever the owner of any premises connected with the city's water supply system desires to discontinue the use of water, he shall make written application to have the meter removed from the service. The actual cost of removing meter shall be charged to the property, except that the Superintendent may establish standard charges based on a review of prevailing



actual costs of removal of meters. The same rate shall apply for reinstatement.

B. When it is desired to have a meter reinstalled the owner of the premises to be supplied by such meter shall file an application at the office of the Superintendent on forms provided for the purpose, and shall pay the cost in full for such reinstallation.

C. The Superintendent shall cause the reinstallation of meters within twenty-four hours after the receipt of application for same. In the event of emergency the Superintendent may, at his discretion, permit the temporary use of unmeasured water, such temporary use to be limited to the time of the placing of the meter on the service connection.

D. In all cases of the city furnishing temporary service within the meaning of this section a charge to be determined by the Superintendent of Water based on the actual cost of furnishing the temporary service shall be added to and made a part of the regular meter charges.  
(Ord. 104062 § 2, 1974; Ord. 86455 § 1, 1957; Ord. 65877 § 13, 1935.)

**21.04.220 No charge for three-quarter-inch or one-inch installations.**

No charge will be made for the original installation of any three-quarter-inch or one-inch meter unless such installation shall be of a temporary nature, when the Superintendent may require a deposit to cover the cost of installation and removal.  
(Ord. 65877 § 14, 1935.)

**21.04.230 Reconnections—Procedure.**

When meter has been removed from any premises upon the application of the owner thereof, or for nonpayment of water charges, or for any other cause, it shall be unlawful for any person again to connect such premises with water until all arrearages for the premises have been paid, and application made for reinstallation of meter, and other cause or causes corrected to the satisfaction of the Superintendent.  
(Ord. 65877 § 15, 1935.)

**21.04.240 Water shut off by city.**

When water has been shut off by the city for any cause, and is turned on again or allowed or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off, and the Superintendent may then shut off the water at the main, or

remove a portion of the service connection in the street and shall charge the actual cost of cutting out and reinstating the water supply.  
(Ord. 65877 § 16, 1935.)

**21.04.250 Charges—Delinquency and lien.**

All water rates will be charged against the premises for which the service was installed. All charges for water, when the same become delinquent and unpaid, shall be a lien against the premises to which water has been furnished. In case any charges for water shall become a lien against any premises, the water shall be cut off until such charges are paid.  
(Ord. 65877 § 17, 1935.)

**21.04.260 Accounts to be in name of owner or leaseholder.**

A. All accounts for water shall be kept only in the name of the owner of the premises for which service was installed, provided, however, that persons holding under recorded lease may be supplied on their own account, and in such cases the Superintendent may require such deposit of money with the Treasurer of the city as in his judgment shall be necessary to protect the city against any and all delinquent and unpaid charges for water or other charges on account of such service. The property owner shall have the right to have water bills mailed to a tenant, or agent, but this shall not relieve the property from liability for water charges incurred.

B. The Superintendent of Water may establish and collect charges based on actual costs, for special meter readings ordered in connection with property ownership or occupancy changes.  
(Ord. 104062 § 3, 1974; Ord. 65877 § 18, 1935.)

**21.04.270 Water for construction purposes.**

A. It shall be the duty of the Superintendent of Buildings to report to the Superintendent of Water the beginning of construction or repairs of all buildings in the city, such reports to be a duplicate of the building permit issued, containing a general description of the building to be erected or repaired, the name of the owner and contractor thereof, the official house number and street name, the lot, block and addition.

B. Water for construction purposes will only be furnished upon the application of the owner or authorized agent of the property.

C. Water for construction purposes shall be

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furnished by meter, and charged to the premises supplied and the owner thereof.  
(Ord. 65877 § 19, 1935.)

### **21.04.280 Sprinkling water on persons on street or sidewalk.**

It shall be unlawful for any person to place any automatic sprinkling device or wilfully to place or hold any hose in such position or manner that water therefrom falls on any person while on any public street or sidewalk.  
(Ord. 65877 § 20, 1935.)

### **21.04.290 Penalty for violation of Section 21.04.280.**

If any person shall violate any provision of Section 21.04.280, the Superintendent shall shut off the water furnished to the premises upon which such violation is made, and shall charge Two Dollars (\$2.00) for shutting off and again turning on such water. In any such case the Superintendent shall not again turn on such water until all unpaid and delinquent charges for water, and other charges, have been fully paid.  
(Ord. 65877 § 21, 1935.)

### **21.04.300 City right to shut off water.**

The city reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason, and the city shall not be responsible for any damage, such as bursting of boilers supplied by direct pressure; the breaking of any pipes or fixtures, stoppage or interruption of water supply, or any other damage resulting from the shutting off of water.  
(Ord. 65877 § 22, 1935.)

### **21.04.310 Owner's responsibility for maintenance.**

A. The service pipes, connections and other apparatus within any private premises must be kept in good repair and protected from freezing, at the expense of the owner or lessee, who will be responsible for all damages resulting from leaks and breaks. In case of neglect to promptly repair any service or fixture, or make any changes or alterations required in this chapter, the Superintendent shall have authority, when deemed necessary, to go on the premises and make or cause to be made such changes, alterations or repairs, and charge the same against

the premises and the owner thereof.

B. The repairs of any meter damaged by hot water shall be charged to the owner of the property for which such meter was installed. The deformation or warping of a metered disc or a register figure disc of any meter shall be held to be prima facie evidence of such damage having been caused by the action of heat.  
(Ord. 65877 § 23, 1935.)

### **21.04.320 Wasting water and other unlawful uses.**

It shall be unlawful for any person to wilfully allow water to be wasted by imperfect or leaking stops, valves, pipes, closets, faucets or other fixtures, or to use water closets without self-closing valves, or to use the water for purposes other than those named in the application upon which rates for water are based, or for any other purpose than that for which his contract provides.  
(Ord. 65877 § 24, 1935.)

### **21.04.330 Fire protection services— Use of water.**

A. Services for fire protection must be metered and fitted with such fixtures only as are needed for fire protection and entirely disconnected from those used for other purposes. Persons having such services shall be charged not less than the minimum service charge provided in Section 21.04.430. No charge will be made for water used in extinguishing fire if the owner or occupant of premises where such fire occurs gives written notice to the office of the Superintendent within thirty days from the time of such fire. In no case shall any tap be made upon any pipe used for fire service purposes, or any tank connected therewith, nor shall the use of any water be permitted through any fire service nor through any pipes, tank or other fixtures therewith connected for any purpose except the extinguishing of fire on the premises. Provided, however, that all fire protection services heretofore or hereafter installed by the city or by the state exclusively for fire-control purposes on Interstate Highways 5 and 90 are exempted from the provisions of this section requiring installation of meters on fire protection services; provided further that all water for such connections be used exclusively for fire-control purposes.

B. If in the event water is used for any other purpose than firefighting, through a fire service,

after notice of a prior violation has been given by letter to the owner and/or occupant, and such service is not equipped with a device for accurately recording such flow of water, the Superintendent shall install a detector meter on such service and charge all cost of such installation to the property.  
(Ord. 100988 § 1, 1972; Ord. 66316 § 1, 1936; Ord. 65877 § 25, 1935.)

**21.04.340 Fire protection services—Applications from apartments and hotels.**

The Superintendent of Water is authorized to accept applications for fire protection service connections from owners of apartment houses, apartment hotels and hotels constructed prior to May 4, 1970, for purposes of complying with provisions of the Seattle Fire Code (Ordinance 87870, as amended) contained in Sections 8.31.010, 8.31.030 and 8.31.040 thereof,<sup>1</sup> and there is imposed upon those owners of apartment houses, apartment hotels and hotels making such applications and electing to install such fire protection devices a special tapping charge computed and payable pursuant to Section 21.04.350.

(Ord. 100701 § 1, 1972; Ord. 65877 § 25-1, 1935.)

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

**21.04.350 Fire protection services—Special tap charge.**

The special tap charge imposed by Section 21.04.340 shall be in an amount equal to the actual installation cost to the city and may be paid in cash or under installment contract with interest computed quarterly on unpaid balances at the rate established by ordinance for local improvement district warrants. Such contract shall provide for a down payment of one-fortieth of the total estimated installation cost of such service connection at the time of application to the Water Department for such service connection and for payment of the balance, such balance being based upon actual installation cost less down payment, in thirty-nine equal quarterly installments payable on each January 1st, April 1st, July 1st and October 1st, in addition to interest as provided for in this section. Such installment contract shall provide that any unpaid balance may be paid in full at any time, shall describe the property

served by such fire protection service connection, shall be acknowledged by the property owner and shall be recorded by the Superintendent of Water in the office of the County Auditor at the expense of the property owner and become a lien upon the property served. Such contract shall include a provision that, in the event of default, the Superintendent of Water may disconnect the city's water service from and refuse to supply water to the premises in default until the same is paid. Upon full payment of the contract, the Superintendent of Water, on behalf of the city, shall execute and deliver to the property owner a release of such lien.

(Ord. 103103 § 2, 1974; Ord. 100701 § 2, 1972; Ord. 65877 § 25-2, 1935.)

**21.04.360 Right of entry for superintendent—Unlawful obstruction of water meter.**

A. The Superintendent or his duly authorized representatives shall have free access at all reasonable times to all parts of buildings or premises supplied by water from the city's mains, for the purpose of ascertaining the quantity of water used, of inspecting the condition of pipes and fixtures and shutting off or turning on of water through the service connection.

B. It shall be unlawful for any person to hinder, obstruct, or unnecessarily delay the entering, by the Superintendent or his duly authorized representatives to any building or premises at the times and for the purposes referred to in subsection A.

C. It shall be unlawful for any person to store, maintain or keep any goods, merchandise, material or refuse within a distance of six feet from any water meter, gate valve or other appliance in use on any water connection of the city.  
(Ord. 65877 § 26, 1935.)

**21.04.370 Penalty for violation of Section 21.04.360.**

In case of any violation of Section 21.04.360 the Superintendent may cause the disconnecting of the service pipe and withhold the supply of water from the premises where such violation occurs until there is a full compliance with the provisions of the section. Whenever a service connection has been disconnected in accordance with the provisions of this section, the cost of such disconnection together with the cost

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of reconnecting shall be charged against the property where such work has been performed and to the owner thereof. (Ord. 65877 § 27, 1935.)

21.04.380 Meter installations between curblines and property lines.

A. Whenever a meter is to be or has been installed within that portion of the street lying between the curblines and the property line and in which an areaway exists the Superintendent shall cause the erection of such bases, supports, or barriers as will reasonably secure the meter and pipes connected therewith against any damage or strain or settlement. The cost of the erection of such bases, supports or barriers shall be charged against the property for which the meter was installed and to the owner thereof. (Ord. 65877 § 28, 1935.)

21.04.390 Connection outside city limits—House number.

A. Whenever the city shall receive application for the installation of a water service connection to supply property beyond the limits of the city, the person filing application shall be required to furnish such property description as will be deemed sufficient by the Superintendent. From the information contained in such description the Superintendent shall determine the correct house number for the premises to be supplied with water. The house number mentioned in this section shall be noted in the application for the installation of water service connection.

B. The property owner shall be required to set up and fix in a conspicuous place on the premises to be served with water, the house number as determined by the Superintendent. (Ord. 65877 § 29, 1935.)

21.04.400 Protection of connections from driveways or crossings.

A. Whenever a driveway or crossing, to be used for vehicular traffic, is constructed within that portion of a city street lying between the curblines and the property line, the Superintendent shall cause the removal and relocation of any water service connection or any part thereof which may be within the lines of such driveway or crossing, provided, however, that instead of such removal of water service connection the Superintendent may, if he deems it advisable, cause the construction and placing of an iron

or masonry box or chamber of sufficient strength to withstand the stress of vehicular traffic.

B. The cost of removal, relocation or maintenance of water service connections as provided in this section shall be charged against the property for which driveway or crossing was constructed and to the owner thereof. (Ord. 65877 § 30, 1935.)

21.04.410 Accounts of charges and penalties.

It shall be the duty of the Superintendent to keep accounts with all consumers of water, to enter on such accounts all charges and penalties. He shall cause to be kept proper accounts with all consumers of water, and every ninety days, or less, compile a statement of the names and property of such consumers as are delinquent, and shall forthwith cause the service of those consumers to be discontinued. (Ord. 65877 § 31, 1935.)

21.04.420 Flat rates.

A. The rates for use of water other than measured by meters shall be known as "flat rates" and shall be as follows:

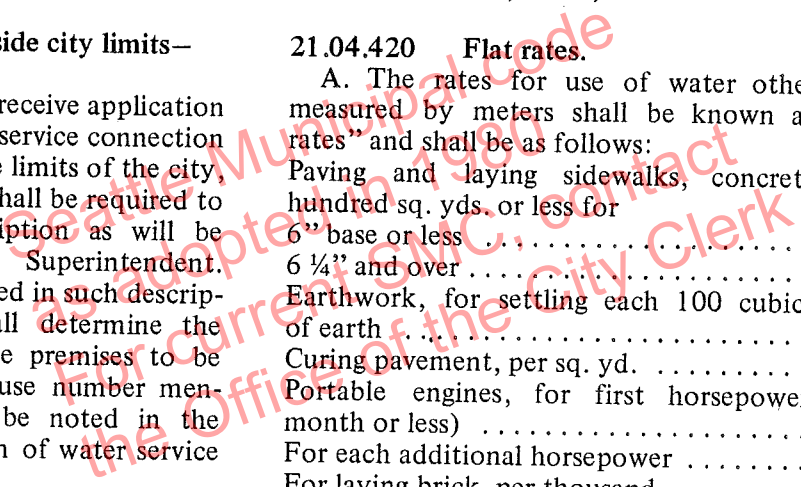
Paving and laying sidewalks, concrete, per hundred sq. yds. or less for	
6" base or less	\$0.50
6 1/4" and over	.75
Earthwork, for settling each 100 cubic yards of earth	1.40
Curing pavement, per sq. yd.	.04
Portable engines, for first horsepower (per month or less)	.80
For each additional horsepower	.20
For laying brick, per thousand	.15
Cement, per barrel	.10

B. Water used for all other purposes not enumerated in this section shall be furnished and charged for either at meter rates or a special rate to be fixed by the Superintendent. (Ord. 65877 § 32, 1935.)

21.04.430 Rates for domestic and commercial purposes.

As of January 1, 1975, all water used for domestic and commercial purposes shall be supplied by meter only at the following rates and charges.

The rates for metered water supplied to premises within the city in one month, or fractional part thereof, shall be in accordance with the following schedule:



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WATER RATES AND REGULATIONS

Service Size	Consumption Quantity Allowed	Minimum Charge
3/4 inch	300 cu. ft.	\$ 2.10
1 inch	600 cu. ft.	2.80
1-1/2 inch	1200 cu. ft.	4.10
2 inch	2000 cu. ft.	5.80
3 inch	3400 cu. ft.	8.70
4 inch	4900 cu. ft.	12.00
6 inch	7100 cu. ft.	16.50
8 inch	10000 cu. ft.	23.00
10 inch	14000 cu. ft.	31.50
12 inch	20000 cu. ft.	44.00

Each one hundred cubic feet in excess of the quantities allowed for the foregoing minimum charges except as hereinafter provided . . . \$ .213  
 Each one hundred cubic feet in excess of the first thirty thousand cubic feet . . . . . \$ .142  
 Each separate building or premises in addition to the first or principal building or premises supplied through the same service connection, five hundred cubic feet or less . . . . . \$ 2.50  
 Provided, that the terms "separate building or premises" shall not apply to trailer parks or trailer courts, which shall be governed as to water rates by the number and sizes of services and quantity of water used under the previous schedule.

Water supplied to municipal departments of the city, each one hundred cubic feet in excess of the quantity allowed for the foregoing minimum charges . . . . . \$ .142

The rates for water supplied for fire protection purposes exclusively shall be deemed service charges and shall be for any one month, or fractional part thereof, as follows:

Size of Service	Service Charge
2 inch	\$ 1.85
3 inch	2.75
4 inch	3.90
6 inch	5.40
8 inch	7.10
10 inch	9.75
12 inch	11.70

The service charges hereinabove set forth shall be granted only during such times as there is no appreciable registration by the meter maintained by the city on such fire protection services.

Water used for any other purpose than for extinguishing fires, through a fire protection

service, shall be charged at a rate double the common rate provided for in this chapter. (Ord. 104062 § 4, 1974; Ord. 99109 § 1, 1970; Ord. 66316 § 2, 1936; Ord. 65877 § 33, 1935.)

**21.04.440 Rates for premises not within city limits.**

As of June 20, 1978 except as otherwise herein provided, the rates and charges for water supplied not within the limits of the city shall be as follows:

The rates for metered water supplied to premises not within the limits of the city shall be for one month, or fractional part thereof, in accordance with the following schedule:

Service Size	Allowed Quantity	Minimum Charge
3/4 inch	300 cubic feet or less	\$ 3.15
1 inch	600 cubic feet or less	4.20
1-1/2 inch	1200 cubic feet or less	6.15
2 inch	2000 cubic feet or less	8.70
3 inch	3400 cubic feet or less	13.05
4 inch	4900 cubic feet or less	18.00
6 inch	7100 cubic feet or less	24.75
8 inch	10000 cubic feet or less	34.50
10 inch	14000 cubic feet or less	47.25
12 inch	20000 cubic feet or less	66.00

Each one hundred cubic feet in excess of the foregoing minimum charges, except as hereinafter provided . . . . . \$ .32

Each one hundred cubic feet in excess of the first thirty thousand cubic feet per month . . . . . \$ .213

Each separate building or premises, in addition to the first or principal building or premises supplied through the same service connection, five hundred cubic feet or less . . . . . \$ 3.75

The rates for water supplied for fire protection purposes exclusively shall be deemed service charges and shall be for any one month, or fractional part thereof, as follows:

Service Size	Service Charge
2 inch	\$ 2.75
3 inch	4.15
4 inch	5.85
6 inch	8.10
8 inch	10.65
10 inch	14.65
12 inch	17.55

The service charges hereinabove set forth shall be granted only during such times as there is no appreciable registration by the meter maintained by the city on such fire protection services.

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Water used for any other purpose than for extinguishing fires, through a fire protection service, shall be charged at a rate double the common rate provided for in this chapter.

The rate to be charged municipal water districts, other municipalities, and nonprofit water associations being served prior to January 1, 1970, authorized to and engaging in the distribution of water under the laws of the state and where such districts, municipalities, and associations, operate, maintain and distribute water for resale purposes through a master meter furnished by the city, shall be as follows:

.....\$ .157 per one hundred cubic feet for all water furnished.

The following meter charges with respect to such districts, municipalities, and associations shall be imposed as follows:

Meter Size	Monthly Charge
1 inch	\$ 9.25
1-1/2 inch	13.90
2 inch	18.50
3 inch	23.15
4 inch	32.40
6 inch	55.60
8 inch	64.80
8 x 4 inch	74.00
10 x 6 inch	92.60
10 x 12 x 6 inch	102.00
12 inch	120.40

In addition to the foregoing, the Superintendent shall implement on June 1, 1978 a demand charge based on such water districts', municipalities' or associations' effective deficient water storage, as determined by the peak instantaneous flow rate, and the equivalent financing costs to provide storage. The proceeds from this demand charge shall be deposited in a separate fund for use in financing projects which serve the wholesale areas.

Such demand charge and method of application thereof shall be as follows:

A. The policy of the Seattle Water Department is to supply water to wholesale water purveyor customers (municipal water districts, other municipalities, and nonprofit water associations) at the twenty-four-hour average flow rate. Water purveyors are expected to provide or pay for storage for peaking rates above such average flow rate.

B. A demand charge will be applicable to water purveyors who are found to have deficient storage as determined in the following subsections.

C. The water services (master meters) to

purveyors will be monitored by the Water Department to determine applicability of the demand charge. Demand metering equipment will be installed on master meters to purveyors at Water Department expense.

D. Water services to a purveyor on a uniform segment of supply line may be considered as one water service in calculating storage deficiency.

E. A "day" for purposes of this schedule commences at nine a.m. and ends at nine a.m. the following calendar day.

F. The demand factor for each water service is determined by dividing the fifteen-minute peak flow rate by the twenty-four-hour average flow rate of the same day.

G. The ten maximum flow days for each water service will be used to determine the average demand factor from which storage deficiency will be calculated. The average demand factor is the average of the demand factors of the ten maximum flow days for each water service.

H. A demand charge for each water service shall be applied only when the average demand factor exceeds 1.3.

I. The deficient storage volume of each water service for demand charge calculation rate shall be  $S = 0.22(F-1)Q$ ; where S = storage deficiency in gallons, F = average demand factor and Q = average daily quantity of water in gallons used in the ten maximum flow days for each water service.

J. The demand charge shall be calculated by applying a storage deficiency rate of Eight Dollars and Eighty-five Cents (\$8.85) per month per thousand gallons of deficient storage. The total purveyor demand charge shall be the sum of the demand charges for each water service.

K. The demand charge will be calculated in the fall of each year after evaluation of the summer months (June, July and August) water delivery flow rates. The monthly storage deficiency demand charge billing shall commence in January and continue for one calendar year until the following January at which time a new charge, if any, shall be applied.

L. Peak flow rates through master meters will be monitored during the summer months; however, if peak flow rates create adverse hydraulic conditions, demand metering may be applied year-round, after reasonable notice to purveyor customers.

M. Purveyors may use other sources of

supply approved by the Superintendent of Water such as interconnection with other purveyors' systems or wells for summer water supply peaking purposes.

N. If purveyors formulate approved cooperative operating agreements, their services on uniform segments of supply line may be considered as one service in determining demand charge.

O. Peak flows caused by major accidents in a purveyor's water system will be excluded in determining the demand charge. Documentation shall be provided by purveyors to the Superintendent of Water within thirty days after an incident.

P. Artificially created flow rates shall be disallowed in calculating the demand charge.

Q. Approved electrical sensing circuits (e. g. for telemetering) from city master meters may be made available to purveyors on a reimbursable cost basis. Such circuits shall be installed and maintained by the city; there will be no need for purveyors' representatives to enter city chambers.

R. The demand charge for a certain master meter(s) may be excused if lower pressure water (or gravity flow water) replaces city pumped water (or higher flow water), provided that the peak flow rate through this service does not exceed the demand rate threshold which would occur without the replacement of water service flow.

S. In case of malfunction of metering equipment, the Water Department shall estimate the charge, if any, from best available data. (Ord. 107429 § 1, 1978: Ord. 107081 § 1, 1978: Ord. 104922 § 1, 1975: Ord. 104062 § 5, 1974: Ord. 99890 § 1, 1971: Ord. 99109 § 2, 1970: Ord. 65877 § 34, 1935.)

#### **21.04.450 Cost for new mains constructed outside city limits.**

In areas outside the limits of the city where new mains or replacements are constructed by the city the cost thereof together with interest at four percent per year computed on unpaid balances shall be repaid by users of water in the districts served by the mains by payment at the rate of One Dollar (\$1.00) per month or more by agreement, in addition to the general rate established by ordinance for water outside the city. The additional payments shall begin upon completion of the installation of such mains and continue until the cost thereof with interest at four percent per year computed as

above is returned to the city. In the event of delinquency in payment of any such charges for water or water service or construction costs the Superintendent of Water is directed to disconnect the city's water service from and refuse to supply water for the premises so in default until the same are paid.

(Ord. 75725 § 1, 1947: Ord. 65877 § 34-1, 1935.)

#### **21.04.460 Separate meters on same service—Rounding off of rates.**

A. In all cases where water is furnished for purposes other than manufactories, laundries and elevators on the same service, separate meters must be provided and the water consumer charged at schedule rates, and such consumers must pay for all service connections as provided in this chapter.

B. In computing meter rates as provided hereinbefore, results ending in one or two cents will be counted "0," results ending in three, four, six or seven cents will be counted "5"; results ending in eight or nine cents will be counted "10." (Ord. 65877 § 35, 1935.)

#### **21.04.470 Bills for water used—Delinquency.**

A. For the collection of metered water rates the city shall be divided into districts corresponding to daily routes for meter reading.

B. The Superintendent in his discretion may cause bills for water used for domestic purposes to be issued and mailed every three months (quarterly) or less.

C. All bills for metered water shall become past due and delinquent fifteen days after date of mailing, and date of delinquency shall be plainly noted on bill.

D. Upon nonpayment of bills as prescribed in this section, water supply will be subject to shut-off. A charge of Two Dollars (\$2.00) will be assessed upon actual delivery of notice of intent to shut off, in order to compensate in part for the cost in delivery and associated collection efforts. The Superintendent may give a further five-day grace period before actual shutting off. Upon actual shut-off, the charge shall be payable before the water shall again be turned on.

(Ord. 104062 § 6, 1974: Ord. 86455 § 2, 1957: Ord. 65877 § 36, 1935.)

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### 21.04.480 Meters—Property of city— Failure to register properly.

All meters, unless otherwise authorized by the Superintendent, shall be and remain the property of the city and will not be removed unless the use of water on the premises is to be entirely stopped or the service connection discontinued or abandoned. In all cases where meters are lost, injured or broken by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired by or under the direction of the Superintendent and the cost charged against the owner or occupant, and in case of nonpayment the water shall be shut off and will not be turned on until such charges and the charge for turning on the water are paid. In event of the meter getting out of order or failing to register properly the consumer shall be charged on an estimate made by the Superintendent on the average monthly consumption during the last three months that the same was in good order or from what he may consider to be the most reliable data at his command.

(Ord. 65877 § 37, 1935.)

### 21.04.490 Meters—Test for accuracy.

A. Where the accuracy of record of a water meter is questioned, it shall be removed at the consumer's request and shall be tested in the shops of the Water Department by means of the apparatus there provided, and a report thereon duly made. It shall be the privilege of the consumer to be present at the Water Department shops and witness such test. If the test discloses an error against the consumer of more than three percent on the meter's registry, the excess of the consumption on the three previous readings shall be credited to the consumer's meter account.

B. No meter shall be removed, or in any way disturbed, nor the seal broken, except in the presence or under the direction of the Superintendent.

(Ord. 104062 § 7, 1974; Ord. 65877 § 38, 1935.)

### 21.04.500 Emergency water use restrictions.

A. The Superintendent of Water, upon finding that an emergency situation exists which threatens to seriously disrupt or diminish the municipal water supply, may order and enforce restrictions on water use so as to distribute the available supply on a just and equitable

basis to all customers, including residential, industrial, and commercial users, as well as to municipal water districts, other municipalities and nonprofit water associations which purchase water from the city.

B. Before putting into effect any restrictions on water use for more than twenty-one days pursuant to this section, the Superintendent of Water shall explain fully to the Mayor, City Council and Board of Public Works the reasons for such restrictions, and shall in addition give notice of a public hearing before the Board of Public Works for the ratification and confirmation, or modification or rejection of the Superintendent's order, which notice shall be given as provided in the Administrative Code of the city (Ordinance 102228)<sup>1</sup>; provided that such public hearing shall be held and such order ratified and confirmed, modified, or rejected not more than ten days from the date of such notice.

(Ord. 106418 § 1, 1977; Ord. 65877 § 39, 1935.)

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

### 21.04.510 Aid in enforcement—Reports of fire.

It shall be the duty of the employees of the Police, Fire, Engineer's and Streets and Sewers Departments to give vigilant aid to the Superintendent in the enforcement of the provisions of this chapter, and to this end they shall report all violations thereof which come to their knowledge to the office of the Superintendent, and it shall be the duty of the Chief of the Fire Department to report immediately to the Superintendent in case of fire in premises having metered service for fire protection purposes that fire has occurred there.

(Ord. 65877 § 40, 1935.)

### 21.04.520 Copies of ordinance.

A copy of the ordinance codified in this chapter may be obtained by all owners of property and consumers of water.

(Ord. 65877 § 41, 1935.)

### 21.04.530 Use of fire hydrants.

A. It shall be unlawful for any person except when duly authorized by the Superintendent, or who shall be a member of the Fire Department, to open, operate, close, turn on, turn off,



interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the city.

B. Any person, other than employees of the Fire Department, requiring the use of any hydrant, stopcock or valve belonging to the city must make written application for the same in advance to the Superintendent. The Superintendent shall then send a hydrant inspector to open such hydrant, stopcock or valve, and the time of such inspector shall be charged to the person making application for the use of such hydrant, stopcock or valve. Should it be necessary for the inspector to remain at the hydrant, stopcock or valve until the person using the same has secured the necessary supply of water, the full time consumed by the inspector shall be charged to the person securing such service, but in no case shall the charge be less than One Dollar (\$1.00). The Superintendent may require a deposit in advance as a condition for supplying such water.

(Ord. 65877 § 42, 1935.)

**21.04.540 Unlawful interference or damage to property.**

It shall be unlawful for any person, unless duly authorized by the Superintendent, to disturb, interfere with or damage any water main, water pipe, machinery, tool, meter or any other appliances, buildings, improvement, lawns, grass plots, flowers, vines, bushes or trees belonging to, connected with, or under the control of the municipal water supply system of the city.

(Ord. 65877 § 43, 1935.)

**21.04.550 Unlawful use of reservoirs or grounds.**

It shall be unlawful for any person to bathe in, fish in or throw any substance into any reservoir, or place any foreign substance upon any grounds belonging to, connected with or under the control of the municipal water supply system of the city.

(Ord. 65877 § 44, 1935.)

**21.04.560 Obstruction or illegal use of fire hydrant.**

It shall be unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt or other material, or to open or operate any fire hydrant, or draw or attempt to draw water

therefrom, or to wilfully or carelessly injure the same.

(Ord. 65877 § 45, 1935.)

**21.04.570 Unlawful connections to water supply system.**

It shall be unlawful for any person to make a connection with any fixtures or connect any pipe with any water main or water pipe belonging to the municipal water supply system, without first obtaining permission so to do from the Superintendent.

(Ord. 65877 § 46, 1935.)

**21.04.580 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00), or imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment.

(Ord. 65877 § 47, 1935.)

**21.04.590 Violation—Reward for securing conviction.**

The Superintendent shall cause a reward not to exceed Ten Dollars (\$10.00) to be paid to any person securing the conviction of any person for violation of any of the provisions of this chapter.

(Ord. 65877 § 48, 1935.)

**21.04.600 Authority of Superintendent.**

The Superintendent shall have authority to decide any question which may arise and which is not fully answered by the provisions of this chapter, and his decisions in such cases shall be final.

(Ord. 65877 § 49, 1935.)

**Chapter 21.08**

**CORROSION PREVENTION**

**Sections:**

21.08.010 Definitions.

21.08.020 Permits required.

21.08.030 Unlawful acts.

21.08.040 Construction permit—Applications.

21.08.050 Construction permit—Plans and specifications.

21.08.060 Construction permit—Fees.

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- 21.08.070 Construction permit—Construction time and conformance.
- 21.08.080 Construction permit—Restriction on piping.
- 21.08.090 Construction permit—Inspection of work.
- 21.08.100 Annual operating permit—Application.
- 21.08.110 Annual operating permit—Fees.
- 21.08.120 Annual operating permit—Inspections.
- 21.08.130 Annual operating permit—Time when valid.
- 21.08.140 Annual operating permit—Posting.
- 21.08.150 Annual operating permit—Transferability.
- 21.08.160 Annual operating permit—Responsibility for equipment.
- 21.08.170 Water quality.
- 21.08.180 Cleanliness.
- 21.08.190 Chemicals to be approved.
- 21.08.200 Maintenance and operation by licensed personnel.
- 21.08.210 Daily records.
- 21.08.220 Responsible officials.
- 21.08.230 Unscheduled inspections.
- 21.08.240 Right of entry.
- 21.08.250 Enforcement authority.
- 21.08.260 Notice of violation and/or corrective action.
- 21.08.270 Directive for correction of violation.
- 21.08.280 Stop orders.
- 21.08.290 Permit—Reasons for suspension.
- 21.08.300 Permit suspension—Notice.
- 21.08.310 Permit suspension—Effect.
- 21.08.320 Reinstatement of permit.
- 21.08.330 Revocation of permits.
- 21.08.340 Request for review of notice, directive, stop order or suspension.
- 21.08.350 Department review.
- 21.08.360 Hearing for revocation of permit.
- 21.08.370 Applicability of chapter.
- 21.08.380 Violation—Penalty.

Severability: It is found and declared that provisions of Sections 21.08.220 through 21.08.320 relating to inspection, enforcement, and permit suspension are indispensable safeguards to protect those drinking or using the water supply and the public health and safety, and if said sections or any part thereof, be declared invalid, this entire chapter shall be invalid; otherwise, should any section, subsection, paragraph, sentence, clause or phrase of this chapter other than Sections 21.08.220 through

21.08.320 or parts thereof be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions.  
(Ord. 103095 § 14, 1974.)

### 21.08.010 Definitions.

A. The following words and terms used in this chapter shall have the meanings set forth in this section unless otherwise indicated by their context:

1. "Anticorrosion chemical feeding equipment" means any apparatus designed or used to introduce measured quantities of chemicals into the potable hot water supply in order to prevent or control corrosion.

2. "Backflow prevention device" means equipment designed or used to counteract pressures or prevent back siphonage.

3. "Cross-connection" means a physical arrangement whereby a public water supply is connected, directly or indirectly, to a device which meters, injects, or otherwise applies chemical substances thereto.

4. "Director of Public Health" means the Director of the Seattle-King County Department of Public Health or his authorized representative.

5. "Licensed steam engineer" means a person holding a currently valid license as a steam engineer, grade III, or superior grade, issued in accordance with Ordinance 94595.<sup>1</sup>

6. "Professional engineer" means a person holding a currently valid license from the state to practice engineering in its sanitary, civil or mechanical branches, and a corporation qualified to perform such professional services through licensed professional engineers.

7. "Superintendent of Water" means the Superintendent of the Seattle Water Department or his authorized representative.

B. Time periods measured by a specified number of days, are computed by excluding the day of the act or default from which the time period begins to run, and including Saturdays, Sundays, holidays and the last day of the period so computed, but if the last day is a Sunday or legal holiday, performance may be accomplished the following day.  
(Ord. 103095 § 1, 1974.)

1. Editor's Note: Ordinance 94595 is codified in Chapter 6.54 of this Code.

**21.08.020 Permits required.**

It is unlawful to:

A. Install, construct, reconstruct, or alter any anticorrosion chemical feeding equipment without first obtaining a permit therefor as provided in Sections 21.08.040 through 21.08.090; or

B. Introduce any anticorrosion chemicals into any potable hot water supply within the city or to use, operate or maintain any anticorrosion chemical feeding equipment or other device or equipment for that purpose without first obtaining a permit therefor as provided in Sections 21.08.100 through 21.08.160.

(Ord. 103095 § 2, 1974.)

**21.08.030 Unlawful acts.**

It is unlawful for:

A. Anyone other than a licensed steam engineer to operate any anticorrosion chemical feeding equipment;

B. Anyone to install, or operate such anticorrosion chemical feeding equipment in violation of this chapter, the rules and regulations implementing it, or the permit issued for such purpose;

C. Anyone to introduce any anticorrosion chemicals into a potable hot water supply system or into any anticorrosion chemical feeding equipment for introduction into such hot water supply, which have not been approved by the Director of Public Health and the Superintendent of Water, or to introduce such chemicals in greater concentrations or at more intervals than so approved;

D. Anyone to alter, damage or destroy operating records required to be maintained by Section 21.08.210; or

E. Anyone to use or operate any anticorrosion chemical feeding equipment during a period when a permit is suspended or after it has been revoked.

(Ord. 103095 § 3, 1974.)

**21.08.040 Construction permit—Applications.**

Applications for a permit to install, construct, reconstruct, or alter anticorrosion chemical feeding equipment shall be made in duplicate to the Director of Public Health, who shall forward a copy thereof to the Superintendent of Water. The application shall identify the premises, state the nature of the anticorrosion

chemical feeding equipment to be installed or the work to be undertaken, the location of the connection and such other reasonable information as the Director of Public Health or the Superintendent of Water may require and shall be accompanied by a copy of the plans for the work and the specifications of all equipment.

(Ord. 103095 § 4(a), 1974.)

**21.08.050 Construction permit—Plans and specifications.**

The plans and specifications shall be prepared by a professional engineer and shall be sufficiently detailed and complete as to permit a comprehensive engineering review, including the piping and hydraulic details. The plans shall be drawn to scale and shall accurately show the construction contemplated and all connections to be made to plumbing fixtures. The specifications shall set forth all equipment used, including pumps, chemical feeders, storage tanks, backflow prevention devices, meters and related apparatus, including the particular specifications describing the quality and functioning of each piece of equipment used.

(Ord. 103095 § 4(b), 1974.)

**21.08.060 Construction permit—Fees.**

Applications for such permits shall be accompanied by the following plan review and inspection fees:

New installations	\$50.00
Renovation	\$25.00
Alteration	\$10.00

Renovation, includes but is not limited to, changes in equipment, piping and appurtenances that are estimated to cost One Thousand Dollars (\$1,000.00) or more. Alteration contemplates changes of equipment, pipes, chemicals, or other mechanical equipment, and other revisions to a system or its operation less extensive than renovation.

(Ord. 103095 § 4(c), 1974.)

**21.08.070 Construction permit—Construction time and conformance.**

Upon approval of the plans and specifications, as submitted or as modified with the concurrence of the Director of Public Health and of the Superintendent of Water, the applicant shall have ninety days or such greater time as the Director or Superintendent may allow to

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undertake and complete the work authorized. All construction shall be performed in accordance with the plans and specifications, as approved or as modified with the written approval of the Director of Public Health and the Superintendent of Water.

(Ord. 103095 § 4(d), 1974.)

### 21.08.080 Construction permit—Restriction on piping.

No piping arrangement shall be allowed which will permit water treated with anti-corrosion chemicals to enter under any circumstances the source of potable water upstream from the backflow prevention device.

(Ord. 103095 § 4(e), 1974.)

### 21.08.090 Construction permit—Inspection of work.

Upon completion of any installation, construction, alteration, or renovation, the applicant or an authorized agent shall notify the Director of Public Health and the Superintendent of Water of its readiness for inspection. No equipment shall be used until inspected and approved by the Director of Public Health and the Superintendent of Water, or their authorized deputies, as in compliance with this chapter and applicable rules and regulations established in accordance herewith.

(Ord. 103095 § 4(f), 1974.)

### 21.08.100 Annual operating permit—Application.

Applications for a permit to operate an anticorrosion chemical feeding equipment system and to introduce anticorrosion chemicals into the potable hot water supply shall be made in duplicate to the Director of Public Health, who shall forward a copy thereof to the Superintendent of Water. The application shall designate a licensed steam engineer, who shall be responsible for maintenance of the system, and who shall be empowered by the owner as his agent to accept service of notices and directives contemplated by Sections 21.08.260 and 21.08.270. Applications to use equipment shall be made on a form provided by the Director of Public Health on or before January 31st of each year by the person operating the anti-corrosion chemical feeding equipment or by the person responsible for maintenance and use of the premises where the anticorrosion chemical feeding equipment is installed. Applications

to operate facilities newly constructed and not previously registered for operation shall be made on or before the date that the equipment is approved for use under Section 4(g) of Ordinance 103095.<sup>1</sup>

(Ord. 103095 § 5(a), 1974.)

1. Editor's Note: There is no Section 4(g) in Ord. 103095.

### 21.08.110 Annual operating permit—Fees.

Applications for annual operating permits, shall be made on or before January 31st of each year, accompanied by an annual fee of Twenty-five Dollars (\$25.00); provided, that applications to initiate operation of newly constructed equipment filed on or after February 1st of any year shall be accompanied by a prorated fee derived by deducting from such annual fee an amount equal to Two Dollars (\$2.00) per month for each month expired prior to the date of application.

(Ord. 103095 § 5(b), 1974.)

### 21.08.120 Annual operating permit—Inspections.

The chemical feeding equipment, its appurtenances and connections, and operating records required pursuant to Section 21.08.210 shall be inspected at least annually. A permit shall be issued authorizing its use if both the Director of Public Health and the Superintendent of Water, or their authorized deputies, determine that the equipment and system complies with this chapter and any rules and regulations implementing it.

(Ord. 103095 § 5(c), 1974.)

### 21.08.130 Annual operating permit—Time when valid.

All permits are valid only during the period for which issued and shall expire December 31st of the year for which issued. Permits may be renewed annually upon payment of the fee as long as the Director of Public Health and the Superintendent of Water both concur that the equipment and system comply with this chapter and all rules and regulations made pursuant thereto.

(Ord. 103095 § 5(d), 1974.)

### 21.08.140 Annual operating permit—Posting.

A copy of the permit shall be posted conspicuously on the premises for which issued and shall be protected from the weather.

(Ord. 103095 § 5(e), 1974.)

**21.08.150 Annual operating permit—  
Transferability.**

Permits shall be valid only as to the equipment and premises for which issued. When premises or equipment are conveyed, the permit may be transferred without charge to the transferee, who shall assume the duties and responsibilities for the equipment and its operation and maintenance.

(Ord. 103095 § 5(f), 1974.)

**21.08.160 Annual operating permit—  
Responsibility for equipment.**

The permit holder shall be responsible for the condition, maintenance, and operation of the anticorrosion chemical feeding equipment and appurtenances for which a permit is issued.

(Ord. 103095 § 5(g), 1974.)

**21.08.170 Water quality.**

The water treated by the anticorrosion chemical feeding equipment shall at all times meet such standards of chemical, physical, and bacteriological quality set by the Director of Public Health and Superintendent of Water and shall not cause a person drinking or using the water to be exposed to any disease-producing organisms or to any chemical conditions that may be toxic, irritating or discoloring.

(Ord. 103095 § 6(a), 1974.)

**21.08.180 Cleanliness.**

All anticorrosion chemical feeding equipment, its components and appurtenances, and the immediate surroundings shall be maintained in a clean and sanitary condition at all times, and shall be secured against tampering.

(Ord. 103095 § 6(b), 1974.)

**21.08.190 Chemicals to be approved.**

Only those chemicals approved by the Director of Public Health and the Superintendent of Water may be introduced into the anticorrosion chemical feeding equipment and into the potable hot water supply system and then only in concentrations and at intervals authorized.

(Ord. 103095 § 6(c), 1974.)

**21.08.200 Maintenance and operation by  
licensed personnel.**

All maintenance and operation of the anticorrosion chemical feeding equipment, including among other work the setting of controls, repairs, replacement of parts, and the supplying

and resupplying of chemicals, shall be performed by a licensed steam engineer in compliance with the provisions of this chapter, rules and regulations made pursuant thereto, and the terms and conditions of the permit. The licensed steam engineer performing the maintenance and operation shall be familiar with the equipment, appurtenances, and connections; the chemicals used and their characteristics, functions, hazards of misuse, and the underlying principles involved in their application.

(Ord. 103095 § 6(d), 1974.)

**21.08.210 Daily records.**

The licensed steam engineer designated to maintain and operate the anticorrosion chemical feeding equipment shall keep daily records of the time and results of pH tests, total chemicals used, the amount of water treated, the rate of chemical applications, results of disinfectant residual tests, and such other matters as may be required by the Director of Public Health or the Superintendent of Water from time to time with respect to a particular permit or by rules and regulations. The records shall be preserved for three years.

(Ord. 103095 § 6(e), 1974.)

**21.08.220 Responsible officials.**

This chapter shall be enforced concurrently by the Director of Public Health and the Superintendent of Water. The Director with the concurrence of the Superintendent may promulgate rules and regulations in implementation of this chapter, including among other matters, standards for water quality, construction and installation of anticorrosion chemical feeding equipment, conduct and frequency of inspections, information to be included in daily records, chemicals authorized, manner of introduction and maximum concentrations of chemicals, and such other requirements as deemed reasonably appropriate for the protection of health and safety in the operation of potable hot water supply systems.

(Ord. 103095 § 7(a), 1974.)

**21.08.230 Unscheduled inspections.**

Unscheduled inspections may be held whenever and as often as the Director of Public Health or the Superintendent of Water deem appropriate to protect the public health. The inspections include inspection of equipment, examination of pipes, and the taking of chemical

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samples from, or making of tests with, water from taps used by consumers.  
(Ord. 103095 § 7(b), 1974.)

### **21.08.240 Right of entry.**

The Director of Public Health and the Superintendent of Water, and their authorized representatives, may enter any building or premises to perform their duties under this chapter at any reasonable time with the consent of the occupant, of the permit holder, or of the licensed steam engineer responsible for maintaining the anticorrosion chemical feeding equipment; or without such consent pursuant to a warrant issued therefor, or in response to a hazard to health or safety requiring emergency action.

(Ord. 103095 § 7(c), 1974.)

### **21.08.250 Enforcement authority.**

To enforce this chapter and the rules and regulations implementing it, the Director of Public Health and/or the Superintendent of Water may, among other remedial actions, issue notices, directives, and stop orders as provided in Sections 21.08.260, 21.08.270 and 21.08.280; and the Director of Public Health, at the request of the Superintendent of Water or without such request, may if he deems appropriate, suspend permits issued or revoke the same, as provided in Sections 21.08.290 through 21.08.330. Such remedial actions may be taken independently of or concurrently with each other, unless clearly inconsistent.

(Ord. 103095 § 8(a), 1974.)

### **21.08.260 Notice of violation and/or corrective action.**

A notice describing a violation and/or corrective action required, shall be issued whenever an inspection shows a violation of this chapter or the rules and regulations implementing it, or a need to discontinue a practice or take corrective action in order to prevent or arrest development of an unhealthy condition. Notices shall be served on the permit holder or the licensed steam engineer responsible for maintenance and a reasonable time shall be allowed for compliance therewith.

(Ord. 103095 § 8(b), 1974.)

### **21.08.270 Directive for correction of violation.**

The Director of Public Health or the Superin-

tendent of Water may issue a directive for immediate correction whenever a violation or violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit, have created or threaten to create an unsanitary or hazardous condition requiring immediate correction. The directive shall set forth the violation or violations found, or conditions deemed unsanitary or hazardous; specify the corrective action to be taken; set a time by which the action must be taken or the violations corrected; inform the permit holder that a hearing and review will be provided thereon should a request therefor be filed within five days; and give notice that noncompliance may result in issuance of a stop order and/or suspension or revocation of the permit. Directives shall be served on the permit holder or the licensed steam engineer responsible for maintenance of the anticorrosion chemical feeding equipment and shall be posted on the premises.

(Ord. 103095 § 8(c), 1974.)

### **21.08.280 Stop orders.**

When upon discovery of an unsanitary or hazardous condition, the Director of Public Health or the Superintendent of Water reasonably believes that continuation of chemical treatment or further use of the hot water supply may have harmful effects upon users or subject users to risk of harm, the Director and/or Superintendent may, with or without notice, issue a stop order requiring cessation of use of the anticorrosion chemical feeding equipment, or of anticorrosion chemicals, and/or suspending water service to the premises. Stop orders shall be served on the permit holder as soon as practicable and shall be posted on the premises.  
(Ord. 103095 § 8(d), 1974.)

### **21.08.290 Permit—Reasons for suspension.**

Permits may be suspended by the Director of Public Health for any of the following reasons:

- A. Failure to comply with or violation of:
1. This chapter,
  2. The rules and regulations implementing it,
  3. The terms and conditions of the permit,
  4. A notice to correct a condition, take an action, follow a procedure, or discontinue a practice, which has been issued pursuant to Section 21.08.260 and a reasonable time for compliance has elapsed,

5. A directive or stop order, issued as provided in Sections 21.08.270 or 21.08.280;

B. Any cause for which a permit may be revoked;

C. Maintenance of incomplete or inaccurate records;

D. Denial of entry to conduct an inspection; and/or

E. To protect users of the potable hot water supply from harm through unsanitary or hazardous conditions then existing.

(Ord. 103095 § 9(a), 1974.)

#### **21.08.300 Permit suspension—Notice.**

A permit may be suspended effective immediately when accompanied by a stop order or preceded by a directive that has not been complied with; otherwise, the permit holder shall be given ten days' notice that a suspension is contemplated, and the reasons therefor, and informed that an opportunity for review and hearing will be afforded as provided in Sections 21.08.340, 21.08.350 and 21.08.360. (Ord. 103095 § 9(b), 1974.)

#### **21.08.310 Permit suspension—Effect.**

Upon suspension of the permit use of the anticorrosion chemical feeding equipment shall cease, and no anticorrosion chemicals may thereupon be introduced into the potable hot water supply. (Ord. 103095 § 9(c), 1974.)

#### **21.08.320 Reinstatement of permit.**

Any person whose permit to operate has been suspended may apply in writing for reinstatement of the permit after correcting the condition or removing the cause for the suspension. The Director of Public Health and the Superintendent of Water, or their authorized representatives, shall inspect the anticorrosion chemical feeding equipment, appurtenances, and connection described in the permit within five days thereafter. Unless permit revocation proceedings are in progress, the permit shall be reinstated if the inspection shows a compliance with the provisions of this chapter, the rules and regulations implementing it, and of the permit, and that the conditions or causes for suspension of the permit have been corrected.

(Ord. 103095 § 9(d), 1974.)

#### **21.08.330 Revocation of permits.**

Permits may be revoked by the Director of Public Health upon any of the following grounds:

A. Serious or repeated violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit;

B. Interference with the Director of Public Health or the Superintendent of Water in the performance of their duties;

C. Failure to comply with any lawful order of the Director of Public Health or the Superintendent of Water; or

D. Operation or use of anticorrosion chemical feeding equipment during a period when the permit is suspended.

(Ord. 103095 § 10, 1974.)

#### **21.08.340 Request for review of notice, directive, stop order or suspension.**

A party feeling aggrieved by any notice, directive, stop order, suspension or threatened suspension of a permit may seek review by filing a written request with the Director of Public Health within ten days after service or posting whichever is later.

(Ord. 103095 § 11(a), 1974.)

#### **21.08.350 Department review.**

When the action of the Director of Public Health or Superintendent of Water under review allows use of the anticorrosion chemical feeding equipment to continue or would permit its resumption of use upon correction of specified conditions, discontinuance of specified actions, or compliance with specified directions, the Director of Public Health shall assume jurisdiction, set a hearing thereon within five days unless the parties mutually agree upon a delay thereof, and if not hearing the matter personally, appoint as the presiding officer an official, who has no prior involvement in the matter under review. The presiding officer may provide for interim relief pending the hearing; shall conduct the hearing in a manner allowing the parties to present evidence, to cross-examine witnesses, and to make argument, and may personally inspect the equipment and premises and on the evidence presented, may affirm, dissolve, or modify the action under review.

(Ord. 103095 § 11(b), 1974.)

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### 21.08.360 Hearing for revocation of permit.

Notice shall be given and hearings for revocation of permits shall be conducted in the manner provided for contested cases in the Administrative Code (Ordinance 102228)<sup>1</sup> by the Director of Public Health or by a Hearing Examiner appointed by him to make a recommended decision.  
(Ord. 103095 § 11(c), 1974.)

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

### 21.08.370 Applicability of chapter.

This chapter shall apply to all installation, and operation and maintenance of anticorrosion chemical feeding equipment and to introduction of anticorrosion chemicals into the hot water supply, provided it shall not make unlawful any heretofore lawful<sup>1</sup> anticorrosion chemical feeding equipment, which is maintained and operated in compliance with this chapter, unless the Director of Public Health shall find that such equipment or system is dangerous or insanitary or its continued use may cause harm to users.

(Ord. 103095 § 12, 1974.)

1. Editor's Note: Ord. 103095 became effective on March 27, 1974.

### 21.08.380 Violation—Penalty.

Anyone violating or failing to comply with any of the provisions of this chapter upon conviction thereof shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a term not to exceed ninety days, or by both such fine and imprisonment, and each day that anyone shall continue to so violate or fail to comply shall be considered a separate offense.  
(Ord. 103095 § 13, 1974.)

## Chapter 21.12

### MISCELLANEOUS PROVISIONS

#### Sections:

21.12.010 Notice of cut-off of water supply  
—To Chief of Fire Department.

21.12.020 Notice of cut-off of water supply  
—Publication in official newspaper.

21.12.030 Free water for charitable institutions.

21.12.040 Rates for certain water consumers in Newhalem community.

21.12.050 Tolt River South Fork Watershed  
—City jurisdiction—Permit for use.

21.12.060 Cedar River Watershed—  
Designated—Permit for use.

21.12.070 Surcharge for water customers in Richmond Beach Area.

21.12.080 Surcharge for water customers in Water District No. 61,  
King County.

### 21.12.010 Notice of cut-off of water supply —To Chief of Fire Department.

Whenever the water supply in any portion of the city is about to be cut off, the Superintendent of Water shall cause notice to be given to the Chief of the Fire Department of the same, designating the portions of the city from which the water is so cut off together with a statement of the probable length of time during which such cut-off will continue, and when the same shall be again turned on, the Board shall cause notice of such fact to be given to the Chief.

(Ord. 2532 § 2, 1893.)

### 21.12.020 Notice of cut-off of water supply —Publication in official newspaper.

Before allowing the water supply to be cut off from any portion of the city, the Superintendent of Water shall cause the Superintendent of Water Works to give at least twenty-four hours' notice of the intended cutting off by publishing notice thereof in the city official newspapers, designating the portions of the city affected by such cutting off and the probable length of time that the same will continue, and no cutting off of water shall be made except after such notice: Provided, that in case of accident or emergency which will not permit such notice, the water may be cut off immediately without notice, that if the same is not turned on within twenty-four hours, a notice shall be published in the city official newspapers stating the portions of the city affected by such cutting off and the probable length of time that the same will continue.

(Ord. 2532 § 3, 1893.)



**21.12.030 Free water for charitable institutions.**

Institutions in the city supported wholly by charity shall be granted the use of free water, not to exceed two hundred fifty thousand gallons in any one month. Institutions in the city supported by charity to the extent of fifty percent shall be granted the use of free water not to exceed one hundred twenty-five thousand gallons per month. (Ord. 56463 § 1, 1928.)

**21.12.040 Rates for certain water consumers in Newhalem community.<sup>1</sup>**

The schedule of rates to all water consumers from the city's system in the Newhalem community other than Lighting Department facilities or employees, shall be as follows:

Service Size	Monthly Volume Base	Monthly Minimum Charge
3/4 inch	300 cu. ft.	\$ 2.25
1 inch	600 cu. ft.	2.90
1-1/2 inch	1200 cu. ft.	4.25
2 inch	2000 cu. ft.	6.00
3 inch	3400 cu. ft.	9.20
4 inch	4900 cu. ft.	12.60
6 inch	7100 cu. ft.	17.55

Each 100 cu. ft. over volume base to 30,000 cu. ft. at . . . . . \$0.25  
 Each 100 cu. ft. after 30,000 cu. ft. . . . . \$0.15  
 (Ord. 101870 § 2, 1973.)

1. Editor's Note: Revenues collected pursuant to this section are deposited in the Lighting Fund.

**21.12.050 Tolt River South Fork Watershed -City jurisdiction-Permit for use.**

A. To protect that portion of the city's water supply to be derived from the Tolt River South Fork Watershed from contamination, the city exercises authority and jurisdiction over the drainage area of said watershed more particularly described as follows:

North 1/2 of Sections 1, 2 and 3, Township 25 North, Range 9 East, W. M.;

NE 1/4 of the NE 1/4; W 1/2 of the NE 1/4; and the NW 1/4, all in Section 4, Township 25 North, Range 9 East, W. M.;

NE 1/4 and the E 1/2 of the NW 1/4, all in Section 5, Township 25 North, Range 9 East, W. M.;

Gov. Lots 2 thru 4, both inclusive, Section 4, Township 25 North, Range 10 East, W. M.;

Gov. Lots 1 thru 4, both inclusive, Section 5, Township 25 North, Range 10 East, W. M.;

Gov. Lots 1 thru 5, both inclusive and Gov. Lot 12; E 1/2 of the NW 1/4; W 1/2 of the NE 1/4; NE 1/4 of the NE 1/4, all in Section 6, Township 25 North, Range 10 East, W. M.;

S 1/2 of the S 1/2 of Section 20, Township 26 North, Range 9 East, W. M.;

NW 1/4 of the SW 1/4; S 1/2 of the SW 1/4; S 1/2 of SE 1/4, all in Section 21, Township 26 North, Range 9 East, W. M.;

S 1/2 of the SW 1/4; S 1/2 of the SE 1/4; NE 1/4 of the SE 1/4, all in Section 22, Township 26 North, Range 9 East, W. M.;

S 1/2 of Section 23, Township 26 North, Range 9 East, W. M.;

S 1/2 of Section 24, Township 26 North, Range 9 East, W. M.;

Sections 25, 26, 27 and 29, all in Township 26 North, Range 9 East, W. M.;

E 1/2 of the E 1/2 of Section 30, Township 26 North, Range 9 East, W. M.;

SE 1/4 of the NE 1/4; NE 1/4 of the SE 1/4, all in Section 31, Township 26 North, Range 9 East, W. M.;

Sections 32, 33, 34, 35 and 36, all in Township 26 North, Range 9 East, W. M.;

S 1/2 of the NW 1/4; SW 1/4, all in Section 28, Township 26 North, Range 10 East, W. M.;

S 1/2 of the N 1/2; S 1/2, all in Section 29, Township 26 North, Range 10 East, W. M.;

S 1/2 of the N 1/2; S 1/2, all in Section 30, Township 26 North, Range 10 East, W. M.;

Sections 31 and 32, all in Township 26 North, Range 10 East, W. M.;

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Section 33, except the NE 1/4 of the NE 1/4, Township 26 North, Range 10 East, W. M.;

SE 1/4 of the SW 1/4; SW 1/4 of the SE 1/4; W 1/2 of the SE 1/4 of the SE 1/4, all in Section 28, Township 26 North, Range 8 East, W. M.;

N 330 feet of the NE 1/4 of the NE 1/4 of the NW 1/4; N 330 feet of the NW 1/4 of the NW 1/4 of the NE 1/4; N 990 feet of the E 1/2 of the NW 1/4 of the NE 1/4; N 990 feet of the W 1/2 of the NE 1/4 of the NE 1/4; N 750 feet of the E 1/2 of the NE 1/4 of the NE 1/4, all in Section 33, Township 26 North, Range 8 East, W. M.;

including all of the property occupied by the works, rivers, systems, springs, branches and pipes and all lakes, rivers, springs, streams, creeks or tributaries therein and all the property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries, as contemplated by the laws of the state and the rules and regulations of the State Board of Health.

B. To further the purposes of subsection A, no one shall enter the Tolt River South Fork Watershed as described in subsection A without first having obtained a written permit from the Superintendent of Water of the city, which permit shall state the terms and conditions upon which it is issued and shall state all activities, if any, which may be engaged in within the watershed by the permittee. All such permits shall be issued subject to the laws of the state and the rules and regulations relating to the protection of sources of public water supply from contamination as may be adopted by the State Board of Health, and upon the breach of any of the terms or conditions, or upon misuse or unlawful use of the permit, the same may be revoked by the Superintendent.  
(Ord. 90169 §§ 1 and 2, 1961.)

### 21.12.060 Cedar River Watershed— Designated—Permit for use.

A. For the protection and security of the municipal water supply system, the following area is declared to be "The Cedar River Watershed":

## CEDAR RIVER AREA

The north half and southeast quarter of Section One, and northeast quarter of northeast quarter of Section Twelve, in Township Twenty-one North, Range Seven East W. M.

North half of northeast quarter and northwest quarter of Section One; north half and southwest quarter of Section Two; all of Section Four except south half of southeast quarter; north half and northeast quarter of southwest quarter and southeast quarter of Section Seven; north half and southwest quarter of Section Eight; northwest quarter of northwest quarter of Section Nine; north half of north half of Section Ten; northwest quarter of northwest quarter of Section Eleven; all of Sections Three, Five and Six, in Township Twenty-one North, Range Eight East W.M.

North half of Section Seven; north half and southeast quarter of Section Eight; north half and southeast quarter of Section Fifteen; north half of Section Sixteen; northeast quarter and east half of northwest quarter of Section Twenty-two; north half, and northeast quarter of southwest quarter, and northwest quarter of southeast quarter, of Section Twenty-three; northwest quarter of Section Twenty-four; all of Sections One, Two, Three, Four, Five, Six, Nine, Ten, Eleven, Twelve, Thirteen, and Fourteen, Township Twenty-one North, Range Nine East W. M.

Northeast quarter and northeast quarter of northwest quarter of Section Nineteen; north half and southeast quarter of Section Twenty; north half of north half and southeast quarter of northeast quarter, of Section Twenty-six; north half of north half of Section Twenty-seven; north half of north half of Section Twenty-eight; north half of north half of Section Thirty-six; all of Sections One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty-one, Twenty-two, Twenty-three, Twenty-four and Twenty-five, in Township Twenty-one North, Range Ten East W. M.

West half of northwest quarter and southwest quarter of Section Five; west half of Section Eight; northwest quarter of northwest quarter of Section Seventeen; west half

and west half of southeast quarter of Section Nineteen; northwest quarter of northeast quarter, northwest quarter, and west half of southwest quarter, of Section Thirty; all of Sections Six, Seven, and Eighteen, in Township Twenty-one North, Range Eleven East W. M.

North half of northeast quarter and southeast quarter of Section Four; east half, southeast quarter of northwest quarter, and northeast quarter of southwest quarter of Section Eight; south half of northeast quarter, east half of southwest quarter, and southeast quarter of Section Eighteen; northeast quarter, east half of northwest quarter, and southeast quarter of Section Nineteen; north half and southeast quarter of Section Twenty-nine; northeast quarter and northeast quarter of northwest quarter of Section Thirty-three; north half and north half of southeast quarter of Section Thirty-four; all of Section Thirty-five except the southwest quarter of the southwest quarter thereof; all of Sections One, Two, Three, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Thirty-six, in Township Twenty-two North, Range Seven East W. M.

Northeast quarter and south half of Section One, south half of south half of Section Two; south half of Section Three, all of Section Four except the north half of northeast quarter thereof; all of Section Thirty except west half of west half thereof; all of Section Thirty-one except west half of west half thereof; all of Sections Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty-two, Thirty-three, Thirty-four, Thirty-five and Thirty-six, in Township Twenty-two North, Range Eight East W. M.

Southwest quarter of southeast quarter and southwest quarter of Section Five; south half of Section Nine; south half of south half of Section Ten; southwest quarter of southwest quarter of Section Eleven; west half and southwest quarter of southeast quarter of Section Fourteen; west half

of northwest quarter and south half of Section Twenty-four; all of Sections Six, Seven, Eight, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five and Thirty-six, in Township Twenty-two North, Range Nine East W. M.

South half of south half of Section Nineteen; south half of southwest quarter, southwest quarter of southeast quarter of Section Twenty-seven; southwest quarter and south half of southeast quarter of Section Twenty-eight; south half of north half and south half of Section Twenty-nine; all of Section Thirty-five except north half of north half thereof; all of Sections Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four and Thirty-six, in Township Twenty-two North, Range Ten East W. M.

Southwest quarter of Section Thirty-one, Township Twenty-two North, Range Eleven East W. M.

South half and south half of north half of Section Twenty-seven; south half of northeast quarter and southeast quarter of Section Twenty-eight; east half Section Thirty-three; all of Section Thirty-five except northeast quarter of northeast quarter thereof; south half of southwest quarter of Section Thirty-six; all of Section Thirty-four, in Township Twenty-three North, Range Seven East W. M.

Southeast quarter of northeast quarter and southeast quarter of Section Thirty-one; all of Section Thirty-two, except northwest quarter of northwest quarter thereof; west half of Section Thirty-three, in Township Twenty-three North, Range Eight East W. M.

South half of south half of Section Thirty-one, Township Twenty-three North, Range Nine East W. M.

#### LAKE YOUNGS AREA

The south half of Section Thirty-five; the west half of the southwest quarter and the west half of the southeast quarter of the southwest quarter of Section Thirty-six; all in Township Twenty-three North, Range Five East W. M.

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Lots Three, Four, Five, Six, Seven, Eight and Nine; the southwest quarter of northeast quarter; the west half of the southeast quarter of the northeast quarter; and the east half of the southeast quarter of Section One; all of Section Two; Lots One, Two, Three, Four, Five, Six and Seven; the west half of the northwest quarter of Section Eleven; and the southeast quarter of the northwest quarter of Section Eleven; the north half of the northeast quarter; the west half of the southwest quarter, the southeast quarter of the northwest quarter; the northeast quarter of the southwest quarter; and Lots One and Two in Section Twelve, all in Township Twenty-two North, Range Five East W. M.

Lots Six and Seven, in Section Six, and Lot One, in Section Seven, Township Twenty-two North, Range Six East W. M.

including all the property occupied by the works, rivers, systems, springs, branches and pipes and all the lakes, rivers, springs, streams, creeks or tributaries therein and all property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries.

B. The Superintendent of Water shall, under the direction of the Board of Public Works, and in connection with the supervision, management and control of the municipal water supply system and for the protection of the purity of the water supply, exercise exclusive control of all access to and activities within the Cedar River Watershed and the issuance of permits therefor in his discretion, subject to such rules and regulations as may be promulgated by the Commissioner of Health of Seattle or the Director of Health of the state. Any such permit may be revoked by the Superintendent for violation of any condition thereof or of any such rules or regulations.

(Ord. 73528 §§ 1 and 2, 1944.)

**21.12.070 Surcharge for water customers in Richmond Beach Area.**

In connection with the acquisition and improvement by the city of the properties and assets of the Richmond Beach Water Company in the Richmond Beach area as generally contemplated in C. F. 267198 and in order to pay for the cost of such acquisition and for the cost of improvements, the following schedule of surcharges:

Meter Size	Monthly Surcharge
3/4 inch	\$ 3.50
1 inch	3.50
1-1/2 inch	8.00
2 inch	14.00
3 inch	31.50
4 inch	56.00
6 inch	126.00

in addition to the rates and charges otherwise applicable to all customers in the following described area:

Those portions of Sections 1 and 2, Township 26 North, Range 3 East, W. M., described as follows:

Beginning at the intersection of the centerline of NW 205th St., being the north line of Sec. 2, T 26 N, R 3 E, W. M., and the west margin of 15th Ave. NW, thence south along said west margin to the north line of the NE 1/4 of the SE 1/4 of said Sec. 2; thence east along said north line and continuing east along the north line of the NW 1/4 of the SW 1/4 of Sec. 1, T 26 N, R 3 E, W. M. to the northeast corner of said NW 1/4 of the SW 1/4; thence south along the east line of said NW 1/4 of the SW 1/4 to the southeast corner of said NW 1/4 of the SW 1/4; thence west along the south line of said NW 1/4 of the SW 1/4 and continuing west along the south line of the north 1/2 of the south 1/2 of Sec. 2, T 26 N, R 3 E, W. M., to the east shore of Puget Sound; thence northerly along said east shore to the north line of said Sec. 2; thence east along said north line to the west margin of 15th Ave. NW, and the point of beginning.

The W 1/2 of the NW 1/4 of the NW 1/4, Section 1, Twp. 26N, R 3 E, W. M. except the plat of Michele Park No. 2 (Vol. 78 of Plats, P. 38) and except any portion of the plats of Michele Park No. 3 (Vol. 79 of Plats, P. 52) and of Crestmont North (Vol. 84 of Plats, P. 90) lying within said W 1/2.

The SW 1/4 of the NW 1/4, Section 1, Twp. 26N, R 3 E, W. M. except the east 350 ft. thereof, and except any portions of the plats of Crestmont North (Vol. 84 of Plats, P. 90) and of Olympic North (Vol. 93 of Plats, P. 75) lying within said SW 1/4.

is imposed as of the effective date of the acquisition of the properties and assets of the Richmond Beach Water Company by the city, but not later than September 15, 1970, and such surcharges shall continue in effect for as long as necessary to reimburse the Water Department for the cost of such acquisition and for the cost of improvements as contemplated in said C.F.; provided, that in computing the meter size in connection with the imposition of any such surcharge, any additional sizing required for purposes of fire protection shall be disregarded, and that any such surcharge shall not apply to services used solely for fire protection purposes. (Ord. 101620 § 1, 1972; Ord. 100413 § 1, 1971; Ord. 99127 § 1, 1970.)

**21.12.080 Surcharge for water customers in Water District No. 61, King County.**

In connection with the acquisition and improvement by the city of the properties and assets of Water District No. 61, King County, as generally contemplated in C. F. 286131, and in order to pay for the cost of improvements to water facilities within the area served by Water District No. 61 to bring the facilities to an acceptable level of compliance with the city's system, the following schedule of surcharges:

Meter Size	Monthly Surcharge
3/4 inch	\$ 1.25
1 inch	1.25
1-1/2 inch	2.75
2 inch	5.00
3 inch	11.25
4 inch	20.00
6 inch	45.00

in addition to the rates and charges otherwise applicable to all customers in the following area:

Section 1, Township 23 North, Range 3 East, W. M.; all except the west half of the west half;

Section 6, Township 23 North, Range 4 East, W. M.; northwest quarter except the south three quarters of the southeast quarter of said northwest quarter;

Section 6, Township 23 North, Range 4 East, W. M.; southwest quarter of the southeast quarter;

Section 6, Township 23 North, Range 4 East, W. M.; southwest quarter except the northeast quarter of the southwest quarter;

Section 12, Township 23 North, Range 3 East, W. M.; that portion lying easterly of 30th Avenue Southeast and Seola Beach Drive and easterly of Puget Sound;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter of northeast quarter and southwest quarter of the southwest quarter of the northeast quarter;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter of the northwest quarter of the southeast quarter;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter of the northwest quarter of the southwest quarter and Blocks 3, 4, 5, 6, 11, 12 also Lots 2 through 5 inclusive in Blocks 2, 7, and 10 in Jordan's Acre Gardens located in the southwest quarter;

Section 13, Township 23 North, Range 3 East, W. M.; that portion of section lying easterly of Puget Sound except the southeast quarter of southwest quarter of southeast quarter and except the southeast quarter of southwest quarter of southwest quarter of southeast quarter;

Section 18, Township 23 North, Range 4 East, W. M.; the west half of the northwest quarter except the north half of the north half of northwest quarter of said northwest quarter;

Section 18, Township 23 North, Range 4 East, W. M.; the west 530 feet of the north 1550 feet of the southwest quarter;

is hereby imposed as of the effective date of the acquisition of the properties and assets of Water District No. 61, King County, and such surcharges shall continue in effect for as long as necessary to pay the cost of improvements including the interest on the declining balance, all as contemplated in said C. F., and shall be credited to a special "Water District No. 61 Area Improvement Account" in the Water Fund. (Ord. 107250 § 1, 1978.)

Subtitle II Sewers<sup>1</sup>

Editor's Note: As used in this subtitle, the term "City Engineer" means "Director of Engineering."

Chapter 21.16

SIDE SEWERS

Sections:

- 21.16.010 Chapter purpose.
- 21.16.020 Chapter provisions as minimum standards.
- 21.16.030 Definitions.
- 21.16.040 Connection with sanitary sewer, combined sewer or storm drain—When required.
- 21.16.050 Connection—Notice to owner or occupant.
- 21.16.060 Work to be done by licensed side sewer contractor—Qualification—Insurance.
- 21.16.070 Permit required.
- 21.16.080 Permit—Application—Director of Engineering's authority.
- 21.16.090 Permit—Alterations prohibited—Posting.
- 21.16.100 Police officer's authority.
- 21.16.110 Permit for temporary connection.
- 21.16.120 Permit—Period of validity.
- 21.16.130 Permit fees.
- 21.16.140 Inspections.
- 21.16.150 Trenches and excavations—Filling—Barricades.
- 21.16.160 Filling of excavations by city.
- 21.16.170 Failure to complete work—Completion by city.
- 21.16.180 Repair of inoperative or inadequate sewer or drain.
- 21.16.190 Costs to be borne by owner or occupant.
- 21.16.200 Use of existing sewer for new building.
- 21.16.210 Mechanical lifting or backwater sewage valves.
- 21.16.220 Drainage of hard-surfaced or graded areas.
- 21.16.230 Grading and cover requirements.
- 21.16.240 Pipe and connection requirements.
- 21.16.250 Easements.
- 21.16.260 Installation when compliance is impractical—Conditional permit.
- 21.16.270 Construction and materials—Specifications.
- 21.16.280 Restoration of streets and other public areas.

- 21.16.290 Liability to city for expense, loss or damage.
- 21.16.300 Prohibited discharge of certain waste water.
- 21.16.310 Pretreatment facilities.
- 21.16.320 Manholes.
- 21.16.330 Standards for measurements and analyses.
- 21.16.340 Right of entry for inspection.
- 21.16.350 Authority to make rules and regulations.
- 21.16.360 Authority to post notices.
- 21.16.370 Unlawful destruction of notices.
- 21.16.380 Violation—Penalty.

Severability: If any section or portion of this chapter is adjudged to be invalid, such adjudication shall not affect the validity of the remaining portions.  
(Ord. 97016 § 39, 1968.)

21.16.010 Chapter purpose.

This chapter is declared to be an exercise of the police power of the state and of the city to promote the public health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.  
(Ord. 97016 § 1, 1968.)

21.16.020 Chapter provisions as minimum standards.

The requirements of this chapter are declared to be minimum standards and shall not be construed to prevent the enforcement of more stringent standards imposed by other ordinances, or by or under the authority of state law.  
(Ord. 97016 § 40, 1968.)

21.16.030 Definitions.

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

1. "Comprehensive plans" means plans which are large in scope and intended to provide for the ultimate development of the drainage basins served by the sewers, as determined by the Director of Engineering at the time the plan was proposed.
2. "Cover" means the depth of material between the top of the sewer pipe or drain and the finished grade immediately above it.
3. "Director" means the Director of Public Health or his employees.
4. "Director of Engineering" includes employees of The City of Seattle, Department of Engineering.

5. "Downspout" means a pipe which conducts water from a roof of a building.

6. "Footing drain" means an open joint or perforated pipe located near the foundation of a building, intended to intercept and carry underground storm or drainage water.

7. "Garbage" means putrescible waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

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

9. "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade or research, including the development, recovering or processing of natural resources and including garbage, but distinguished from sanitary sewage or storm drainage.

10. "Licensed side sewer contractor" means a person approved by the Director of Engineering and licensed by the city to do work incidental to the construction or repair of side sewers.

11. "Metro" means the Municipality of Metropolitan Seattle.

12. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other body of surface water.

13. "Permit card" means a card issued in conjunction with a permit, or a carbon copy of the permit which shall be posted on the premises of the work being accomplished.

14. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

15. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

16. "Planting strip, inside" means that portion of the street area lying between a public sidewalk location and the property line or street margin.

17. "Planting strip, outside" means that portion of the street area lying between the public sidewalk location and the curb location.

18. "Plumbing outlet, sanitary" means a plumbing outlet from a stationary or floating

building or structure which carries the waste water from sanitary facilities and plumbing fixtures, and which does not intentionally carry storm water or unpolluted water (defined as "building drain" in the city Plumbing Code<sup>1</sup>).

19. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which carries surface water or unpolluted water.

20. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into a combined sewer, storm drain, sanitary sewer or natural outlet, to the extent required by the Director of Engineering.

21. "Public place," "public area" or "street area" means any space dedicated to or acquired by the city for the use of the general public.

22. "Public sewer system" means the sewer or storm drainage facilities owned and maintained by the city, Lake City Sewer District, Southwest Suburban Sewer District or Metro, or any sewage facilities acquired or constructed by such agencies.

23. "Sewage" means waste discharged from sanitary plumbing outlets of buildings and other polluted water.

24. "Sewage treatment plant" means an arrangement of devices, structures and equipment for treating waste water.

25. "Sewer, combined" means a sewer which carries surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, effluent from sanitary plumbing outlets, and water from foundation drains.

26. "Sewer, sanitary" means a sewer which carries waste water, and does not intentionally carry storm water or unpolluted water.

27. "Side sewer" means a storm or sanitary sewer pipe leading from a plumbing outlet, drain or other facilities to the public sewer system.

28. "Sidewalk" means the walkway in a public area lying parallel to or generally parallel to the roadway. If the walkway is not yet paved, then all measurements shall be based upon a location and elevation determined by the Director of Engineering.

29. "Storm drain" means a public or private drain which carries storm and surface waters or drainage, effluent from storm plumbing outlets, and other unpolluted water.

30. "Suspended solids" means solids that

either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.

31. "Unpolluted water" means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director or the Director of Engineering may determine which waters are unpolluted water.

32. "Waste water" is a comprehensive term including industrial waste, storm drainage and sewage.

33. "Watercourse" means a channel in which a natural flow of water occurs or has occurred either continuously or intermittently. (Ord. 97016 § 2, 1968.)

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

**21.16.040 Connection with sanitary sewer, combined sewer or storm drain—When required.**

A. The owner or occupant of any lands, premises or habitable structures shall connect such lands and all buildings, habitable structures, ditches, watercourses and plumbing outlets located thereon with the nearest accessible sanitary sewer, combined sewer system or storm drain, whenever such a sewer or drain is located within three hundred feet of the closest point of the building site or premises to be served, as measured along any public place or any easement granted for sewer purposes. The City Engineer shall determine when the sanitary sewer, combined sewer or storm drain is accessible. This requirement shall be based upon the following conditions:

1. Sanitary plumbing outlets must be connected to combined or sanitary sewers.

2. Residences, multiple residences, churches, schools, hotels, motels, industrial and commercial buildings, planned developments, hospitals and all similar installations and appurtenances thereto: Storm plumbing outlets, downspouts, parking lot drainage, footing drains, and unpolluted water must be connected to any storm drain existing on the same side of the centerline of the abutting street and within sixty feet of a side property line. In the event a natural outlet is available abutting the

property, it may be used for storm water disposal. In the event neither of the two above outlets are available, storm water may be disposed of in dry wells or by draining the water to the street gutter, but storm water shall not be directed over the surface of a public sidewalk or walkway.

3. Residences, multiple residences, churches, schools, hotels, motels, industrial and commercial buildings, planned developments, hospitals and all similar installations or appurtenances thereto which are being connected to a combined sewer when there is no accessible storm drain: Downspouts, storm plumbing outlets, parking lot drainage, unpolluted water and footing drains must be carried in a side sewer pipe separate from the sanitary side sewer pipe to the property line, as designated by the City Engineer, and shall be joined with the sanitary side sewer at that point and then connected to the combined sewer, provided, that the City Engineer may permit or require storm drainage to discharge upon the surface of a public place or into a natural outlet or dry wells, even though a combined sewer is accessible, when it is planned to provide a storm relief sewer in the vicinity of the combined sewer. The storm side sewer pipe shall be laid as shallow as possible with no more than four-foot depth beneath the curb elevation, whenever possible. Footing drains are designated as storm water drains and shall not be connected to a sanitary sewer.

B. The Director of Engineering may prescribe the manner in which connections shall be made, and require plans to be submitted for his approval prior to the issuance of a permit or the installation of any pipe. (Ord. 97016 § 3, 1968.)

**21.16.050 Connection—Notice to owner or occupant.**

A. Whenever any land, buildings, or premises are required to be connected with the public sewer system as provided in Section 21.16.040, the Director, upon notice from the City Engineer that a connection is accessible, shall serve upon the owner, agent, lessee, or occupant of the lands, buildings, premises or habitable structures, a notice in writing specifying the time within which such connection must be made, which time shall not be more than sixty days from the date of delivery of such notice.

B. If such owner, agent, lessee or occupant



shall fail, or neglect to connect the land, buildings, premises or habitable structures to the public sewer system within the time specified, the Director shall notify the Director of Engineering, whereupon the Director of Engineering may make such connection and the cost plus fifteen percent thereof shall be charged to the owner, agent, lessee, or occupant and a bill showing the amount thereof mailed or delivered to him, or posted upon the premises, whereupon the amount shall immediately be paid to the City Treasurer; provided, that as an alternative to making such connection there is imposed a penalty in an amount equal to the charge that would be made for sewer service if the property was connected to such system, which amount shall be paid and collected at the times and in the manner provided by ordinance for the payment and collection of sewer service charges. (Ord. 106158 § 3, 1977; Ord. 97016 § 4, 1968.)

**21.16.060 Work to be done by licensed side sewer contractor—  
Qualification—Insurance.**

A. It shall be unlawful for anyone to construct, reconstruct or repair any side sewer in a public place unless he is a licensed side sewer contractor holding a current license under the City License Code,<sup>1</sup> or is an employee of the City Engineer performing assigned duties.

B. No side sewer contractor's license shall be issued until the applicant has appeared before the Director of Engineering and has been examined by him, by oral and/or written examination as to the applicant's knowledge of side sewer construction work and the ordinances of the city regarding side sewers. The Director of Engineering shall deny the approval of any applicant whom he finds does not possess adequate experience or knowledge. Applicants for such examination by the Director of Engineering shall pay to the City Treasurer the sum of Fifteen Dollars (\$15.00) before taking the examination, and the receipt number shall be noted upon the examination and filed in the Director of Engineering's office.

C. Each side sewer contractor shall file with the City Engineer a certificate of insurance from an insurance company licensed to do business in the state that the contractor carries public liability and property damage insurance in the sum of at least Fifty Thousand Dollars (\$50,000.00) for any one person killed or

injured in any one accident or occurrence, and One Hundred Thousand Dollars (\$100,000.00) for more than one person killed or injured in any one accident or occurrence, and at least Twenty-five Thousand Dollars (\$25,000.00) for all damage arising out of injury to or destruction of property. Such policy shall contain an endorsement naming the city as an additional insured and providing for not less than ten days' notice to the city of any change, cancellation or expiration of such policy.

D. A licensed side sewer contractor must secure his own permits, be responsible for all work accomplished under his permits, and connect all plumbing outlets or drainage facilities in a complete manner, as required by the City Engineer. A property owner or his employee may construct, reconstruct or repair a side sewer on private property. (Ord. 97016 § 5, 1968.)

1. Editor's Note: License Code provisions on side sewer contractors are codified in Chapter 6.52 of this Code.

**21.16.070 Permit required.**

It is unlawful to make any connection to any public or private sewer system, drain or natural outlet without complying with all of the provisions of this chapter and other ordinances in relation thereto, and without having a permit to do so from the Director of Engineering. A licensed side sewer contractor or a property owner or his agent shall not break, alter or tamper with any public sewer system or its appurtenances except to make a connection to an existing wye or tee under permit from the Director of Engineering. (Ord. 97016 § 6, 1968.)

**21.16.080 Permit—Application—Director of Engineering's authority.**

A. Application for the permit required by this chapter shall be filed with the Director of Engineering stating:

1. Name of the property owner;
2. Address of the property to be served;
3. Property owner's mailing address;
4. Side sewer contractor's name;
5. Legal description of the property to be served;
6. Dimensions of the buildings to be served, including insets or ells;
7. Location of buildings on the property;
8. Purpose for which the building is to be used;

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9. Full course of the proposed side sewer.

B. The Director of Engineering may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer, and determine whether or not a permit shall be granted. The Director of Engineering may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in the state. The Director of Engineering shall keep such records as he deems necessary of all side sewer permits and inspection reports. (Ord. 97016 § 7, 1968.)

### 21.16.090 Permit—Alterations prohibited—Posting.

After approval of the application and issuance of the permit, it is unlawful to alter the permit or to do any work other than that provided for in the permit. If the permittee wishes to perform additional work, the City Engineer may require that he secure an additional permit. One copy of the permit, or an additional card bearing the permit number, according to directions of the City Engineer, shall be posted upon the work site at a place readily and safely accessible to the City Engineer, and in a conspicuous place near the work being performed under the permit.

(Ord. 97016 § 8, 1968.)

### 21.16.100 Police officer's authority.

It shall be the duty of any police officer and of the Director, finding any person breaking ground for the purpose of making connection with a public or private sewer system, to ascertain if such person has a permit therefor and if not to immediately report the fact to the City Engineer.

(Ord. 97016 § 9, 1968.)

### 21.16.110 Permit for temporary connection.

The Director of Engineering may, upon receiving an application containing such information as is required by him, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked

by the Director of Engineering at any time upon sixty days' notice posted upon the premises and directed to the owner or occupant of the premises; and in event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty days the Director of Engineering may disconnect the same and reconstruct it as he deems necessary, and charge the cost plus fifteen percent thereof to the owner or occupant. Such cost plus fifteen percent shall be immediately payable to the City Treasurer following a written notice of the amount thereof given to such owner or occupant or posted on the premises. Such temporary permit shall be issued only upon the applicant recording with the County Auditor an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the city harmless from all damage resulting to the city by reason of such temporary connection or disconnection, and exhibiting to the Director of Engineering the recording number of said instrument.

(Ord. 97016 § 10, 1968.)

### 21.16.120 Permit—Period of validity.

A permit issued under this chapter shall not be valid for a period of more than ninety days unless extended or renewed by the Director of Engineering prior to the date of expiration.

(Ord. 97016 § 11, 1968.)

### 21.16.130 Permit fees.

Fees for side sewer permits shall be as prescribed by separate ordinance.

(Ord. 97016 § 12, 1968.)

### 21.16.140 Inspections.

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

B. On any call for inspection forty-eight hours' notice plus Saturday, Sunday and holidays may be required by the Director of Engineering.

C. If the Director of Engineering finds the work performed or materials used not in accordance with this chapter and rules and regulations and the city "Standard Plans and Specifications" for side sewer construction, he shall notify the person doing the work and the owner or occupant of the premises by posting a notice on or

near the permit card. Such posted notice shall be all the notice that is required to be given of the defects in the work or materials found in such inspection.

D. The inspection shall include a test to determine that the side sewer is of tight construction and does not allow infiltration or exfiltration of water. Specifications for such a test shall be included in the rules and regulations referred to in Section 21.16.350. If the Director of Engineering finds that the work and materials used are in accord with this chapter and the side sewer tests satisfactory, he shall approve the same. Upon such approval the trench or sewer within street area shall be filled or covered in such a manner that no significant settlement shall occur for a period of one year. During said time the filled trench or sewer may be inspected by the Director of Engineering who may order its refilling if at any time he finds that significant settlement has occurred, or that because of defective workmanship or material used, the work is otherwise unsatisfactory.

E. If the permittee is a licensed side sewer contractor, either the contractor or a competent representative shall be on the premises, whenever so directed to meet the inspector. A property owner shall also meet the inspector at a mutually convenient time during regular hours of business when requested. (Ord. 97016 § 13, 1968.)

#### 21.16.150 Trenches and excavations—Filling—Barricades.

A. No trench shall be filled nor any sewer or drain covered until the work shall have been inspected and approved by the City Engineer, and his approval noted on the card posted on the job site.

B. All trenches or excavations within four feet of any public place and all obstructions or encroachments upon a public place shall be barricaded as required by the Street Use Ordinance (Ord. 90047, as amended).<sup>1</sup> It shall be unlawful to fail to maintain the lateral support of any public place while constructing, altering or repairing any side sewer or storm drain. All trenches or excavations shall be covered during hours of inactivity of work on the side sewer or storm drain.

C. Barricades posted upon arterial streets or highways must conform to the standards established by the Washington State Highway

Commission, Department of Highways, and/or such addenda to such standards as the city may establish.

D. All work performed under the authority of this chapter shall be accomplished within the minimum safety standards prescribed by the Washington State Department of Labor and Industries, Division of Safety. Evidence of failure to comply with the requirements of the Department of Labor and Industries shall be sufficient reason for the Director or the City Engineer to order stoppage of work until the required safety precautions are established on the job.

(Ord. 97016 § 14, 1968.)

1. Editor's Note: The Street Use Ordinance is codified in Title 15 of this Code.

#### 21.16.160 Filling of excavations by city.

Work within the limits of any public area shall be prosecuted to completion with due diligence, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the City Engineer may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the City Engineer in such work shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the City Treasurer by the contractor upon written notification of the amount thereof given to the contractor or posted at the location. (Ord. 97016 § 15, 1968.)

#### 21.16.170 Failure to complete work—Completion by city.

If any work performed on a side sewer is not completed in accordance with the provisions of this chapter and the plans and specifications as approved by the City Engineer, and if the contractor or person doing the work shall refuse to properly construct and complete such work, notice of such failure or refusal shall be posted on the premises where the work is being done, and the City Engineer may cause the work to be completed and the sewer connected in the proper manner, and the cost of such work and any materials necessary therefor shall be charged to the owner or contractor and be payable by the owner or contractor immediately upon the City Engineer giving written notice of the amount thereof or posting a notice thereof on the premises. (Ord. 97016 § 16, 1968.)

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### 21.16.180 **Repair of inoperative or inadequate sewer or drain.**

Where it is determined by the Director or the City Engineer that a side sewer, drain, ditch, or natural watercourse is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director shall give notice to the owner, agent or occupant of the property in which such condition exists. If the owner, agent or occupant shall refuse to reconstruct, re-lay, reconnect, repair or remove the obstruction of the side sewer, drain, ditch, or natural watercourse within the time specified in such notice, the Director shall so notify the City Engineer and the City Engineer may perform such work as may be necessary to comply with this chapter. The cost of such work done by the City Engineer shall be charged to the property owner or occupant and shall become immediately payable to the City Treasurer upon written notice of such amount being given to the property owner or occupant or posted upon the premises.  
(Ord. 97016 § 17, 1968.)

### 21.16.190 **Costs to be borne by owner or occupant.**

Costs and expense incidental to the installation, connection and maintenance of a side sewer shall be borne by the owner or occupant of the premises served by the side sewer.  
(Ord. 97016 § 18, 1968.)

### 21.16.200 **Use of existing sewer for new building.**

Where a new or converted building or new installation replaces an old one, the use of an existing side sewer will be permitted when approved by the City Engineer as conforming to all requirements of this chapter.  
(Ord. 97016 § 19, 1968.)

### 21.16.210 **Mechanical lifting or backwater sewer valves.**

A. In any building, structure or premises in which the plumbing outlets or other drainage facilities are too low in elevation as determined by the City Engineer to permit gravity flow to the public sewer system, waste water shall be lifted mechanically and discharged into the public sewer.

B. Whenever a situation exists involving danger of backups of sewage or drainage from

the public sewer system, the City Engineer may prescribe a minimum elevation at which the plumbing outlet or side sewer may be discharged to the public sewer system. Waste water from drains or side sewers below such minimum elevations shall be lifted mechanically to an elevation determined by the City Engineer, or if approved by the City Engineer, a backwater sewage valve may be installed provided the property owner shall record with the King County Auditor an instrument as described in Section 21.16.260. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the sewer or drain.  
(Ord. 97016 § 20, 1968.)

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

Hard-surfaced or graded areas such as parking lots, service station yards and storage yards shall be drained in such manner as will protect adjacent public and private property from damage and such drainage shall enter the public sewer system or other outlet approved by the City Engineer and as required by Section 21.16.040. Such storm drainage shall not be connected to or enter a sanitary sewer.  
(Ord. 97016 § 21, 1968.)

### 21.16.230 **Grading and cover requirements.**

Side sewers shall be laid on not less than two percent, nor more than one hundred percent grade; shall be not less than thirty inches from any foundation wall of any building, and if there be no foundation wall, not less than thirty inches from the outer lines of any footings, pilings or building supports. Side sewers shall not have less than sixty inches of cover at the curblin, or in a public alley thirty inches of cover at the property line, and eighteen inches of cover on the private property. Side sewers laid generally parallel to the curb or curblin shall have not less than forty-eight inches of cover between the curb or curblin and the sidewalk or sidewalk line nor less than thirty inches of cover between the sidewalk or sidewalk line and the property line. All cover measurements shall be based on the established grade, or on existing improvements, or shall be determined by the City Engineer.  
(Ord. 97016 § 22, 1968.)

### 21.16.240 **Pipe and connection requirements.**

A. If a side sewer is to be constructed at

more than one hundred percent grade, or with less than the required minimum cover prescribed in this chapter, the City Engineer may require special plans for the construction to be submitted for his approval, and he may require the use of cast iron pipe or asbestos-cement pipe or other material before approving the plan of construction. The wall thickness of the pipe to be used, and whether or not it should be encased in concrete or concrete with reinforcing steel shall be determined by the City Engineer.

B. Six inches shall be the minimum diameter of pipe for gravity flow side sewers in street area.

C. Not more than one building shall be connected to a side sewer except by permission of, and in accordance with rules and regulations of, the City Engineer.

D. Any one single-family dwelling shall be connected with not less than four-inch diameter pipe on private property; provided that where a dual connection of two single-family dwellings, or a multiple dwelling or commercial building with a single-family dwelling, is permitted by the City Engineer, such connection shall be made with not less than six-inch diameter pipe below the point of dual connection.

E. Any multiple dwelling, industrial or commercial building shall be connected with not less than six-inch diameter pipe on private property; provided, with the permission of the City Engineer, three or less two-inch downspouts or one motel unit may be connected with four-inch diameter pipe on private property.

F. Cast iron pipe shall be used for all side sewers over water mains for a distance of at least five feet from the center of the water main. Side sewer lines must be laid at least one-half foot below and one foot away from all water service line or Water Department main water line, unless cast iron pipe is used for the side sewer.

(Ord. 97016 § 23, 1968.)

#### 21.16.250 Easements.

A. Before a side sewer may be located on a building site other than the site being served by the side sewer, and before the City Engineer shall issue a permit authorizing the laying of such a side sewer, the owner of the side sewer shall secure a written easement from the owner of the building site to be crossed. The easement shall be duly acknowledged, and shall

grant the right to occupy the property for side sewer or utility purposes. The easement shall be recorded in the office of the King County Auditor, by the owner of the side sewer, and the recording number exhibited to the City Engineer.

B. Where a side sewer is to be connected in a public area to a side sewer which is owned by another and does not involve an easement, written permission for such connection shall be obtained from the owner of such side sewer and shall be filed with the City Engineer before a permit authorizing such connection is issued. (Ord. 97016 § 24, 1968.)

#### 21.16.260 Installation when compliance is impractical—Conditional permit.

If, in the opinion of the City Engineer, physical conditions make compliance with the provisions of this chapter impracticable, the City Engineer may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the King County Auditor an instrument acceptable to the City Engineer agreeing to save harmless and indemnify the city from any damage or injury resulting from such installation. Such instrument shall be upon a form approved by the City Engineer. This section is not intended to be used to allow storm drainage connections to a sanitary sewer.

(Ord. 97016 § 25, 1968.)

#### 21.16.270 Construction and materials—Specifications.

A. Materials and workmanship in connection with the installation of any side sewer or drain shall be as required by the "Standard Plans and Specifications" of the city, and modifications specified by the City Engineer.

B. Fittings, increasers, traps, etc., shall be of standard manufacture.

C. Changes in line or grade shall be made with wyes or forty-five degree bends, or for slight changes in line or grade, by setting each pipe out of line slightly, within the deflection angle allowed by the pipe manufacturer's specifications, or by using ten-degree, twenty-two and one-half degree or thirty-degree bends supplied by pipe manufacturers.

D. No ninety-degree bends, or consecutive bends or tees will be allowed in pipe other than cast iron pipe.

E. When laying around a ninety-degree corner, a wye and forty-five degree bend combination shall be used with the end of the wye left as a cleanout.

F. Increases or wyes shall be used when changing the sizes of pipe. Pipe size may also be changed at a manhole.

G. Grafts on four-inch, six-inch or eight-inch pipe shall not be allowed.

H. Rubber-type gasket or flexible joint pipe must be used in side sewers constructed of concrete, clay or asbestos-cement pipe; cast iron pipe must have flexible joints or caulked lead joints. Copper pipe must have soldered joints, and plastic pipe must have solvent or flexible joints.

I. Cast iron fittings must conform to the requirements of the Plumbing Code<sup>1</sup> of the city as to quality of materials and type of fitting or structure.

J. A bend must not be used adjacent to a tee or wye at the main sewer but may be used a length of pipe or more away from the main sewer, unless the bend is manufactured as a part of the first length of pipe.

K. Whenever it becomes necessary to disturb pavement in connection with any work authorized under this chapter, the opening shall be not less than three feet square; provided the City Engineer may specify a size of opening and additional cuts to be made when needed to insure a proper backfill.

L. No excavation shall be made in any public area except at the times and in the manner prescribed by the City Engineer.

M. Backfill of excavation and tunnels under concrete or asphalt roadway surfacing and the restoration of these surfaces in public areas shall be accomplished by the City Engineer, and the expense thereof charged to the side sewer contractor who shall, upon receiving written notice thereof or upon notice of the amount thereof being posted at the location of the excavation, immediately pay the same to the City Treasurer.

N. Tunnels or excavations under public sidewalks or under driveways in public places may be backfilled by a side sewer contractor, provided that the material has been approved by the City Engineer, and provided it is tamped in place with a mechanical tamper, in layers of not more than twelve inches loose thickness; except that within two feet of finish grade the loose thickness layers shall not exceed

six inches. The density of all such compaction shall be approved by the City Engineer. (Ord. 97016 § 26, 1968.)

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

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

Streets, sidewalks, planting strips and other public areas except as mentioned in Section 21.16.270, disturbed or altered in the course of any side sewer or drainage work, shall be restored by the licensed sewer contractor to the original surface condition as approved by the City Engineer; and in event of the failure of the contractor to so restore the area the City Engineer may make such restoration and charge the cost thereof to the side sewer contractor who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area make immediate payment thereof to the City Treasurer.

(Ord. 97016 § 27, 1968.)

**21.16.290 Liability to city for expense, loss or damage.**

Whoever violates any of the provisions of this chapter shall, in addition to any penalties provided for such violation, be liable for any expense, loss or damage occasioned thereby to the city.

(Ord. 97016 § 28, 1968.)

**21.16.300 Prohibited discharge of certain waste water.**

Unless approved by the City Engineer it is unlawful to discharge or cause to be discharged any of the following described waste waters in the public sewer system or any drain ditch or natural outlet:

A. Liquid or vapor having temperature higher than one hundred fifty degrees Fahrenheit;

B. Waste water which contains more than one hundred parts per million by weight of fat, oil or grease;

C. Flammables capable of causing explosion or supporting combustion in the public sewer system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent, kerosene, fuel oil, waste crankcase oil, and acetylene generation sludge;

D. Garbage that has not been properly shredded;

E. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the public sewer system;

F. Waste water having a pH lower than five and five-tenths or having the capacity to cause damages or hazards to structures, equipment or personnel of the public sewer system;

G. Waste water containing a toxic or poisonous substance including chlorinated hydrocarbons in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or fowl, or create any hazard in the receiving waters or in the sewage treatment plant;

H. Waste water containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at a sewage treatment plant, or a pumping station;

I. Noxious or malodorous gas or substance capable of creating a public nuisance.  
(Ord. 97016 § 29, 1968.)

#### 21.16.310 Pretreatment facilities.

A. Grease, oil, sand, liquid waste containing grease or flammable material or other harmful ingredients shall be intercepted prior to being discharged to the public sewer system by the installation and operation of pretreatment facilities which shall be of a type and capacity approved by the City Engineer and shall be so located as to be readily accessible for maintenance and inspection.

B. When pretreatment facilities are installed for private use, they shall be maintained by the owner at his expense in continuously efficient operation at all times. The City Engineer shall determine whether such equipment shall be allowed or required to be installed, and whether the effluent produced is satisfactory.

C. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the City Engineer; and construction of such facilities shall not begin until such approval is noted on the plan.  
(Ord. 97016 § 30, 1968.)

#### 21.16.320 Manholes.

In any property served by a side sewer carrying

industrial wastes, the owner or occupant shall install a manhole in the side sewer to facilitate observation, sampling and measurement of the wastes, when required by the City Engineer. Such manhole shall be accessible, safely located and shall be constructed and installed in accordance with plans approved by the City Engineer. Such manhole shall be installed and maintained by the owner or occupant at his sole expense.

(Ord. 97016 § 31, 1968.)

#### 21.16.330 Standards for measurements and analyses.

Measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this chapter shall be determined in accordance with the standards prescribed by "Standard Methods for the Examination of Water and Sewage," filed in the City Comptroller's office under File No. 260956.  
(Ord. 97016 § 32, 1968.)

#### 21.16.340 Right of entry for inspection.

The City Engineer or other city officials or employees of the city, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.

(Ord. 97016 § 34, 1968.)

#### 21.16.350 Authority to make rules and regulations.

The City Engineer may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this chapter, as he shall deem necessary and convenient to carry out the provisions of this chapter.

(Ord. 97016 § 35, 1968.)

#### 21.16.360 Authority to post notices.

The Director of Public Health or the City Engineer is authorized to post notice on private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with, and the notice may require work to cease if necessary.

(Ord. 97016 § 37, 1968.)

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### 21.16.370 Unlawful destruction of notices.

It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by the Director of Public Health or the City Engineer pursuant to the provisions of this chapter.

(Ord. 97016 § 38, 1968.)

### 21.16.380 Violation—Penalty.

Violation of or failure to comply with the provisions of this chapter, shall subject the offender to a fine of Three Hundred Dollars (\$300.00) or imprisonment for ninety days or both; and each day that any violation or failure to comply exists shall constitute a separate offense.

(Ord. 97016 § 36, 1968.)

## Chapter 21.20

### SEWER CONNECTIONS OUTSIDE CITY LIMITS<sup>1</sup>

#### Sections:

#### 21.20.010 Connections authorized.

#### 21.20.020 Specifications of agreement.

1. Cross-reference: For provisions regarding refunds of special sewer connection charges, see Section 21.24.100 of this Code.

#### 21.20.010 Connections authorized.

Pursuant to authority granted by RCW 35.67.310 the Director of Engineering is authorized to enter into agreements for and on behalf of the city with the owners of property beyond the city limits permitting connection of such property with the city's sewers upon the terms, conditions and subject to the payments prescribed in this chapter when, in the judgment of the Director of Engineering, such connections will not overload or imperil the city's sewer system.

(Ord. 85317 § 1, 1956.)

#### 21.20.020 Specifications of agreement.

A. Such agreement shall specify the property to be connected with the city sewer system; shall grant permission for connection upon payment of prescribed fees and charges therefor; shall require the property owners to construct

such connection in accordance with city plans and specifications and under the supervision of the Director of Engineering, without cost or expense to the city; shall provide that the property owner shall not allow any additional property to be served by such connection until the owner of such additional property has executed a similar agreement, except that two or more property owners may join in one connection agreement; shall require such property owner to pay any sewerage utility charge fixed by ordinance and also an amount equivalent to side sewer permit fees and special connection charges fixed by ordinance for like property within the city, which special connection charge shall be paid in cash or in installments with interest at the rate established by ordinance for local improvement district warrants computed annually on unpaid balances; shall agree that the city in the event the terms and conditions of the agreement are not faithfully kept and performed may disconnect the sewer serving the property from the city's system and for that purpose shall authorize the Director of Engineering to enter upon the premises of such property owner; and shall provide that in such event the payment made for such connection shall be forfeited to the city and no credit shall be allowed therefor if such property is later reconnected to the city sewer system upon approval of a new application therefor and shall further provide that such agreement shall be filed for record in the office of the Director of Records and Elections of King County, and shall constitute a covenant running with the land binding upon the property owner, his heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in said property.

B. In the event that such agreement provides for payment of the special connection charge in installments, such agreement shall further provide for a down payment of five percent of the total connection charge, payable upon execution of such agreement and for payment of the balance in forty quarterly installments payable on each January 1st, April 1st, July 1st, and October 1st, and shall further provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable.

(Ord. 106313 § 1, 1977; Ord. 103037 § 1, 1974; Ord. 85317 § 2, 1956.)



Chapter 21.24

PERMIT FEES AND CONNECTION CHARGES

Sections:

- 21.24.010 Permit and fee—Required for connection and repairs.
- 21.24.020 Permit application and fee.
- 21.24.030 Special connection charge—Imposed.
- 21.24.040 Special connection charge—Computation.
- 21.24.050 Special connection charge—Credit to Local Improvement District Fund.
- 21.24.060 Computation of area of structure.
- 21.24.070 Fee payment.
- 21.24.080 Violation of Sections 21.24.010 through 21.24.070.
- 21.24.090 Refund of sewer permit fees.
- 21.24.100 Refund of special sewer connection charge.

Severability: If any portion of Sections 21.24.010 through 21.24.080 shall be declared invalid, this shall not affect the validity of the remaining portions.  
(Ord. 82583 § 5, 1953.)

21.24.010 Permit and fee—Required for connection and repairs.

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

(Ord. 82583 § 1, 1953.)

21.24.020 Permit application and fee.

The permit application for a sewer or drain connection, repair, alteration or addition shall be made by the owner of such property or premises or by a duly licensed side sewer contractor representing the owner, and the City Engineer shall determine whether the permit application conforms to the requirements of

this chapter and other ordinances of the city regulating side sewers and compute the amount of the fee in accordance with the following schedule:

A. Single-family dwelling houses: Fifty Dollars (\$50.00);

B. Multiple-family dwelling structures, including duplex houses, bungalow courts, apartment buildings, trailer and auto courts, motels, and similar structures or additions thereto: Fifty Dollars (\$50.00) for the first dwelling unit and Fifteen Dollars (\$15.00) for each additional dwelling unit;

C. All other structures, including hotels, apartment hotels, office buildings, stores, churches, schools, universities, boarding or rooming houses, hospitals, and buildings accessory thereto, and industrial or commercial structures of every kind and additions thereto: Two Cents (\$.02) per square foot of ground area occupied by such structure and its foundations for the first one hundred thousand square feet—exclusive of areas devoted to single-family dwelling houses or multiple dwelling structures, and in addition, Fifteen Dollars (\$15.00) for each single-family or multiple dwelling unit combined therewith, with a minimum fee of Fifty Dollars (\$50.00);

D. Alterations or repairs to an existing side sewer installed and accepted under a previous permit, other than normal cleanout or root cutting for which no permit is required:

1. Any repair except to cap side sewer: Twenty-five Dollars (\$25.00),

2. To cap side sewer: Thirty Dollars (\$30.00);

E. Additional direct connections to a public sewer: One-half the rate for an initial connection, but not less than Fifty Dollars (\$50.00);

F. Reconnection to a public sewer of structures moved from another location shall be the same as for an initial connection, but not be less than Fifty Dollars (\$50.00);

G. Installation of catchbasins or similar interceptors (each): Thirty Dollars (\$30.00). In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the City Engineer shall be final and conclusive.

H. When side sewer or drainage work, as regulated by Ordinance 97016,<sup>1</sup> is started without the required permit, the fee shall be double the fee fixed by this chapter, except that the double fee charge shall not apply in cases where

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in the discretion of the City Engineer an emergency has arisen at a time other than business hours and a permit is secured before noon of the first business day following the emergency. (Ord. 105998 § 1, 1976; Ord. 101532 § 1, 1972; Ord. 91436 § 1, 1962; Ord. 82583 § 2, 1953.)

1. Editor's Note: Ord. 97016 is codified in Chapter 21.16 of this Code.

### 21.24.030 Special connection charge— Imposed.

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

B. The special connection charge shall be paid in cash or under installment contract with interest at the rate established by ordinance for local improvement district warrants, computed annually on unpaid balances. Such contract shall provide for a down payment of five percent of the total connection charge, payable upon execution of such contract and for payment of the balance in forty quarterly installments payable on each January 1st, April 1st, July 1st and October 1st. Such installment contract shall provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable, shall describe the property served by the sewer, shall be acknowledged by the property owner and shall be recorded by the City Engineer in the office of the County Auditor at the expense of the property owner. Delinquent payments under such installment contract shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280; and as an additional and concurrent method of enforcing the lien, the water service to such property may be cut off in accordance with RCW 35.67.290 until the delinquent installments are paid. Upon full payment of the contract, the City Engineer on behalf of the city shall execute and deliver to the property owner a release of such lien.

(Ord. 102678 § 1, 1973; Ord. 99444 § 1, 1970; Ord. 94213 § 1, 1965; Ord. 90233 § 1, 1961; Ord. 89902 § 1(part), 1960; Ord. 82583 § 2-A, 1953.)

Cases: Under RCW 35.92.025, a city is not permitted to base its charge for connection to the city sewer system on what it would cost today to reconstruct the system. *Boe v. Seattle*, 66 Wn.2d 152, 401 P.2d 648 (1965).

### 21.24.040 Special connection charge— Computation.

A. The special connection charge imposed by Section 21.24.030 shall be paid into the Sewer Fund and shall be computed as follows:

1. For lateral sewers: The number of units of property frontage to be served by the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage" or by such other method or combination of methods of computing assessments which may be deemed to more fairly reflect the special benefits to the property being assessed as authorized by RCW 35.44.047, shall be multiplied by the average local improvement assessment per unit of frontage for lateral sewers in Seattle for the year in which the sewer to which the property is to be connected was constructed and accepted as completed.<sup>1</sup>

2. For trunk sewers: The number of square feet of property area to be served by the sewer shall be multiplied by the average local improvement assessment per square foot for trunk sewers in Seattle for the year in which the trunk sewer to which the lateral sewers serving the property are connected was constructed and accepted.<sup>1</sup>

B. The Director of Engineering is authorized to annually compute and establish the average local improvement assessment paid by property owners for lateral and trunk sewers completed and accepted by the city during the previous calendar year, not in excess of Thirty Dollars (\$30.00) per assessable unit for lateral sewers or Two Cents (\$0.02) per square foot for trunk sewers, which average assessment shall be used by him in computing the special connection charge imposed in Section 21.24.030 as to sewer improvements completed in 1965 and thereafter. A copy of such computation shall be delivered to the City Clerk not later than February 1st of each such year to be filed by him in C. F. 253991.

C. Such special connection charge for property abutting on a street in which a sewer can be constructed or extended to serve such property, shall be computed as if the sewer were so constructed or extended: And the special connection charge for property located back from

## PERMIT FEES AND CONNECTION CHARGES

the margin of the street in which the sewer exists and outside of the assessment district created therefor shall be made giving consideration to the distance of the property from the street margin. In no case shall credit be allowed for the cost of extra length of side sewer required for connection to the city's sewerage system; provided, that in cases where application of the foregoing formula to a particular property results in a charge which because of unusual conditions is in excess of charges to similar properties, the Director of Engineering is authorized to reduce the special connection charge to the amount charged to properties similarly situated.

(Ord. 106546 § 1, 1977: Ord. 99444 § 2, 1970: Ord. 94880 § 1, 1966: Ord. 94213 § 2, 1965: Ord. 93836 § 1, 1965: Ord. 90233 § 2, 1961: Ord. 89902 § 1(part), 1960: Ord. 82583 § 2-B, 1953.)

1. Editor's Note: See Exhibit "A" attached to Ord. 106546.

### **21.24.050 Special connection charge—Credit to Local Improvement District Fund.**

If property for which a special connection charge has been paid is subsequently included in a local improvement district for the construction of a sewer of similar nature, the amount so paid shall be credited to the assessment against such property and such amount shall be paid from the Sewer Fund to such Local Improvement District Fund.

(Ord. 90233 § 3, 1961: Ord. 82583 § 2-D, 1953.)

### **21.24.060 Computation of area of structure.**

Whenever the fee is based on the area of a structure, that area shall be computed by the Superintendent of Buildings or his authorized representative, and certified in writing on the application for the side sewer permit, or if no plan for the building or structure has been filed with the Superintendent of Buildings, the City Engineer shall compute the area.

(Ord. 91436 § 2, 1962: Ord. 82583 § 3, 1953.)

### **21.24.070 Fee payment.**

The fee shall be paid to the City Treasurer before the permit is issued and the amount of the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in the office of the City Engineer.

(Ord. 91436 § 3, 1962: Ord. 82583 § 4, 1953.)

### **21.24.080 Violation of Sections 21.24.010 through 21.24.070.**

Any violation of or failure to comply with the provisions of Sections 21.24.010 through 21.24.070 shall be punishable by a fine not exceeding Three Hundred Dollars (\$300.00) or by imprisonment for a period not exceeding ninety days, or both.

(Ord. 82583 § 7, 1953.)

### **21.24.090 Refund of sewer permit fees.**

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Director of Engineering 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. 84704 § 1, 1955.)

### **21.24.100 Refund of special sewer connection charge.**

Whenever pursuant to Ordinance 82583, as amended,<sup>1</sup> a special sewer connection charge shall have been paid on behalf of a property within the city limits, or pursuant to Ordinance 85317, as amended,<sup>2</sup> a special sewer connection charge shall have been paid on behalf of property outside the city limits, and such charge shall have been incorrectly computed, duplicate a previous charge imposed and collected pursuant to the authority of either such ordinance, or be otherwise erroneous and an application is made for a refund, the Director of Engineering may authorize the same, such authorization to be in writing and accompanied by a statement of the facts justifying such refund and the amount approved.

(Ord. 106167 § 1, 1977.)

1. Editor's Note: Ord. 82583 is codified in Sections 21.24.010 through 21.24.080 of this chapter.

2. Editor's Note: Ord. 85317 is codified in Chapter 21.20 of this Code.

# UTILITIES

## Chapter 21.28

### SEWER RATES AND CHARGES

#### Sections:

#### Subchapter I General Provisions

- 21.28.010 Sewerage system a public utility.
- 21.28.020 Administration of utility.
- 21.28.030 Rates and charges—Purpose.
- 21.28.040 Charge and surcharge—Imposed.
- 21.28.050 Charges for certain premises temporarily connected to Southwest Suburban Sewer District.
- 21.28.060 Determination of rates and charges—Meter size and water consumption.
- 21.28.070 Exemptions and adjustments to charges.
- 21.28.080 Charges based on average consumption—Exemptions.
- 21.28.090 Definitions for Sections 21.28.100 through 21.28.190.
- 21.28.100 Industrial Cost Recovery charges.
- 21.28.110 Computation of ICR charges.
- 21.28.120 ICR charges in addition to others.
- 21.28.130 Uniform charges.
- 21.28.140 ICR charges—Payment—When annual cost does not exceed administrative cost.
- 21.28.150 Calculation of ICR charges.
- 21.28.160 ICR payments—Annual basis.
- 21.28.170 Implementation of certain sections.
- 21.28.180 Appeal of ICR charge.
- 21.28.190 ICR charges—Deposit to Sewer Fund.
- 21.28.200 Wastes which would damage or overburden system.
- 21.28.210 Director of Engineering's authority to bill ICR charges.
- 21.28.220 Director of Engineering's authority to bill HSIW charges.
- 21.28.230 List of water consumption of HSIW industries.
- 21.28.240 Additional charges.
- 21.28.250 Sewerage and water charges—When payable.
- 21.28.260 Interdepartmental billing of water and sewerage charges.
- 21.28.270 Contracting with other sewer districts.

#### 21.28.280 Sewer Fund created.

#### 21.28.290 Review of rates and charges.

Severability: If any part or portion of Subchapter I shall be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions thereof. (Ord. 84390 § 10, 1955.)

If any provision of Sections 21.28.090 through 21.28.190 and 21.28.210 through 21.28.240 or its application to any person, industry or circumstance is held invalid, the remainder of said sections or the application of the provision to other persons, industries or circumstances shall not be affected. (Ord. 106162 § 3, 1977.)

#### Subchapter II Miscellaneous Provisions

- 21.28.350 Refunds of sewerage charges.
- 21.28.360 Rates for certain consumers in Newhalem community.

#### Subchapter I General Provisions

- 21.28.010 Sewerage system a public utility.  
It is necessary for the public health, safety and welfare that the existing sewerage system of the city, together with such extensions, additions and betterments thereto as may from time to time be authorized, be maintained, conducted and operated as a public utility of the city beginning October 1, 1955. (Ord. 84390 § 1, 1955.)
- 21.28.020 Administration of utility.  
The Director of Engineering, through the Department of Engineering, shall operate and administer such public utility and enforce this subchapter; and there shall be kept a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Comptroller, as required by law. (Ord. 84390 § 2, 1955.)
- 21.28.030 Rates and charges—Purpose.  
The public health, safety and welfare require that the city fix and collect sewerage rates and charges measured by water consumption and meter size and impose the same upon premises in the city for the carrying and discharge of all sewage and drainage into the municipal sewerage system of the city as presently maintained and operated, together with additions and betterments thereto and extensions thereof, and for

the payment of charges of Municipality of Metropolitan Seattle (herein called "Metro") and of Southwest Suburban Sewer District (herein called "Southwest Suburban") for sewage interception, treatment and disposal, which sewerage utility rates and charges are fixed in Section 21.28.040; provided that the local improvement district method of providing for the construction of sewers and trunk sewers to serve abutting property shall be continued in the manner provided by law.

(Ord. 99454 § 1, 1970: Ord. 91208 § 1, 1962: Ord. 84390 § 3, 1955.)

**21.28.040 Charge and surcharge—Imposed.**  
(Reserved.)

**21.28.050 Charges for certain premises temporarily connected to Southwest Suburban Sewer District.**  
(Reserved.)

**21.28.060 Determination of rates and charges—Meter size and water consumption.**

Sewerage rates and charges shall be measured by meter size and the water consumed on the premises, whatever the source of such water, and the same shall be metered either by a public utility meter or one installed and maintained by the owner of the premises at his own expense and approved by the Director of Engineering. Where two or more single-family and/or duplex residences, including houseboats, are served by the same water meter, each such residence shall be charged at the rate for a three-quarter-inch meter, and the water consumed by each residence shall be determined by dividing the total water consumed by the number of residences. Where single-family and/or duplex residences are served through the same meter as premises other than a single-family or duplex residence, the charge for each such residence shall be the minimum charge for a three-quarter-inch meter, and the charge for the premises other than a single-family or duplex residence shall be based on the actual meter size and water consumed less nine hundred cubic feet for each such residence served through the same meter. Motel units, including any business office, which are served by one water meter shall constitute only one premises. Water meter readings shall not be combined, and where two or more main water

meters serve the same premises, sewerage charges shall be computed and billed as though each such meter served separate premises; provided, that in the event a sewage meter is installed on any premises, the charge shall be based on the sewage meter size and the consumption registered by such sewage meter.

(Ord. 99454 § 3, 1970: Ord. 92113 § 2, 1963: Ord. 91208 § 2(part), 1962: Ord. 84390 § 4.1, 1955.)

**21.28.070 Exemptions and adjustments to charges.**

A. Where the use of water is such that a portion of all water used is lost by evaporation, irrigation, sprinkling or other cause, or is used in manufactured goods and commodities, and either: (1) the person in control provides proof thereof and installs a meter or measuring device approved by the City Engineer to enable measurement of the amount of water so used or lost, or (2) an evaporation loss allowance is established by ordinance which specifies the percentage of all water used that is lost by evaporation, no charge shall be made for sewerage because of water so used or lost, except that in no case will the minimum charge be adjusted or reduced. Except for premises exempted from the sewerage charge imposed in Section 21.28.040, direct discharge of sewage or industrial waste to salt or fresh water or to points other than the city sewer system shall not be cause for adjustment or reduction of the sewerage charge. Evaporation loss allowances of eleven percent for industrial laundries and three percent for laundromats are established.

B. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water to ships shall not be subject to any sewerage charge.

C. Upon receipt of satisfactory evidence of hidden or underground water leakage, the City Engineer shall adjust the sewerage charge to the premises for water so lost and he shall not use the period during which such leakage occurs in computing the winter or minimum average water consumption when to do so would result in a higher sewerage charge to such premises, provided that no such adjustment shall be made for leakage occurring more than four months prior to the date of application therefor.

D. The City Engineer may upon written application therefor suspend sewerage charges after installation of water service for new

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construction, or after commencement of construction or extensive reconstruction where water service has previously been installed, when the premises are incapable of being occupied due to such construction or reconstruction.

(Ord. 106158 § 2, 1977: Ord. 105805 § 1, 1976: Ord. 104060 § 2, 1974: Ord. 99454 § 4, 1970: Ord. 92113 § 3, 1963: Ord. 84390 § 4.2, 1955.)

### 21.28.080 Charges based on average consumption—Exemptions.

A. The Director of Engineering shall annually review water consumption by single-family and duplex residences and sewerage charges shall be based upon the average amount of water consumed monthly during the minimum consecutive four-month use period of the year prior to July 1st and revised annually as of that date. New single-family and duplex residences, single-family and duplex residences not served by a publicly owned water supply system which have no previous record of water consumption, and existing single-family and duplex residences with new owners or occupants shall be charged the minimum charge for the meter size for the first year and until reviewed and revised.

B. It is the intent of this subchapter that that portion of water used exclusively for irrigation or sprinkling by premises other than single-family or duplex residences be not charged correspondingly for sewerage. Upon application prior to May 1st of any year by premises other than single-family or duplex residences where it can be shown to the satisfaction of the Director of Engineering that higher charges for sewerage during the summer months will be due to water used for sprinkling or irrigation, the sewerage charge for succeeding summer periods, June through September, inclusive, shall be adjusted to the winter average charges during a four-month recording period between October 1st and May 31st.

Any public or private school, college or university may submit evidence to the Director of Engineering that because of higher winter student enrollment the provisions of this subsection will not eliminate water used for irrigation and sprinkling from the sewerage rate base, and he is authorized in such cases to reduce sewerage charges in accordance with such evidence.

C. Public and private schools which are unoccupied during major portions of the months

of June, July and August may upon written application to the Director of Engineering prior to May 1st of each year, be exempted from sewerage charges for such months.

D. Where sewerage is provided to premises outside the city limits, the sewerage charge shall be computed on the same basis as premises located inside the city, except that a sum equal to thirty percent of the sewerage charge shall be added, with the exception of Sewer Districts, or portions thereof, outside the city limits which are now or may hereafter be covered by special agreements.

(Ord. 104685 § 1, 1975: Ord. 104348 § 1, 1975: Ord. 99454 § 5, 1970: Ord. 92909 § 1, 1964: Ord. 92113 § 4, 1963: Ord. 84390 § 4.3, 1955.)

### 21.28.090 Definitions for Sections 21.28.100 through 21.28.190.

For the purpose of Sections 21.28.100 through 21.28.190, terms, words, and phrases used herein shall be defined and have the same meanings as identical terms, words, and phrases used in Resolution Numbers 2310 and 2315 of the Metro Council, as amended, except that the terms "annual" or "year" shall mean and be understood to refer to that twelve-month calendar period commencing January 1st and terminating December 31st.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.4, 1955.)

### 21.28.100 Industrial Cost Recovery charges.

There are established administrative procedures for billing and collecting and a fee system relating to Industrial Cost Recovery (ICR) charges to industrial users of the municipal sewerage system of the city, which procedures and system shall be coordinated with the Metro ICR program described in Metro Council Resolution No. 2556, approved July 15, 1976.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.5, 1955.)

### 21.28.110 Computation of ICR charges.

Except as otherwise provided or specified in Sections 21.28.090 through 21.28.190, monitoring information, lists of industries affected, average annual employment figures, and similar data furnished by Metro shall be utilized by the city to compute its ICR charges.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.6, 1955.)

**21.28.120 ICR charges in addition to others.**

ICR charges assessed industrial users shall be in addition to all other Seattle municipal sewerage utility sewer service charges and surcharges, and also in addition to ICR charges assessed for Metro projects.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.7, 1955.)

**21.28.130 Uniform charges.**

ICR charges shall be imposed uniformly on a systemwide basis throughout the Seattle municipal sewerage utility sewer system area on industries in Standard Industrial Category (SIC) division A (agriculture, forestry, fishing), B (mining), C (manufacturing), E (transportation, communications, electric, gas and sanitary services) and I (services), all as identified by Metro; provided, however, that industrial users discharging primarily segregated domestic wastes and/or nonprocess wastes shall not be subject to such charges.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.8, 1955.)

**21.28.140 ICR charges—Payment—When annual cost does not exceed administrative cost.**

An industrial user subject to ICR charges shall pay to the city that sum of money calculated in accordance with Section 21.24.150; provided that where an industrial user's annual ICR charge does not exceed the city's administrative costs for processing that individual account, such industrial user shall be classified by the city in a special category and assessed a minimum flat rate charge established by ordinance and based upon an average flow assigned to that special category of user. An industrial user may, thereafter be reclassified by the city whenever the city determines that the annual ICR charge exceeds the city's administrative costs for processing such account.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.9, 1955.)

**21.28.150 Calculation of ICR charges.**

The method by which the city shall calculate ICR charges shall be as follows. (Abbreviations for the factors or elements to be used in such computation and described in the following narrative and formula, are set forth in parentheses):

A. Each industrial user served by the Seattle

municipal sewerage utility shall pay ICR charges on the basis of the industrial user's total contribution of sewerage volume to the sewer system, ( $Q_T$ ), excluding the employee domestic waste load, ( $Q_S$ ), multiplied by the total annual unit costs for flow for all current federal capital grants for sewerage treatment works, ( $Cost_Q$ ). The total annual discharge volume, ( $Q_T$ ), shall be based upon adjusted water consumption figures of each industrial user for the previous four quarters of the year unless actual sewerage flow is metered, in which case the metered flow shall be used in lieu of water consumption figures. An allowance for employee domestic waste load, ( $Q_S$ ), however shall be subtracted from the industrial user's total contribution, ( $Q_T$ ), which allowance shall be based on the average annual total number of persons employed by the industrial user, ( $E$ ), and the sanitary waste flow per employee per year, ( $Q_e$ ).

B. A unit cost figure shall be assigned to each parameter that significantly influences the cost of the treatment works, ( $Cost_Q$ ); at present, the only parameter to be used for Seattle ICR charges is discharge volume. The unit costs shall be based on the total amount of the federal grants provided to the city under P. L. 92-500, ( $K_Q$ ), and the portion of the total capacity of Metro treatment facilities assigned by Metro to Seattle, ( $DC_Q$ ). The portion of the total capacity assigned to Seattle, ( $DC_Q$ ), shall be the total Metro system design capacity, ( $DC_M$ ), multiplied by the quotient of Seattle's annual payment to Metro for sewer services, ( $SP$ ), divided by total annual sewer service payments received by Metro from all Metro component agencies, ( $MP$ ).

C. The formula set forth in this subsection describes in mathematical fashion the method by which each such ICR charge to an industrial user can be computed:

$$ICR = (Q_T - Q_S) (Cost_Q)$$

WHERE:

- ICR = Annual ICR payment, measured in dollars per year  
 $Q_T$  = Measured sewage flow calculated in hundreds of cubic feet per year  
 $Q_S$  = Computed sanitary flow measured in hundreds of cubic feet per year  
 $Cost_Q$  = Annual unit cost for flow measured in dollars per hundred cubic feet

FURTHER:

$$Q_S = Q_e E$$

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WHERE:

$Q_e$  = Sanitary waste flow, measured in hundreds of cubic feet per employee per year

$E$  = Average annual employment of the industrial user, measured in number of employees

And:

$$\text{Cost}_Q = \sum \frac{* K_Q}{DC_Q}$$

WHERE:

$\text{Cost}_Q$  = Total annual unit costs for flow for all current grants

$\sum^*$  = The sum of the indicated calculation for all current grants with respect to flow

$K_Q$  = The allocated capital cost for flow for each federally supported grant, measured in dollars

$DC_Q$  = The total Seattle system design capacity (the portion of the Metro system design capacity assigned to the Seattle system), measured in hundreds of cubic feet per year

FURTHER:

$$DC_Q = DC_M \left( \frac{SP}{MP} \right)$$

WHERE:

$DC_M$  = The total Metro system design capacity, measured in hundreds of cubic feet per year

$SP$  = Annual Seattle payment to Metro for sewer quantities

$MP$  = Total annual charges collected by Metro for sewer quantities from all Metro component agencies

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.10, 1955.)

**21.28.160 ICR payments—Annual basis.**

An industrial user shall pay ICR charges on an annual basis within thirty days of billing notification by the city; provided, however, that the first such payment by an industrial user shall be made not later than one year after the commencement of service to such industrial user by a treatment facility of the Seattle municipal sewer utility, or the implementation of this subchapter, whichever is later.

(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.11, 1955.)

**21.28.170 Implementation of certain sections.**

The City Engineer shall implement the provisions of Sections 21.28.060 through 21.28.190 and 21.28.210 through 21.28.240 in a manner consistent with federal regulations. (Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.12, 1955.)

**21.28.180 Appeal of ICR charge.**

A. Any industrial user that believes the ICR charge imposed by the city is in error may appeal the action of the city by filing a notice of appeal with the City Engineer within sixty days following the billing of the contested charge. Such notice of appeal shall set forth in reasonable detail the error alleged to have been made by the city and the relief sought by the industrial user. Upon receipt of such notice, the City Engineer shall set a time for hearing such appeal, which shall be no more than fourteen days following receipt of such notice of appeal. The city shall provide at least three days' notice of the time and place of any hearing held pursuant to this section to any aggrieved industrial user, unless such notice is waived by an authorized representative of such industrial user. The City Engineer shall consider the appellant industrial user's allegations as to the erroneous nature of said ICR charge, the facts used by the city in computing such charge, and such other information as he deems pertinent; and within twenty-one days following such hearing, shall notify the appellant industrial user, in writing, of his decision. The collection of ICR charges shall be deferred only during the appeal to the City Engineer.

B. In the event the appellant industrial user deems the City Engineer's decision to be unsatisfactory, it may appeal such decision by filing a notice of appeal with the Board of Public Works within fifteen days of the City Engineer's decision, which Board shall promptly review the decision of the City Engineer and notify, in writing, the appellant industrial user of its decision.

C. For the purpose of this section, unless otherwise indicated herein any notice or notification required under this section shall be in writing and shall be presumed to have been properly given five days following its deposit into a United States postal service mailbox, postage prepaid, or upon actual receipt by the person or party being notified, whichever is sooner.



(Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.13, 1955.)

**21.28.190 ICR charges—Deposit to Sewer Fund.**

All funds received by the City Engineer as payments of ICR charges pursuant to this subchapter shall be deposited in the Sewer Fund in accordance with this subchapter. (Ord. 106162 § 1(part), 1977: Ord. 84390 § 4.14, 1955.)

**21.28.200 Wastes which would damage or overburden system.**

A. In cases where the character of sewage or industrial wastes from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system, or cannot be treated satisfactorily, the City Engineer shall require such users to dispose of such waste and prevent it from entering the system.

B. In cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewerage system greater than that imposed by the average sewage entering the system, the City Engineer may require such manufacturing or industrial plant, building or premises, to pretreat such sewage by means satisfactory to the City Engineer before discharging such sewage into the sewerage system of the city.

C. If such pretreatment is not accomplished, the City Engineer shall recommend to the Council the levying of a surcharge which shall be in addition to the regular charge. The Council thereupon, by ordinance, may fix the amount of the surcharge.

(Ord. 92113 § 5, 1963: Ord. 91208 § 3, 1962: Ord. 84390 § 5, 1955.)

**21.28.210 Director of Engineering's authority to bill ICR charges.**

Effective January 1, 1977, the Director of Engineering is assigned the responsibility for billing and collecting for and on behalf of Metro, Metro's Industrial Cost Recovery (ICR) charges upon industrial users within the city's jurisdiction, said charges to be determined by Metro pursuant to Metro Resolution 2556 upon the basis of a ratio between the sum of the federal grant monies received by Metro under grant pursuant to Public Law 92-500 and used

for the construction of treatment works or facilities and the cost of treating the user's industrial wastes, provided, however, that the Director of Engineering shall not bill such charges to users until the amounts thereof have been certified to him by Metro.

(Ord. 106162 § 2(part), 1977: Ord. 84390 § 5.1, 1955.)

**21.28.220 Director of Engineering's authority to bill HSIW charges.**

Effective January 1, 1977, the Director of Engineering is assigned the responsibility for billing and collecting for and on behalf of Metro, Metro's High Strength Industrial Waste (HSIW) charges upon industrial users within the city's jurisdiction who deposit high strength industrial wastes in the Metropolitan sewerage system, said charges to be determined by Metro pursuant to Metro Resolution 2557 utilizing information supplied by the Director of Engineering according to Section 21.28.230, provided, however, that the Director of Engineering shall not bill such charges to users until the amounts thereof have been certified to him by Metro. (Ord. 106162 § 2(part), 1977: Ord. 84390 § 5.2, 1955.)

**21.28.230 List of water consumption of HSIW industries.**

The Director of Engineering shall provide Metro each quarter with a listing of the water consumption by or metered flow to each HSIW industry served by the city, as required by Section 10 of Metro Resolution 2577.

(Ord. 106162 § 2(part), 1977: Ord. 84390 § 5.3, 1955.)

**21.28.240 Additional charges.**

In addition to the industrial cost recovery and high strength industrial waste charges as computed and certified to him by Metro, the City Engineer shall add thereto in each instance a sum equal to the city and state taxes against such charges, if any, and a sum equal to the user's proportional share of the administration, billing and collection costs as determined by the City Engineer, and in connection with such billing the City Engineer may include on the same statement but as separate items: (A) the industrial cost recovery charges pursuant to this subchapter to be collected in connection with federal grants to the city for sewerage treatment facility projects, (B) the industrial

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cost recovery charges to be billed and collected by the city for and on behalf of Metro and (C) the high strength industrial waste charges to be collected by the city for and on behalf of Metro.

(Ord. 106162 § 2(part), 1977; Ord. 84390 § 5.4, 1955.)

### 21.28.250 Sewerage and water charges— When payable.

The sewerage charge provided in this subchapter shall be payable at the office of the City Treasurer at the same time as the water bill for the premises is payable; and payment for water shall not be accepted unless payment of the sewerage charge is made at the same time. (Ord. 84390 § 6, 1955.)

### 21.28.260 Interdepartmental billing of water and sewerage charges.

Beginning October 1, 1955, the rates and charges set out in this subchapter shall be effective and shall be computed and billed from time to time by the Director of Engineering through an interdepartmental arrangement with the Superintendent of Water, as a separate charge on the water bill, and shall become due and payable to the City Treasurer as stated in such billing; and any sewer rate or charge which becomes delinquent shall immediately become a lien upon the premises and if unpaid for sixty days after delinquency, shall bear interest at the rate of eight percent per year and such lien may be foreclosed by the city as provided by state law. As an additional and concurrent method of the collection of any such sewerage rate or charge, the Superintendent of Water shall upon written request from the Director of Engineering cut off the water service or supply from the premises to which such rate or charge for sewerage has attached until such rates and charges are paid.

(Ord. 84390 § 7, 1955.)

### 21.28.270 Contracting with other sewer districts.

Whenever and to the extent that the municipal sewerage system of the city is adequate therefor, the city may contract with any sewer district, or with any other municipal corporation, for the discharge into the sewerage system of the city of the sewerage or drainage of any such sewer district, or other municipal corporation upon such terms and conditions

and for such periods of time as may be provided by ordinance.

(Ord. 84390 § 8, 1955.)

### 21.28.280 Sewer Fund created.

There is created in the City Treasury a special fund to be known as the "Sewer Fund." Any and all revenues received for the use of sewers and for sewerage as set forth in this subchapter, or in connection therewith, shall be credited to the fund and all expenses for the operation and maintenance of the existing sewerage system of the city; and for the servicing of bonds and the cost of operation and maintenance of the sewerage plant and system of the city as constructed or added to, and to maintain such sewerage utility in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance. Such expenses shall include the cost of billing and collection by the Water Department and all other interdepartmental charges for service rendered by other departments to the sewerage utility, and payments to Metro and South-west Suburban for sewage interception, treatment and disposal.

(Ord. 91208 § 4, 1962; Ord. 84390 § 9, 1955.)

### 21.28.290 Review of rates and charges.

The rates and charges for sewerage fixed by this subchapter shall be reviewed periodically with a view to possible adjustments consistent with the operation and maintenance of the sewerage utility system in a sound financial condition.

(Ord. 91208 § 5, 1962; Ord. 84390 § 11, 1955.)

## Subchapter II Miscellaneous Provisions

### 21.28.350 Refunds of sewerage charges.

The Director of Engineering in operating and administering the municipal sewerage system as a public utility under Ordinance 84390<sup>1</sup> is authorized to make refunds where any charges paid under said ordinance are found to be erroneous, or adjustments have been made by him as authorized by said ordinance; and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants on the Sewer Fund upon certification by the Director of Engineering that the refund is authorized. (Ord. 85417 § 1, 1956.)

1. Editor's Note: Ord. 84390 is codified in Subchapter I of this chapter.

## PRIVATE SEWAGE DISPOSAL SYSTEMS

### 21.28.360 Rates for certain consumers in Newhalem community.

The schedule of rates to all sewerage consumers other than Lighting Department facilities and employees within the Newhalem community shall be as follows:

Water Meter Size	Monthly *Minimum Charge
1/2 & 3/4 inch	\$12.00
1 inch	13.00
1-1/2 inch	16.00
2 inch	19.00
3 inch	28.00
4 inch	42.00
6 inch	64.00

\*For up to 900 cu. ft. of water consumption. For all consumption in excess of 900 cu. ft. per month; at \$0.90 per 100 cu. ft.

The rate for single-family and duplex residences is based upon the average water use during minimum consecutive six-month period of immediate past year's consumption. Water consumption will be reviewed annually to establish charges for the following year. (Ord. 101870 § 3, 1973.)

### Chapter 21.32

## PRIVATE SEWAGE DISPOSAL SYSTEMS

### Sections:

- 21.32.010 Definitions.
- 21.32.020 Enforcement.
- 21.32.030 Retroactivity.
- 21.32.040 Designers certificate.
- 21.32.050 Installers certificate.
- 21.32.060 Permits.
- 21.32.070 Required connection to private sewage disposal system.
- 21.32.080 Location.
- 21.32.090 Design.
- 21.32.100 Installation and alteration.
- 21.32.110 Inspection.
- 21.32.120 Approval by Director of Public Health.
- 21.32.130 Maintenance.
- 21.32.140 Violation—Penalty.

Severability: Should any part of this chapter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder. (Ord. 90181 § 7.08.150, 1961.)

### 21.32.010 Definitions.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, shall mean as follows:

A. "Approved" means approved in writing by the Director of Public Health.

B. "Sanitary drainage system" means the piping which conveys sewage from plumbing fixtures to a public sewer or private sewage disposal system.

C. "Sewage" means any liquid or liquid-borne waste from the ordinary living processes, or liquid or liquid-borne waste which contains animal or vegetable matter in suspension or solution, or liquid or liquid-borne waste which may contain chemical in solution, and which may be lawfully discharged into a public sanitary sewer.

D. "Sewage disposal system" means sanitary drainage systems, septic tanks, leaching pits, surface and subsurface leaching filter beds, and appurtenances, or other approved facilities for the disposal of sewage by means other than through a public sewer.

(Ord. 90181 § 7.08.010, 1961.)

### 21.32.020 Enforcement.

The Director of Public Health shall enforce this chapter; he may adopt rules and regulations consistent with this chapter, and he may enter any building or premises at any reasonable time to perform any of the duties imposed on him by this chapter.

(Ord. 90181 § 7.08.020, 1961.)

### 21.32.030 Retroactivity.

This chapter shall not apply to any work on a sewage disposal system for which a permit had been issued by the Director of Public Health, and which permit was valid and existing at the time of adoption of the ordinance codified in this chapter,<sup>1</sup> but any such work shall be subject to applicable ordinances existing at the time such permit was issued.

(Ord. 90181 § 7.08.030, 1961.)

1. Editor's Note: Ord. 90181 was passed by the City Council on April 17, 1961.

### 21.32.040 Designers certificate.

A. It is unlawful to engage in business as a sewage disposal system designer without a sewage disposal system designers certificate of competency, as provided for in this chapter, or a state civil or sanitary engineer's license.

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B. The fee for a sewage disposal system designers certificate of competency shall be Three Dollars (\$3.00) per year.

C. Application for a sewage disposal system designers certificate of competency shall be made to the Director of Public Health, who may examine the applicant, and may deny the application if in his judgment the applicant is not qualified to design sewage disposal systems.

D. The Director of Public Health may suspend or revoke any sewage disposal system designers certificate of competency if, after hearing, he shall find incompetence, negligence, misrepresentation, or failure to comply with this chapter or the rules and regulations of the Director of Public Health adopted pursuant to this chapter.

E. Sewage disposal system designers certificates of competency shall expire December 31st of each year.

(Ord. 90181 § 7.08.040, 1961.)

### 21.32.050 Installers certificate.

A. It is unlawful to engage in business as a sewage disposal system installer without a sewage disposal system installers certificate of competency.

B. The fee for a sewage disposal system installers certificate of competency shall be Ten Dollars (\$10.00) per year.

C. Application for a sewage disposal system installers certificate of competency shall be made to the Director of Public Health, who may examine the applicant, and may deny the application if in his judgment the applicant is not qualified to install sewage disposal systems.

D. The Director of Public Health may suspend or revoke any sewage disposal system installers certificate of competency if, after hearing, he shall find incompetence, negligence, misrepresentation, or failure to comply with this chapter or the rules and regulations of the Director of Public Health adopted pursuant to this chapter.

E. Sewage disposal system installers certificates of competency shall expire December 31st of each year.

(Ord. 90181 § 7.08.050, 1961.)

### 21.32.060 Permits.

A. Required. It is unlawful to construct, install or alter a sewage disposal system without a sewage disposal system permit. Such permit shall be posted on the building or premises

where the work permitted is being done, and, unless revoked, shall not be removed until such work has been finally approved by the Director of Public Health.

B. Fee. The fee for a sewage disposal system permit shall be Thirty-five Dollars (\$35.00) for such system serving a single-family residence, or Fifty Dollars (\$50.00) for any other such system.

C. Application. Application for a sewage disposal system permit shall be made to the Director of Public Health, who may deny the application if in his judgment the physical features of property on which it is proposed to locate the sewage disposal system, or the design of the proposed sewage disposal system, are not adequate for safe operation of such system.

D. Information required. Application for a sewage disposal system permit shall be supported by the following:

1. A completely dimensioned plot plan, drawn to scale, showing direction of surface drainage, approximate slope, and other topographical features relevant to the design and installation of an adequate and efficient sewage disposal system;

2. Construction plans and specifications;

3. A log of soil formation and ground water level, as determined by test holes in the proposed disposal field;

4. A statement of absorption characteristics of the soil as determined by percolation tests made in the proposed disposal field;

5. Such other information as the Director of Public Health may require.

E. Expiration. Sewage disposal system permits shall expire one year from date of issue.

(Ord. 105999 § 1, 1976; Ord. 90181 § 7.08.060, 1961.)

### 21.32.070 Required connection to private sewage disposal system.

Every plumbing fixture and every sanitary drainage system not connected to a public sewer, or not required by law to be connected to a public sewer, shall be connected to a private sewage disposal system.

(Ord. 90181 § 7.08.070, 1961.)

### 21.32.080 Location.

Sewage disposal systems shall be located on the same lot as the buildings they are designed to serve, or, if an easement therefor is obtained

and recorded, on adjoining property if approved by the Director of Public Health. (Ord. 90181 § 7.08.080, 1961.)

#### 21.32.090 Design.

A. Sewage disposal systems shall be designed by a sewage disposal system designer, certificated as provided in this chapter, or a sanitary or civil engineer licensed by the state, except that a resident, or intended resident, owner may personally design a system for his own single-family residence.

B. Design of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter. The type of system shall be determined by location, soil porosity, ground water level and other relevant conditions.

(Ord. 90181 § 7.08.090, 1961.)

#### 21.32.100 Installation and alteration.

A. Sewage disposal systems shall be constructed, installed or altered by a sewage disposal system installer, certificated as provided in this chapter, except that a resident, or intended resident, owner may personally construct, install or alter a system for his own single-family residence.

B. Construction, installation or alteration of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter. No downspout or footing drain shall be directly or indirectly connected to a sewage disposal system, and sewage disposal systems shall be so constructed and installed that surface water or ground water will not interfere with the operation of such systems. (Ord. 90181 § 7.08.100, 1961.)

#### 21.32.110 Inspection.

A. Any work done on a sewage disposal system, and any material used, may be inspected by the Director of Public Health at any reasonable time, and if he shall find that any work done, or material used, is not in accordance with this chapter or with the rules and regulations of the Director of Public Health adopted pursuant to this chapter, he may revoke the

permit for the work, or he may notify the owner or installer to make such changes in the work as he shall specify, and if such changes are not made within a reasonable time, the Director of Public Health shall then revoke the permit and it shall be unlawful to use such sewage disposal system.

B. When the work of constructing, installing or altering a sewage disposal system has been otherwise completed, it shall be left open and uncovered, and the owner shall be notified and he shall cause an inspection of such work and such system to be made by a designer.

C. If upon inspection by him following work on a sewage disposal system, a designer shall find that such work or system is not in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, he shall so notify the owner who shall cause such changes in the work as are specified by the designer, and shall then again notify a designer that such work is ready for inspection.

D. When upon inspection by him following work on a sewage disposal system, a designer shall find that such work and system are in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, he shall so certify to the Director of Public Health, and shall submit to the Director of Public Health with such certification, a detailed "as-built" drawing of such system.

(Ord. 90181 § 7.08.110, 1961.)

#### 21.32.120 Approval by Director of Public Health.

A. Within a reasonable time after receipt of certification by a designer that work done on a private sewage disposal system, and such system, are in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, the Director of Public Health shall approve or disapprove thereof.

B. If the Director of Public Health shall disapprove such work or system, he shall so notify the owner, stating his reasons for such disapproval, and it shall then be unlawful to use such system.

C. If the Director of Public Health shall finally approve such work and such system, he shall so notify the owner, and then such work shall be covered, and such system may be used.

(Ord. 90181 § 7.08.120, 1961.)

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### 21.32.130 Maintenance.

Sewage disposal systems shall be maintained in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, and no sewage disposal system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within or adjacent to the city unless the contents of such system have been subjected to approved purification and bactericidal treatment.

(Ord. 90181 § 7.08.130, 1961.)

### 21.32.140 Violation—Penalty.

Anyone violating or failing to comply with this chapter, or any lawful rule of the Director of Public Health pursuant thereto, upon conviction thereof, shall be punished by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than ninety days, or by both such fine and imprisonment, and each day that anyone shall continue to violate or fail to comply with this chapter shall be a separate offense.

(Ord. 90181 § 7.08.140, 1961.)

### Subtitle III Solid Waste<sup>1</sup>

1. Editor's Note: As used in this subtitle, the term "City Engineer" means "Director of Engineering."

### Chapter 21.36

### SOLID WASTE COLLECTION

#### Sections:

- 21.36.010 Definitions.
- 21.36.020 Unlawful deposit of garbage or rubbish.
- 21.36.030 Unlawful hauling of garbage—Exceptions.
- 21.36.040 Unlawful disposal sites.
- 21.36.050 Garbage cans required—Number of ordinance units.
- 21.36.060 Garbage cans—Maintenance.
- 21.36.070 Garbage cans—Weight.
- 21.36.080 Placement of garbage cans, ordinance units and detachable containers.
- 21.36.090 Paths to garbage storage area.
- 21.36.100 Unlawful use of garbage can.
- 21.36.110 Authority of Director of Engineering—Determination of disposal sites.
- 21.36.120 Violation—Penalty.

Severability: If any portion of this chapter is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions.

(Ord. 96003 § 12, 1967.)

### 21.36.010 Definitions.

A. "Alley" means a public or private way giving access to the rear of lots or buildings.

B. "Apartment hotel" means a building providing accommodations for transient guests in which at least fifty percent of the gross habitable floor area is used by permanent residents.

C. "Apartment house" means a building or portion thereof containing five or more dwelling units.

D. "Boarding or rooming house" means a building other than a hotel, where meals and room, or rooms only, are provided for compensation for seven or more nontransient persons.

E. "Board of Public Works" means the Board of Public Works of the city of Seattle.

F. "City" means The City of Seattle.

G. "City Engineer" means the City Engineer of The City of Seattle and authorized employees.

H. "Contractor" means those contracting with the city to collect and dispose of garbage and rubbish as described in this section, or the authorized representative of such contractors.

I. "Detachable container" means a water-tight, all-metal container, not less than one-half cubic yard in capacity and equipped with a tight-fitting metal cover. Containers two cubic yards and under shall be equipped with at least three wheels.

J. "Dwelling unit" in addition to its ordinary meaning includes a room or suite of rooms used as a residence and which has cooking facilities therein, but does not include house trailers in trailer courts, nor rooms in hotels or motels.

K. "Fraternity, sorority or group student house" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, which is regulated by such institution.

L. "Garbage" means all discarded putrescible waste matter, including small dead animals weighing not over fifteen pounds, but not including sewage or human or animal excrement.

M. "Garbage can" means a round water-tight sheet metal raised-bottom container not exceeding thirty-two gallons in capacity, weighing not over twenty-six pounds when empty and without cover, fitted with two sturdy handles

one on each side and a tight cover equipped with a handle, except in the case of sunken cans. The term shall also apply to containers of other material of similar size and weight when approved by the City Engineer.

N. "Ordinance unit" means one box or carton empty or filled with rubbish as defined in this section, one small shrub or small tree, or bundle of rubbish, securely bundled so that none of the material blows about and so it is not easily broken apart and which is of such size that the longest dimension does not exceed three feet, the volume does not exceed twelve cubic feet and the total weight does not exceed eighty pounds, and is in good condition for handling at the time of collection.

P. "Refuse" means either garbage or rubbish or both garbage and rubbish.

Q. "Refuse disposal site" and "disposal site" means the areas or facilities designated by the city for the disposal of garbage and rubbish including landfills, transfer stations and municipal incinerators.

O. "Rubbish" means all discarded non-putrescible waste matter.

R. "Street" means a public or private way, other than alleys, used for public travel.

S. "Sunken can" means garbage cans which are in a sunken covered receptacle specifically designed to contain garbage cans and where the top of the garbage can is approximately at ground level.

(Ord. 96003 § 1, 1967.)

#### 21.36.020 Unlawful deposit of garbage or rubbish.

It is unlawful for anyone to deposit, throw, keep or place any garbage or rubbish on any property public or private or in any lane, alley, street or public place except in garbage cans, or detachable containers where authorized or in ordinance units as described in this chapter, placed on private property or on the street or alley when necessary or required, or upon or at a refuse disposal, processing, or recovery site provided and/or designated by the Director of Engineering pursuant to Section 21.36.110. (Ord. 107208 § 1, 1978; Ord. 96003 § 2, 1967.)

#### 21.36.030 Unlawful hauling of garbage—Exceptions.

It is unlawful for anyone, except the following, to haul garbage through the streets in the city:

A. The University of Washington or its contractor;

B. Military establishments or their contractor;

C. The city's garbage contractors;

D. Anyone authorized to collect garbage in the city under Chapter 295, Laws of Washington 1961;

E. Business concerns, as to garbage originating within their own establishments; provided, however, that the exempted persons and organizations may be required to deposit such garbage together with any rubbish hauled by them at such refuse disposal, processing, or recovery sites as may be provided and/or designated by the City Engineer pursuant to Section 21.36.110.

(Ord. 107208 § 2, 1978; Ord. 96003 § 3, 1967.)

#### 21.36.040 Unlawful disposal sites.

It is unlawful for anyone to deliver and/or deposit any garbage or rubbish generated within the city at any disposal site other than a refuse disposal, processing, or recovery site provided and/or designated by the City Engineer pursuant to Sections 21.36.030 and 21.36.110. (Ord. 107208 § 4, 1978; Ord. 96003 § 3A, 1967.)

#### 21.36.050 Garbage cans required—Number of ordinance units.

All occupants of residences and other dwelling units shall have and use a sufficient number of garbage cans to hold all of their garbage and ashes. Additional amounts of rubbish, bundled in ordinance units as defined in this chapter, may be set out for collection. Up to two ordinance units per collection may be set out for each garbage can used from all single-family, two-family, three-family, and four-family residences. One ordinance unit per collection may be set out for each garbage can used at an apartment house, fraternity, sorority, group student house, apartment hotel, boarding or rooming house, or nursing home, provided that where detachable containers are authorized no ordinance units shall be allowed. Ashes shall be placed in garbage cans or detachable containers but hot ashes shall not be set out for collection. No garbage shall be placed in ordinance units. (Ord. 96003 § 4, 1967.)

**21.36.060 Garbage cans—Maintenance.**

All garbage cans and detachable containers shall be kept tightly covered and in good condition for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged edges or holes shall not be used. The City Engineer, at the request of the contractor, in writing, shall determine whether or not the condition of any garbage can is satisfactory for use.  
(Ord. 96003 § 5, 1967.)

**21.36.070 Garbage cans—Weight.**

No garbage can, when filled, shall weigh more than eighty pounds, and it shall be so packed that the contents thereof will dump out readily when the can is inverted.  
(Ord. 96003 § 6, 1967.)

**21.36.080 Placement of garbage cans, ordinance units and detachable containers.**

All garbage cans and ordinance units shall be placed by the occupant in a convenient, accessible location as near as practicable to the approximate rear of the building or near the alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches above such level or floor, except that sunken cans may be below the ground level. Where no other suitable area is available, garbage cans or ordinance units may be placed on the sidewalk or in the alley for collection, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.  
(Ord. 96003 § 7, 1967.)

**21.36.090 Paths to garbage storage area.**

All walks, paths, and driveways from the garbage can storage area to the place of loading shall have an unrestricted overhead clearance of not less than eight feet.  
(Ord. 96003 § 8, 1967.)

**21.36.100 Unlawful use of garbage can.**

It is unlawful for anyone other than the owner or one authorized by him to deposit any material in any garbage can or detachable container or to remove the cover therefrom or to remove or disturb any of the contents thereof except for collection.  
(Ord. 96003 § 9, 1967.)

**21.36.110 Authority of Director of Engineering—Determination of disposal sites.**

A. The Director of Engineering is authorized and directed to supervise and manage the collection and disposal of garbage and rubbish under this chapter and to provide, designate, and supervise places for the disposal thereof, and shall have general charge of supervision over the administration and enforcement of this chapter. Upon a determination that in order to promote the public health, safety or welfare and that the successful operation of the system for collection and disposal of garbage or rubbish within the city requires such action, the Director of Engineering may direct that anyone, including persons or organizations exempted from the prescription of Section 21.36.030 must deposit all garbage or rubbish hauled by them at designated refuse, disposal, processing, or recovery sites.

B. The determination by the Director of Engineering shall set forth the reasons therefor, shall be filed with the City Clerk and mailed on the date of such filing to all persons and organizations covered by exemptions A through D of Section 21.36.030, and shall be published within three days thereafter in the city official newspaper.  
(Ord. 107208 § 3, 1978; Ord. 96003 § 10, 1967.)

**21.36.120 Violation—Penalty.**

Anyone violating or failing to comply with any provision of this chapter shall, upon conviction, be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a period of not exceeding six months or by both such fine and imprisonment.  
(Ord. 96003 § 11, 1967.)

**Chapter 21.40**

**SOLID WASTE COLLECTION RATES AND CHARGES**

**Sections:**

- 21.40.010 Definitions.
- 21.40.020 Public utility designated—Effective date.
- 21.40.030 Administration.



- 21.40.040 Fixing of rates and charges.
- 21.40.050 Garbage and rubbish collection rates.
- 21.40.060 Detachable container rates.
- 21.40.070 Charges for pilot recycling program.
- 21.40.080 Transfer station and disposal site rates.
- 21.40.090 Authority to make rules and regulations.
- 21.40.100 Exemption for governmental agencies owning disposal sites.
- 21.40.110 Preparation and placement of garbage.
- 21.40.120 Payment of charges—Delinquency and lien.
- 21.40.130 Solid Waste Fund—Purchase of recyclable solid waste.

Severability: If any part or portion of this chapter shall be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions thereof.  
(Ord. 90379 § 12, 1961.)

**21.40.010 Definitions.**

The meaning of terms and words as used in this chapter shall be as follows:

A. "Apartment hotel" means a building providing accommodations for transient guests in which at least fifty percent of the gross habitable floor area is used by permanent residents.

B. "Apartment house" means a building or portion thereof containing five or more dwelling units.

C. "Boarding or rooming house" means a building other than a hotel, where meals and room, or rooms only, are provided for compensation for seven or more nontransient persons.

D. "Disposal site" means the areas and facilities owned, leased, or controlled by the city for the disposal of garbage, rubbish, and other waste material.

E. "Dwelling unit" means a room or suite of rooms designed for and occupied by a person or persons doing their own cooking therein and intended for use as a residence, but shall not include house trailers in trailer courts, nor rooms in hotels or motels.

F. "Fraternity, sorority or group student house" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, which is regulated by such institution.

(Ord. 90379 § 10, 1961.)

**21.40.020 Public utility designated—Effective date.**

Public necessity requires that the existing system of the city for the collection and disposal of garbage, rubbish and trade and other waste, together with such extensions, additions and betterments thereto as may from time to time be authorized, be maintained, conducted and operated as a public utility of the city beginning September 1, 1961, and the rates and charges provided for in this chapter be effective as of such date.

(Ord. 90379 § 1, 1961.)

**21.40.030 Administration.**

The Director of Engineering, through the Department of Engineering, shall operate and administer such public utility and enforce this chapter; and there shall be kept by him a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Comptroller, as required by law in such connection.

(Ord. 90379 § 2, 1961.)

**21.40.040 Fixing of rates and charges.**

The city fixes rates and charges as provided in Section 21.40.050 for the collection and disposal of garbage and rubbish as defined by Ordinance 86373<sup>1</sup> from the residences and other dwelling units referred to in Section 21.40.050.

(Ord. 90379 § 3, 1961.)

1. Editor's Note: Ord. 86373 was repealed by Ord. 91356. The current city ordinance on collection and disposal of garbage and rubbish is Ord. 96003, codified in Chapter 21.36 of this Code.

**21.40.050 Garbage and rubbish collection rates.**

A. There is imposed upon all residences and other dwelling units within the city a charge for garbage and rubbish collection and disposal service in accordance with the following schedule:

1. All single-family residences: A charge per month or portion thereof for each dwelling unit for once-a-week service, billed directly to the owner or tenant thereof as follows:

	Effective Date		
	3/1/77	1/1/78	1/1/79
Up to four garbage cans and eight ordinance units	\$4.80	\$5.20	\$5.60
Each additional garbage can	\$0.50	\$0.50	\$0.50

UTILITIES

provided the owner or operator of a houseboat moorage containing three or more houseboats shall pay the charges for the entire moorage at a rate for each dwelling unit for once-a-week service of: \$2.90 per month effective March 1, 1977; \$3.10 per month effective January 1, 1978; \$3.30 per month effective January 1, 1979.

2. All two-family residences: A charge per month or portion thereof, for once-a-week service, billed directly to the owner or agent for the entire building as follows:

	Effective Date		
	3/1/77	1/1/78	1/1/79
Up to six garbage cans	\$8.40	\$9.04	\$9.70
Each additional garbage can	\$0.50	\$0.50	\$0.50

3. All three- and four-family residences or other dwelling units a charge of: \$2.75 per month or portion thereof, effective March 1, 1977; \$2.90 per month or portion thereof effective January 1, 1978; \$3.15 per month or portion thereof effective January 1, 1979. These charges are for each available dwelling unit for once-a-week service billed directly to the owner or agent for the entire building.

4. All dwelling units within apartment houses and apartment hotels larger than four units: A charge of \$2.75 per month or portion thereof effective March 1, 1977; \$2.90 per month or portion thereof effective January 1, 1978; \$3.15 per month or portion thereof effective January 1, 1979. These charges are for each available dwelling unit for two-times-a-week service billed directly to the owner or agent of such apartment house or apartment hotel for the entire building.

5. All boarding, rooming, fraternity, sorority and group student houses shall be charged a monthly rate as follows:

	Effective Date		
	3/1/77	1/1/78	1/1/79
Up to 15 residents	\$13.45	\$ 14.40	\$ 15.50
From 16 to 30 residents	26.90	28.80	30.95
From 31 to 45 residents	43.00	46.10	49.55
From 46 to 60 residents	59.15	63.35	68.15
From 61 to 75 residents	77.10	82.65	88.90
From 76 to 100 residents	98.60	105.65	113.70
Over 100 residents	98.60	105.65	113.70

Plus \$0.50 for each additional resident over 100

for two-times-a-week service.

6. All housing units under the jurisdiction of a public housing authority or the University of Washington: A charge for each available unit for once-a-week service of: \$3.05 per month or portion thereof effective March 1,

1977; \$3.25 per month or portion thereof effective January 1, 1978; \$3.50 per month or portion thereof effective January 1, 1979.

B. Provided, that the charges imposed by subsections A 4, 5 and 6 and the proviso of A 1 where imposed upon five or more houseboats, shall not apply to dwelling units which elect to use detachable containers supplied by the city's contractor for the storage of garbage and rubbish. Application for detachable container service for a minimum period of six months shall be made to the City Engineer on forms supplied by him, and collection of garbage and rubbish from such premises shall be made at such frequency as is necessary as determined by the City Engineer, but in no event less than once each week. The monthly charges for detachable container service for the container and frequency selected shall be in accordance with the rates set forth in Section 21.40.050. (Ord. 106017 § 1, 1976: Ord. 105544 § 1, 1976: Ord. 103458 § 1, 1974: Ord. 98130 § 1, 1969: Ord. 96301 § 1, 1967: Ord. 94711 § 1, 1966: Ord. 94022 § 1, 1965: Ord. 91048 § 1, 1962: Ord. 90379 § 4, 1961.)

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SOLID WASTE COLLECTION RATES AND CHARGES

21.40.060 Detachable container rates.

One Cubic Yard Detachable Container

Collections per Week

Number of Containers	Effective Date	Collections per Week			Each Additional Weekly Collection Over Three
		One	Two	Three	
One	3/1/77	\$ 18.10	\$ 32.90	\$ 47.75	\$ 13.05
	1/1/78	19.40	35.25	51.15	13.95
	1/1/79	20.85	37.40	55.05	15.05
Two	3/1/77	\$ 36.10	\$ 66.52	\$ 89.55	\$ 25.55
	1/1/78	38.20	71.30	95.95	27.40
	1/1/79	41.65	76.70	103.20	29.45
Three	3/1/77	\$ 54.20	\$ 99.75	\$130.50	\$ 38.42
	1/1/78	58.10	106.90	139.90	41.20
	1/1/79	62.50	115.00	150.50	44.30
Four	3/1/77	\$ 68.25	\$123.05	\$170.20	\$ 51.15
	1/1/78	73.10	131.90	182.35	54.85
	1/1/79	78.65	141.90	196.20	58.95
Five	3/1/77	\$ 82.20	\$146.15	\$209.95	\$ 63.85
	1/1/78	88.10	156.60	225.00	68.45
	1/1/79	94.80	168.50	242.10	73.65
Six	3/1/77	\$ 97.55	\$174.05	\$250.75	\$ 76.65
	1/1/78	104.55	186.55	268.75	82.15
	1/1/79	112.50	200.70	289.10	88.35
Seven	3/1/77	\$112.80	\$202.15	\$291.65	\$ 89.50
	1/1/78	120.90	216.65	312.50	95.95
	1/1/79	130.05	233.10	336.30	103.20
Eight	3/1/77	\$128.20	\$230.30	\$332.55	\$102.10
	1/1/78	137.35	246.80	356.35	109.50
	1/1/79	147.75	265.55	383.40	117.75
Nine	3/1/77	\$143.45	\$258.30	\$373.25	\$115.00
	1/1/78	153.75	276.80	400.00	123.25
	1/1/79	165.45	297.80	430.35	132.60
Ten	3/1/77	\$158.75	\$286.40	\$414.10	\$127.80
	1/1/78	170.15	306.90	443.75	136.95
	1/1/79	183.05	330.15	447.40	147.35
Each Container Over Ten	3/1/77	\$ 15.30	\$ 28.10	\$ 40.90	\$ 12.75
	1/1/78	16.45	30.15	43.85	13.70
	1/1/79	17.70	32.40	47.20	14.75

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UTILITIES

Two Cubic Yard Detachable Container

Collections per Week

Number of Containers	Effective Date	Collections per Week			Each Additional Weekly Collection Over Three
		One	Two	Three	
One	3/1/77	\$ 32.90	\$ 60.70	\$ 88.25	\$ 25.90
	1/1/78	35.20	65.05	94.55	
	1/1/79	37.85	69.95	101.70	
Two	3/1/77	\$ 75.90	\$127.30	\$177.40	\$ 50.95
	1/1/78	81.30	136.40	190.10	
	1/1/79	87.50	146.80	204.50	
Three	3/1/77	\$103.30	\$179.90	\$256.65	\$ 76.75
	1/1/78	110.65	192.80	275.00	
	1/1/79	119.10	207.40	295.90	
Four	3/1/77	\$134.00	\$236.00	\$338.20	\$102.10
	1/1/78	143.60	252.90	362.40	
	1/1/79	154.50	272.10	389.90	
Five	3/1/77	\$164.35	\$292.35	\$419.95	\$127.65
	1/1/78	176.10	313.25	449.95	
	1/1/79	189.45	337.05	484.15	
Six	3/1/77	\$195.05	\$348.45	\$501.50	\$153.40
	1/1/78	209.05	373.35	537.40	
	1/1/79	224.90	401.70	578.20	
Seven	3/1/77	\$225.75	\$404.45	\$583.25	\$178.95
	1/1/78	241.90	433.35	625.00	
	1/1/79	260.25	466.25	672.50	
Eight	3/1/77	\$256.25	\$460.70	\$665.05	\$204.40
	1/1/78	274.60	493.70	712.65	
	1/1/79	295.45	531.15	766.75	
Nine	3/1/77	\$286.95	\$516.75	\$746.65	\$230.20
	1/1/78	307.50	553.75	800.10	
	1/1/79	330.80	595.75	860.85	
Ten	3/1/77	\$317.60	\$572.85	\$828.20	\$255.45
	1/1/78	340.35	613.85	887.50	
	1/1/79	366.20	660.45	954.85	
Each Container Over Ten	3/1/77	\$ 30.75	\$ 56.20	\$ 81.80	\$ 25.70
	1/1/78	32.90	60.20	87.65	
	1/1/79	35.40	64.80	94.30	

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SOLID WASTE COLLECTION RATES AND CHARGES

Four Cubic Yard Detachable Container

Collections per week

Number of Containers	Effective Date	Collections per week			Each Additional Weekly Collection Over Three
		One	Two	Three	
One	3/1/77	\$ 55.95	\$ 107.45	\$ 152.60	\$ 45.30
	1/1/78	59.95	115.15	163.50	48.50
	1/1/79	64.50	123.90	175.95	52.20
Two	3/1/77	\$117.60	\$ 208.10	\$ 298.45	\$ 90.55
	1/1/78	126.00	223.00	319.85	97.05
	1/1/79	135.55	239.90	344.10	104.40
Three	3/1/77	\$172.85	\$ 308.60	\$ 444.25	\$135.75
	1/1/78	185.20	330.70	476.00	145.45
	1/1/79	199.30	355.85	512.15	156.50
Four	3/1/77	\$228.30	\$ 409.15	\$ 590.10	\$180.95
	1/1/78	244.65	438.45	632.35	193.90
	1/1/79	263.20	471.75	680.35	208.60
Five	3/1/77	\$283.50	\$ 509.70	\$ 736.00	\$226.30
	1/1/78	303.80	546.15	788.65	242.45
	1/1/79	326.85	587.60	848.50	260.85
Six	3/1/77	\$338.90	\$ 610.30	\$ 881.80	\$271.55
	1/1/78	363.20	654.00	944.85	290.95
	1/1/79	390.75	703.65	1,016.60	313.05
Seven	3/1/77	\$394.15	\$ 710.95	\$1,027.65	\$316.75
	1/1/78	422.35	761.80	1,101.20	339.40
	1/1/79	454.45	819.65	1,184.80	365.20
Eight	3/1/77	\$449.55	\$ 811.35	\$1,173.40	\$361.95
	1/1/78	481.70	869.60	1,257.40	387.80
	1/1/79	518.25	935.60	1,352.85	417.25
Nine	3/1/77	\$504.90	\$ 912.10	\$1,319.25	\$407.25
	1/1/78	541.05	977.40	1,413.70	436.35
	1/1/79	582.10	1,051.60	1,520.95	469.50
Ten	3/1/77	\$560.25	\$1,004.85	\$1,465.10	\$452.45
	1/1/78	600.35	1,076.75	1,569.95	484.80
	1/1/79	645.90	1,158.50	1,689.10	521.65
Each Container Over Ten	3/1/77	\$ 55.40	\$ 100.60	\$ 145.60	\$ 45.30
	1/1/78	59.40	107.85	156.00	48.50
	1/1/79	63.90	116.05	167.80	52.20

UTILITIES

Six Cubic Yard Detachable Container

Collections per week

Number of Containers	Effective Date	Collections per week			Each Additional Weekly Collection Over Three
		One	Two	Three	
One	3/1/77	\$ 75.55	\$ 126.00	\$ 176.40	\$ 50.50
	1/1/78	80.95	134.95	189.00	
	1/1/79	87.10	145.25	203.35	
Two	3/1/77	\$141.15	\$ 324.10	\$ 342.55	\$100.65
	1/1/78	151.25	347.30	367.05	
	1/1/79	162.75	373.70	394.95	
Three	3/1/77	\$206.80	\$ 357.70	\$ 508.85	\$151.15
	1/1/78	221.60	383.35	545.25	
	1/1/79	238.40	412.45	586.60	
Four	3/1/77	\$272.25	\$ 473.60	\$ 674.95	\$201.40
	1/1/78	291.75	507.50	723.25	
	1/1/79	313.90	546.00	778.20	
Five	3/1/77	\$337.70	\$ 589.40	\$ 841.15	\$251.75
	1/1/78	361.85	631.60	901.40	
	1/1/79	389.35	679.55	969.80	
Six	3/1/77	\$403.20	\$ 624.45	\$1,007.45	\$267.70
	1/1/78	432.10	669.15	1,079.60	
	1/1/79	464.90	719.95	1,161.55	
Seven	3/1/77	\$468.10	\$ 820.85	\$1,173.55	\$352.50
	1/1/78	501.65	880.00	1,257.55	
	1/1/79	539.70	946.75	1,353.00	
Eight	3/1/77	\$534.30	\$ 937.05	\$1,339.70	\$402.90
	1/1/78	572.50	1,004.10	1,435.65	
	1/1/79	615.95	1,080.35	1,544.65	
Nine	3/1/77	\$599.80	\$1,052.90	\$1,506.05	\$453.20
	1/1/78	642.70	1,128.25	1,613.85	
	1/1/79	691.50	1,213.90	1,736.35	
Ten	3/1/77	\$665.30	\$1,168.75	\$1,672.25	\$503.55
	1/1/78	712.85	1,252.40	1,791.90	
	1/1/79	767.00	1,347.45	1,927.95	
Each Container Over Ten	3/1/77	\$ 65.50	\$ 115.90	\$ 166.25	\$ 50.45
	1/1/78	70.25	124.20	178.20	
	1/1/79	75.55	133.65	191.70	

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

SOLID WASTE COLLECTION RATES AND CHARGES

Eight Cubic Yard Detachable Container

Collections Per Week

Number of Containers	Effective Date	Collections Per Week		
		One	Two	Three
One	3/1/77	\$108.75	\$180.15	\$ 251.55
	1/1/78	116.55	193.10	269.60
	1/1/79	125.40	207.70	290.00
Two	3/1/77	\$202.45	\$345.25	\$ 488.00
	1/1/78	216.95	370.00	522.90
	1/1/79	233.40	398.00	562.65
Three	3/1/77	\$288.70	\$502.90	\$ 717.00
	1/1/78	309.40	544.85	768.30
	1/1/79	332.90	579.80	826.60
Four	3/1/77	\$318.80	\$645.59	\$ 931.15
	1/1/78	341.60	691.85	997.80
	1/1/79	394.40	744.30	1,073.55
Five	3/1/77	\$404.40	\$788.30	\$1,145.20
	1/1/78	430.30	844.70	1,227.10
	1/1/79	466.20	908.80	1,320.30

Ten Cubic Yard Detachable Container

Collections Per Week

Number of Containers	Effective Date	Collections Per Week		
		One	Two	Three
One	3/1/77	\$123.85	\$200.80	\$ 277.95
	1/1/78	132.70	215.15	297.80
	1/1/79	143.75	231.50	320.45
Two	3/1/77	\$228.85	\$382.80	\$ 537.10
	1/1/78	245.25	410.15	575.55
	1/1/79	263.85	441.35	619.25
Three	3/1/77	\$324.65	\$555.65	\$ 786.95
	1/1/78	347.85	595.35	843.25
	1/1/79	374.30	640.60	907.25
Four	3/1/77	\$401.50	\$709.55	\$ 901.35
	1/1/78	430.25	760.35	965.85
	1/1/79	462.90	818.05	1,039.15
Five	3/1/77	\$478.60	\$863.65	\$1,248.90
	1/1/78	512.85	925.50	1,338.30
	1/1/79	551.80	995.75	1,439.90

UTILITIES

Twelve Cubic Yard Detachable Container

Collections Per Week

Number of Containers	Effective Date	Collections Per Week		
		One	Two	Three
One	3/1/77	\$161.85	\$ 273.80	\$ 392.15
	1/1/78	173.40	293.45	420.25
	1/1/79	186.65	315.75	452.15
Two	3/1/77	\$305.00	\$ 534.90	\$ 765.65
	1/1/78	326.85	573.15	820.45
	1/1/79	351.65	616.70	882.75
Three	3/1/77	\$428.70	\$ 783.60	\$1,129.75
	1/1/78	459.35	839.70	1,210.60
	1/1/79	494.30	903.50	1,302.50
Four	3/1/77	\$553.80	\$1,013.80	\$1,475.15
	1/1/78	593.50	1,086.40	1,580.75
	1/1/79	638.50	1,168.85	1,700.75
Five	3/1/77	\$668.95	\$1,242.80	\$1,820.55
	1/1/78	716.85	1,331.75	1,950.90
	1/1/79	771.30	1,432.85	2,098.95

Sixteen Cubic Yard Detachable Container

Collections Per Week

Number of Containers	Effective Date	Collections Per Week		
		One	Two	Three
One	3/1/77	\$173.20	\$ 299.60	\$ 426.35
	1/1/78	185.60	321.10	456.90
	1/1/79	199.70	245.95	491.55
Two	3/1/77	\$327.60	\$ 580.40	\$ 833.80
	1/1/78	351.05	621.95	893.55
	1/1/79	377.70	669.15	961.35
Three	3/1/77	\$472.75	\$ 851.85	\$1,231.95
	1/1/78	506.60	912.80	1,320.10
	1/1/79	545.10	982.15	1,420.35
Four	3/1/77	\$599.10	\$1,104.80	\$1,611.40
	1/1/78	641.95	1,183.85	1,726.80
	1/1/79	690.70	1,273.75	1,857.85
Five	3/1/77	\$725.50	\$1,357.45	\$1,990.80
	1/1/78	777.45	1,454.60	2,133.30
	1/1/79	836.45	1,565.05	2,295.25



SOLID WASTE COLLECTION RATES AND CHARGES

Twenty Cubic Yard Detachable Container

Collections Per Week

Number of Containers	Effective Date	Collections Per Week		
		One	Two	Three
One	3/1/77	\$184.50	\$ 322.20	\$ 460.25
	1/1/78	197.70	345.30	493.25
	1/1/79	212.75	371.50	530.65
Two	3/1/77	\$350.25	\$ 625.70	\$ 901.90
	1/1/78	375.35	670.50	966.50
	1/1/79	403.85	721.45	1,039.85
Three	3/1/77	\$522.45	\$ 860.60	\$1,334.10
	1/1/78	559.85	922.20	1,429.55
	1/1/79	602.35	992.25	1,538.15
Four	3/1/77	\$644.40	\$1,195.25	\$1,747.60
	1/1/78	690.55	1,280.80	1,872.70
	1/1/79	742.95	1,378.10	2,014.90
Five	3/1/77	\$782.15	\$1,470.65	\$2,161.15
	1/1/78	838.15	1,575.90	2,315.75
	1/1/79	901.80	1,695.55	2,491.60

Twenty-four Cubic Yard Detachable Container

Collections Per Week

Number of Containers	Effective Date	Collections Per Week		
		One	Two	Three
One	3/1/77	\$195.90	\$ 344.95	\$ 494.40
	1/1/78	209.90	369.70	529.80
	1/1/79	225.85	397.70	570.00
Two	3/1/77	\$372.90	\$ 671.15	\$ 980.10
	1/1/78	399.60	719.20	1,050.25
	1/1/79	429.95	773.80	1,130.00
Three	3/1/77	\$540.70	\$ 988.00	\$1,436.30
	1/1/78	579.45	1,058.70	1,539.15
	1/1/79	623.45	1,139.10	1,655.95
Four	3/1/77	\$689.70	\$1,286.25	\$1,883.85
	1/1/78	739.10	1,378.30	2,018.70
	1/1/79	795.20	1,482.90	2,171.95
Five	3/1/77	\$838.85	\$1,584.30	\$2,331.30
	1/1/78	898.85	1,697.70	2,498.20
	1/1/79	967.10	1,826.60	2,687.85

UTILITIES

(Ord. 106017 § 2, 1976: Ord. 105544 § 2, 1976: Ord. 103458 § 2, 1974: Ord. 98130 § 2, 1969: Ord. 96301 § 2, 1967: Ord. 90379 § 4.1, 1961.)

**21.40.070 Charges for pilot recycling program.**

To test variable residential rates and determine whether variable rates and source separation of recyclables will encourage conservation and reduce the amount of garbage generated by residents, there is imposed upon all residences and other dwelling units within the areas as substantially shown on Exhibit "A" subject to modification as to detail by the Solid Waste Utility Division of the City Engineering Department in connection with the pilot program contemplated by Ordinance 106956 and 106969,<sup>2</sup> a charge per month or portion thereof for each residence or dwelling unit for once-a-week service, billed directly to the owners or tenant thereof as follows:

	1978 rates	1979 rates
0 cans per pickup	\$1.00 per month,	\$1.00 per month
1 can per pickup	\$4.00 per month,	\$4.40 per month
2 cans per pickup	\$5.20 per month,	\$5.60 per month
3 cans per pickup	\$5.20 per month,	\$5.60 per month
4 cans per pickup	\$5.20 per month,	\$5.60 per month

Such charges should be imposed for a period of sixteen months to commence on the first regular billing cycle following completion of necessary administrative arrangements to establish such program. In addition to the garbage cans, each residence or other dwelling units within such pilot programs using two, three or four cans shall be allowed to leave for pickup two ordinance units for each garbage can above one for which such residence or dwelling unit has been registered in the pilot program.

(Ord. 107251 § 1, 1978: Ord. 107080 § 1, 1978: Ord. 90379 § 4.2, 1961.)

1. Editor's Note: Exhibit "A" is attached to Ord. 107251 and is not reproduced in this Code. Copies are available in the office of the City Clerk.
2. Editor's Note: Ords. 106956 and 106969 are not included in this codification. Copies are on file in the office of the City Clerk.

**21.40.080 Transfer station and disposal site rates.**

A. The following rates are established for the use of the city's disposal sites and transfer stations:

	Effective Date	Rate
Passenger cars without trailers		
Operated by city residents	3/1/77	No charge
	1/1/78	No charge
	1/1/79	No charge
All others	3/1/77	\$ 0.75
	1/1/78	0.75
	1/1/79	0.75
Minimum charge for cars with trailers and all other vehicles		
	3/1/77	\$ 2.00
	1/1/78	2.00
	1/1/79	2.00
Refuse deposited at disposal sites		
	3/1/77	\$ 3.85
	1/1/78	4.70
	1/1/79	5.10
Refuse deposited at transfer stations		
	3/1/77	\$ 9.40
	1/1/78	11.10
	1/1/79	12.45

B. It shall be the duty of the Director of Engineering, or his authorized agent, to insure and sell tickets at disposal sites for the privilege of such disposal; provided, that such disposal charges shall not apply to the disposal of earth or other material suitable for road construction when disposal of same has been approved by the Director of Engineering or his authorized agent.

(Ord. 106017 § 3, 1976: Ord. 105544 § 3, 1976: Ord. 103458 § 3, 1974: Ord. 99122 § 1, 1970: Ord. 98130 § 3, 1969: Ord. 94711 § 2, 1966: Ord. 94022 § 2, 1965: Ord. 90379 § 5, 1961.)

**21.40.090 Authority to make rules and regulations.**

To carry out the provisions of this chapter, the Director of Engineering is authorized to make, modify and enforce regulations for all operations at garbage and rubbish disposal sites, which regulations shall designate what material may be disposed of at particular disposal sites, may establish and provide for the

collection of reasonable fees for special services rendered to persons requesting the same at such disposal sites.  
(Ord. 94711 § 3, 1966: Ord. 90379 § 6, 1961.)

**21.40.100 Exemption for governmental agencies owning disposal site.**

The charge imposed by Section 21.40.090 shall not apply to any governmental agency owning in whole or in part the property upon which the disposal site is located.  
(Ord. 90379 § 7, 1961.)

**21.40.110 Preparation and placement of garbage.**

All garbage and rubbish shall be prepared and placed for collection as required by ordinance. Failure to meet such requirements may result in discontinuation of collection service, but not of the charges therefor.  
(Ord. 90379 § 8, 1961.)

**21.40.120 Payment of charges— Delinquency and lien.**

A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three months in advance at the office of the City Treasurer and at the same time that water utility charges are due and payable with respect to residences or other dwelling units contemporaneously served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish collection services and the balance to outstanding charges for water services. The charges imposed under Section 21.40.050 shall apply to all residences and other dwelling units, whether occupied or not; provided, however, that where no portion of the premises are being used and occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of Engineering for the suspension or termination of garbage and rubbish collection charges. In such connection the Director of Engineering may from time to time suspend liability for such charges upon request therefor whenever he is satisfied that the premises are not being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed and billed from time to time by the Director of Engineering through an interdepartmental arrangement with the Superintendent of Water as a separate charge on the water bill for residences or dwelling units served, and the Director of Engineering and the

Superintendent of Water shall cooperate, in the interest of economy and efficiency, in establishing common billing practices and procedures to the extent permitted by law.

B. Garbage and rubbish collection charges shall be against the premises served and when such charges have not been paid within ninety days after billing, they shall be delinquent and constitute a lien against the residence or dwelling units served. Such delinquent charges shall bear interest at the rate of eight percent per year. Notice of the city's lien specifying the amount due, the period covered and giving the legal description of the premises sought to be charged may be filed with the County Auditor within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and material as authorized by RCW 35.21.140.

(Ord. 94711 § 4, 1966: Ord. 90379 § 9, 1961.)

**21.40.130 Solid Waste Fund—Purchase of recyclable solid waste.**

A. The utility created by this chapter shall be known as the solid waste utility, and the Garbage Collection and Disposal Fund in the City Treasury is renamed the Solid Waste Fund. All revenues from the garbage and rubbish collection and disposal charges set forth in this chapter, the use of disposal sites, and from the sale of recyclable solid waste shall be credited to the fund; all expenses for the operation of the collection system, operation and maintenance of the disposal sites, operation and maintenance of recyclable solid waste purchase accounts, and transportation expense, servicing of bonds, cost of operation and maintenance of the disposal system as constructed or added to, and to maintain the solid waste utility in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance, including the cost of billing and collection and all interdepartmental charges for service rendered by other city departments to the utility.

B. The City Engineer is authorized to purchase at the city's solid waste disposal facilities, recyclable solid waste at a price which shall be equal to the gross revenue received from the sale by the city of such recyclable solid waste, less costs of handling, accounting, and transportation. Such purchase price shall be computed and paid quarterly as to recyclable solid waste purchased and sold by the city

## UTILITIES

in the preceding quarterly period.  
(Ord. 104455 § 1, 1975; Ord. 99322 § 1,  
1970; Ord. 90379 § 11, 1961.)

### Chapter 21.44

#### SOLID WASTE DISPOSAL FACILITIES

##### Sections:

- 21.44.010 Permit and annual fee required.
- 21.44.020 Application fees.
- 21.44.030 Annual fee.
- 21.44.040 Solid waste handling fee.
- 21.44.050 Scales required.
- 21.44.060 Revenue to City-County Health Fund.
- 21.44.070 Violation—Penalty.

Severability: If any clause, sentence, paragraph or part of this chapter, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter.  
(Ord. 106970 § 8, 1977.)

##### 21.44.010 Permit and annual fee required.

In accordance with RCW Chapter 70.95, it is unlawful for a solid waste disposal site or disposal site facilities to be maintained, established, operated, substantially altered, expanded or improved within the city until the person operating the same has obtained a basic permit therefor from the Seattle-King County Department of Public Health pursuant to the provisions of RCW 70.95.180 and has paid an annual fee therefor. Types of basic permits shall be:

A. Conforming permit which shall be issued for disposal sites which meet all the pertinent requirements of the Minimum Functional Standards for Solid Waste Handling (C.F. 284178);

B. Nonconforming permit which shall be issued for disposal sites which do not meet all of the pertinent requirements of the Minimum Functional Standards for Solid Waste Handling (C.F. 284178), but which will be upgraded to meet such requirements according to a compliance schedule approved by the Health Officer, or which will be closed on a schedule approved by the Health Officer;

C. Special permits which shall be issued for disposal sites not otherwise provided for in the

Minimum Functional Standards for Solid Waste Handling (C.F. 284178).

The Director of Public Health shall determine on a case-by-case basis which permit shall be issued for any disposal site.  
(Ord. 106970 § 1, 1977.)

##### 21.44.020 Application fees.

Application for a basic permit to operate or maintain a solid waste disposal facility in the city, or application for a permit to alter, expand or improve a solid waste disposal facility in the city, shall be made on forms provided by the Seattle-King County Department of Public Health, and shall be accompanied by a non-refundable fee as follows:

- |                                |  |
|--------------------------------|--|
| A. Landfill                    | \$150.00, plus \$10.00 for each acre of landfill site, to a total fee not to exceed \$500.00;          |
| B. Sanitary landfill           | \$150.00, plus \$10.00 for each acre of landfill site, to a total fee not to exceed \$500.00;          |
| C. Incinerator-pyrolysis       | \$50.00;   |
| D. Compost                     | \$150.00, plus \$10.00 for each 1,000 square feet of compost site, to a total fee of \$500.00;         |
| E. Recycling                   | \$0;   |
| F. Transfer station            | \$75.00;   |
| G. Existing nonconforming site | Same as for appropriate category of conforming site;   |
| H. Special                     | \$150.00, plus \$10.00 for each acre of disposal facility site, to a total fee not to exceed \$500.00; |
| I. Drop box                    | \$75.00.   |

(Ord. 106970 § 2, 1977.)

##### 21.44.030 Annual fee.

The annual fee required by Section 21.44.010 shall cover a period from January 1st through December 31st of each year, and application for renewal shall be made on or before January 1st of each year on forms provided by the Seattle-King County Department of Public Health. Application for renewal shall be accompanied by a nonrefundable fee as follows:

- |                                    |           |
|------------------------------------|-----------|
| A. Landfill                        | \$100.00; |
| B. Sanitary landfill               | \$100.00; |
| C. Incinerator-pyrolysis           | \$ 50.00; |
| D. Compost                         | \$100.00; |
| E. Recycling                       | \$ 0      |
| F. Transfer station                | \$ 50.00; |
| G. Existing nonconforming facility | \$100.00; |
| H. Special facility                | \$100.00; |
| I. Drop box                        | \$ 50.00. |

(Ord. 106970 § 3, 1977.)

**21.44.040 Solid waste handling fee.**

A. Operators of landfill and sanitary landfill facilities within the city shall remit to the Seattle-King County Department of Public Health a fee of Eight Cents (\$.08) per ton for all solid waste entering such facilities; provided, that no such fee shall be remitted for solid waste for which the fee has been paid by the operator of a transfer station, if the transfer station operator provides evidence of such payment to the landfill operator at the time transferred waste enters the landfill facility. Evidence of payment by the transfer station operator shall be provided by the landfill operator to the Director of Public Health upon request.

B. Operators of transfer stations in the city shall remit to the Department of Public Health a fee of Eight Cents (\$.08) per ton on all solid waste leaving their facilities.

C. Tonnage shall be reported monthly to the Department of Public Health in the manner prescribed by the Department and shall be accompanied by the tonnage fee. (Ord. 106970 § 4, 1977.)

**21.44.050 Scales required.**

Scales shall be used at each facility required to pay a tonnage fee pursuant to this chapter, and the Director of Public Health may establish tonnage by sampling at such times as scales are not in operation. (Ord. 106970 § 5, 1977.)

**21.44.060 Revenue to City-County Health Fund.**

Revenue from all fees and charges imposed by this chapter shall be deposited in the City-County Health Fund. (Ord. 106970 § 6, 1977.)

**21.44.070 Violation—Penalty.**

Violation of any of the provisions of this chapter shall constitute a violation subject to the provisions of Chapter 12A.02 and Chapter 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00). Each day's violation shall constitute a separate offense. (Ord. 106970 § 7, 1977.)

**Subtitle IV Lighting and Power**

**Chapter 21.48**

**CITY LIGHT RATES AND REGULATIONS<sup>1</sup>**

**Sections:**

- 21.48.010 Definitions.
- 21.48.020 Rates generally.
- 21.48.030 Limited Residential Rate (Schedule 21).
- 21.48.040 Residential Rate (Schedule 22).
- 21.48.050 Residential Vacancy Rate (Schedule 25).
- 21.48.060 Church and School Rate (Schedule 35).
- 21.48.070 General Service Rate (Schedule 44).
- 21.48.080 Water Heating Rate (Schedule 47).
- 21.48.090 Public Street Lighting Rate (Schedule 48).
- 21.48.100 Industrial Service Rate (Schedule 55).
- 21.48.110 Industrial Power Rate (Schedule 60).
- 21.48.120 Industrial Electric Furnace Service Rate (Schedule 63).
- 21.48.130 Large Industrial Power Rate (Schedule 65).
- 21.48.140 Public Housing Authority Rate (Schedule 74).
- 21.48.150 Power factor provisions. (Schedule 81).
- 21.48.160
- 21.48.170 Rate and billing application provisions.
- 21.48.180 Application for service—Contract.
- 21.48.190 Customer's responsibility.
- 21.48.200 Other sources than city.
- 21.48.210 Notification of increase in load.
- 21.48.220 Submetering.
- 21.48.230 Connection with another's service prohibited—Exception.
- 21.48.240 Security deposit.
- 21.48.250 Responsibility for loss caused by violation of contract.
- 21.48.260 Authority to adopt rules and regulations.
- 21.48.270 Customer to provide service conductors and equipment.
- 21.48.280 Protective devices.

## UTILITIES

- 21.48.290 Department's right to refuse connection.
- 21.48.300 Connections by authorized personnel only.
- 21.48.310 Maintenance of wiring and electrical equipment.
- 21.48.320 Protection of three-phase motors.
- 21.48.330 Interference with quality of service.
- 21.48.340 Right of entry.
- 21.48.350 Liability.
- 21.48.360 Customer's responsibility for protection.
- 21.48.370 Heat loss.
- 21.48.380 Rights reserved to city.
- 21.48.390 Damaging or interfering with city equipment prohibited.
- 21.48.400 Notification of defective service.
- 21.48.410 Work to be done by city.
- 21.48.420 Adoption of rules—Short-term energy surplus.
- 21.48.430 Accounts—Billing dates.
- 21.48.440 Service disconnection—Charges.
- 21.48.450 Binding agreements.
- 21.48.460 Authority of Board of Public Works.
- 21.48.470 Installation, sale and servicing of equipment.
- 21.48.480 Account change fee.
- 21.48.490 Violation—Penalty.

Severability: If any section, subsection, subdivision, sentence, clause or phrase of this chapter or its application to any facts or circumstances is for any reason held to be unconstitutional or void, such invalidity shall not thereby affect the validity of the remaining portions of this chapter or their application to other facts and circumstances.  
(Ord. 106416 § 15, 1977.)

1. Cross-reference: For provisions regarding the City Light Department, see Chapter 3.08 of this Code.

### 21.48.010 Definitions.

The words "Department," "city," and "customer," as used in this chapter shall have the following meaning:

- A. "City" means The City of Seattle.
- B. "Customer" means any person, firm, corporation or other entity that uses, has used or has contracted for electric service from the Department.
- C. "Department" means the City Light Department of the city; its Superintendent or any duly authorized employee thereof.  
(Ord. 106416 § 14, 1977.)

### 21.48.020 Rates generally.

Rates and provisions for electric energy and service supplied by the municipal light and power plant and system shall be as set forth in the following sections of this chapter.  
(Ord. 106416 § 1, 1977.)

### 21.48.030 Limited Residential Rate (Schedule 21).

A. This schedule shall apply to all service billed on this schedule prior to the date the rates and provisions of this chapter become effective, except those services which supply permanently installed electric heating equipment which is the sole means of space heating for the residence. Those electric heat customers shall have the option of changing to Residential Rate Schedule 22. No additional or larger service will be provided under this schedule.

B. This schedule shall not apply to rooming or boarding houses where five or more rooms are used as sleeping or living quarters for persons not members of the customer's immediate family.

C. If this schedule is applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

D. Duplexes utilizing a single meter shall be considered as a single residence for the purpose of the application of this rate schedule, provided that, for new or larger services to duplexes, each residence shall be separately metered, after October 13, 1978.

Customer Charge: \$1.50 per month per meter

Energy Charge: All energy shall be at 1.21 cents/KWH.

E. Vacation rebates will not be granted under this rate. Customers who intend to be away for six months or longer may have their accounts closed.

(Ord. 107660 § 1, 1978; Ord. 106416 § 2a, 1977.)

### 21.48.040 Residential rate (Schedule 22).

A. This schedule is available for domestic use in a residence or apartment unit supplied through one meter. Normal residential service shall be limited to single phase.

B. This schedule shall not apply to rooming or boarding houses where five or more rooms are used as sleeping or living quarters for persons not members of the customer's immediate family.

C. If this schedule is applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

D. Duplexes utilizing a single meter shall be considered as a single residence for the purpose of the application of this rate schedule, provided that, for new or larger services to duplexes, each residence shall be separately metered, after October 13, 1978.

Customer Charge: \$1.50 per month per meter  
Energy Charge: First 480 KWH per month at 0.78 cents per KWH

Next 720 KWH per month at 0.99 cents per KWH

All over 1200 KWH per month at 1.28 cents per KWH

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy charge shall be added to each customer's bill.

E. If an electric water heater providing potable water is served under this schedule, it shall be a storage type, insulated tank heated by elements which are each thermostatically controlled. The maximum element wattage shall not exceed five thousand five hundred watts.

F. Vacation rebates will not be granted under this rate. Customers who intend to be away for six months or longer may have their accounts closed.

G. The application of the seasonal factor charge shall be waived for any customer who is eligible for the city's Elderly Utility Credit program established by Ordinance 104472 as amended,<sup>1</sup> and who is qualified by the Department of Human Resources as an eligible recipient; provided, that customers who reside outside the city limits and who are not served directly by the city's water, sewer or solid waste utilities, but who receive electric service from the Lighting Department shall be exempt from the requirement of Section 3(d) of Ordinance 104472 as amended.<sup>2</sup>

(Ord. 107660 § 2, 1978; Ord. 106828 § 1, 1977; Ord. 106416 § 2b, 1977.)

1. Editor's Note: Ord. 104472 is codified in Chapter 21.76 of this Code.

2. Editor's Note: Ord. 104472 § 3(d) is codified in subsection A4 of Section 21.76.030 of this Code.

#### 21.48.050 Residential Vacancy Rate (Schedule 25).

A. This schedule is available to a single-family residence or apartment unit where the premises is vacant or during the period the building is under construction prior to occupancy.

B. This schedule shall not apply to any meter which is not eligible for the Residential Rate when the premises is occupied.

Energy Charge: All energy shall be at 1.17 cents per KWH

Minimum Charge: The minimum monthly charge for each meter shall be \$1.80 except when there is no consumption there shall be no charge.

(Ord. 106416 § 2c, 1977.)

#### 21.48.060 Church and School Rate (Schedule 35).

A. This schedule is available only to services to churches billed on Schedule 33 and to services to schools billed on Schedule 78 prior to November 27, 1974. No additional or larger service will be provided under this schedule.

Customer Charge: \$3.00 per month per meter  
Energy Charge: All energy shall be at 1.24 cents per KWH

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy charge shall be added to each customer's bill.

B. The Department reserves the right to control the use of service to electric space heating equipment during such hours as may be deemed necessary. The customer may be required to provide suitable space heating service controls as determined by the Department.

C. This schedule shall not apply to school buildings used predominately for administration, warehousing or any purpose other than educational instruction.

(Ord. 106416 § 3, 1977.)

#### 21.48.070 General Service Rate (Schedule 44).

A. This schedule is available to customers for general service lighting and/or power purposes, including air conditioning and space heating, and traffic-signal control systems.

B. This schedule is not available for any new or larger services to multi-family apartments and living units for the purpose of metering the energy usage of the living units, a central space

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heating system or a central domestic water heating system after October 13, 1978.

C. This schedule is available for the purpose of metering energy in common use areas of multi-family apartments and living units.

Customer Charge: \$3.00 per month per meter  
 Energy Charge: First 9,000 KWH per month at 1.5 cents per KWH

Next 9,000 KWH per month at 1.03 cents per KWH

Next 132,000 KWH per month at 0.79 cents per KWH

Next 1,050,000 KWH per month at 0.69 cents per KWH

All over 1,200,000 KWH per month at 0.51 cents per KWH

Demand Charge: First 50 KW of maximum demand at no charge

All over 50 KW of maximum demand at \$0.90 per KW

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill calculated under the energy and demand charge shall be added to each customer's bill.

D. The Department reserves the right to control the use of service to electric space heating equipment during such hours as may be deemed necessary. The customer may be required to provide suitable space heating service controls as determined by the Department.

(Ord. 107660 § 3, 1978; Ord. 106416 § 4a, 1977.)

**21.48.080 Water Heating Rate (Schedule 47).**

A. This schedule is available to commercial and industrial customers who separately meter electric energy used for potable water heating where the water is heated by resistance elements; provided, however, that new or larger services for central domestic water heating systems for multi-unit residential structures shall not be allowed on this schedule after October 13, 1978.

Energy Charge: First 300 KWH per month at 1.45 cents per KWH

All over 300 KWH per month at 0.85 cents per KWH

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy charge shall be added to each customer's bill. Minimum charge bills, when applicable, will not be subject to a seasonal factor charge

Minimum Charge: The minimum monthly charge shall be \$.50 per KW based on the maximum heater wattage that may be on at any one time, but not less than \$2.00; however, during the months of December through March the minimum must exceed the rate billing including the seasonal factor charge to be applicable.

B. This rate may be applied provided that storage type, insulated, pressure vessels of over forty gallons capacity whose water temperature is maintained by thermostatically controlled elements are used, the wattage of which does not exceed two hundred fifty watts per gallon of vessel capacity.

C. This schedule does not apply to hot water used for space heating purposes.

D. Electric swimming pool heaters and associated circulating pump motors may also be metered on this rate subject to control by the Department during the daily system peak hours in the months of November through March.

E. Installations for water heating service under this rate shall be subject to the approval of the Department. The customer may be required to provide suitable water heating service controls as determined by the Department.

F. Connected loads on this schedule that exceed one hundred sixty-eight amperes must conform to the metering requirements specified in Section 436 of the Requirements for Electric Service Connection.

(Ord. 107660 § 4, 1978; Ord. 106416 § 4b, 1977.)

**21.48.090 Public Street Lighting Rate (Schedule 48).**

A. This schedule is available to all customers, including the city, for dusk-to-dawn lighting of streets, alleys and other public thoroughfares on existing Department utility poles.

B. The monthly charge includes energy, lamp replacement and normal maintenance costs.

**Option I—Customer-owned Fixture:**

Watt		Lumens	Per Month
189	Incandescent	2,500	\$2.05
175	Mercury-Vapor	7,000	\$1.00
400	Mercury-Vapor	21,000	\$1.95
400	Sodium-Vapor	50,000	\$2.50
1000	Mercury-Vapor	55,000	\$4.30



**Option II—Utility-owned Fixture:**

Watt		Lumens	Per Month
189	Incandescent,	2,500	\$2.65
175	Mercury-Vapor	7,000	\$2.20
400	Mercury-Vapor	21,000	\$3.40
400	Sodium-Vapor	50,000	\$5.55
1000	Mercury-Vapor	55,000	\$6.80

C. A construction charge will be made when a utility pole and/or a secondary circuit is not available.

D. Lamps will be replaced on burn-out as soon as reasonably possible after notification by the customer.

E. Rates in this section for incandescent street-lighting are limited to existing installations. No new installations will be made nor will existing fixtures be moved to new locations.

F. The customer shall execute a written service agreement to take service for a minimum of two years at the rates and terms prescribed from time to time by ordinance.

G. All installations of customer-owned street-lights for billing on this rate shall be subject to the approval of the Department. Installed cost will be furnished upon request.

H. The Department shall have the authority to determine and establish charges for other types and sizes of streetlights which are based upon the same methods used in the determination of the charges established in this section. (Ord. 106416 § 4c, 1977.)

**21.48.100 Industrial Service Rate (Schedule 55).**

A. This schedule is available to industrial customers at plants where the primary function is manufacturing, processing or refining.

B. This schedule shall apply to industrial power loads of thirty KW or more of maximum demand.

C. Other load such as lighting may be metered on this rate when combined with the power load and supplied through one service and meter. Additional services for different classes of use, such as water heating or electric furnaces, may also be provided at the discretion of the Department.

**Energy Charge:**

First	9,000 KWH per month at 0.83 cents per KWH
All over	9,000 KWH per month at 0.55 cents per KWH

**Demand Charge:**

First	30 KW or less of maximum demand at \$60.00
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All over 30 KW of maximum demand at \$1.20 per KW

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy and demand charge shall be added to the customer's bill. Minimum charge bills, when applicable, will not be subject to a seasonal factor charge

Minimum Charge: The minimum monthly charge on each meter shall be \$1.33-1/3 per KW of maximum demand but not less than \$60.00; however, during the billing cycles of December through March the minimum must exceed the rate billing including the seasonal factor charge to be applicable.

(Ord. 106416 § 5, 1977.)

**21.48.110 Industrial Power Rate (Schedule 60).**

A. This schedule is available to industrial customers at plants where the primary function is manufacturing, processing or refining.

B. This schedule shall apply to industrial power loads of three hundred KW or more of maximum demand.

C. This schedule shall be applicable to those customers taking energy delivery through one service supplied from the Department's available distribution voltage of thirteen KV or above. One transformation to a standard service voltage will be provided by the Department and metering shall be at the secondary voltage level.

**Energy Charge:**

First	300 KWH per month per KW of maximum demand at 0.45 cents per KWH
All over	300 KWH per month per KW of maximum demand at 0.33 cents per KWH

**Demand Charge:**

First	300 KW or less of maximum demand at \$450.00
From	300 KW to 2,000 KW of maximum demand at \$1.25 per KW
All over	2,000 KW of maximum demand at \$0.80 per KW

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy and demand charge shall be added to each customer's bill. Minimum charge bills, when applicable, will not be subject to a seasonal factor charge

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**Minimum Charge:** The minimum monthly charge shall be \$1.33-1/3 per KW of maximum demand but not less than \$450.00; however, during the billing cycles of December through March the minimum must exceed the rate billing including the seasonal factor charge to be applicable.  
(Ord. 106416 § 6a, 1977.)

### 21.48.120 Industrial Electric Furnace Service Rate (Schedule 63).

A. This schedule shall be limited to loads of four hundred fifty KW or more where electric energy is used exclusively for metal melting in electric furnaces.

B. This schedule shall be applicable to those customers taking energy delivery through one service supplied from the Department's available distribution voltage of thirteen KV or above. One transformation to a standard service voltage will be provided by the Department and metering shall be on the secondary, except for electric arc furnaces which shall be supplied and metered at the distribution voltage with transformation furnished by the customer.

**Energy Charge:** All energy at 0.78 cents per KWH

**Seasonal Factor:** During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy charge shall be added to each customer's bill. Minimum charge bills, when applicable, will not be subject to a seasonal factor charge

**Minimum Charge:** The minimum monthly charge shall be the greatest amount calculated in paragraph 1 or 2 following: however, during the billing cycles of December through March the minimum must exceed the rate billing including the seasonal factor charge to be applicable:

1. \$.80 per KW of maximum demand for the month but not less than \$360.00 per month
2. \$2.80 per KW of the highest maximum demand recorded during the city's daily system peak hours Monday through Friday in the months of November through March of the twelve-month period ending with the current regular monthly meter reading.

C. The daily system peak hours November through March shall be determined by the Department.

(Ord. 106416 § 6b, 1977.)

### 21.48.130 Large Industrial Power Rate (Schedule 65).

A. This schedule is available to industrial customers at plants where the primary function is manufacturing, processing or refining.

B. This schedule shall apply to customers having industrial power loads of twenty-five thousand KW or more of maximum demand, taking energy delivery through one service supplied from the Department's distribution voltage of twenty-six KV or above. Metering will be at the distribution voltage level with transformation furnished by the customer.

**Energy Charge:** 0.35 cents per KWH

**Demand Charge:** \$.45 per KW of highest monthly measured demand but not less than \$.45 per month per KW of contract demand throughout the term of the contract

**Seasonal Factor:** During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy and demand charge shall be added to each customer's bill. Minimum charge bills, when applicable, will not be subject to a seasonal factor charge

**Minimum Charge:** The minimum monthly charge shall be the demand charge for that monthly billing period plus \$2.80 per KW of the highest maximum demand recorded during the city's daily system peak hours, Monday through Friday, in the months of November through March of the twelve-month period ending with the current regular monthly meter reading. However, during the billing cycles of December through March the minimum must exceed the rate billing including the seasonal factor charge to be applicable.

C. The demand charge component of the minimum charge above shall become due and payable each and every month throughout the term of the city's contract with the customer except when the city is unable to deliver power under conditions set forth in the current rate ordinance.

D. Contract demand is defined as the amount of power that the Department agrees to have available for delivery to the customer in accordance with the city's rate ordinance and as specified in the city's contract with the customer.

E. The daily system peak hours November through March shall be determined by the Department.

(Ord. 106416 § 6c, 1977.)

**21.48.140 Public Housing Authority Rate (Schedule 74).**

A. This schedule is available to those Public Housing Authority customers who provide and maintain all distribution facilities including transformers and substations.

B. Delivery of electric energy shall be made from the Department's distribution system at such voltage as is designated by the Department.  
Energy Charges:

First	150 KWH per KW of maximum demand at 1.63 cents per KWH
Next	150 KWH per KW of maximum demand at 0.64 cents per KWH
All over	300 KWH per KW of maximum demand at 0.47 cents per KWH

Seasonal Factor: During the billing cycles of December through March a separate amount equal to ten percent of the bill as calculated under the energy charge shall be added to each customer's bill. Minimum charge bills, when applicable, will not be subject to a seasonal factor charge

Minimum Charge: The minimum charge shall be \$1.33-1/3 per KW of maximum demand; however, during the billing cycles of December through March the minimum must exceed the rate billing including the seasonal factor charge to be applicable.  
(Ord. 106416 § 7, 1977.)

**21.48.150 Power factor provisions.**

A. When any inductive load causes unsatisfactory conditions on the city's system due to induction, the Department may, at its discretion, install reactive kilovolt-ampere-hour meters and make a monthly charge in addition to demand and energy charges whenever electric energy delivered to the customer has an average monthly power factor of less than 0.85.

B. Unless specifically otherwise agreed, the city shall not be obligated to deliver electric energy to the customer at any time at a power factor below 0.75.

C. The average power factor is determined as follows:

$$\text{Average Power Factor) = } \frac{\text{Kilowatt Hours}}{\sqrt{(\text{Kilowatt-hours})^2 + (\text{Reactive kilovolt-ampere-hours})^2}}$$

D. The meter for measurement of reactive kilovolt-ampere-hours shall be ratcheted to prevent reverse registration.

E. All installations of power factor corrective equipment shall be subject to the approval of the Department.  
(Ord. 106416 § 8a, 1977.)

**21.48.160 (Schedule 81).**

A. The monthly charge for each 0.01 of average monthly power factor below 0.85 shall be as follows:

3.5 cents per KW of maximum demand.

B. This monthly charge may be waived in whole or in part to the extent that the Department determines that a power factor of less than 0.85 would in any particular case be advantageous to the city.  
(Ord. 106416 § 8b, 1977.)

**21.48.170 Rate and billing application provisions.**

A. All rates and provisions in this chapter apply to electric energy supplied through one point of delivery and one meter to individual customers at each building or location of occupancy not separated by intervening property, or streets or alleys commonly used as public thoroughfares. Except that, at the discretion of the Department, two or more physically and mechanically connected buildings used for a single business function under one ownership may be supplied through one point of delivery and one meter even though they are separated by intervening property or a street or alley. Two buildings merely joined by a walkway or mall across the street, alley or public thoroughfare will not be allowed a single service and meter for both.

B. Any additional service supplied to the same customer at other points of delivery or at different voltage or phase shall be separately metered and billed.

C. The Department may, at its discretion, waive the application of rates to each meter and permit the readings of two or more meters at a single contiguous location to be totaled for billing purposes when it determines that the maintenance of adequate service and/or that the city's convenience requires more than one meter for each type of service or load classification.

D. No more than one change to or from a rate schedule shall be made by the same customer in a shorter interval than one year's time, except where the nature of the electrical equipment or the use of electric energy changes.

E. For the purpose of this chapter, one

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horsepower shall be considered as 0.75 of a kilowatt.

F. Billing demand shall be the highest recorded consumption during any fifteen-minute interval of the billing period, as determined at the city's option by demand meter, periodic load test or assessment.

G. Connected load minimum charges shall be calculated to the nearest whole dollar.

H. A minimum monthly charge other than specified under a particular rate schedule may be established by the Department at its discretion to adequately protect the city's investment.

I. At the discretion of the Department and based upon the protection of the city's investment, minimum charges for seasonal power loads may be adjusted when no electric energy will be used during the months of November through March. This provision shall not apply to service used for standby or emergency purposes.

J. If the operation of the city's generating, transmission or distribution system or the operation of the customer's work, plant or establishment be suspended, interrupted or interfered with for any cause reasonably beyond their respective control, including but not by way of limitation, suspension, interruption or interference due to floods, fires, strikes, accidents, acts of God, the public enemy, war, governmental regulations, order or proclamations, laws, mobs, riots and transportation difficulties the city need not deliver electric energy and the customer need not accept or pay for electric energy for such period of time and to the extent that such suspension, interruption or interference makes it reasonably impractical to deliver or use electric energy; and monthly bills for any period including any such suspension, interruption or interference shall be prorated. Within one week of any such interruption or suspension, the customer shall give written notice to the city to read meters in order to prorate billings.

K. If the seal of the city's meter is broken or the meter from any cause does not properly register energy used, the customer shall be charged with a consumption estimated by the Department and billed accordingly.

L. Electric service furnished under this chapter shall be alternating current at sixty hz, available at such phase and voltage as may be prescribed by the Department.  
(Ord. 106416 § 9, 1977.)

### 21.48.180 Application for service—Contract.

Each prospective customer desiring electric service shall make application to and may be required to sign an application furnished by the Department before service is supplied. Upon acceptance by the Department such application shall constitute a contract between the Department and the applicant by which the Department agrees to furnish and the applicant to accept and pay for electric service for the premises specified under the rates, terms and provisions prescribed from time to time by ordinance. In the absence of an application for service or signed contract, the furnishing of electric service by the Department and the use of such service by the customer, shall constitute an agreement by the customer for acceptance of electric service and payment therefor under the terms of the Department's applicable rate. Failure to sign a contract when requested shall constitute sufficient cause to disconnect electric service.

(Ord. 106416 § 10(1), 1977.)

### 21.48.190 Customer's responsibility.

The Department, within its capabilities and under the rates, terms and provisions of applicable city ordinances, shall supply electric service to all customers upon approval of applications therefor. The customer shall be responsible for all charges under the conditions of the contract and the rates and terms prescribed from time to time by ordinance and shall be responsible for all charges to the time specified in the application or for the period of occupancy and/or control of the premises. Notice to close an account or disconnect service at any premises shall be given by the customer at any business office of the Department.

(Ord. 106416 § 10(2), 1977.)

### 21.48.200 Other sources than city.

The customer shall be required to purchase all electric energy from the city except such other electric energy and from such other sources as the city, through the Department, declares itself in writing to be unable or unwilling to furnish.

(Ord. 106416 § 10(3), 1977.)

### 21.48.210 Notification of increase in load.

In order to prevent damage to the Department's equipment and impairment of its service, the customer shall give the Department notice

before making any additions to his connected load so that the Department, at its option, may provide such facilities as may be necessary for furnishing the increased service. Such customer shall be liable for any damages to the city that may occur as a result of the failure to so notify the Department.  
(Ord. 106416 § 10(4), 1977.)

**21.48.220 Submetering.**

The city shall not serve electric energy to any customer who submeters any part of the energy provided, for the purpose of resale to any other consumer, except that the Department shall permit such resale by customer operators of boat mooring establishments and auto trailer parks. Resale under the conditions specified shall be at an average rate not to exceed one hundred fifty percent of the operator's average cost per kilowatt-hour as billed by the city.

(Ord. 106416 § 10(5), 1977.)

**21.48.230 Connection with another's service prohibited—Exception.**

No customer shall connect his service with that of any other person, or in any way supply any other person or premises with electric energy through his service except as authorized by city ordinance or approved by the Department after filing a written application for such connection and receiving a permit therefor.  
(Ord. 106416 § 10(6), 1977.)

**21.48.240 Security deposit.**

An applicant for electric service may be required by the Department to deposit an amount of money to be held as security for payment of all bills and claims during the period of service. Such deposit may be required upon the Department's determination that the financial status or record of the applicant warrants a deposit. Such deposit may not exceed the amount of the bill it is estimated will accrue during two normal billing periods. Upon termination of service, or sooner, if the customer's credit record warrants, such deposit will be returned to the customer. At the time the deposit is returned, interest will be paid at the rate of six percent per year on a deposit held longer than six months. Interest payable shall be computed from the first day of the month following the date of deposit to the last day of the month the deposit is refunded.

(Ord. 106416 § 10(7), 1977.)

**21.48.250 Responsibility for loss caused by violation of contract.**

In case the customer shall violate his contract or order the closure of an account or service disconnect at any premises, the customer shall be responsible for all loss or damage incurred by the city by reason thereof, and in addition there-to shall be responsible for payment of the minimum monthly charge of the service for the unexpired portion of the contract, together with such percentage of the cost of installations as the remainder of the term of the contract bears to the whole term of the contract.

(Ord. 106416 § 10(8), 1977.)

**21.48.260 Authority to adopt rules and regulations.**

The Department shall have the authority to adopt and enforce rules and regulations, not inconsistent with this chapter and which shall be filed with the City Comptroller, for the purpose of carrying out the provisions of this chapter governing availability of service from the Department's electrical system.

(Ord. 106416 § 11(1), 1977.)

**21.48.270 Customer to provide service conductors and equipment.**

The customer shall provide suitable service conductors and service equipment. Such service conductors and equipment shall comply with the requirements of all applicable electrical codes or ordinances.<sup>1</sup>

(Ord. 106416 § 11(2), 1977.)

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

**21.48.280 Protective devices.**

The Department may require the customer to provide on his premises, at his own expense, additional protective devices deemed necessary to protect the Department's property or personnel, or the property or personnel of its other customers.

(Ord. 106416 § 11(3), 1977.)

**21.48.290 Department's right to refuse connection.**

The Department may refuse to connect the applicant's service conductors to the Department's electrical system if in its judgment the applicant's wiring or electrical equipment is hazardous to life or property.

(Ord. 106416 § 11(4), 1977.)

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### 21.48.300 Connections by authorized personnel only.

It shall be unlawful for any person other than a duly authorized Department employee or agent of the Department to make an electrical connection between the Department's electrical system and any customer's wiring.  
(Ord. 106416 § 11(5), 1977.)

### 21.48.310 Maintenance of wiring and electrical equipment.

The customer shall at all times keep his wiring and electrical equipment in such condition that they can be used without causing damage to the Department, its property or personnel. The Department shall have the authority at any time to disconnect its electrical system from any wiring or electrical equipment which is defective or dangerous until the same is properly repaired or restored.  
(Ord. 106416 § 11(6), 1977.)

### 21.48.320 Protection of three-phase motors.

The customer shall have the responsibility to provide suitable devices adequate to protect his three-phase motors against reversal of phase rotation and single phasing.  
(Ord 106416 § 11(7), 1977.)

### 21.48.330 Interference with quality of service.

Where the customer's use of electrical equipment results in an interference with the quality of his own service or that of neighboring customers, or where the customer requires voltage control within unusually close limits, the Department may require the customer to provide at his own expense such special or additional equipment as is required. This may apply to cases of extreme unbalance of single and three-phase loads.  
(Ord. 106416 § 11(8), 1977.)

### 21.48.340 Right of entry.

Any duly authorized Department employee shall have free access at any reasonable time to any and all premises furnished with electric energy by the Department, for the purpose of reading, inspecting, repairing or removing meters, electrical devices or wiring of the Department, or for any other reasonable purpose connected with performance of its contract. Upon request, the customer shall correct any condition that limits or restricts free access to

the Department meters or service. Failure of the customer to comply within a reasonable time specified shall subject the customer to a disconnect of service.  
(Ord. 106416 § 11(9), 1977.)

### 21.48.350 Liability.

Nothing in this chapter shall be construed as placing upon the Department any responsibility for the condition, maintenance or safety of the customer's electrical wiring or current-consuming devices or other equipment; and the Department shall not be responsible for any loss or damage resulting from defects, failures, malfunctions or electrical faults in or originating in any electrical wiring, current-consuming devices or other equipment which he may own or operate, install or maintain; and the Department shall not be responsible for damage to persons or property arising from the use of electric service on the premises of the customer.  
(Ord. 106416 § 11(10), 1977.)

### 21.48.360 Customer's responsibility for protection.

Notwithstanding any other provisions of any other code or ordinance:

A. It is the responsibility of the customer to protect himself, life and property from the use, misuse and/or availability of electrical current on his premises and from the consequences of the use, misuse and/or availability of electrical current on his premises.

B. It is the responsibility of the customer to provide, install, use, inspect and maintain, suitable protection and protective devices to protect himself, life and property, from any defects, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices or other equipment which he may own or operate, install or maintain; and to protect himself, life and property from the consequences of any defect, failure, malfunction or electrical fault in or originating in any electrical wiring, current-consuming devices or other equipment which he may own, operate, install or maintain.  
(Ord. 106416 § 11(11), 1977.)

### 21.48.370 Heat loss.

A. The Department shall adopt rules and regulations to promote conservation of the city's existing low-cost hydroelectric power by the

designation of efficiency standards to:

1. Limit heat loss from all new structures receiving electric service from the Department for purposes of space heating; and

2. Limit heat loss by existing structures that are either converted to electric space heating, or are rewired in order to receive electrical service from the Department for purposes of space heating; and

3. Limit the capacity of electric heating equipment installed in new structures and existing structures that have been rewired or converted to space heating.

B. The Department may require compliance with such rules and regulations as a condition for the supply or continued supply of electrical service to such structures.

(Ord. 107661 § 1, 1978; Ord. 106416 § 11a, 1977.)

**21.48.380 Rights reserved to city.**

All meters and other facilities furnished by the city shall be and remain the city's property and the right to remove, replace or repair the same is expressly reserved.

(Ord. 106416 § 12(1), 1977.)

**21.48.390 Damaging or interfering with city equipment prohibited.**

No person shall do or authorize to be done the following: In any manner damage, mutilate, destroy, remove, disconnect or in any way interfere or tamper with any of the machinery, poles, wires, meters or other equipment belonging to, or in any manner connected with the light and power plant of the city.

(Ord. 106416 § 12(2), 1977.)

**21.48.400 Notification of defective service.**

The Department shall be notified in case of defective service.

(Ord. 106416 § 12(3), 1977.)

**21.48.410 Work to be done by city.**

Whenever it becomes necessary to disconnect, remove or relocate any poles, wires, underground facilities or other equipment belonging to the Department, the work shall be done by or under the direction of the Department. Prior notice shall be given to the Department by the person desiring such work done, stating when and where the same is required. The person desiring such work may be required to pay the cost of labor and material required to do same.

(Ord. 106416 § 12(4), 1977.)

**21.48.420 Adoption of rules—Short-term energy surplus.**

The Department shall have authority to adopt and file as appropriate, rules, policies and procedures relating to its performance of the provisions of this chapter and to the operation of the city's light and power system. Upon determination of necessity, or of short-term surplus of secondary energy, the Department may enter into agreements, terminable on not more than one hundred eighty days' notice, providing for the acquisition, sale, or exchange of electricity on terms most advantageous to the city under such circumstances.

(Ord. 106416 § 13(1), 1977.)

**21.48.430 Accounts—Billing dates.**

The Department shall keep accounts with all customers, shall establish billing dates in monthly or bimonthly cycles, and all charges thereunder shall become due and payable within ten days after the billing date shown on individual bills. If the charges are not paid thereafter, service may be disconnected following reasonable and appropriate notice to the customer by the Department.

(Ord. 106416 § 13(2), 1977.)

**21.48.440 Service disconnection—Charges.**

In case service is disconnected for any violation of the provisions of this chapter, a service charge of not less than Ten Dollars (\$10.00) shall be added to the account. If service is disconnected for failure to pay bills when due, the service shall not be resumed until payment in full has been received, or proper arrangements have been made for payment of all arrears and all other charges.

(Ord. 106416 § 13(3), 1977.)

**21.48.450 Binding agreements.**

No promise, agreement or representation of any employee or agent of the city with reference to furnishing electric energy shall be binding on the city unless same shall be in writing signed by a duly authorized agent of the Department in accordance with the provisions of this chapter.

(Ord. 106416 § 13(4), 1977.)

**21.48.460 Authority of Board of Public Works.**

Under the provisions of this chapter, whenever discretion is vested with the Department, such discretion shall be subject to the control of the Board of Public Works of the city.

(Ord. 106416 § 13(5), 1977.)

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21.48.470 Installation, sale and servicing of equipment.

The Department shall have authority to, and may provide for the installation and servicing of appliances, for the sale and rental of equipment, for the sale, lease, construction, installation, operation and/or servicing of material, supplies, facilities or equipment for the use or conservation of electricity, and may establish and collect charges therefor based on cost, conservation and/or use of electricity and enter into agreements in connection therewith. (Ord. 106416 § 13(6), 1977.)

21.48.480 Account change fee.

The customer shall be billed an account change fee for each service application resulting from a change of occupancy at an existing premises or a change of customer for an existing account. Such charge shall be included in the initial billing to the new customer. The charge shall be Ten Dollars (\$10.00) for each residential account and Fifteen Dollars (\$15.00) for each commercial, industrial or governmental account. The account change fee shall not apply to the following:

- A. The first occupant of a new premises or the first customer on a new account;
- B. Name, address or rate change involving the same premises and customer;
- C. Temporary or permanent service used for the purpose of new construction;
- D. Services or meters added to an existing account;
- E. Billing of vacancy current to property owners or authorized agents;
- F. Customers who have a Senior Citizen Identification Card issued by the city. (Ord. 106416 § 13(7), 1977.)

21.48.490 Violation—Penalty.

Violation of or failure to comply with any of the provisions of this chapter shall be a civil violation and punishable by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00). (Ord. 106416 § 16, 1977.)

Chapter 21.52

CONSERVATION MEASURES

Sections:

Subchapter I Conservation Investment Assistance Program

- 21.52.010 Program established—Administration.
- 21.52.020 Eligibility—Low income elderly.
- 21.52.030 Eligibility—Low income handicapped and others.
- 21.52.040 Maximum payment.
- 21.52.050 Verification—Inspection.
- 21.52.060 Insulation priorities.

Subchapter II Miscellaneous Provisions

21.52.100 Insulation contracts with residential heat customers.

21.52.010 Program established—Administration.

The Superintendent of Lighting is authorized to establish a Conservation Investment Assistance Program; said program shall be administered in a manner to assist certain low income Lighting Department customers who heat their own homes primarily with electric heat to insulate said homes; the Superintendent of Lighting will expend a maximum of Two Hundred Seven Thousand Dollars (\$207,000.00) to accomplish the goals of the Conservation Investment Assistance Program. (Ord. 106992 § 1, 1977; Ord. 106651 § 1, 1977.)

21.52.020 Eligibility—Low income elderly.

Eligibility for participation in the Conservation Investment Assistance Program shall be determined by the Department of Human Resources and the Department of Community Development from verified applications and inspection of each home, and such qualifications shall be based on the following criteria for the following classes of low income persons:

Low Income Elderly.

- A. The head of household must own the home and must be sixty-five years of age or older; and
- B. Have a gross annual income of less than Five Thousand Six Hundred Seven Dollars



(\$5,607.00), if single, or Seven Thousand Three Hundred Thirty-one Dollars (\$7,331.00), if married; and

C. Reside in the Seattle Lighting Department service area, use the home solely for a residence and have permanently connected electrical heating facilities as the primary source of heat in the residence; and

D. The residence of the recipient is without insulation or is equipped with below standard insulation.

(Ord. 106651 § 2, 1977.)

**21.52.030 Eligibility—Low income handicapped and others.**

In the event the Superintendent of Lighting determines that there is a reasonable expectation of surplus funds remaining in the amount set forth in Sections 21.52.010 and 21.52.060, after actual and expected expenditures contemplated by Section 21.52.020, the following additional low income classes may be determined by the Superintendent, in sequential order, to be eligible for participation in the Conservation Investment Assistance Program. Eligibility for participation in the program shall be determined by the following criteria:

**A. Low Income Handicapped.**

1. The head of household must own the home and be considered low income handicapped under criteria for the disabled and blind as promulgated by the federal government Supplemental Security Income Program; and

2. Reside in the Seattle Lighting Department service area, use the home solely for residence and have permanently connected electrical heating facilities as the primary source of heat in the residence; and

3. The residence of the recipient is without insulation or is equipped with below standard insulation.

**B. Other Low Income.**

1. The head of household must own the home and be considered eligible under the low income limits set forth for the city's Neighborhood Housing Rehabilitation Program; and

2. Reside in the Seattle Lighting Department service area, use the home solely for a residence and have permanently connected electrical heating facilities as the primary source of heat in the residence; and

3. The residence of the recipient is without insulation or is equipped with below standard insulation.

(Ord. 106651 § 3, 1977.)

**21.52.040 Maximum payment.**

Payments for insulation under the Conservation Investment Assistance Program shall not exceed Four Hundred Fifty Dollars (\$450.00) per household.

(Ord. 106946 § 1, 1977; Ord. 106651 § 4, 1977.)

**21.52.050 Verification—Inspection.**

Certain expert and temporary services will be utilized to verify electrical and insulation requirements of applicants, establish the work requirements for each home insulated under the Conservation Investment Assistance Program, provide periodic inspections of insulation work in progress to validate performance and inspect completed work to insure contract compliance; such services, to be performed by personnel designated "Insulation Auditors," will be performed by persons hired from the Washington State Employment Securities CETA rolls to the extent possible; in the event CETA personnel are not available, the Insulation Auditors' functions will be performed by Lighting Department or contract personnel. All CETA personnel will be trained to perform the functions of Insulation Auditors by Lighting Department personnel.

(Ord. 106651 § 5, 1977.)

**21.52.060 Insulation priorities.**

The criteria to be utilized in determining the insulation eligibility requirements and priority in installing insulation are as follows:

Priorities	Insulation Priorities	Work to be Done
A. No ceiling insulation or ceiling insulation less than R-11.		Insulate to R-19.
B. Ceiling insulation at least R-11, but no floor insulation in unheated crawl space.		Floors insulated to R-11.
C. Ceiling insulation less than R-19 but more than R-11.		Ceiling will be brought up to R-19.
D. Ceiling insulation at or above R-19, but no floor insulation in unheated crawl space.		Floors insulated to R-11.

(Ord. 106651 § 6, 1977.)

**Subchapter II Miscellaneous Provisions**

**21.52.100 Insulation contracts with residential heat customers.**

The Superintendent of Lighting is authorized

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to enter into contracts with residential heat customers of the Department of Lighting to provide for the supply and installation of attic and/or floor insulation by qualified contractors in a principal amount of not more than One Thousand Dollars (\$1,000.00), based on cost and conservation of electricity, on such installment terms and conditions, including payment of interest, as appropriate. In order to provide for the implementation of such contracts, the Superintendent of Lighting and the Purchasing Agent are authorized to determine contractors qualified to install attic and/or floor insulation based on appropriate criteria, including capability to supply and install insulation of the type and on specified terms; compliance with applicable contractor's bonding and licensing requirements; a showing of adequate financial resources and insurance coverage; and necessary integrity, judgment and skill. Following audits by Lighting Department personnel to determine insulation requirements, electric heat customers may select proposals from a qualified contractor or contractors, and upon review and approval thereof, the Superintendent of Lighting and the Purchasing Agent are authorized to enter into an installation contract with the contractor; and any provisions of Ordinance 102151, as amended,<sup>1</sup> to the extent inconsistent herewith, are hereby superseded. (Ord. 107766 § 1, 1978; Ord. 107564 § 1, 1978.)

1. Editor's Note: Ord. 102151, regarding the Division of Purchases, is codified in Chapter 3.14 of this Code.

### Chapter 21.56

#### MISCELLANEOUS PROVISIONS

##### Sections:

- 21.56.010 Application for membership in Washington Public Power Supply System.
- 21.56.020 Financial obligations incurred under System.
- 21.56.030 Charges for electricity in Newhalem community.
- 21.56.040 Free parts for certain appliances.

#### 21.56.010 Application for membership in Washington Public Power Supply System.

The Superintendent of City Light is authorized on behalf of the city to make application for membership in the Washington Public Power Supply System, a joint operating agency formed pursuant to RCW Chapter 43.52, and upon acceptance of the city's application for membership the Superintendent of City Light is designated as the city's representative to serve on the System's Board of Directors. The Superintendent of City Light is authorized to designate an alternate representative to serve on the Board of Directors in his absence. All prior acts of alternate representatives to the System's Board of Directors are ratified and confirmed, provided that such person was designated by the Superintendent of City Light.

(Ord. 107442 § 1, 1978; Ord. 99685 § 1, 1971.)

#### 21.56.020 Financial obligations incurred under System.

Any financial obligations incurred by the city in connection with its membership in said System while a member thereof shall be payable solely out of the gross revenues of its municipal light and power plant and system and from no other source whatever and shall not constitute a general indebtedness of the city.

(Ord. 99685 § 2, 1971.)

#### 21.56.030 Charges for electricity in Newhalem community.

As requested by the Superintendent of City Light in C.F. 274449 all consumers of electric energy from the city's system in the Newhalem community other than Lighting Department facilities or employees shall be charged the rates set forth from time to time in the Lighting Department Rate Ordinance - (Ordinance 100163 as the same may be amended or superseded.)<sup>1</sup>

(Ord. 101870 § 1, 1973.)

1. Editor's Note: The current lighting and power rates, Ord. 106416, are codified in Chapter 21.48 of this Code.

#### 21.56.040 Free parts for certain appliances.

The Lighting Department will provide owners of electric ranges, water heaters and permanently connected electric heat with free parts for these appliances when the owner of the appliance

requiring service is a senior citizen with a low annual income, who holds a senior citizen identification card that is issued by the Department of Human Resources and bears a City Light stamp.  
(Ord. 107841 § 1, 1978.)

Subtitle V CATV

Chapter 21.60

CABLE COMMUNICATIONS

Sections:

- 21.60.010 Short title.
- 21.60.020 Purpose.
- 21.60.030 Definitions.
- 21.60.040 Office of Cable Communications—Created—Director.
- 21.60.050 Office of Cable Communications—Duties.
- 21.60.060 Citizens' Cable Communications Advisory Board—Created—Membership.
- 21.60.070 Advisory Board—Duties.
- 21.60.080 Franchise to install and operate.
- 21.60.090 Basic services.
- 21.60.100 Nonbasic services.
- 21.60.110 Subscriber complaints.
- 21.60.120 Educational and municipal service.
- 21.60.130 Compatibility and interconnection.
- 21.60.140 Uses permitted.
- 21.60.150 Franchise term.
- 21.60.160 Termination of franchise.
- 21.60.170 Proceeding before Hearing Examiner.
- 21.60.180 Determinations by Hearing Examiner.
- 21.60.190 Declaration of termination of franchise.
- 21.60.200 City rights not affected.
- 21.60.210 Cable districts and access areas.
- 21.60.220 Applications for franchise.
- 21.60.230 When applications accepted—Notification.
- 21.60.240 Report and recommendation on application.
- 21.60.250 Public hearing on application.
- 21.60.260 Considerations at public hearing.
- 21.60.270 Council determinations—Rejection or further consideration of application.
- 21.60.280 Procedure for grant or renewal of franchise.
- 21.60.290 Franchise grant for entire cable district—Exception.
- 21.60.300 Subscriber rates and charges—Approval required.
- 21.60.310 Subscriber rates and charges—Determination of Hearing Examiner.
- 21.60.320 Subscriber rates and charges—Purpose of hearing.
- 21.60.330 Bonds.
- 21.60.340 Indemnity.
- 21.60.350 Insurance.
- 21.60.360 Penalties.
- 21.60.370 Acceptance of franchise.
- 21.60.380 Construction—Approval of plan—Rate of extension of service.
- 21.60.390 Erection of poles and wires—Undergrounding.
- 21.60.400 Undergrounding requirements.
- 21.60.410 City rights to make improvements—Use of grantee's poles.
- 21.60.420 Excavation—Application—Deposit with Board of Public Works.
- 21.60.430 Moving building—Raising or removing wires.
- 21.60.440 Compliance with chapter.
- 21.60.450 Connection point.
- 21.60.460 Council may require construction in previously excluded area.
- 21.60.470 Permission from property owner.
- 21.60.480 Consumer protection.
- 21.60.490 Franchise to be nonexclusive.
- 21.60.500 Privileges as stated in chapter.
- 21.60.510 Subordinate to city and prior lawful occupancy.
- 21.60.520 Transfers or assignment.
- 21.60.530 Obligation to comply promptly.
- 21.60.540 Transfer of powers to other city officers or employees.
- 21.60.550 No recourse against city for loss or expense.
- 21.60.560 Grantee subject to city laws.
- 21.60.570 Franchise in lieu of other rights and powers of grantee.
- 21.60.580 Grantee not to sell, rent or repair radio or TV sets.
- 21.60.590 Grantee not to control program content.

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- 21.60.600 Right of Council or people to repeal or amend grant.
- 21.60.610 Extension of franchise—Time limitation.
- 21.60.620 Rights reserved to city.
- 21.60.630 Right to require technical improvements.
- 21.60.640 Use of facilities for emergency purposes.
- 21.60.650 Rules and regulations.
- 21.60.660 Equal opportunity employment and affirmative action plan.
- 21.60.070 Interpretation.
- 21.60.680 Effective date.
- 21.60.690 Incorporation by reference into each franchise.

### Cable Television Glossary of Terms

#### Severability:

A. If any portion of this chapter shall be held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

B. If any portion of this chapter should be inconsistent with any rule or regulation now or hereafter adopted by the Federal Communications Commission, then to the extent of the inconsistency, the rule or regulation of the Federal Communications Commission shall control for so long, but only for so long, as such rule or regulation shall remain in effect, but the remaining portions of this chapter shall not thereby be affected.

(Ord. 105427 § 22, 1976.)

#### 21.60.010 Short title.

This chapter shall constitute the "Cable Communications Ordinance" of the city and may be referred to as such.  
(Ord. 105427 § 2, 1976.)

#### 21.60.020 Purpose.

It is the purpose of this chapter to regulate in the public interest the operation of cable communications systems and their use of the public streets by establishing procedures for the granting and termination of franchises and the fixing of subscriber rates and charges, by prescribing rights and duties of operators and users of cable communications systems, and by providing generally for cable communications service to the citizens of Seattle.  
(Ord. 105427 § 1, 1976.)

#### 21.60.030 Definitions.

For the purposes of this chapter the following terms, phrases, words, abbreviations and their derivations shall have the meaning given in this section. When not inconsistent with the context,

words used in the present tense shall include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

A. "Access channels" means those channels designated and maintained by a cable communications system for programming not originated or procured by the system, including, but not limited to, the local government, the educational, and the public access channels described in and required by Sections 21.60.090 through 21.60.140.

B. "Advisory Board" means the Citizens Advisory Board created in Sections 21.60.060 and 21.60.070.

C. "Basic services" shall be as defined in Section 21.60.090.

D. "Cable communications system" or "CATV system," which words are used interchangeably for the purpose of this chapter, are terms describing a system employing antennae, microwave, wires, wave-guides, coaxial cables or other conductors, equipment, or facilities designed, constructed, or used for the purpose of

1. Collecting and amplifying local and distant broadcast, television, or radio signals and distributing and transmitting them;

2. Transmitting original cablecast programming not received through television broadcast signals;

3. Transmitting television pictures, film and video-tape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; and

4. Transmitting and receiving all other signals: digital, voice, audio-visual.

E. "City" means the city of Seattle, a municipal corporation of the state of Washington in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

F. "Council" means the City Council of the city of Seattle or any future body constituting the legislative body of the city.

G. "Franchise" means and includes any authorization granted under this chapter in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable communication system within all or a specified area in the city. Any such authorization, in whatever form granted, shall not mean and include any license or permit required

for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of this city.

H. "Grantee" means any person, firm or corporation granted a franchise by the city under this chapter and the lawful successor, transferee or assignee of such person, firm or corporation.

I. "Mayor" means the Mayor of the city of Seattle or any other person however designated who shall be the chief executive officer of the city.

J. "Nonbasic services" shall be as defined in Section 21.60.100.

K. "Person" means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business and common law trusts and societies.

L. "Property of grantee" means all property owned, installed and used within the city by a grantee in the conduct of a cable communications system business under the authority of a franchise grant pursuant to this chapter.

M. "Street" for the purpose of this chapter means the surface, the air space above the surface, and the area below the surface of any public street under the jurisdiction of the city.

N. "Subscriber" or "user" means any person or entity receiving for a consideration, direct or indirect, any service of a grantee's cable communications system.  
(Ord. 105427 § 3, 1976.)

**21.60.040 Office of Cable Communications—Created—Director.**

A. There is created in the Executive Department an Office of Cable Communications for the administration and enforcement of this chapter and any other city ordinances relating to cable communications.

B. There shall be a Director of the office who shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and such Director may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council. The position of Director of the office shall not be included in the classified civil service and the same shall be exempt from the classified civil service upon the filing by the Civil Service Commission as a permanent record in the office of the City Comptroller, of its recommendation that such office, as a profes-

sional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter, should not be included in the classified civil service. The Director shall be compensated at the rate heretofore provided for the Cable Communications Coordinator by the Salary Ordinance<sup>1</sup> and, when the Salary Ordinance is appropriately modified, the Director shall be compensated at the rate provided in the Salary Ordinance for the position of Director of Cable Communications.

(Ord. 107614 § 1(part), 1978; Ord. 105427 § 4(a), 1976.)

1. Editor's Note: The Salary Ordinance is not included in this codification. Copies are on file in the office of the City Clerk.

**21.60.050 Office of Cable Communications—Duties.**

The duties of the Office of Cable Communications are as follows:

A. To process applications for the granting or renewal of franchises;

B. To furnish the Council information, recommendations and technical assistance in connection with granting and renewing franchises;

C. To process applications for approval of initial or increased subscriber rates and to participate in rate hearings;

D. To investigate subscriber complaints and to resolve them by conciliation where possible;

E. To review generally the adherence by grantees to the terms of their respective franchises and to regulations of the Federal Communications Commission;

F. To serve as liaison for the distribution of information among public agencies, private firms and individual property owners with respect to: (1) the undergrounding of utility wires, (2) leasing of poles and pole space, and (3) the scheduling of construction whenever such undergrounding, leasing or construction affects existing or potential CATV facilities, whether or not the public improvement involved is limited in scope to the undergrounding of overhead wiring;

G. To promote the use of cable communications, the use of local government, education and public access channels, the procurement of grant funds to satisfy such uses, and community involvement in the formulation of city policy with respect to cable communications; and

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H. To furnish to the Advisory Board such information and such staff, secretarial and other assistance as the Advisory Board may require to carry out its duties. (Ord. 107614 § 1(part), 1978; Ord. 105427 § 4(b), 1976.)

### 21.60.060 Citizens' Cable Communications Advisory Board—Created—Membership.

There is created a Citizens' Cable Communications Advisory Board consisting of seven members, each of whom shall be appointed by the Mayor subject to approval by the Council to serve without compensation for a term of three years without eligibility for reappointment to consecutive terms. Of the members appointed initially three shall be appointed for terms of three years each, two for terms of two years each, and two for terms of one year each. Thereafter the term of each member shall be three years. The Advisory Board shall at all times include two members representing public access; one member representing the industry; one member representing education; three members at large and the Director of the Office of Cable Communications shall serve as secretary to the Board.

(Ord. 105427 § 5(a), 1976.)

### 21.60.070 Advisory Board—Duties.

The duties of the Advisory Board are as follows:

A. To make recommendations to the Council on standards and guidelines for the granting of CATV franchises, and from time to time to recommend amendments to this chapter;

B. To make written recommendations to the Council concerning the disposition of specific applications for the granting or renewal of a franchise. The Advisory Board shall include with its recommendations a summary of the papers, documents and other evidence which it considered and of the reasons for its recommendation;

C. To make recommendations to the Office of Cable Communications on the disposition of applications for approval of initial subscriber rates and charges or for approval of changes in such rates and charges;

D. To conduct informal hearings upon and to make written recommendations regarding resolution of subscriber complaints which the Office

of Cable Communications is unable to resolve through conciliation;

E. To make recommendations to the Office of Cable Communications concerning use of any access channel;

F. Generally to advise the government of the city in the formulation and implementation of policy on cable communications and to promote citizen participation in that process by means of public information programs and otherwise; and

G. To assist the Office of Cable Communications and the Council in the formulation of policy concerning appropriation of funds for: (1) the production of materials for use on access channels, (2) the construction and maintenance of facilities for such production, and (3) the education of the public in the use of such facilities; and to make written recommendations to the Council and the Mayor regarding the making of applications for financial assistance and the use of grant funds received pursuant to such applications. (Ord. 105427 § 5(b), 1976.)

### 21.60.080 Franchise to install and operate.

A. The Council may grant to any person a nonexclusive franchise to install, construct, operate and maintain a cable communications system on streets within one or more cable districts as defined in this chapter. The award of such franchises shall be made pursuant to the procedures, terms and conditions set forth in this chapter, and only to such persons who offer to provide a cable communications system under and pursuant to the terms and conditions of this chapter. No provision of this chapter shall be deemed or construed to require the granting of a franchise with respect to any cable district when, in the opinion of the Council, it is in the public interest to restrict to one or more the number of grantees holding franchises with respect to a particular cable district or districts.

B. It shall be unlawful for any person to install, construct, operate or maintain a cable communications system on streets within all or any part of the city without first obtaining a franchise under and pursuant to the terms and provisions of this chapter, except as provided in Sections 21.60.290 and 21.60.680A. (Ord. 105427 § 6, 1976.)

**21.60.090 Basic services.**

Any cable communications system permitted to be installed and operated under this chapter shall:

A. Be operationally capable of relaying to subscriber drops (i.e., terminals) if technically practicable those television or radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

B. If technically and economically practicable be constructed with technical capacity for nonvoice return communication such that: (1) return communications are capable of being received and processed both at the head-end for the cable district in which the communication originates and at a main head-end for all cable districts served by the grantee; (2) return communications will be transmitted on a band width below the lowest band width used by the grantee to transmit television broadcast signals; (3) at the option of the subscriber, no return signals will be communicated; and (4) the system will include technical safeguards calculated to deter interception of return communications by third parties;

C. Distribute color television signals which it receives in color;

D. Provide in each cable district with a twelve-channel capacity one composite channel for local government, educational and public access uses, and in cable districts that have or are expanded to twenty-channel capacity provide one channel each for local government, educational and public access such that:

1. All access channels will be made available without charge,

2. Access channel assignments shall be made by the Office of Cable Communications in consultation with the grantees and shall be made uniform throughout the city,

3. The requirement of this chapter that there be such access channels shall be reviewed every six months by the Office of Cable Communications and the Citizens' Advisory Committee to examine the need for such channels,

4. Programs on any access channel shall be available to all subscribers within a single access district and to the extent technically practicable, cable district head-ends shall be interconnected to permit transmission to all cable districts of signals transmitted on any access channel,

5. For each access district there shall

be provided, without charge, facilities sufficient to originate live or videotaped programs on the public access channel, which shall be available during the system's broadcast day on a first-come, first-serve, nondiscriminatory basis.

Provided, however, that with respect to this subsection D the grantee shall not be required to provide access facilities in excess of those required by the rules and regulations of the Federal Communications Commission unless, upon application of the city, such access facility requirements are waived by the Federal Communications Commission; and

E. Have a minimum capacity of twenty channels.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(a), 1976.)

**21.60.100 Nonbasic services.**

Any cable communication system permitted to be installed and operated under this chapter may also if technically practicable engage in the business of:

A. Transmitting original cablecast programming not received through television broadcast signals;

B. Transmitting television pictures, film and videotaped programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers; and

C. Transmitting and receiving all other signals: digital, voice, audio-visual.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(b), 1976.)

**21.60.110 Subscriber complaints.**

In providing the services designated in Sections 21.60.090 and 21.60.100, and excepting circumstances beyond grantee's control such as riots, civil disturbances and acts of God, the grantee shall:

A. Limit system failures to a minimum time duration by locating and commencing correction of malfunctioning equipment promptly, but in no event longer than twenty-four hours after occurrence irrespective of holidays or other nonbusiness hours;

B. Upon complaint by a subscriber and at the request of the Office of Cable Communications, demonstrate to the satisfaction of the Office of Cable Communications that a signal being delivered meets the technical and performance standards of strength and quality set forth

in the rules and regulations of the Federal Communications Commission;

C. Render efficient service, making system repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four hours in advance and shall occur during periods of minimum use of the system;

D. Maintain an office in or near the city which shall be so operated that complaints and requests for repairs or adjustments may be received at any time. The current local telephone number(s) for the office and complaint service shall be listed in telephone directories distributed in grantee's area of service;

E. Maintain a written record or "log" listing date of system failures and specific customer complaints other than those concerning system failures, and describing the nature of the complaint and when and what action was taken by grantee in response thereto. Records relating to each complaint shall be kept at grantee's local office for a period of three years and shall be available for public inspection during regular business hours by the Office of Cable Communications.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(c), 1976.)

**21.60.120 Educational and municipal service.**

A. With respect to the local government and educational access channels:

1. On condition of reimbursement of grantee's actual cost for installation and periodic maintenance, the grantee shall provide a cable return length if technically practicable permitting transmission of originated program material between the head-end of the grantee and

a. Each building designated by the Office of Cable Communications and located within a cable district for which the grantee holds a franchise and which is owned and controlled by the city and used for public purposes and not for residential use (fire and police stations excepted), and

b. Each state-accredited public or private educational institution located with a cable district for which the grantee holds the franchise and which requests such installation; and

2. If the grantee elects to provide facilities for production of program materials for use on the local government or educational

access channels, the grantee shall charge no more than reasonable production costs, a schedule of which charges shall be filed with the Office of Cable Communications on January 2nd of each year.

B. With respect to basic cable services: the grantee shall provide if technically practicable all subscriber services and a tie-in connection without cost (except for actual cost of installation in the case of an underground connection), to each state-accredited public or private educational institution and each building designated by the Office of Cable Communications which is owned and controlled by the city and used for public purposes and not residential use (fire and police stations excepted), when the cable system passes any such institution or building.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(d), 1976.)

**21.60.130 Compatibility and interconnection.**

A. It is the desire of the city in enacting this chapter that all cable communication systems franchised under this chapter shall, insofar as financially and technically feasible, be compatible one with another and with systems adjacent to the city.

B. Whenever it is financially and technically feasible, the grantee shall so construct, operate, and modify the system as to be able to tie the same into all other systems within and adjacent to the city.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(e), 1976.)

**21.60.140 Uses permitted.**

Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable communications system in the city, and for that purpose to erect, install, construct, prepare, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street such poles, wire, cable, conductors, ducts, conduit, vaults, man-holes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the cable communications system and in addition, so to use, operate, and provide similar facilities by means of properties (i.e., systems of components thereof) rented or leased from other persons, including but not limited to,

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any public utility or other grantee franchised or permitted to do business in the city; provided, however, that nothing contained in this section shall relieve the grantee from the requirements of Ordinance 90047<sup>1</sup> relating to the use of public streets or from the requirements of any other ordinance, rule or regulation enacted or promulgated by or on behalf of the city in connection with the exercise of the city's police powers.  
(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(f), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

#### 21.60.150 Franchise term.

Each franchise granted by the city under this chapter shall be for a term of fifteen years from the date of its acceptance by the grantee.  
(Ord. 105427 § 8(a), 1976.)

#### 21.60.160 Termination of franchise.

The city may terminate by ordinance enacted for such purpose any franchise granted pursuant to the provisions of this chapter in the event of the willful failure, refusal, or neglect by grantee to do or comply with any material and substantial requirement contained in this chapter or rule or regulation of the Office of Cable Communications validly adopted pursuant to this chapter. System failure in all or a major part of any cable district shall constitute non-compliance with a material requirement of this chapter if such failure continues for a period of ten consecutive days or for a period of twenty-four consecutive hours on thirty or more occasions during any period of twelve consecutive calendar months.

(Ord. 105427 § 8(b), 1976.)

#### 21.60.170 Proceeding before Hearing Examiner.

The Office of Cable Communications shall initiate a proceeding before a Hearing Examiner pursuant to the Administrative Code of the city<sup>1</sup> for the purpose of having the Examiner make the determinations contemplated by Section 21.60.180 if:

A. The Office of Cable Communications determines that by reason of system failure not resulting from circumstances beyond its control the grantee has failed to comply with any material or substantial requirement of this chapter; or

B. The Office of Cable Communications determines that the grantee has failed or refused

or neglected to do or comply with any material or substantial requirement or limitation contained in this chapter or other ordinance (other than system failure) or any rule or regulation of the Office of Cable Communications validly adopted pursuant to this chapter; and such failure, refusal, or neglect has continued for a period of thirty days following written demand by the Office of Cable Communications to do or comply with such requirement, limitation, term, condition, rule or regulation; or

C. The Office of Cable Communications has received a petition requesting institution of such proceedings and signed by at least twenty-five percent of the subscribers within the cable district served by the grantee; provided however, that this subsection shall not be so interpreted as to preclude consideration by the Office of Cable Communications of complaints by non-subscribers concerning matters in which such nonsubscriber(s) have a material interest.  
(Ord. 105427 § 8(c), 1976.)

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

#### 21.60.180 Determinations by Hearing Examiner.

In any proceeding as set out in Section 21.60.170, it shall be the duty of the Hearing Examiner after receiving testimony and evidence from all interested parties:

A. To determine whether any such failure, refusal or neglect by grantee to do or comply with any such material requirement, limitation, term, condition, rule or regulation has occurred; and

B. If so, to determine whether such failure, refusal or neglect by grantee was with just cause; and

C. If such failure, refusal or neglect by the grantee was with just cause, to direct compliance within such time and upon such terms and conditions as are reasonable;

provided, however, if the issue before the Hearing Examiner involves noncompliance with Section 21.60.380 he shall make a recommendation to the Council regarding a time certain for compliance by grantee.

(Ord. 105427 § 8(d), 1976.)

#### 21.60.190 Declaration of termination of franchise.

If the Hearing Examiner shall determine that

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such failure, refusal or neglect by the grantee was without just cause, he shall report such determination to the City Council whereupon the city may by ordinance declare that the franchise of such grantee shall be terminated and forfeited as of a date to be specified in such ordinance unless there be compliance by the grantee within such period as the city may also fix in such ordinance. Such ordinance shall be published once in the city official newspaper within three days after the same shall have become a law.

(Ord. 105427 § 8(e), 1976.)

### 21.60.200 City rights not affected.

The termination and forfeiture of any franchise shall in no way affect any other rights of the city under the franchise or any provision of law.

(Ord. 105427 § 8(f), 1976.)

### 21.60.210 Cable districts and access areas.

A. Cable districts shall be as depicted on Exhibit "A"—"CABLE DISTRICTS" attached to Ordinance 105427.<sup>1</sup>

B. Access districts shall be as depicted on Exhibit "B"—"ACCESS AREAS" attached to Ordinance 105427.<sup>1</sup>

(Ord. 105427 § 9, 1976.)

1. Editor's Note: Exhibits "A" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

### 21.60.220 Applications for franchise.

Each application for the granting or renewal of a franchise to construct, operate or maintain any cable communications system in this city shall be filed with the Office of Cable Communications, be accompanied by a processing fee in the amount of Two Hundred Fifty Dollars (\$250.00) and shall also contain or be accompanied by the following:

A. The name, address and telephone number of the applicant;

B. A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent may reasonably be required by the Office of Cable Communications:

1. The names, residence and business addresses of all officers and directors of the applicant,

2. The names and addresses of all persons having, controlling, or being entitled to have or control, five percent or more of the

ownership of the applicant, either directly or indirectly, and the respective ownership share of each such person,

3. A detailed description of all previous experience of the applicant or the owners of the applicant in providing cable communications and in related or similar fields,

4. A detailed and complete recent financial statement prepared by or under the supervision of certified public accountants, and of any corporation owning a majority or more of the voting stock of the applicant,

5. A detailed financial plan showing the financial resources required to construct and operate the proposed system together with satisfactory evidence of the availability to applicant of funding requirements in excess of applicant's own cash resources not otherwise committed;

C. A detailed statement of the proposed plan of operation of the applicant, which shall include:

1. A statement of the cable district proposed to be served and a proposed time schedule, not in conflict with this chapter, for installation in each neighborhood or portion of the district of all equipment necessary to complete energization throughout the entire area to be served,

2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of the classifications including installation charges and service charges and which shall remain in effect for not less than twelve months following the grant of the franchise; provided grantee by this requirement shall not be precluded from initiating an application for a rate revision prior to the twelfth month, to be effective thereafter if allowed,

3. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant, including when applicable administrative and technical procedures for interconnection of access channels and for safeguarding the privacy of return signals. In no event shall the operational and performance standards be less than those contained in Title 47, Subpart K (Section 76.601 et seq.) Rules and Regulations, Federal Communications Commission adopted February 2, 1972, and as amended,

4. A copy of any agreement proposed to be entered into between the applicant and any subscriber,

5. A statement setting forth the substance of, and names of persons party to, all agreements existing or proposed between the applicant and any other person which materially relate to or depend upon the granting of the franchise;

D. A copy of any agreement with respect to the franchise area existing between the applicant and any public utility providing for the use of any facilities of the public utility; and

E. Any other reasonable information requested by the Office of Cable Communications or the Council, or required by any provision of any other ordinance of the city or its Charter, or deemed pertinent by the applicant. (Ord. 105427 § 10, 1976.)

**21.60.230 When applications accepted—Notification.**

A. For a period of one hundred eighty days immediately preceding the expiration date of a franchise for any given cable district the Office of Cable Communications will accept for filing applications for franchises for such cable district. At least ten days but not more than thirty days in advance of the aforementioned date on which applications will first be accepted, the Office of Cable Communications shall give written notice thereof to each person who is then the holder of an existing CATV cable franchise from the city and to any person who has requested such notice in writing, and by publication of notice for one day in a newspaper of general circulation throughout the city, which published notice shall include a copy of the table of contents of this chapter.

B. In the event that the Office of Cable Communications, upon the advice and recommendation of the Advisory Board, determines that an area not a part of a cable district is to be designated a cable district and is to be served, the Director of the Office of Cable Communications shall publish notice in a newspaper of general circulation throughout the city that applications for a franchise to serve such area will be received until a designated date which date shall be not less than one hundred eighty days nor more than two hundred ten days after publication of such notice. Such published notice shall contain a copy of the table of contents of this chapter.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(a), 1976.)

**21.60.240 Report and recommendation on application.**

Upon receipt of any application for franchise, the Office of Cable Communications shall prepare a written analysis or report upon such application and thereafter in consultation with the Advisory Board make recommendations respecting such application. Any such analysis or reports and recommendations shall be completed and filed with the Council within ninety days following the close of the period for filing of the application.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(b), 1976.)

**21.60.250 Public hearing on application.**

Upon receipt of the reports or analysis and recommendations of the Office of Cable Communications, the Council shall promptly schedule a public hearing upon the application reported, and shall cause the City Clerk to publish notice thereof in at least two newspapers of general circulation within the city at least once a week for each of the two weeks preceding such hearing, provided, however, that no two or more applications shall be considered at any one hearing except by consent of the applicants and no applications shall be considered at any one hearing which do not relate to the same cable district. The notice shall state the name of each proposed grantee for each cable district and the place where applications and relevant material are available to the public, and shall set forth the day, hour and place when and where any interested persons may file written comments pertaining thereto and/or appear before the Council and be heard.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(c), 1976.)

**21.60.260 Considerations at public hearing.**

At the hearing so scheduled or any adjournments thereof, all citizens and other interested parties shall have an opportunity to express their views orally or in writing to the Council, and the Council shall consider all the views expressed at the public hearing in determining its action upon each franchise application. Written comments if responsive to written or oral statements of any person filed or made at the hearing, but not otherwise, shall be received up to the conclusion of the fifth business day following the conclusion of the hearing, and be

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considered by the Council. The Council shall also give due consideration to the quality of the service proposed; the experience, character, background, and financial responsibility of each applicant and its management and owners; the technical and performance quality of equipment; the program proposed for construction; and the applicant's ability to meet construction and physical requirements and to abide by the terms and requirements of the franchise generally. The Council shall also give weight to local ownership and to ownership representing minorities within the larger public.

(Ord. 107025 § 2(part), 1977: Ord. 105427 § 11(d), 1976.)

### **21.60.270 Council determinations—Rejection or further consideration of application.**

If the Council should determine to reject any application, such determination shall be final and the application shall be deemed rejected. If the Council shall determine further to consider an application, then:

A. (Reserved subsection.)

B. The reasonableness of the subscriber rates and charges proposed by the applicant shall be inquired into at a hearing before a Hearing Examiner pursuant to the Administrative Code of the city (Ordinance 102228)<sup>1</sup> and Sections 21.60.300 through 21.60.320. The Hearing Examiner shall make a determination concerning the reasonableness of the proposed rates and charges and forward such determination to the City Council. In the event that the Hearing Examiner determines that an independent audit of applicant's accounts and records by certified public accountants is essential to a determination of the fairness of applicant's proposed rates and charges he may direct applicants to cooperate in such respect. If an applicant is already operating under an existing franchise and does not propose to increase its rates and charges, no such hearing shall be required.

C. If the Council shall determine that a franchise be granted to the applicant upon the terms proposed by the applicant with respect to the applicant's construction program and subscriber rates and charges or upon different terms, such determination shall be expressed in the ordinance granting a franchise to the applicant.

D. No bill granting a franchise shall be finally passed within thirty days after its introduction,

nor until it has been published in the official newspaper of the city at the expense of the applicant for ten consecutive press days. Any ordinance granting a franchise shall be published once in the official newspaper of the city at the expense of the applicant therefor within three days after the same shall have become law. (Ord. 107025 § 2(part), 1977: Ord. 105427 § 11(e), 1976.)

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

### **21.60.280 Procedure for grant or renewal of franchise.**

The procedure for granting any franchise other than those contemplated by Section 21.60.230 and for renewing any franchise granted pursuant to this chapter shall be as follows:

A. Upon receipt of any application for the granting or renewal of a franchise, the Office of Cable Communications shall prepare a written analysis or report upon such application and thereafter in consultation with the Advisory Board, make recommendations respecting such application and cause the same to be completed and, together with the application, filed with the Council within ninety days.

B. On receipt of such report or analysis and recommendation, the Council shall schedule a public hearing and cause notice thereof to be published at least once a week for each of two weeks preceding the hearing in each of the two newspapers of general circulation within the city, which notice shall contain the same information described in Section 21.60.250. In addition, if the application is for renewal of a franchise for a cable district then served by a local access channel, the applicant shall broadcast notice of the hearing over all such channels at least once each working day between the hours of nine a.m. and eleven p.m. during the two weeks immediately preceding the hearing.

C. The procedures followed at and subsequent to the hearing shall be the same as those described in Sections 21.60.260 and 21.60.270. (Ord. 107025 § 2(part), 1977: Ord. 105427 § 11(f), 1976.)

### **21.60.290 Franchise grant for entire cable district—Exception.**

Unless a cable district is already partially served pursuant to an existing franchise no

grantee shall be awarded a franchise for less than an entire cable district, provided, however, that any person operating a cable system within the city pursuant to a franchise outstanding on the effective date of the ordinance codified in this chapter<sup>1</sup> shall be entitled to continue to operate in the area served on the effective date of the ordinance codified in this chapter, for which such outstanding franchise was granted, until the expiration of such outstanding franchise, notwithstanding the designation of a different grantee under this chapter for a cable district encompassing all or part of the area in which the existing system operates. When, as a result of this section a cable district is served by more than one system, the system shall be interconnected at the expense of the grantee operating under a franchise initially granted pursuant to this chapter in such a way as to provide common access channels throughout the cable district.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(g), 1976.)

1. Editor's Note: Ord. 105427 became effective on April 25, 1976.

**21.60.300 Subscriber rates and charges—  
Approval required.**

A. No grantee shall impose or be permitted to impose upon subscribers or users rates or charges for installation or for basic services, approved by the Federal Communications Commission and the city, until it has first been determined in the manner provided in this section and Sections 21.60.310 and 21.60.320 that such rates are not in excess of a reasonable amount. The determination of the Hearing Examiner in such respect shall be made in accordance with the Administrative Code of the city (Ordinance 102228)<sup>1</sup> and shall constitute a final order or decision; provided, however, that in connection with the original grant of a franchise pursuant to this chapter the reasonableness of rates or charges shall be determined according to Sections 21.60.230 through 21.60.290.

B. Any applicant for the granting or renewal of a franchise (except an applicant who already provides cable service to all or part of the cable district for which the franchise or renewal is sought and who proposes no increase in rates and charges for installation and basic services) and any grantee proposing any increase in rates

and charges for installation or basic services shall first file with the Office of Cable Communications a schedule of the proposed increased rates and charges together with supporting financial data presented in a manner susceptible of meaningful comparison among all grantees, as prescribed by rules adopted pursuant to Section 21.60.650. Such supporting data shall include a statement covering the period since the last previous rate adjustment showing clearly what total proceeds were derived from the system in terms of ratepayers payments and users charges and the proportion of those proceeds devoted to operation and maintenance of the system and construction of capital plant in the cable district. The Office of Cable Communications shall examine and investigate the material submitted by the applicant or grantee and, in consultation with the Advisory Board, make a recommendation to the Council with respect thereto within thirty days after receipt.

(Ord. 105427 § 12(a), 1976.)

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

**21.60.310 Subscriber rates and charges—  
Determination of Hearing  
Examiner.**

The application of the applicant or grantee and the report of the Office of Cable Communications and recommendations of the Advisory Board and the Office of Cable Communications shall be submitted to a Hearing Examiner, and the reasonableness of the proposed rates and charges shall be determined after notice and a hearing by a Hearing Examiner pursuant to the Administrative Code of the city.<sup>1</sup> Notice of the hearing shall briefly describe the proposed rates and charges and the recommendation of the Office of Cable Communications with respect thereto and shall state the place where the application and relevant facts are available to the public, the time and place of the hearing, and the date by which written comments must be submitted. Notice of the hearing will be sufficient if published at least once a week during each of the two weeks preceding the hearing in a newspaper of general circulation within the city and in one or as many more community newspapers within the cable district or franchise areas, as may be necessary to cover the entire district and if broadcast over the local

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access channels of the applicant or grantee (if any) in the cable district or districts affected at least once each working day between the hours of nine a.m. and eleven p.m. during the two weeks immediately preceding the hearing.

(Ord. 105427 § 12(b), 1976.)

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

### **21.60.320 Subscriber rates and charges— Purpose of hearing.**

The purpose of the hearing before a Hearing Examiner shall be to determine whether the rates and charges proposed by the applicant or grantee are in excess of a reasonable amount. In the event that the Hearing Examiner determines that an independent audit of applicant's accounts and records by certified public accountants is essential to a determination of the fairness of applicant's proposed rates and charges he may direct applicants to cooperate in such respect, and failure to consent to such audit without just cause shall be a ground for rejection of the applicant's application. The applicant or grantee shall have the burden of persuasion.

(Ord. 105427 § 12(c), 1976.)

### **21.60.330 Bonds.**

Upon being granted a franchise and upon the filing of the acceptance required under Section 21.60.370, a grantee shall deliver to the City Clerk for filing, and thereafter maintain continuously in effect a good and sufficient bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00), executed by a surety company authorized and qualified to do business in the state as a surety or by other sureties acceptable to the Office of Cable Communications and in a form approved by the City Attorney, which bond shall stipulate that grantee shall strictly comply with each and every condition and covenant of its franchise; provided, that whenever in the judgment of the Director of Cable Communications any bond or bonds filed by a grantee pursuant to the provisions of this section shall be deemed insufficient to satisfy the conditions of the bond, the grantee shall upon demand furnish a new or additional bond in such amount as may be specified by the Director of Cable Communications and with such sureties as are acceptable

to the Director of Cable Communications, and maintain such new or additional bond continuously in effect; and provided further that the bond shall include the obligation of the surety to guarantee payment to the city of the penalty provided for in Section 21.60.360 should such penalty become applicable.

(Ord. 107614 § 2(part), 1978: Ord. 105427 § 13(a), 1976.)

### **21.60.340 Indemnity.**

By acceptance of a franchise granted pursuant to this chapter and the rights and privileges thereby granted, grantee does covenant and agree with the city for itself, its successors and assigns, to at all times protect and save harmless the city from all claims, actions, suits, liability, loss, cost, expenses or damages of every kind or description which may accrue to or be suffered by any person or persons or property, and to appear and defend at its own cost and expense any action instituted or begun against the city for damages by reason of the construction, reconstruction, readjustment, repair, maintenance, operation or use of the streets of the city, or any act(s) or omission(s) of grantee, its successors or assigns, exercising any privilege conferred by this chapter or by such franchise, and in case judgment shall be rendered against the city in any such suit or action, the grantee shall fully satisfy such judgment within ninety days after such action or suit shall have been finally determined if determined adversely to the city. Such indemnity shall include, but not be limited to, any liability as may arise or occur, or be alleged to arise or occur, from concurrent, contributing or joint acts or omissions of grantee and the city, but not attributable to the sole negligence of the city.

(Ord. 107614 § 2(part), 1978: Ord. 105427 § 13(b), 1976.)

### **21.60.350 Insurance.**

So long as grantee shall possess any right or privilege granted pursuant to this chapter or franchise, and before the commencement of any work under this agreement, the grantee shall deliver to the Office of Cable Communications for filing with the City Comptroller a policy of insurance (or a copy thereof) showing that it has procured and is maintaining at all times a policy of public liability insurance, in a form approved by the City Attorney, naming the city as an insured, protecting and holding the

city harmless from any and all damages of any kind whatsoever which may arise in connection with the services or work to be performed under this chapter, whether or not such damages are alleged to arise or result from acts or omissions which are the sole negligence of the city, its officers, employees and/or agents or the combined negligence of the city and others, in at least the principal amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person or for bodily injury or death to any number of persons in any one incident, and/or One Million Dollars (\$1,000,000.00) for all property damage occurring during any one incident, and/or One Million Dollars (\$1,000,000.00) for deprivation of civil rights and civil liberties, defamation of character, libel, slander, invasion of contractual rights, inverse condemnation, or similar or other causes of action, provided the Director of Cable Communications may increase the minimum policy limits and coverage from time to time as the Director deems appropriate to adequately protect the city and the public. The policy shall provide for at least thirty days' notice to the Director of Cable Communications of any change, cancellation or lapse thereof, and that "This policy is issued and intended to comply with the conditions and requirements of Section 21.60.350 of the Seattle Municipal Code." (Ord. 107614 § 2(part), 1978; Ord. 105427 § 13(c), 1976.)

#### 21.60.360 Penalties.

It is the intent of this chapter that the citizens of Seattle who have contracted with a cable television franchise grantee for basic cable services be provided uninterrupted service and, if any grantee abandons or wilfully ceases to serve any cable district or portion thereof, the grantee, after a hearing before the Director of Cable Communications, upon a determination and findings of such abandonment or wilful cessation of service shall be subject to a penalty of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), in the discretion of the Director, for each day such wilful cessation of service or abandonment continues, but not to exceed a total sum of Fifty Thousand Dollars (\$50,000.00). Operation by a temporary substitute operator by permission of the grantee and the city shall stay the penalty provision of this section for so long as the system is thereby maintained in operation.

(Ord. 107614 § 3, 1978; Ord. 105427 § 13A, 1976.)

#### 21.60.370 Acceptance of franchise.

A. No franchise granted under this chapter shall become effective for any purpose unless and until an acceptance in writing thereof shall have been filed with the City Clerk. Such written acceptance, which shall be in form and substance approved by the City Attorney, shall also be and operate as an acceptance of each and every term and condition and limitation contained in this chapter or in such franchise, or otherwise specified as provided in this section.

B. The written acceptance shall be filed by the grantee not later than thirty days following the effective date of the ordinance granting such franchise.

C. In default of the filing of such written acceptance as required in this section, the grantee shall be deemed to have rejected and repudiated the franchise and the city may invite and thereafter receive applications from persons desiring to serve the subject cable district.

D. In any case, all rights, remedies and redress which may or shall be available to the city under this chapter, shall at all times be available to the city and shall be preserved and maintained and shall continuously exist in and to the city and shall not be in any manner or means modified or abridged, altered, restricted or impaired by reason of this chapter or otherwise.

E. By acceptance of a franchise granted pursuant to this chapter any and all grantees specifically acknowledge that nothing in this chapter contained or in any franchise granted pursuant thereto constitutes an abrogation by the city of its police powers in any respect whatsoever.

F. If for the purpose of documenting his compliance with federal regulations for federal authorities, any person operating a CATV system within any cable district or districts pursuant to a franchise outstanding on the effective date of the ordinance codified in this chapter<sup>1</sup> desires to accomplish such documentation by electing to accept the terms and conditions of this chapter he may do so by filing with the Office of Cable Communications a written acceptance of the terms and conditions of such ordinance which shall be in form and substance approved by the City Attorney and shall specify the cable district or districts to

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which the acceptance relates. Such an acceptance shall have the effect of conforming such outstanding franchise to this chapter for the district or districts specified except that such outstanding franchise shall terminate on its original expiration date.

(Ord. 107614 § 4, 1978; Ord. 105427 § 14, 1976.)

1. Editor's Note: Ord. 105427 became effective on April 25, 1976.

### 21.60.380 Construction—Approval of plan—Rate of extension of service.

The construction of new cable facilities or the extension of existing cable facilities by a grantee shall be done in accordance with a plan or design first submitted to and approved by the Director of Cable Communications, then the City Engineer and the Board of Public Works under the Street Use Ordinance.<sup>1</sup> The grantee shall at all times comply with this chapter and with Ordinance 90047<sup>1</sup> (commonly called the "Street Use Ordinance") as the same now reads or is hereafter amended, except that if this chapter and Ordinance 90047 are in any respect inconsistent the provisions of the latter shall control. To the end that an entire cable district shall be served within twelve and one-half years from the date of the awarding of the franchise, a grantee shall extend cable service at a rate of not less than eight percent per year of the area uncabled as of the date the franchise was granted; provided, however, that the legislative authority may by ordinance and pursuant to a specific application by the grantee, extend the time for a grantee's performance to a date certain after receiving findings and a recommendation from the Hearing Examiner and after a hearing by the Hearing Examiner upon the facts as to whether the failure to extend the time would cause the grantee to suffer an unreasonable rate of return in its investment in the cable district, or as to whether delay is caused by strikes, acts of God, or other unforeseen circumstances beyond the control of the grantee.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(a), 1976.)

1. Editor's Note: The Street Use Ordinance is codified in Title 15 of this Code.

### 21.60.390 Erection of poles and wires—Undergrounding.

All poles, cables, wires, antennae, conduits or appurtenances shall be constructed and erected in a neat, workmanlike manner and shall be of such height and occupy such position as the Board of Public Works shall direct. Whenever it is practicable to make use of poles already in the streets of the city, the grantee shall make use of such poles as provided in Ordinance 90047,<sup>1</sup> provided that in any district in which telephone, telegraph and electric power wires and cables have been placed underground, the grantee shall not be permitted to erect poles or to run or suspend wires, cables or other conductors thereon but shall lay such wires, cables or conductors underground in such manner as is required by the city, and if, prior to the passage of any ordinance creating a local improvement district or utility local improvement district which involves placing overhead utilities underground grantee shall have erected poles and suspended wires, cables and other conductors thereon, grantee shall participate in such underground project and shall remove poles, cables and wires from the surface of the streets within such district and shall place the same underground in conformity with the requirements of the Board of Public Works.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(b), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

### 21.60.400 Undergrounding requirements.

If in any part of the cable district for which the grantee has been awarded a franchise and where no cable facilities have been installed, the city or a local improvement district proposes to place telephone, telegraph and electric power wires and cables underground, or to require the same, grantee may place facilities in the underground project, but if grantee does not do so and subsequently enters the area to serve the same, grantee shall place its facilities underground. In areas where all other utilities have their facilities underground the grantee shall underground its facilities within a reasonable period of time, as directed by the City Council.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(c), 1976.)



**21.60.410 City rights to make improvements—Use of grantee's poles.**

Nothing in this chapter shall be construed to prevent the city or any Local Improvement District or Utility Local Improvement District from sewerage, paving, grading, altering or otherwise improving or reimproving any of the streets of the city, including the installation of city-owned utilities, and the city shall not be liable for any damages resulting to the grantee by reason of the performance of such work or by exercise of such rights of the city. This chapter shall not be so construed so as to deprive the city of any rights or privileges which it now has, or which may hereafter be conferred upon it to regulate and control the use of the streets. Whenever and to whatever extent any street shall be improved or the grade thereof changed, modified, raised or lowered, or the size, position or location of any city-owned public utilities changed, modified or altered, any of the installations belonging to the grantee which may be affected by or shall conflict with any such changes, alterations or modifications shall be promptly adjusted, removed, altered, raised, lowered or otherwise modified to conform to the improvements or changes made, by and at the cost and expense of grantee and in conformity with the requirements of the Board of Public Works. The city shall at all times have the right to make use of any or all of the poles of the grantee for wires, cables and conductors to carry any city-owned systems or facilities requiring such use.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(d), 1976.)

**21.60.420 Excavation—Application—Deposit with Board of Public Works.**

Whenever it shall be necessary, in the erection of poles or in the construction of underground pipes or conduits, to excavate in any portion of any street, the grantee shall file with the Board of Public Works an application for permission to do such work, together with plans, designs and drawings on a reasonable scale setting forth the streets to be disturbed, and obtain a permit from or approval of the Board of Public Works for so doing before beginning such work, all as contemplated by Ordinance 90047,<sup>1</sup> as it now exists and may hereafter be amended. After any poles are erected or such pipes or conduits constructed,

grantee shall promptly replace any portion of the street disturbed by such work in a neat and workmanlike manner to its original condition and as required and approved by the Board of Public Works. The grantee at the discretion of the Board of Public Works shall keep on deposit in the City Treasury to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) in cash to be used by the Board as necessary for the purpose of restoring streets in the manner prescribed by the Board, to pay the reasonable costs of any city inspection necessitated by grantee's actions pursuant to this franchise, and to pay the cost of raising or removing of any wires, cables or conductors as provided in Section 21.60.430.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(e), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

**21.60.430 Moving building—Raising or removing wires.**

Whenever permission is obtained from the Board of Public Works for use of any streets of the city for the purpose of moving any building or structure, grantee, upon forty-eight hours' notice from the Board of Public Works, shall raise or remove any wires, cables or conductors which may obstruct the removal of such building or structure, and in the case of grantee's refusal or failure to comply with such notice, the Board of Public Works may raise or cause to be raised or remove or cause to be removed such wires, cables or conductors at the expense of grantee for the purpose aforesaid.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(f), 1976.)

**21.60.440 Compliance with chapter.**

Construction, maintenance and operation of grantee's system, including house connections, shall be in accordance with the provisions of this chapter and in accordance with the provisions of all other applicable codes and ordinances, including the Electrical Code (Ordinance 103501),<sup>1</sup> and grantee shall comply with all applicable state and federal laws and the rules and regulations of the Federal Communications Commission relating to CATV systems.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(g), 1976.)

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

**21.60.450 Connection point.**

Except in areas of the cable district in which, by the terms of the grantee's franchise, no construction is required, the grantee shall, on payment of the installation charge prescribed in accordance with Sections 21.60.300 through 21.60.320, provide a connection, overhead or underground in the discretion of the Board of Public Works, to any point located not more than three hundred feet from grantee's nearest distribution cable, and shall not accept payment for an installation charge unless there is a distribution cable within three hundred feet of the subscriber's property or a specific written agreement has been entered into with the subscriber regarding the cost of a connection over a distance greater than three hundred feet. (Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(h), 1976.)

**21.60.460 Council may require construction in previously excluded area.**

Notwithstanding any limitation to the contrary contained in grantee's franchise, the Council by ordinance may require grantee to construct cable facilities in any part of the cable district where by the terms of the franchise no such construction was originally required, if the Council determines on recommendation of the Office of Cable Communications or on petition by residents of the excluded area that because of changed economic circumstances since the granting of the franchise it has become feasible to require construction in such area. (Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(i), 1976.)

**21.60.470 Permission from property owner.**

It shall be grantee's sole responsibility when cable passes over or under private or publicly owned property to obtain all necessary permission from the owner thereof. (Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(j), 1976.)

**21.60.480 Consumer protection.**

Subscribers and users in each cable district shall have the protection described in this section in addition to all other rights conferred in this chapter. A copy of this section shall be furnished by the grantee, at grantee's expense, to each new subscriber.

A. The Office of Cable Communications

shall, in addition to receiving and investigating subscriber complaints, furnish timely information to the public regarding proceedings with respect to proposals to change the terms of this chapter or other city ordinances relating to cable communications, the terms of any franchise, subscriber rates and charges in any cable district, or relating to renewal or termination of any franchise or the transfer of control of any grantee.

B. Each grantee shall furnish to the Office of Cable Communications, and the Office of Cable Communications shall compile and maintain for public inspection during regular business hours, copies of:

1. All applications and other communications submitted by franchise applicants or grantees to the city, the Federal Communications System or any other federal, state, or local regulatory body having jurisdiction in respect of cable communications within this city;
2. Current information on ownership and management of the grantee;
3. Current information on forms of subscriber agreements used by the grantee; complaint procedures followed by the grantee; and nonbasic services offered by the grantee and the rates and charges therefor; and
4. Records of all requests for use of public access channels and leased channel time and the disposition of such requests, and records of all signals and programs carried (other than radio and television broadcast signals).

C. The Office of Cable Communications shall also compile and maintain for public inspection during regular business hours copies of:

1. All federal, state, and local laws and regulations applicable to cable communications within this city;
2. Records of all complaints filed with the Office of Cable Communications and the disposition thereof; and
3. Policy statements and administrative and staff operating procedures of the Office of Cable Communications and the Advisory Board;
4. All reports and recommendations to the Council by the Office of Cable Communications or the Advisory Board, or both.

D. Each grantee shall make available to the public, at such hours of the day and at such places and in such manner as the grantee shall determine with the approval of the Advisory Board, current information pertaining to schedules of rates and charges for basic and nonbasic

services, the address and telephone number of the grantee's local office, instructions for operating subscriber terminal equipment, an emergency service telephone number, a description of complaint procedures, a description of subscriber rights, and schedules for programs on the local government, educational, and public access channels (to the extent such program content is known to the grantee).

E. In the operation of a CATV system under a franchise granted pursuant to this chapter, no grantee shall make or grant any undue preference or advantage to any subscriber or user or other person, nor discriminate against any person or group; provided that this subsection shall not be construed to prohibit trade promotions customary in the industry, provided such trade promotions are not otherwise prohibited by law.

F. If a grantee should for any reason cancel service to a subscriber without cause within a period of thirty-six months from the commencement of furnishing service to that subscriber and prior to the termination or expiration of the grantee's franchise, the grantee shall refund to that subscriber a fraction of the installation charge paid by that subscriber, the numerator of which shall be the number of months remaining until completion of the thirty-six-month period, and the denominator of which shall be thirty-six.

G. No grantee shall cause or permit the viewing habits of any subscriber to be monitored without the subscriber's express consent.

H. Whenever a grantee shall offer a new service or facility, or changes in channel allocation or assignment, the grantee shall give notice thereof to the general public, to the Office of Cable Communications and through the Office of Cable Communications to each educational institution and to the person in charge of each city-owned building in the cable district to which the grantee provides basic service without charge pursuant to Sections 21.60.090 through 21.60.140, whereupon such new service or facility shall be made available to all subscribers if technically practicable, and without discrimination.

I. A grantee shall give to subscribers advance written notice of any hearing concerning grantee's franchise or any proposed change in subscriber rates and charges, such notice to contain all information contained in the published notice of hearing, and shall prior to such hearing

file an affidavit by one of its officers attesting to the fact that such written notice to subscribers has in fact been given.  
(Ord. 105427 § 16, 1976.)

#### **21.60.490 Franchise to be nonexclusive.**

Every franchise granted pursuant to this chapter shall be nonexclusive.  
(Ord. 105427 § 17(a), 1976.)

#### **21.60.500 Privileges as stated in chapter.**

No privilege shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed in this chapter.  
(Ord. 105427 § 17(b), 1976.)

#### **21.60.510 Subordinate to city and prior lawful occupancy.**

Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to the city's police powers and to any prior lawful occupancy of the streets or other public property.

(Ord. 105427 § 17(c), 1976.)

#### **21.60.520 Transfers or assignment.**

Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of in whole or in part, either by forced or involuntary sale or by voluntary sale, merger, consolidation or otherwise, without prior approval of the city expressed by ordinance, and then only under such conditions as may therein be prescribed. An application for any approval required by this section shall be filed with the Office of Cable Communications and a hearing thereon shall be conducted by the Council in the same manner as an application for granting or renewal of a franchise as provided in Section 21.60.280. A recommendation by the City Council for such approval may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the Council, must demonstrate to the Council's satisfaction its ability to comply with the provisions of this chapter and must agree to comply with all provisions of this chapter; and provided further that in case of a transfer or assignment as security by mortgage or other hypothecation in whole or in part to secure indebtedness, such consent shall not be required unless and

## UTILITIES

until the secured party elects to realize upon the collateral. In the event grantee is a corporation, an assignment of the franchise shall be deemed to occur if there is an actual change in control or where ownership of more than fifty percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own fifty percent or more of the voting stock singly or collectively. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale or similar document, a duly executed copy of which shall be filed in the Office of Cable Communications within thirty days after such transfer or assignment. (Ord. 105427 § 17(d), 1976.)

### **21.60.530 Obligation to comply promptly.**

Time shall be of the essence of any franchise granted under this chapter. The grantee shall not be relieved of its obligation to comply promptly with any of the provisions of this chapter by any failure of the city to enforce prompt compliance. (Ord. 105427 § 17(e), 1976.)

### **21.60.540 Transfer of powers to other city officers or employees.**

For purposes of the administration of this chapter any right or power conferred or impressed upon any officer, employee, department or board of the city shall be subject to transfer by the city to any other officer, employee, department or board of the city. (Ord. 105427 § 17(f), 1976.)

### **21.60.550 No recourse against city for loss or expense.**

Grantees shall have no recourse whatsoever against the city for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or for any franchise issued under this chapter or because of its enforcement. (Ord. 105427 § 17(g), 1976.)

### **21.60.560 Grantee subject to city laws.**

Grantees shall be subject to all requirements of city laws, rules, regulations and specifications heretofore or hereafter enacted or established. (Ord. 105427 § 17(h), 1976.)

### **21.60.570 Franchise in lieu of other rights and powers of grantee.**

Any franchise granted under this chapter shall be in lieu of any and all other rights, privileges, powers, immunities and authorities owned, possessed, controlled or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation or maintenance of any cable communications system in the cable district to which the franchise relates; and the acceptance of any franchise under this chapter shall, as of the effective date of such franchise, operate between grantee and the city as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the cable district, to the effect that, as between grantee and the city, all construction, operation and maintenance by the grantee of any cable communication system in such district or districts shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to the franchise and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever. (Ord. 105427 § 17(i), 1976.)

### **21.60.580 Grantee not to sell, rent or repair radio or TV sets.**

No grantee nor any major stockholder of a grantee shall directly or indirectly engage within the city in the business of selling, leasing, renting, servicing or repairing radio or television sets or other receivers or parts thereof which make use of standard broadcast entertainment signals, provided that nothing therein shall prevent grantee from making modifications to the tuner input circuit of the subscribers' television receivers and the fine tuning of the customers' operating controls only, to insure proper operation under conditions of cable connection at the time of installation or in response to subscriber complaints, or from the selling, servicing or repairing receivers and other equipment belonging to other CATV system operators for use in the conduct of their businesses. (Ord. 105427 § 17(j), 1976.)

### **21.60.590 Grantee not to control program content.**

No grantee may exercise any control over program content on any access channel, except to the extent necessary to prevent the presentation of program material prohibited by rules

and regulations of the Federal Communications Commission.

(Ord. 105427 § 17(k), 1976.)

**21.60.600 Right of Council or people to repeal or amend grant.**

Every franchise, right or privilege granted pursuant to this chapter shall be subject to the right of the Council, or the people of the city acting for themselves by the initiative and referendum, at any time, subsequent to the grant, to repeal, amend or modify the grant with due regard to the rights of the grantee and the interest of the public; and to cancel, forfeit and abrogate any such grant if the franchise granted thereby is not operated in full accordance with its provisions, or at all; and at any time during the life of the franchise grant to the right of the people acquire, by purchase or condemnation, for the use of the city itself, all the property of the grantee within the limits of the public streets, at a fair and just value, which shall not include any valuation of the franchise itself, which shall thereupon terminate; and every ordinance making such grant shall contain a reservation of these rights of the Council, and of the people of the city acting for themselves by the initiative and referendum, to so repeal, amend or modify said ordinance, and to so cancel, forfeit and abrogate the grant, and to so acquire the property of the grantee in the public streets, as set forth in this section.

(Ord. 105427 § 18(a), 1976.)

**21.60.610 Extension of franchise—Time limitation.**

Notwithstanding any other provision of this chapter, as long as the City Charter shall so provide the Council shall not consider or grant any application for extension of the period of any franchise, nor any new franchise covering all or any substantial part of the rights or privileges of any existing franchise, until within three years of the expiration of the existing grant, and then only after submission to and approval by a majority vote of the qualified electors; but this section shall not be construed to prohibit the consideration and granting of a new franchise which does not extend the period of the existing franchise.

(Ord. 105427 § 18(b), 1976.)

**21.60.620 Rights reserved to city.**

There is reserved in the city every right and

power which is required to be herein reserved or provided by any law, and a grantee by its acceptance of a franchise agrees to be bound thereby and to comply with any action or requirements of the city in its exercise of such rights or powers heretofore or hereafter enacted or established.

(Ord. 105427 § 18(c), 1976.)

**21.60.630 Right to require technical improvements.**

There is reserved in the city the power to amend at intervals of five years or more each and any section of this chapter so as to require additions or improved specifications pertaining to construction, operation, maintenance or otherwise on the part of the grantee, to reflect technical and economic changes occurring during the franchise term and to enable the city and the grantee to take advantage of new developments in the cable communications industry so as to serve the public more effectively, efficiently and economically, without the consent of the grantee, provided such amendments do not materially alter the contents of any franchise and provided further that this provision shall not be interpreted as a limitation in any manner whatsoever or at any time whatsoever upon the exercise by the city of its police powers.

(Ord. 105427 § 18(d), 1976.)

**21.60.640 Use of facilities for emergency purposes.**

A grantee shall upon request of the Mayor make its facilities immediately available to the city for emergency use during the period of any emergency or disaster declared by the Mayor or the Council.

(Ord. 105427 § 18(e), 1976.)

**21.60.650 Rules and regulations.**

A. Prior to receiving any applications for franchises, the Office of Cable Communications shall adopt rules, regulations and standards governing the operation of cable communication systems in the city which rules, regulations and standards shall be consistent with this chapter and all other applicable ordinances of the city. Such rules, regulations and standards shall apply to and govern the operations of the grantee of any franchise under this chapter and are expressly declared to be a part of any franchise granted pursuant to this chapter.

B. Provided the same do not materially alter the contents of any franchise, the Office of Cable Communications may at any time adopt new rules or regulations or standards and may amend, modify, delete or otherwise change rules, regulations or standards previously adopted, provided, however, this section shall not be interpreted as a limitation upon the exercise by the city of its police powers.

C. Any rules, regulations or standards proposed to be adopted pursuant to this section shall be adopted in accordance with the procedures prescribed by the Administrative Code of the city.<sup>1</sup>  
(Ord. 105427 § 19, 1976.)

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

**21.60.660 Equal opportunity employment and affirmative action plan.**

A. During the performance of a franchise, the grantee agrees as follows: The grantee will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin, unless based upon bona fide occupational qualification. The grantee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

B. Grantee also agrees that it will, prior to commencement of operations pursuant to its franchise and during the term of the franchise, furnish to the Director of the Department of Human Rights of the city, upon his request and on such form as may be provided by the Director therefor, a report of the affirmative action taken by the grantee in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records by the Director of the Department

of Human Rights for the purpose of investigation to determine compliance with this provision.

C. If upon investigation the Director of the Human Rights Department finds probable cause to believe that the grantee has failed to comply with any of the terms of this section, the grantee and the Council shall be so notified in writing. The Council shall give the grantee an opportunity to be heard, after ten days' notice. If the Council concurs in the findings of the Director, it may suspend the franchise, pending compliance by the grantee with the terms of this provision.

D. Failure to comply with any of the terms of this section shall be a material breach of the franchise.

E. Comparable provisions shall be inserted in all subcontracts for work covered by any franchise.  
(Ord. 105427 § 20, 1976.)

**21.60.670 Interpretation.**

This chapter and any franchise granted pursuant to it shall at all times be so interpreted as to require the grantee to comply with all pertinent rules, regulations and requirements of the Federal Communications Commission, or any other federal or state body or agency having jurisdiction in regard to CATV systems. Such interpretation of this chapter shall not be deemed to diminish, impair, alter or affect any contractual benefit to the city or grantee, nor any contractual obligation of the grantee under any franchise issued under this chapter.  
(Ord. 105427 § 21, 1976.)

**21.60.680 Effective date.**

The ordinance codified in this chapter shall become effective thirty days from and after its passage and approval by the Mayor<sup>1</sup> except as follows:

A. Nothing contained in this chapter shall abridge, impair, alter, modify or in any way affect any right, privilege or immunity of either the grantee or the city conferred by or arising under any cable franchise granted prior to and remaining in effect on the effective date of the ordinance codified in this chapter;<sup>1</sup> provided, that the acceptance of a franchise granted under this chapter for any cable district shall be deemed to constitute the surrender by the grantee of the right to operate a CATV system in that cable district under any prior franchise.

B. Sections 21.60.090B, D and E shall become effective when 47 C.F.R. § 76.251, as now in effect or as hereafter amended, becomes applicable to systems that commenced operations before March 31, 1972.  
(Ord. 105427 § 23, 1976.)

1. Editor's Note: Ord. 105427 was passed and approved on March 26, 1976. Its effective date is April 25, 1976.

**21.60.690 Incorporation by reference into each franchise.**

The Cable Communications Ordinance codified in this chapter shall be incorporated in its entirety by reference into and become a part of each and every cable television franchise granted by the city.  
(Ord. 105427 § 24, 1976.)

## CABLE TELEVISION

### GLOSSARY OF TERMS<sup>1</sup>

"All-channel antenna" means an antenna which receives signals equally well over a wide band of frequencies.

"Amplifier" means a device consisting of electronic components used to increase power, voltage or current of a signal.

"Amplitude modulated link" means a form of microwave which uses amplitude modulation of a microwave carrier rather than the conventional frequency modulation usually used for microwave television links. This is usually accomplished by heterodyne conversion from conventional TV channels.

"Antenna array" means a radiating or receiving system composed of several spaced radiators or elements.

"Attenuator" means a device for reducing the power of a signal.

"Attenuation loss" means the actual power loss in a cable, attenuator, coupling, or other device when electrical energy is transmitted through it, usually expressed in decibels.

"Automatic gain control" (AGC) means a circuit which automatically controls the gain of an amplifier so that the output signal level is virtually constant for varying input signal level.

"Automatic tilt" means automatic correction of change in tilt, or the relative level of signals of different frequencies.

"Back matched tap" means a cable tap device which employs transformer isolation and also employs impedance matching at the tap-off points.

"Bridger" means an amplifier connected directly into the main trunk line to feed distribution cables with minimum insertion loss in the main trunk line.

"Cablecasting" means origination of programming by a CATV system, usually other than automated services such as scanning weather dials, and exclusive of broadcast signals.

"Cable powering" means a method of supplying power through the coaxial cable to system amplifiers.

"Capacitive tap" means a tap device with a capacitor network providing the desired amount of loss and isolation between the feeder cable and the subscriber drop cable.

"Cascade" means the operation of devices (usually amplifiers) in sequence in a cable system with the output of one device feeding the input of the next.

"Cascadeability" means the performance capability of amplifiers used to reamplify the same signal along a cable system without noticeable degradation.

"Channel combiner" means an electronic or passive device which accepts the RF signals from many sources and combines them for delivery to the cable.

"Coaxial cable" means a cylindrical outer conductor (shield) surrounding a central conductor held centrally in place by an insulating material referred to as the dielectric. It is the most commonly used means of CATV signal distribution.

"Co-channel" means a form of TV signal distortion where the same frequency is received from two different transmitters simultaneously. It generally appears as horizontal bars in the picture.

"Conduit" means a tube, manufactured of an environment protective material, through which CATV cable is conveyed in an underground system.

"Converter" means an electronic device that will shift any television channel(s) from one channel to another.

"Cross modulation" means a form of signal distortion in which the visual content from one channel is superimposed on the visual content of another channel.

"Dielectric" means the material, usually an electrical insulator, which separates two conductors between which an electric potential exists; usually, the insulating material separating the center conductor and outer shield of a co-axial cable.

"Directional coupler" means a passive device that divides signal power between two paths with a greater degree of attenuation in one direction than in the other.

"Directional tap" means a passive line tapping device based on directional coupler principles which diverts a portion of the signal from the line to the drop cable. The directional quality attenuates signals from the drop line, reducing reflections in the distribution cable.

"Distribution amplifier" means an amplifier used with the main trunk cable at a point from which one or more feeder cables are extended (branched out).

"Distribution system" means the part of a CATV system used to carry signals from the head-end to the subscriber's receivers.

"Drop" means the cable which connects the tap on the feeder line to the subscriber's house.

"Feeder line" means the coaxial cable running from bridgers, to line-extenders and taps; sometimes called a distribution cable.

"Field strength meter" means a frequency selective heterodyne receiver capable of tuning the frequency band of interest, as used for TV, 54 to 216 Mz, with indicating meter showing the magnitude input of voltage and a dial indicating the approximate frequency.

"Frequency" means the number of complete cycles or vibrations per unit of time (example: 60 cycles per second).

"Gain" means a measure of the signal level increase in an amplifier usually expressed in dB.

"Head-end" means the electronic equipment located at the start of a cable system, usually including antennas, preamplifiers, frequency converters, demodulators, modulators and related equipment. Both the building and the equipment which receives the television signals and processes them before application to the cable system are known as the "head-end."

"Insertion loss" means additional loss in a system when a device such as a directional coupler is inserted; equal to the difference in signal level between input and output of such a device.

"Line extender" means feeder line amplifiers used to provide signals at a suffi-

ciently high level to the more distance subscribers.

"Log periodic antenna" means a form of antenna with intrinsic broadband and directional characteristics; characterized by low response to the back and sides.

"Major television market" means the specified zone of a commercial television station licensed to a Top-100 community, or a combination of such specified zones where more than one community is listed.

"Marker generator" means an electronic instrument providing variable or fixed signals and used in conjunction with frequent sweep testing to determine a specific frequency in the RF spectrum.

"Messenger" means a steel cable, strung between poles or other supporting structures which supports the CATV coaxial cable. The coaxial cable is usually attached to the messenger by lashing with stainless steel wire.

"Modulation" means the process, or result of the process, whereby some characteristic of one wave is varied in accordance with another wave.

"Noise" means, in general, any unwanted signal or interference. It usually refers to unwanted signals of a random nature arising from thermal effects in the input circuits of amplifiers. This form of noise is known as "snow."

"Parabolic antenna" means an antenna that has a folded dipole or feed horn mounted at the focal point of a metal or mesh dish having a concave shape known as a parabola.

"Preamplifier" means an electronic device, usually having superior input noise figure, designed to strengthen or boost a weak off-air signal to a level where it will be sufficient to drive succeeding amplifiers.

"Pressure tap" means a device which connects to the center conductor and shield of a distribution cable to extract television signals; tap does not require cutting of cable to make contact for a subscriber drop.

"Resolution" means a measure of picture resolving capabilities of a television system determined primarily by band width, scan rates and aspect ratio; relates to fineness of details perceivable.

"Return loss" means the ratio of incident to reflected power, usually applied to measure the reflected signal at an interface between cable and equipment or to measure reflections arising from structural imperfections within a cable.



"Semiconductor" means a material having conductivity characteristics intermediate between conductors and insulators. Junctions between certain types of semiconductors permit electric current to flow more easily in one direction than the other.

"Share of viewing hours" means the total hours that non-cable television households viewed the subject station during the week, expressed as a percentage of the total hours these households viewed all stations during the period.

"Spacing" means length of cable between amplifiers based on the amount of gain required to overcome cable losses in dB at the highest TV channel carried in the system.

"Splitter" is usually a hybrid device, consisting of an RF transformer, capacitors and resistors, that divides the signal from an input cable equally to two or more output cables.

"Stacked antenna array" means a group of identical antenna physically grouped and connected electrically for greater gain and directivity.

"Tap" means a device that diverts a small part of the TV signal energy to the subscriber's drop line, from the feeder cable.

"Television demodulator" means a television receiver designed to recover the video modulation from a television channel and make it available as an electronic signal without displaying it on a picture tube.

"Television modulator" means a low-powered television transmitter usually used in local origination.

"Terminator" means a resistive load for a coaxial cable designed to absorb the remaining energy at the end of a line eliminating reflection of energy which would appear as "ghosts." It is usually coupled through a blocking capacitor which prevents short circuiting of the cable power system.

"Tilt" means the difference in cable attenuation or amplifier gain between lower and higher frequencies on the cable system.

"Trunk line" means the main coaxial line of a CATV system which feeds signals from the head-end to the community being served.

"Trunk line amplifier" means an amplifier specifically designed for service in CATV trunk lines, usually provided with cable powering, AGC, and minimum distortion characteristics to optimize system performance in cascaded systems.

1. Editor's Note: This glossary of terms is contained in the Comptroller's File relating to Cable television and is for public information purposes.

## Subtitle VI Private Utilities

### Chapter 21.64

### FRANCHISES

#### Sections:

- 21.64.010 Compliance with Sections 21.64.020 through 21.64.070.
- 21.64.020 Information required.
- 21.64.030 Annual reports.
- 21.64.040 Notification of lease, sale or transfer.
- 21.64.050 Report upon purchase or assignment of franchise.
- 21.64.060 Recordkeeping.
- 21.64.070 Violation—Penalty.
- 21.64.080 Payment of costs of publication.

- 21.64.010 Compliance with Sections 21.64.020 through 21.64.070.

Any person or persons, firm or corporation which has heretofore received or which may hereafter receive a franchise from the city, for any purpose whatsoever, shall enjoy the franchise subject to the provisions of Sections 21.64.020 through 21.64.070. (Ord. 4953 § 1, 1898.)

- 21.64.020 Information required.

Within thirty days from and after the passage and approval of the ordinance codified in this chapter,<sup>1</sup> the owner or owners of each and any franchise granted by the city shall file with the City Clerk, under oath, and upon blanks furnished by the City Clerk, a written (or printed) statement and exhibit setting forth:

- 1st. The name of the person or persons, firm or corporation owning, holding and enjoying such franchise;
- 2nd. The character of the franchise;
- 3rd. The period of years for which the franchise was granted;
- 4th. The date of the grant of the franchise;
- 5th. The name of the person or persons, firm or corporation to whom the same was originally granted;

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6th. The date upon which the franchise was transferred to and became the property of the present claimants;

7th. A statement as to whether the claimant or claimants be or are a person, persons, firm or corporation;

8th. The name of the person or persons or the members of the firm claiming to own the same, or, in the case of a corporation, the name of the president, vice-president and the secretary thereof;

9th. The number of the ordinance or ordinances of the city granting or amending the franchise.

(Ord. 4953 § 2, 1898.)

1. Editor's Note: Ord. 4953 was approved on June 20, 1898.

### 21.64.030 Annual reports.

In the month of January of each year, between the first and the fifteenth days thereof, if there has been any change from the previous year's report, each claimant to a franchise shall file with the City Clerk a statement in all respects similar to that required in Section 21.64.020: provided, the City Clerk shall not be required to retain any such statement for more than ten years.

(Ord. 106346 § 1, 1977; Ord. 91058 § 1, 1962; Ord. 4953 § 3, 1898.)

### 21.64.040 Notification of lease, sale or transfer.

Whenever any parties owning or claiming any franchise shall lease, sell, assign or otherwise transfer the title or control of the same, they shall notify the City Clerk of the date of such sale and the name of the person or persons, firm or corporation to whom the franchise shall have been leased, sold, assigned or otherwise transferred.

(Ord. 4953 § 4, 1898.)

### 21.64.050 Report upon purchase or assignment of franchise.

Any person or persons, firm or corporation purchasing or becoming the assignee of any franchise granted in the city shall, forthwith, and within ten days after the purchase or assignment of the franchise report the same to the City Clerk in form and in the manner prescribed in Section 21.64.020.

(Ord. 4953 § 5, 1898.)

### 21.64.060 Recordkeeping.

All such statements and reports made as provided in Sections 21.64.020 through 21.64.050 shall be properly entered in a book kept for that purpose by the City Clerk and shall be subject to like public inspection as are other public records.

(Ord. 4953 § 7, 1898.)

### 21.64.070 Violation—Penalty.

Any person or persons, firm or corporation claiming to own or enjoy any such franchise who shall violate or fail to comply with the provisions of Sections 21.64.010 through 21.64.060 shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail for a period not exceeding ninety days, or by both such fine and imprisonment.

(Ord. 66799 § 1, 1936; Ord. 4953 § 6, 1898.)

### 21.64.080 Payment of costs of publication.

The applicant for the grant of any franchise or private privilege within the city, or for the alteration, amendment, enlargement or extension of an existing franchise or private privilege within the city, shall prior to the passage of the ordinance granting, altering, amending, enlarging or extending such franchise or private privilege, pay to the publisher of the official newspaper of the city the full cost and expense of publishing the proposed ordinance in the newspaper in accordance with the City Charter and no ordinance granting such a franchise or private privilege shall be deemed effective until such payment shall have been made and such publication completed.

(Ord. 97358 § 1, 1968; Ord. 1466 § 1, 1890.)

## Subtitle VII Miscellaneous Provisions

### Chapter 21.68

## UNDERGROUND UTILITY DISTRICTS

### Sections:

#### Subchapter I Central City Area—University District

21.68.010 Statement of fact.

21.68.020 Area described.

- 21.68.030 Undergrounding required.
- 21.68.040 Commencement of work.
- 21.68.050 Restoration of pavement and public utility equipment.
- 21.68.060 Maintenance and replacement of wires.

**Subchapter II First Hill**

- 21.68.070 Statement of fact.
- 21.68.080 Area described.
- 21.68.090 Undergrounding required—  
Restoration of pavement and public utility equipment.
- 21.68.100 CATV connections.
- 21.68.110 Exemptions.

**Subchapter III South Seattle Redevelopment Project Area**

- 21.68.120 Statement of fact—Purpose.
- 21.68.130 Area described.
- 21.68.140 Undergrounding required—  
Restoration of pavement and public utility equipment.
- 21.68.150 CATV connections.
- 21.68.160 Exemptions.

**Subchapter IV Northwest Leschi Project Area**

- 21.68.170 Statement of fact—Purpose.
- 21.68.180 Area described.
- 21.68.190 Undergrounding required—  
Restoration of pavement and public utility equipment.
- 21.68.200 CATV connection.
- 21.68.210 Exemptions.

**Subchapter I Central City Area—University District**

21.68.010 Statement of fact.  
The installation and maintenance of overhead wires carrying any electrical energy including telephone, telegraph or other electrical service, in certain streets in areas in the city within the boundaries set forth in Section 21.68.020 has been, now is, and will hereafter continue to be a possible source of danger to the inhabitants of the city and persons using such streets, and public necessity, convenience, safety and the general welfare require that all such wires be placed underground at the expense

of those owning the same or any interested therein.  
(Ord. 90695 § 1, 1961.)

**21.68.020 Area described.**

Everyone engaged in the distribution of electrical energy for light, heat or power by wires or using or maintaining wires for telephone, telegraph or other electrical service in the city, shall have all wires and appliances used for the purposes stated in this section, and situated on, in, or over the streets, alleys and other public places within the boundaries of the areas described in this section, placed underground and all poles removed when and as directed by the Board of Public Works of the city so to do; said areas being bounded and described as follows:

Beginning at the intersection of the south line of South Jackson Street and the west line of Alaskan Way South; thence north along said west line to the westerly line of Alaskan Way; thence northerly along said westerly line to the north line of West Denny Way; thence east along said north line and along the north line of Denny Way to the centerline of Second Avenue North; thence north along said centerline to the centerline of Thomas Street; thence west along last described centerline to the centerline of First Avenue North; thence north along last described centerline to the centerline of Republican Street; thence east along last described centerline to the centerline of Warren Avenue North; thence north along last described centerline to the centerline of Mercer Street; thence east along last described centerline to the centerline of Third Avenue North; thence north along last described centerline to the centerline of Roy Street; thence east along last described centerline to the centerline of Fourth Avenue North; thence south along last described centerline to the centerline of Mercer Street; thence east along last described centerline to the centerline of Fifth Avenue North; thence south along last described centerline to the north line of Denny Way; thence east along said north line to the easterly line of the Central Freeway; thence southerly along said easterly line to the south line of South Jackson Street; thence west along said south line to the east line of Occidental Avenue South; thence south to the south line of South King Street; thence west

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to the east line of Occidental Avenue South; thence south to the south line of South Connecticut Street; thence west to the west line of Occidental Avenue South; thence north to the north line of South King Street; thence east to the west line of Occidental Avenue South; thence north to the south line of South Jackson Street; thence west along said south line to beginning; also all of the Central Freeway inside the limits of the City lying within the area of limited access as approved by the City by Ordinance No. 86152 and such resolutions as have hereto or which may hereafter be approved, defining specifically the limits of the Freeway; as illustrated by the blueprint map marked Exhibit "A" attached to Ordinance 90695<sup>1</sup> and by this reference made a part of this subchapter and

Beginning at the intersection of the west margin of 15th Avenue N.E. and the south margin of N.E. 50th Street; thence northerly along the westerly margin of 15th Avenue N.E. to the south margin of N.E. 55th Street; thence westerly along the south margin of N.E. 55th Street to the east margin of University Way N.E.; thence southerly along the east margin of University Way N.E. to the south margin of N.E. 50th Street; thence westerly along the south margin of N.E. 50th Street to the northwest corner of Lot 1, Block 1 of McGuire and Holden Addition; thence southerly along the platted centerline of said Block 1 to the north margin of N.E. 47th Street; thence southerly across N.E. 47th Street to the northwest corner of Lot 1, Block 2 of said Addition; thence southerly along the platted centerline of said Block 2 to the north margin of N.E. 45th Street; thence southerly across N.E. 45th Street to the northwest corner of Lot 1, Block A of Brooklyn Supplemental Addition; thence southerly along the platted centerline of said Block A to the north margin of N.E. 43rd Street; thence southerly across N.E. 43rd Street to the northwest corner of Lot 1, Block B of said Supplemental Addition; thence southerly along the platted centerline of said Block B to the north margin of N.E. 42nd Street; thence southerly across Lot 1, Block C of Brooklyn Supplemental Addition; thence southerly along the platted centerline of said Block C to the northerly

margin of N.E. Campus Parkway; thence easterly along the north margin of N.E. Campus Parkway to the west margin of 15th Avenue N.E.; thence northerly along the westerly margin of 15th Avenue N.E. to the south margin of N.E. 50th Street, the point of beginning; all in the City of Seattle;

as illustrated by the blueprint map marked Exhibit "B" attached to Ordinance 90695 and by this reference made a part of this subchapter. (Ord. 106157 § 1, 1977; Ord. 105265 § 1, 1976; Ord. 96131 § 1, 1967; Ord. 90695 § 2, 1961.)

1. Editor's Note: Exhibits "A" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

### 21.68.030 Undergrounding required.

Everyone owning, using or maintaining any such wires be, and they are directed, ordered and required to place the same underground as their interest therein may appear, and at their own cost and expense, and thereafter, at their own cost and expense, to maintain and replace the underground wires as public interest may require and to the satisfaction, and subject to the supervision, of the Board of Public Works of the city. (Ord. 90695 § 3, 1961.)

### 21.68.040 Commencement of work.

Everyone owning, using or maintaining such wires be, and they are directed, ordered and required to commence forthwith and to diligently prosecute the work of placing such wires underground at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works; provided, however, that in any part of the areas where streets are being paved or repaved, the work shall be completed before such paving or repaving. (Ord. 90695 § 4, 1961.)

### 21.68.050 Restoration of pavement and public utility equipment.

The owners of such wires shall, at their own cost and expense, cause to be restored to good condition and repair to the satisfaction of the Board of Public Works, any pavement, sidewalk, sewer, water main, or public utility equipment or facilities disturbed in connection with the work of removing any existing poles supporting

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the wires referred to in this subchapter in said areas, or in connection with the placing of such wires underground; such restoration and repair to be made pursuant to ordinances relating thereto.

(Ord. 90695 § 5, 1961.)

**21.68.060 Maintenance and replacement of wires.**

Those owning said wires shall, after the same shall have been placed underground, in accordance with this subchapter, maintain, remove, move or replace the same or apparatus or the conduits containing the same or used in connection therewith on order of the Board of Public Works as the public interest may require and to the satisfaction of the Board.

(Ord. 90695 § 6, 1961.)

**Subchapter II First Hill**

**21.68.070 Statement of fact.**

The installation and maintenance of overhead wires, and appurtenances carrying any electric energy, including telephone, telegraph, CATV, and other electric service in certain streets, public areas, and areas of the city in the First Hill area within the boundaries set forth in Section 21.68.080 has been, now is and will hereafter continue to be a possible source of danger to the inhabitants of the city and the persons using such streets and areas and the public necessity, convenience, safety and the general welfare require that all such wires and appurtenances be removed and placed underground at the expense of those owning the same or any persons interested therein.

(Ord. 96796 § 1, 1968.)

**21.68.080 Area described.**

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV or other electric service shall at their own expense remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Starting at the intersection of the centerline of Pike Street and the east margin of Boren Avenue; thence south along the east margin of Boren Avenue to the north margin of Columbia Street; thence west along the north margin of Columbia Street to the east margin of 7th-8th Alley; thence south along the east margin of 7th-8th Alley to the south margin of Cherry Street; thence west along the south margin of Cherry Street to the east boundary of the Freeway; thence north along the east boundary of the Freeway to the centerline of Pike Street; thence east along the centerline of Pike Street to the point of beginning;

and as illustrated by the blueprint map marked Exhibit "A"<sup>1</sup> attached to Ordinance 96796 and by this reference made a part of this subchapter. (Ord. 96796 § 2, 1968.)

1. Editor's Note: Exhibit "A" is not reproduced in this Code. Copies are on file in the office of the City Clerk.

**21.68.090 Undergrounding required—  
Restoration of pavement and public utility equipment.**

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.

(Ord. 96796 § 3, 1968.)

**21.68.100 CATV connections.**

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.080, or a part thereof, the owners of the facilities or services shall notify the Board of Public

## UTILITIES

Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety days of receipt of such notice, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide. (Ord. 96796 § 4, 1968.)

### 21.68.110 Exemptions.

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand volts. (Ord. 96796 § 5, 1968.)

### Subchapter III South Seattle Redevelopment Project Area

#### 21.68.120 Statement of fact—Purpose.

Removal of overhead wires and appurtenances carrying any electric service in streets, public areas, and areas of the city within the boundaries of the South Seattle Redevelopment Project set forth in Section 21.68.130 is required to implement the urban renewal plan for such project approved by Ordinance 94326,<sup>1</sup> the purpose of which is to eliminate and prevent the recurrence of blight; and the general public necessity, convenience, health, safety and welfare require that all such wires and appurtenances be removed and placed underground by those owning the same or any persons interested therein. (Ord. 96797 § 1, 1968.)

1. Editor's Note: Ord. 94326 is not included in this Code. Copies are on file in the office of the City Clerk.

#### 21.68.130 Area described.

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV, or other electric service shall at their own expense, subject to the aid and assistance of urban renewal

project funds if, or to the extent that, such funds are legally available for such work, remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section, and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Beginning at the intersection of the west margin of United States Interstate Highway No. 5 and the south margin of South Dakota Street; thence westerly along the south margin of South Dakota Street to the east margin of 5th Avenue South; thence southerly along the east margin of 5th Avenue South to the south margin of South Alaska Street; thence easterly along the south margin of South Alaska Street to the west margin of United States Interstate Highway No. 5; thence northerly along the west margin of United States Interstate Highway No. 5 to the south margin of South Dakota Street, the point of beginning; all in the City of Seattle; and as illustrated by the blueprint map marked Exhibit "A-1" attached to Ordinance 96797 and by this reference made a part of this subchapter. (Ord. 96797 § 2, 1968.)

1. Editor's Note: Exhibit "A-1" is not reproduced in this Code. Copies are on file in the office of the City Clerk.

#### 21.68.140 Undergrounding required— Restoration of pavement and public utility equipment.

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such

underground facilities on order and to the satisfaction of the Board as the public interest may require.

(Ord. 96797 § 3, 1968.)

**21.68.150 CATV connections.**

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.130, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety days of receipt of such notice, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.

(Ord. 96797 § 4, 1968.)

**21.68.160 Exemptions.**

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand volts.

(Ord. 96797 § 5, 1968.)

**Subchapter IV Northwest Leschi Project Area**

**21.68.170 Statement of fact—Purpose.**

The removal of overhead wires and appurtenances carrying any electric service in streets, public areas, and areas of the city within the boundaries of the Northwest Leschi Project set forth in Section 21.68.180 is required to implement the urban renewal plan for such project approved by Ordinance 98162,<sup>1</sup> the purpose of which is to eliminate and prevent the recurrence of blight; and the general public necessity, convenience, health, safety and welfare require that all such wires and appurtenances be removed and placed underground by those owning the same or any persons interested therein.

(Ord. 99641 § 1, 1971.)

1. Editor's Note: Ord. 98162 is not included in this Code. Copies are on file in the office of the City Clerk.

**21.68.180 Area described.**

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV, or other electric service shall at their own expense, subject to the aid and assistance of urban renewal project funds if, or to the extent that, such funds are legally available for such work, remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section, and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Beginning at the intersection of the centerline of East Yesler Way and a line drawn midway between 28th Avenue and 29th Avenue; thence north along last described midway line to its intersection with the south line of Lots 1 and 2, Block 11, Gamma Poncin's Addition, as recorded in Volume 20 of Plats, page 51, Records of King County, Washington; thence west along said south line and same produced west to its intersection with the centerline of 28th Avenue; thence north along last described centerline to its intersection with the centerline of East Cherry Street; thence east along last described centerline to its intersection with a line drawn midway between 32nd Avenue and 33rd Avenue; thence south along last described midway line to its intersection with the centerline of East Alder Street; thence east along last described centerline to its intersection with the production northwesterly of the northeasterly line of Lot 3, Block 3, Dodge and Dodge Addition, as recorded in Volume 3 of Plats, page 106, Records of King County, Washington; thence southeasterly along said produced and northeasterly line and same produced southeasterly to its intersection with the centerline of Lake Dell Avenue; thence southerly along last described centerline to its intersection with the production north of the centerline of the vacated alley as platted adjoining Block 49 in Yesler's Third Addition as recorded in Volume 6 of Plats,

## UTILITIES

page 41, Records of King County, Washington; thence south along last described centerline and same produced south to its intersection with the centerline of East Yesler Way; thence west along last described centerline to the beginning;

and as illustrated by the blueprint map marked Exhibit "A"<sup>1</sup> attached to Ordinance 99641 and by this reference made a part of this subchapter.

(Ord. 99641 § 2, 1971.)

1. Editor's Note: Exhibit "A" is not reproduced in this Code. Copies are on file in the office of the City Clerk.

### 21.68.190 Undergrouding required— Restoration of pavement and public utility equipment.

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.

(Ord. 99641 § 3, 1971.)

### 21.68.200 CATV connection.

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.180, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety

days of receipt of such notice, provide space on their own property for installation of the necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.

(Ord. 99641 § 4, 1971.)

### 21.68.210 Exemptions.

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand volts.

(Ord. 99641 § 5, 1971.)

## Chapter 21.72

### UTILITY CHARGE STATEMENTS

#### Sections:

21.72.010 Use of City Treasurer's name prohibited.

21.72.010 Use of City Treasurer's name prohibited.

Statements for the collection of city utility charges shall not use or direct the use of the personal name of the City Treasurer for or in connection with the payment of such charges. (Ord. 106352 § 1, 1977.)

## Chapter 21.76

### UTILITY CREDITS FOR THE ELDERLY<sup>1</sup>

#### Sections:

21.76.010 Program established—Purpose—Administration.

21.76.020 Definitions.

21.76.030 Qualification.

21.76.040 Rate of credit.

21.76.050 Method of receiving credit.

21.76.060 Authority of City Treasurer.

21.76.070 Violation—Penalty.

1. Cross-reference: For provisions regarding eligibility of low income elderly for the Conservation Investment Assistance Program, see Chapter 21.52 of this Code.



**21.76.010 Program established—Purpose—Administration.**

A program for credits to the billings for water, sewer and solid waste utility services for certain low income elderly is established in order to provide necessary support for the poor. Such reductions are intended to offset recent rate increases for such utilities. The Department of Human Resources is authorized and directed to administer the program and in such connection may promulgate administrative regulations from time to time in the manner provided in the Administrative Code (Ordinance 102228)<sup>1</sup> to carry out the intent and purpose of this chapter. (Ord. 104472 § 1, 1975.)

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

**21.76.020 Definitions.**

As used in this chapter, the words and terms "duplex dwelling," "dwelling unit," "multiple dwelling" and "single-family dwelling" and "townhouse dwelling" shall have the meanings set forth in Article 3 of the Zoning Code (Ordinance 86300).<sup>1</sup> (Ord. 104472 § 2, 1975.)

1. Editor's Note: Article 3 of the Zoning Code is codified in Chapter 24.08 of this Code.

**21.76.030 Qualification.**

A. To implement the program provided for in Section 21.76.010 "elderly utility credits" shall be issued to each person who shows satisfactory proof that he or she:

1. Is sixty-five years of age or older; and
2. Has a maximum annual income, if single, of not more than seventy percent of the Washington State median income for a one-person household, as computed annually by the state or the city, or whose annual income, if married, together with that of his or her spouse, does not exceed seventy percent of the Washington State median income for a two-person household as computed annually by the state or the city;
3. Is a single occupant or the head of a household or the spouse of the head of the household; and
4. Resides in a dwelling unit served directly by the city's water, sewer or solid waste utilities; and
5. Is billed or is the spouse of a person billed by the light, water, sewer, or solid waste

utilities; or, if not so billed, has resided for a period of not less than ninety consecutive days in a rental unit in which the amount of the water, sewer, or solid waste rate increases affect the amount of the rent charged.

B. Applicants shall verify such information, and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the Department of Human Resources.

(Ord. 106045 § 2, 1976: Ord. 105537 § 1, 1976: Ord. 104472 § 3, 1975.)

**21.76.040 Rate of credit.**

Persons qualified by the Department of Human Resources as eligible recipients of elderly utility credits provided for in Section 21.76.010 shall be granted elderly billing credits in the following stated monthly, or monthly equivalent, amounts:

A. Those residing in dwellings subject to the single-family dwelling rates sewer, water and solid waste:

Sewer	\$ 1.25
Water	\$ 0.90
Solid waste	\$ 2.50—1978
	\$ 2.90—1979

B. Those residing in dwellings subject to duplex and multi-family rates for sewer and water and which are subject to rates based on the number of dwelling units for solid waste:

Sewer	\$ 0.55
Water	\$ 0.65
Solid waste	\$ 1.60—1978
	\$ 1.95—1979

C. Those residing in dwellings subject to duplex and multi-family rates for sewer and water and which are subject to rates based on the number of detachable containers for solid waste:

Sewer	\$ 0.55
Water	\$ 0.65
Solid waste	\$ 0.80—1978
	\$ 0.95—1979

(Ord. 108236 § 1, 1979: Ord. 106220 § 1, 1977: Ord. 105537 § 2, 1976: Ord. 104472 § 4, 1975.)

**21.76.050 Method of receiving credit.**

Qualified persons receiving sewer, water or solid waste utility services shall receive elderly

## UTILITIES

utility credits as provided for in Section 21.76.010 in the amounts prescribed in Section 21.76.040 or in equivalent amounts should the billing period be other than monthly; provided, that no qualified person shall receive or accept elderly utility credits to more than one utility bill for the same billing period. The credits shall be made as follows:

A. For qualified persons who receive a sewer, water or solid waste utility bill directly, the proper credit shall be made on the bill as a reduction to the amount which would otherwise be payable;

B. For qualified persons who do not receive a sewer, water or solid waste utility bill directly, but who may pay such utility charges indirectly as part of their rental payment, the proper credit shall be made in the manner determined by the Director of Human Resources and the Superintendent of Water, including, but not limited to:

1. A reduction in the amount otherwise payable on the light bills of those qualified persons who do not receive sewer, water or solid waste utility bills but who do receive a light utility bill,

2. The issuance of credit vouchers in the names of qualified persons, provided that the credit vouchers shall not be redeemed in cash and shall be honored by the city only when applied to the account through which utility services received by the qualified person are paid.

(Ord. 105537 § 3, 1976; Ord. 104472 § 5, 1975.)

### 21.76.060 Authority of City Treasurer.

A. The City Treasurer is authorized to apportion the total amount of elderly utility credits made to bills as provided for in Sections 21.76.010, 21.76.040 and 21.76.050.

B. To reimburse the Light Fund for elderly utility credits made to lighting bills as provided for in Section 21.76.050, the City Treasurer is authorized to make the necessary transfers from the Water, Sewer and Solid Waste Fund in accordance with Section 21.76.040.

(Ord. 105537 § 4, 1976; Ord. 104472 § 8, 1975.)

### 21.76.070 Violation—Penalty.

Any person knowingly making any false statement or representation to the Department of Human Resources with intent to secure

benefits to which he or she is not entitled under this chapter shall be guilty of an offense constituting a violation subject to the provisions of Chapter 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and upon conviction thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).

(Ord. 104472 § 9, 1975.)

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