

footage leased in any one rental agreement in any one calendar year shall not exceed five thousand square feet for such space in any single building or other facility.

B. Rental payments for improved space other than office space shall not exceed Five Dollars (\$5.00) per square foot per year, and the total square footage leased in any one rental agreement in any one calendar year shall not exceed nine thousand square feet for such space in any single building, structure or other facility.

C. Rental payments for unimproved real estate, or land used for parking or open storage purposes shall not exceed Two Dollars and Fifty Cents (\$2.50) per square foot per year, and the total square footage leased in any one rental agreement in any one calendar year shall not exceed eighteen thousand square feet for such space in any single building, structure or other facility.

(Ord. 110304 § 2, 1981: Ord. 108125 § 2, 1979: Ord. 107252 § 3, 1978.)

20.88.040 Rental payments—Annual adjustment.

Any rental payment specified in any lease may be made subject to an annual adjustment based upon the expenditure class "Rent, residential" in the Urban Wage Earners and Clerical Workers (1967 = 100) of the Consumer Price Index for the Seattle area as compiled by the Bureau of Labor Statistics, United States Department of Labor, and any rent which is so adjusted may exceed the limits imposed by Section 20.88.030 hereof upon rental payments provided in leases entered into by the Director of Administrative Services pursuant to the authority granted in Section 20.88.010.

(Ord. 109823 § 2, 1981: Ord. 109128 § 4, 1980: Ord. 107252 § 4, 1978.)

20.88.050 Department or agency responsibility.

No lease shall be executed by the Director of Administrative Services pursuant to the authority of Section 20.88.010 of this chapter unless the department or agency which is to occupy the premises to be leased shall have available to it funds which it is duly authorized to use to pay the Department of Administrative Services for its anticipated billing for the use of such space during the balance of the current budget year. Funds paid by the departments and agencies using space leased by the Director of

Administrative Services pursuant to the authority of Section 20.88.010 of this chapter shall be deposited in the Administrative Services Fund.

(Ord. 109823 § 3, 1981: Ord. 109128 § 5, 1980: Ord. 107252 § 5, 1978.)

Title 21

UTILITIES

Subtitle II Sewers

Chapter 21.16

SIDE SEWERS

Sections:

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

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

A. It shall be unlawful for any one to construct, reconstruct or repair any side sewer in a public place unless he or she is a licensed side sewer contractor holding a current license under the City License Code,¹ or is an employee of the Director of Engineering 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 Sixty Dollars (\$60.00) 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 Director of Engineering 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 Three Hundred Thousand Dollars (\$300,000.00) for any one person killed or injured in any one accident or occurrence, and Five Hundred Thousand Dollars (\$500,000.00) for more than one person killed or injured in any one accident or occurrence, and at least Fifty Thousand Dollars (\$50,000.00) 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 or her 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 Director of Engineering. A property owner or his employee may construct, reconstruct or repair a side sewer on private property. (Ord. 110318 § 1, 1981; Ord. 97016 § 5, 1968.)

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

Chapter 21.20

SEWER CONNECTIONS OUTSIDE CITY LIMITS

Sections:

21.20.020 Specifications of agreement.

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 same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue computed annually on unpaid balances; shall agree that the city in the event the terms and conditions of said 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, Washington, 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. 110216 § 1, 1981; Ord. 106313 § 1, 1977; Ord. 103037 § 1, 1974; Ord. 85317 § 2, 1956.)

Chapter 21.24

PERMIT FEES AND CONNECTION CHARGES

Sections:

21.24.020 Permit application and fee.

21.24.030 Special connection charge—Imposed.

21.24.040 Special connection charge—Computation.

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 Director of Engineering 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): Forty-Five Dollars (\$45.00);

H. One- or two-family residence direct drain-

age connection to storm drain: Forty-Five Dollars (\$45.00);

I. Installation of one- or two-family residence detention system (infiltration trench/pit or controlled discharge): Seventy-Five Dollars (\$75.00); Installation of two thousand square feet to five thousand square feet detention system (infiltration trench/pit or controlled discharge): Seventy-Five Dollars (\$75.00); Installation of a detention system (controlled discharge) for a development of over five thousand square feet: (1) Design and plan review fee: Forty-Five Dollars (\$45.00) for each drainage control area plus One-Half Cent (\$.005) per square foot of total impervious area; (2) Permit issuance/processing fee: Ninety-Five Dollars (\$95.00); an additional design and plan review fee will be charged for each resubmittal of plans with significant changes, as defined by the Director of Engineering. All fees for detention systems and drainage-related catchbasins shall be deposited in the General Fund;

J. When side sewer or drainage work, as regulated by Seattle Municipal Code Chapter 21.16 (Ordinance 97016), 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 in the discretion of the Director of Engineering an emergency has arisen at a time other than business hours and a permit is secured before noon of the first business day following an emergency.

In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the Director of Engineering shall be final and conclusive.

(Ord. 110259 § 1, 1981: Ord. 108651 § 1, 1979: Ord. 105998 § 1, 1976: Ord. 101532 § 1, 1972: Ord. 91436 § 1, 1962: Ord. 82583 § 2, 1953.)

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 same rate as the effective annual

interest rate of the most recent Seattle Local Improvement District Bond Issue, 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 Director of Engineering in the office of the King County Records and Elections Division 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 Director of Engineering on behalf of the city shall execute and deliver to the property owner a release of such lien.

(Ord. 109747 § 1, 1981; 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.)

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.

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.

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 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 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. 110212 § 1, 1981; 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.)

Chapter 21.28

SEWER RATES AND CHARGES

Sections:

Subchapter I General Provisions

- 21.28.030 Rates and charges—Purpose.
- 21.28.040 Sewer customer service charge and Volume Rate—Exemptions.
- 21.28.050 Repealed.
- 21.28.060 Determination of Volume Rate.
- 21.28.070 Exemptions and adjustments to charges.
- 21.28.080 Charges based on average consumption—Exemptions.
- 21.28.090 Repealed.
- 21.28.100 Repealed.
- 21.28.110 Repealed.
- 21.28.120 Repealed.
- 21.28.130 Repealed.
- 21.28.140 Repealed.
- 21.28.150 Repealed.
- 21.28.160 Repealed.
- 21.28.170 Repealed.
- 21.28.180 Repealed.
- 21.28.190 Repealed.
- 21.28.200 Waters which would damage or overburden system.
- 21.28.210 Repealed.
- 21.28.220 Director of Engineering's authority to bill HSIW charges.
- 21.28.240 Additional charges.

Subchapter I General Provisions

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 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 sewer interception, treatment and disposal, which sewerage utility rates and charges are fixed in Section 21.28.040 of the Seattle Municipal Code (Section 4 of Ordinance 84390, as last amended by Ordinance 109504); 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. 110201 § 1, 1981: Ord. 99454 § 1, 1970: Ord. 91208 § 1, 1962: Ord. 84390 § 3, 1955.)

21.28.040 Sewer customer service charge and Volume Rate—Exemptions.

A. There is hereby imposed as of January 1, 1982 upon all premises served by the Sewerage Utility and on which water is consumed a city sewer customer service charge, which is a uniform charge per customer to cover billing and general administrative costs, and a Volume Rate, which is a uniform rate per one hundred cubic feet or any portion thereof, of metered flow to cover treatment costs and all other operating, maintenance and capital costs, to enable the city to perform sewerage operations and its contractual obligations with Metro and Southwest Suburban; provided that the following premises shall be exempt from the sewer customer service charge and Volume Rate imposed by this subchapter.

1. Premises which are not connected and not required under Section 3 of Ordinance 97016¹ to be connected to the public sewer system.

2. Premises, the owner, agent, lessee, or occupant of which has not been notified in accordance with Section 4 of Ordinance 97016¹ to connect to the public sewer system.

B. The city sewer customer service charge shall be One Dollar and Fifty Cents (\$1.50) per month per customer.

C. The Volume Rate shall be One Dollar and Five Cents (\$1.05) per one hundred cubic feet or portion thereof of metered flow per month.

(Ord. 110201 § 2, 1981: Ord. 109504 § 1, 1981: 108639 § 1, 1979: Ord. 106896 § 1, 1977: Ord. 106158 § 1, 1977: Ord. 104184 § 1(part), 1975: Ord. 104060 § 1, 1974: Ord. 99788 § 1, 1971: Ord. 99454 § 2, 1970: Ord. 92113 § 1, 1963: Ord. 91208 § 2, 1962: Ord. 84390 § 4, 1955.)

1. Editor's Note: Section 4 of Ordinance 97016 is codified in Section 21.16.040 of this Code.

21.28.050 Charges for certain premises temporarily connected to Southwest Suburban Sewer District.

Repealed by Ordinance 110201.

21.28.060 Determination of Volume Rate.

The Volume Rate shall be based on 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 residences, including houseboats, are served by the same water meter the water consumed by each residence shall be determined by dividing the total water consumed by the number of residences. Where single-family residences are served through the same meter as premises other than a single-family residence, the charge for each such residence shall be based on the water consumed 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 consumption registered by such sewage meter. (Ord. 110201 § 4, 1981; Ord. 109091 § 1, 1980; 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 Director of Engineering 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 for premises exempted from the sewer customer service charge and/or the Volume Rate imposed in Section 21.28.040 of the Seattle Municipal Code (Section 4 of Ordinance 84390, as last amended by Ordinance 109504), 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 sewage charge or rate. 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 or rate.

C. Upon receipt of satisfactory evidence of hidden or underground water leakage, the Director of Engineering shall adjust the Volume Rate 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 Director of Engineering may upon written application therefor suspend the Volume Rate after installation of water service for new 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. 110201 § 5, 1981; Ord. 106158 § 2, 1977; Ord. 105805 § 1, 1976; Ord. 104184 § 1 (part), 1975; 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 residences, and the Volume Rate 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 and revised annually as of that date. New single-family residences, single-family residences not served by a publicly owned water supply system which have no previous record of water consumption, and existing single-family residences with new owners or occupants shall be charged the sewer customer service charge and Volume Rate as fixed in Section 21.28.040 of the Seattle Municipal Code, and Ordinance 84390 Section 4, as amended, with an assumed volume of five

hundred cubic feet per month consumption, which represents the winter or minimum average monthly consumption rate as described in Section 21.28.080 of the Seattle Municipal Code, for the first year and until actual volume data is generated.

(Ord. 110201 § 6, 1981; 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.**

Repealed by Ordinance 110201.

21.28.100 Industrial Cost Recovery charges.

Repealed by Ordinance 110201.

21.28.110 Computation of ICR charges.

Repealed by Ordinance 110201.

21.28.120 ICR charges in addition to others.

Repealed by Ordinance 110201.

21.28.130 Uniform charges.

Repealed by Ordinance 110201.

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

Repealed by Ordinance 110201.

21.28.150 Calculation of ICR charges.

Repealed by Ordinance 110201.

21.28.160 ICR payments—Annual basis.

Repealed by Ordinance 110201.

**21.28.170 Implementation of certain
sections.**

Repealed by Ordinance 110201.

21.28.180 Appeal of ICR charge.

Repealed by Ordinance 110201.

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

Repealed by Ordinance 110201.

**21.28.200 Waters 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 Director of Engineering 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 said sewerage system greater than that imposed by the average sewage entering the system, the Director of Engineering may by rule, require such manufacturing or industrial plant, building or premises, to pretreat such sewage by means satisfactory to the Director of Engineering before discharging such sewage into the sewerage system of the city.

C. If such pretreatment is not accomplished, the Director of Engineering 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. 110201 § 8, 1981; Ord. 92113 § 5, 1963; Ord. 91208 § 3, 1962; Ord. 84390 § 5, 1955.)

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

Repealed by Ordinance 110201.

**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 of the Seattle Municipal Code (Section 5.3 of Ordinance 84390, as added by Ordinance 101162), 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. 110201 § 10, 1981; Ord. 106162 § 2 (part), 1977; Ord. 84390 § 5.2, 1955.)

21.28.240 Additional charges.

In addition to the high strength industrial waste charges as computed and certified to him

by Metro, the Director of Engineering 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 Director of Engineering, and in connection with such billing the Director of Engineering may include on the same statement but as a separate item the High Strength Industrial Waste charges to be collected by the city for and on behalf of Metro.
(Ord. 110201 § 11, 1981; Ord. 106162 § 2 (part), 1977; Ord. 84390 § 5.4, 1955.)

Subtitle IV Lighting and Power

Chapter 21.48

CITY LIGHT RATES AND REGULATIONS

Sections:

- 21.48.050 Public Street Lighting Rate (Schedule 48).
- 21.48.070 Industrial Interruptible Rate (Schedule 62).
- 21.48.100 Rate, meter reading, and billing provisions.
- 21.48.110 Application for service—Contract provisions.
- 21.48.120 Customer responsibility.
- 21.48.130 Purchase of electricity—Customer restrictions.
- 21.48.140 Submetering.
- 21.48.150 Connection with another's service prohibited—Exceptions.
- 21.48.160 Security deposit.
- 21.48.170 Responsibility for loss caused by violation of contract.
- 21.48.180 Responsibility for vacant premises.
- 21.48.190 Shortages during period of energy deficiency.
- 21.48.200 Authority to adopt rules and regulations.
- 21.48.210 Service entrance equipment—Customer responsibility.
- 21.48.220 Protective devices required when.
- 21.48.230 Master metering for metering multiple-dwelling buildings—Limitations.
- 21.48.240 Department's right to refuse connection.
- 21.48.250 Unauthorized connections prohibited.
- 21.48.260 Maintenance of wiring and electrical equipment.
- 21.48.270 Three-phase motors—Customer protection responsibility.
- 21.48.280 Interference with quality of service.
- 21.48.290 Right of entry by authorized personnel.
- 21.48.300 Liability limitations.
- 21.48.310 Safety and protection from hazards—Customer responsibility.
- 21.48.320 Interruption of service—Liability.
- 21.48.330 Conservation.
- 21.48.340 Increased use of power—Notice to Department.
- 21.48.410 Adoption of rules, regulations and policies—Short-term surplus.
- 21.48.420 Service charges on delinquent accounts.
- 21.48.430 Service disconnection charge.
- 21.48.440 Binding agreements—Conditions.
- 21.48.450 Equipment installation, sale, servicing and other agreements.
- 21.48.460 Peak-hour load restrictions.
- 21.48.470 Account change fee billing—Exceptions.
- 21.48.050 Public Street Lighting Rate (Schedule 48).
 - A. Schedule 48 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 or on street-light poles.

Schedule 48

Option I — Customer Owned Fixture:

- 189 watt incandescent, 2,500 lumens, \$2.50 per month
- 175 watt mercury-vapor 7,000 lumens, \$1.50 per month
- 100 watt sodium-vapor 9,500 lumens, \$1.70 per month
- 400 watt mercury-vapor 21,000 lumens, \$2.60 per month
- 250 watt sodium-vapor 27,500 lumens, \$2.45 per month
- 400 watt sodium-vapor 50,000 lumens, \$3.05 per month
- 1,000 watt mercury-vapor 55,000 lumens, \$5.45 per month

Option II – Utility Owned Fixture;

189 watt incandescent, 2,500 lumens, \$3.10 per month
175 watt mercury-vapor, 7,000 lumens, \$3.05 per month
100 watt sodium-vapor 9,500 lumens, \$4.45 per month
400 watt mercury-vapor, 21,000 lumens, \$4.35 per month
250 watt sodium-vapor 27,500 lumens, \$5.65 per month
400 watt sodium-vapor, 50,000 lumens, \$6.70 per month
1,000 watt mercury-vapor 55,000 lumens, \$8.30 per month

B. The monthly charge includes energy, lamp replacement, fixture maintenance costs, and scheduled/unscheduled pole maintenance costs.

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 contained in this chapter for incandescent and mercury-vapor streetlighting 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 Schedule 48 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 street lights which are based upon the same methods used in the determination of the charges established in this section. (Ord. 109621 § 1, 1981; Ord. 109218 § 5, 1980.)

21.48.070 Industrial Interruptible Rate (Schedule 62).

A. Schedule 62 is available to industrial customers for plants where the primary function is manufacturing, processing, or refining; has an interruptible load of 450 kw or more; said interruptible load represents at least ninety percent of the total load to be billed on this

schedule; and is served from the Department's available distribution system voltage of 13 kv or above.

Schedule 62

	Summer Billing Cycles May-October	Winter Billing Cycles November-April
Energy Charges:		
All energy at	0.76c per kwh	0.76c per kwh
Demand Charge:		
All kw of maximum demand at	No charge	\$2.30 per kw
Minimum Charge:	The minimum monthly charge on each meter shall be Four Hundred Fifty Dollars (\$450.00).	

B. The transformation from the Department's distribution system voltage to the customer's utilization voltage shall be provided by the customer.

C. Metering will be at the Department's distribution voltage level. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter on the load side of the transformer and the monthly kilowatt-hours billed will be increased by the amount of the transformer losses calculated as follows: one percent of the total KVA rating of the transformer times seven hundred thirty hours.

D. Customers who desire service on Schedule 62 will be required to sign a contract with and as determined by the Department. Under the terms of this contract, a customer who does not interrupt the entire load contracted as interruptible when notified to do so by the Department, in accordance with the peak-hour policy, will be subject to an adjustment in billing. The adjusted billing will be the difference between the customer's bills calculated on Schedule 61 less the bills calculated on Schedule 62 for the period subsequent to the date of execution or the last renewal date of the contract to the date of the customer's failure to interrupt the load. Subsequent billings will be calculated on Schedule 61.

E. The entire load contracted as interruptible as served on Schedule 62 will be interrupted by the customer upon notice by the Department during the system peak hours. (Ord. 109621 § 2, 1981; Ord. 109218 § 7, 1980.)

21.48.100 Rate, meter reading, and billing provisions.

A. All rates in this chapter apply to electricity supplied through a single meter to individual customers at each building or premises not separated by intervening property, streets, or alleys commonly used as public thoroughfares. At the option of the Department, however, 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 in the same structure at different voltage or phase shall be separately metered and billed, and the customer shall pay for the installation of the service.

C. The Department may waive the application of rates to each meter and permit the reading of two or more meters at a single contiguous location to be totaled for billing purposes when the Department determines that the maintenance of adequate service and/or that the Department'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 during a twelve-month period unless the nature of the customer's electrical equipment or use of electricity changes.

E. Meters shall be read and bills rendered either monthly or bimonthly as scheduled by the Department. A record of meter readings will be kept by the Department, and the records shall be the basis for determination of bills rendered for metered service. If an accurate meter reading cannot be obtained for any reason, a reading may be estimated by the Department.

F. The rate schedules in this chapter indicate the charges for one month's service. If usage is billed for longer or shorter intervals than normal billing periods, customer bills will be prorated.

G. All charges shall become payable by the due date shown on individual bills. If the charges are not paid, service may be disconnected following reasonable and appropriate notice to the customer by the Department.

H. Billing demand shall be the highest recorded demand (expressed in kilowatts) during any fifteen-minute interval of the billing period, as determined at the Department's option by demand meter, periodic load test, or assessment.

I. A minimum monthly charge other than that specified under a particular rate schedule may be established by the Department to protect the Department's investment.

J. The Department may adjust minimum charges for seasonal power loads when no electricity will be used during the months of November through April. This provision shall not apply to service used for standby or emergency purposes.

K. If the operation of the Department's generating, transmission, or distribution system is suspended, interrupted, or interfered with for any cause including but not limited to suspension or interruption due to planned or unplanned maintenance, Department equipment failure, suspension, interruption, or interference due to droughts, floods, fires, strikes, accidents, acts of God, the public enemy, war, governmental regulations, orders or proclamations, laws, mobs, riots, and transportation difficulties, the Department need not deliver electricity and the customer need not accept or pay for electric service for such period of time and to the extent that the suspension, interruption, or interference makes it reasonably impractical to deliver or use electricity. If the operation of the customer's work, plant or establishment is suspended, interrupted or interfered with for any cause reasonably beyond the customer's control, including but not limited to suspension or interruption due to droughts, floods, fires, strikes, catastrophic accidents, acts of God, the public enemy, war, governmental regulations, orders or proclamations, laws, mobs, riots and transportation difficulties, the customer need not accept or pay for electric service for such period of time and to the extent that the suspension, interruption or interference makes it reasonably impractical to use electricity. Bills for any period including any suspension, interruption, or interference of departmental systems or customer plant or establishment as described above, shall be prorated exclusive of minimum charges. Within one week of any interruption, suspension, or interference, the customer shall give written notice to the Department to read meters in order to make it possible to prorate billings.

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L. If the Department's seal on a meter, meter enclosure, current transformer enclosure, current limiter enclosure, or a terminal box is broken, or if for any reason a meter does not properly register the electricity used, the customer shall be charged for usage, estimated by the Department from the best available data and evidence, and billed accordingly.

(Ord. 109621 § 3, 1981: Ord. 109218 § 10, 1980.)

21.48.110 Application for service—Contract provisions.

Applicants or customers 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, the 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 for electric service received under the rates, terms, and provisions of the applicable rate. In the event that a customer uses the electric service provided by the Department but fails to receive billing for service, it shall be the customer's responsibility to notify the Department of the failure to receive a bill. Failure to sign a contract when requested shall constitute sufficient cause for the Department to disconnect or refuse to provide electric service.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(1), 1980.)

21.48.120 Customer 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 the application for electric service. The customer shall be responsible for all charges under the conditions of the contract and the rates and terms prescribed by ordinance or written Department rules and regulations, 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 to any premises shall be given by the customer at any business office of the Department. If the customer does not give prior written notice to the Department to close an account or disconnect service at any premises, the Department may bill the customer to a date determined by the Department; unless the customer is able to demonstrate an earlier closing date.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(2), 1980.)

21.48.130 Purchase of electricity—Customer restrictions.

The customer shall be required to purchase all electricity from the Department or from sources approved by the Department.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(3), 1980.)

21.48.140 Submetering.

The Department shall not provide electricity to any customer who submeters any part of the electricity for the purpose of resale to any other consumer, except that the Department shall permit resale by customer operators of boat mooring establishments and resale by mobile home parks already submetering tenants on the effective date of the ordinance codified in this chapter.¹ New or upgraded services to mobile home parks will be provided in accordance with written Department rules and regulations. 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 Department.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(4), 1980.)

1. Editor's Note: Ord. 109218 became effective August 23, 1980.

21.48.150 Connection with another's service prohibited—Exceptions.

No customer shall connect his service with that of any other customer, or in any way supply any other person or premises with electricity through his service, except as approved by the Department after the filing of a written application with the Department for the connection and receipt of a permit from the Department for the connection.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(5), 1980.)

21.48.160 Security deposit.

Applicants and customers 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. The Department may refuse to connect an applicant's service for failure to pay a deposit when requested, and may disconnect a customer's service for failure to pay a deposit when requested. The deposits may be required upon the Department's determination that the financial status or record of the applicant or customer warrants a deposit. Such deposit may not exceed the amount of the bill it is estimated will accrue during two typical billing periods. Upon termination of service, or after twelve billing periods if the customer's credit warrants, the deposits may be returned to the customer. When the deposit is returned, interest will be paid at the rate of six percent per annum 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. 109621 § 4(part), 1981: Ord. 109218 § 11(6), 1980.)

21.48.170 Responsibility for loss caused by violation of contract.

If a customer violates his contract or orders the closure of an account or service disconnect to any premises, the customer shall be responsible for all loss or damage incurred by the city by reason of the closure or disconnection, and shall be responsible for payment of the minimum monthly charge of the service for the unexpired portion of the contract, together with the percentage of the cost of installations as the remainder of the term of the contract bears to the whole term of the contract.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(7), 1980.)

21.48.180 Responsibility for vacant premises.

Property owners shall be responsible for electricity used when the premises is vacant. Owners of leased or rented premises shall be responsible for electricity used by the premises until the Department is notified to open an account for a tenant.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(8), 1980.)

21.48.190 Shortages during periods of energy deficiency.

During periods of system energy deficiencies, the Department may bill and the customer may be required to pay any additional charges and/or surcharges necessary to recover the cost of electricity acquired for the purpose of eliminating the system energy deficiency; the additional charges and/or surcharges may be imposed on all electric services whether rendered or to be rendered during the period of energy deficiency; provided, that no charges and/or surcharges will be billed, nor will the customer be required to pay them, until the charges and/or surcharges have been authorized by ordinance.

(Ord. 109621 § 4(part), 1981: Ord. 109218 § 11(9), 1980.)

21.48.200 Authority to adopt rules and regulations.

The Department shall have the authority to adopt and enforce rules and regulations, consistent with this chapter and the provisions of the Administrative Code (Ordinance 102228, as amended,¹ for the purpose of carrying out the provisions of this chapter governing availability of service and materials from the Department. Notwithstanding the repeal of Ordinance 106416, as amended,² all existing rules and regulations adopted by the Department shall remain in effect until modified or revoked.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1 (part), 1980: Ord. 109218 § 12(1), 1980.)

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

2. Editor's Note: Ord. 106416, previously codified in Chapter 21.48 of this Code, was repealed and supplanted by Ord. 109218.

21.48.210 Service entrance equipment—Customer responsibility.

The customer shall provide service entrance equipment which meets applicable codes and the Department's written rules and regulations. (Ord. 109621 § 5(part), 1981: Ord. 109339 § 1 (part), 1980: Ord. 109218 § 12(2), 1980.)

21.48.220 Protective devices required when.

The Department may require the customer to provide on his premises, at his own expense, additional protective devices deemed necessary by the Department to protect the Department's property or personnel, or the property or

personnel of the Department's other customers.
(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(3), 1980.)

21.48.230 Master metering for metering multiple-dwelling buildings—Limitations.

The Department shall not supply electricity for any new or larger service to multiple-dwelling buildings for the purpose of master metering the energy usage of the dwelling units, a central space heating system, or a central domestic water heating system.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(4), 1980.)

21.48.240 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 the Department's judgment the applicant's wiring or electrical equipment is hazardous to life or property, or the Department's written rules and regulations have not been followed.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(5), 1980.)

21.48.250 Unauthorized connections prohibited.

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. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(6), 1980.)

21.48.260 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 and refuse to reconnect its electrical system until the defective or dangerous wiring or electrical equipment is properly repaired or restored.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(7), 1980.)

21.48.270 Three-phase motors—Customer protection responsibility.

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. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(8), 1980.)

21.48.280 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. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(9), 1980.)

21.48.290 Right of entry by authorized personnel.

Any duly authorized Department employee shall have free and safe access at any reasonable time to any and all premises furnished with electricity by the Department, for the purpose of reading, inspecting, repairing, or removing meters, electrical devices, or wiring of the Department, for the connection or disconnection of service, or for any other reasonable purpose connected with the performance of the contract for the provision of electric service. Upon request, the customer shall correct any condition that limits or restricts free and safe access to the Department's meters or service. Failure of the customer to comply within a reasonable time specified shall subject the customer to disconnection of service.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1
(part), 1980: Ord. 109218 § 12(10), 1980.)

21.48.300 Liability limitations.

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. 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. 109621 § 5(part), 1981: Ord. 109339 § 1(part), 1980: Ord. 109218 § 12(11), 1980.)

21.48.310 Safety and protection from hazards—Customer responsibility.

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 defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which he may own, operate, install, or maintain; and to protect himself, life, and property from the consequences of any defect, failure, malfunction, and/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. 109621 § 5(part), 1981: Ord. 109339 § 1(part), 1980: Ord. 109218 § 12(12), 1980.)

21.48.320 Interruption of service—Liability.

The Department shall not be liable for any loss, injury, or damage resulting from the interruption, restoration, or reduction of electric service from any cause, including but not limited to failure of generation and distribution systems, inadequacy of energy supply, implementation of emergency plans, or temporary disconnections for repairs and maintenance or failure to pay for service rendered. During an emergency declared by appropriate civil authority, the Department may curtail electric service.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1(part), 1980: Ord. 109218 § 12(13), 1980.)

21.48.330 Conservation.

A. Pursuant to the Administrative Code

(Ordinance 102228, as amended)¹ 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 connected 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 the rules and regulations as a condition for the supply or continued supply of electric service to the structures.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1(part), 1980: Ord. 109218 § 12(14), 1980.)

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

21.48.340 Increased use of power—Notice to Department.

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 the facilities which may be necessary for furnishing the increased service. The customer shall be liable for any damages to the Department that may occur and for any additional charges that may accrue as a result of the failure to so notify the Department.

(Ord. 109621 § 5(part), 1981: Ord. 109339 § 1(part), 1980: Ord. 109218 § 12(15), 1980.)

21.48.410 Adoption of rules, regulations and policies—Short-term surplus.

The Department shall have authority to adopt and file as appropriate rules, regulations, policies, and procedures relating to its performance of the provisions of this chapter and to the operation of the Department's light and power system. Upon a determination of necessity, or of short-term surplus of electricity, the Department may enter into agreements, terminable on not more than one year's notice, providing for

the acquisition, sale, or exchange of electricity on terms most advantageous to the city under such circumstances.

(Ord. 109621 § 6(part), 1981: Ord. 109218 § 14(1), 1980.)

21.48.420 Service charges on delinquent accounts.

The Department may add service charges and/or interest on delinquent accounts to customer's bills for certain administrative and collection expenses. These may include but are not limited to dishonored checks, field calls on delinquent accounts, and service disconnections and reconnections resulting from city ordinance violations or failure to pay.

(Ord. 109621 § 6(part), 1981: Ord. 109218 § 14(2), 1980.)

21.48.430 Service disconnection charge.

If service is disconnected for any violation of the provisions of this chapter, a service disconnection charge of not less than Ten Dollars (\$10.00) shall be added to the account. If service is disconnected at the request of a customer or property owner, a service disconnection charge of not less than Ten Dollars (\$10.00) shall be billed to the customer or property owner making the request. If service is disconnected for failure to pay bills when due, the service shall not be restored until payment in full has been received by the Department, or satisfactory arrangements have been made for payment of all charges. Reconnection cannot be assured on the same day payment is made.

(Ord. 109621 § 6(part), 1981: Ord. 109218 § 14(3), 1980.)

21.48.440 Binding agreements—Conditions.

No promise, agreement, or representation of any employee or agent of the Department with reference to furnishing electricity shall be binding on the Department unless it is embodied in writing and signed by a duly authorized agent of the Department in accordance with the provisions of this chapter.

(Ord. 109621 § 6(part), 1981: Ord. 109218 § 14(4), 1980.)

21.48.450 Equipment installation, sale, servicing and other agreements.

The Department shall have authority to and may provide for: the sale, rental, lease, construction, installation, operation, and/or servicing of

material, supplies, facilities, appliances, or equipment for the use or conservation of electricity. The Department may also establish and collect charges based on cost, conservation, and/or the use of electricity and enter into related agreements. Any agreements entered into or charges made prior to the effective date of the ordinance codified in this chapter¹ are ratified and confirmed.

(Ord. 109621 § 6(part), 1981: Ord. 109218 § 14(5), 1980.)

1. Editor's Note: Ord. 109218 became effective August 23, 1980.

21.48.460 Peak-hour load restrictions.

The Department shall have the authority to define system peak hours and to establish peak-hour periods for the various rate schedules. The Department shall also have the authority to restrict the use of loads and/or services during an emergency period when the Department determines that the continued use of the loads would jeopardize the Department's generation, transmission, or distribution system.

(Ord. 109621 § 6(part), 1981: Ord. 109218 § 14(6), 1980.)

21.48.470 Account change fee billing—Exceptions.

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 a customer for an existing unmetered account. The charge shall be included in the initial billing to the new customer. The charge for each residential account shall be Five Dollars (\$5.00). The charge for each commercial, industrial, or governmental one-meter account shall be Fifteen Dollars (\$15.00), plus Five Dollars (\$5.00) for each additional meter, flat rate, or rental item to a maximum of Sixty Dollars (\$60.00). The account change fee shall not apply in the following cases:

A. For the first occupant of a new premises or the first customer on a new account;

B. For a name, address, or rate schedule change involving the same premises and account, except for the addition of names to existing accounts;

C. For the temporary or permanent service used for the purpose of new construction;

D. For meters or other charges added to an existing account;

E. For customers who are eligible for the city's Elderly Utility Credit Program established by Ordinance 104472, as amended,¹ and who are 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 Department shall be exempt from the requirement of Section 21.76.030A4, as amended;

F. For the transfer of responsibility for an existing account for service to an existing premises from the occupant of record to another party, and the assumption by that other party of the obligation to pay for the service, when no opening or closing of the account is involved;

G. Billing of vacancy current to property owners or authorized agents.
(Ord. 109621 § 6(part), 1981; Ord. 109218 § 14(7), 1980.)

1. Editor's Note: The Elderly Utility Credit Program is codified in Chapter 21.76 of this Code.

Chapter 21.52

CONSERVATION MEASURES

Sections:

Subchapter III Comprehensive Residential Weatherization Program

- 21.52.200 Purpose.
- 21.52.210 Definitions.
- 21.52.220 Goals and policies.
- 21.52.230 Program components.
- 21.52.240 Home Energy Loan Program (HELP).
- 21.52.250 Low-Income Electric Program (LIEP).
- 21.52.260 Energy conservation measures described.
- 21.52.270 Liability limitations.

Subchapter III Comprehensive Residential Weatherization Program

21.52.200 Purpose.

The Comprehensive Residential Weatherization Program ("CRWP") is established by the ordinance codified in this subchapter for the purpose of encouraging the conservation of energy from all sources, reducing energy costs,

and assuring a reliable supply of energy for the residents of Seattle and customers of the City Light Department.
(Ord. 109675 § 1, 1981.)

21.52.210 Definitions.

As used in this chapter, the following terms shall have the following meanings:

A. "Dwelling unit" means a room or rooms located within a building designed, arranged, occupied, or intended to be occupied by not more than one family with or without roomers and boarders (permitted by Title 24 of the Seattle Municipal Code) as living accommodations independent from any other family. The existence of a food-preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

B. "Electric heat" means permanently installed electric heat, which is the sole source of space heating of the dwelling unit, or which is a partial source of space heating, if at least thirty-five percent of the reduction in energy consumption would be electricity, as determined by the city of Seattle ("the city").

C. "Family" means any number of related persons; or not to exceed eight nonrelated persons; or not to exceed a total of eight related and nonrelated, nontransient persons living as a single nonprofit housekeeping unit, as distinguished from a group occupying a club, a boarding, lodging, or rooming house, or fraternity, sorority, or group student house.

D. "Household" means any individual living alone, or persons living together in a dwelling unit.

E. "Low-income" means those households whose family income is equal to or less than ninety percent of the Standard Metropolitan Statistical Area (SMSA) median family income for the Seattle-Everett SMSA, as defined by the United States Department of Housing and Urban Development.

F. "'R' value" means the measure of resistance to heat flow through a material, expressed in units of square feet times degrees Fahrenheit times hours per British thermal units ("BTU"). It is equal in value to the reciprocal of the thermal conductance.

G. "Superintendent" means the Superintendent of the City Light Department.

H. "Weatherization" means the installation of energy conservation measures, resulting in a

reduction of heat loss, as described in Section 21.52.260.

(Ord. 109675 § 2, 1981.)

21.52.220 Goals and policies.

The residential weatherization goals and policies for the city are:

A. To reduce energy costs and to assure a reliable energy supply for the residents of Seattle and the customers of the City Light Department;

B. To conserve energy from all sources;

C. To provide economic assistance to the low-income;

D. To implement residential weatherization assistance programs, in the form of grants or loans, in the following priority order by income and heat source:

1. All low-income households, with primary emphasis on electrically-heated dwelling units and secondary emphasis on dwelling units heated by natural gas or oil,

2. All electrically-heated dwelling units not included in the first category,

3. All households not included in the above categories, in which the primary heat source of the dwelling unit is natural gas or oil;

E. To address the weatherization needs of renters and landlords by seeking the legal authority and financial resources to encourage weatherization of rental properties;

F. To distribute equitably the weatherization benefits among Seattle's residents and customers of the City Light Department;

G. To develop and implement strategies assuring the city's housing rehabilitation and weatherization programs are complementary and effectively coordinated;

H. To require residential structures weatherized through the CRWP to comply with minimum energy conservation measures as defined in subsection A of Section 21.52.260, before receiving financing for optional energy-conservation measures.

I. The city will not require any energy conservation measures which pose a risk to public health.

(Ord. 109675 § 3, 1981.)

21.52.230 Program components.

The CRWP, which applies to residential structures of one to four dwelling units, shall consist of:

A. Energy Office. The Energy Office of the

city's Executive Department shall coordinate and monitor the implementation and operation of the CRWP, and maintain liaison with other governmental bodies with respect to the CRWP;

B. Low-Income Weatherization Program ("LIWP"). The LIWP includes the programs administered by the Department of Human Resources which provide financial assistance for weatherization of low-income households. The Department will establish and administer procedures to screen low-income residents of the city and customers of the City Light Department to determine their eligibility for the LIWP. The LIWP has the following three programs:

1. Low-Income Electric Program ("LIEP"). LIEP shall provide grants to the low-income customers of the City Light Department (whose primary source of heat is electricity) for the supply and installation of certain energy conservation measures. The Light Fund shall provide the source of funds for LIEP.

2. Low-Income Weatherization Assistance ("LIWA") Program. The LIWA Program shall provide grants for the supply and installation of energy conservation measures to Seattle residents who are recipients of Aid to Families with Dependent Children (AFDC) and to low-income, fragile, or elderly Seattle residents whose income is equal to or less than the defined federal eligibility standards and whose primary heat source is natural gas or oil.

3. Urban Development Action Grant ("UDAG") Program. The UDAG Program shall provide weatherization loans and grants for the supply and installation of energy conservation measures to low-income households whose income is greater than that allowed under the LIWA Program, but less than eighty percent of the SMSA median family income and whose primary heat source is oil or natural gas. The UDAG Program will be implemented by contracts between the city and participating lending institutions on terms and conditions deemed appropriate by the Director of the Department of Human Resources, consistent with the provisions of the Program.

C. 1. Home Energy Loan Program ("HELP"). HELP shall be administered by the City Light Department for its customers whose dwelling units are electrically heated. HELP shall provide assistance for the supply and installation of energy conservation measures designated by the Department on the terms and conditions deemed appropriate by the Superintendent

and the Purchasing Agent, consistent with this chapter and with the requirements of Amendment 70, Article VIII, Section 10 of the Washington State Constitution, as implemented by the Revised Code of Washington, RCW 35.92.360.

2. HELP shall enter into agreements for the supply and installation of the energy conservation measures set forth in Section 21.52.260. The cost of energy saved or produced by the use of the measures shall be less than the per-unit cost of energy produced by the next least-costly new energy resource which the City Light Department could acquire to meet future demand for electricity.

D. Department of Community Development. The Department of Community Development shall encourage weatherization among those residents of Seattle not served by other components of the CRWP.

(Ord. 109675 § 4, 1981.)

21.52.240 Home Energy Loan Program (HELP).

A. The Superintendent is authorized to enter into agreements with the City Light Department's residential electric heat customers to supply and install the energy conservation measures specified in Section 21.52.260.

B. Prior to entering into the agreements, an energy audit shall be conducted by city personnel to determine and inform the owner of the dwelling unit of:

1. Energy conservation measures needed in the dwelling unit;

2. The estimated lifecycle energy costs that are likely to result from the installation of the energy conservation measures; and

3. The maximum amount of financial assistance that can be provided by HELP.

C. Subsequent to the energy audit, a list of contractors who can supply and install the energy conservation measures determined by the energy audit to be advisable shall be supplied by city personnel to the owner of the dwelling unit. If the owner of a dwelling unit requests financial assistance from HELP, the City Light Department is authorized to arrange to have designated energy-conservation measures supplied and installed by a qualified contractor whose bid is acceptable to the owner of the dwelling unit, the Superintendent, and the Purchasing Agent. Following installation of the energy conservation measures by a qualified contractor, the

work shall be inspected by city personnel for compliance with federal standards and additional City Light standards.

D. To provide for the implementation of the agreements with customers, the Superintendent and the Purchasing Agent are authorized to contract with qualified contractors to supply and install designated energy conservation measures on terms and conditions consistent with the provisions of this chapter and RCW 35.92.360. The principal amount to be paid by the customer pursuant to agreements executed prior to December 31, 1981, shall not exceed Five Thousand Five Hundred Dollars (\$5,500.00) per household; provided, that the Superintendent or his designee may thereafter review and adjust the maximum assistance amount in response to significant changes in the cost of supplying and installing energy conservation measures consistent with subsection E of Section 21.52.260, pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as amended.¹ Assistance shall be without interest, with repayment deferred for the first five years, and repaid in equal monthly installments between the sixth and tenth years. The amount may be billed incrementally. Customers may make early repayment of the amount, on terms and conditions deemed appropriate by the Superintendent or his designee. Full repayment must be made within the ten-year period specified or at the time of sale of the property, whichever is earlier. The amount shall be secured by a lien against the property. (Ord. 109675 § 6, 1981.)

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

21.52.250 Low-Income Electric Program (LIEP).

A. The Superintendent and the Director of the Department of Human Resources are authorized to enter into an agreement to implement the LIEP, on terms and conditions deemed appropriate by the Superintendent and the Director.

B. The Director of the Department of Human Resources is authorized to provide weatherization assistance grants to low-income households with electric heat, for the supply and installation of energy conservation measures by qualified contractors, consistent with this ordinance. The total grant per household prior

to December 31, 1981 shall not exceed Three Thousand Three Hundred Dollars (\$3,300.00) provided, that the Superintendent or his designee may thereafter review and adjust the maximum grant amount in response to significant changes in the cost of supplying and installing energy conservation measures, consistent with subsection E of Section 21.52.060, and pursuant to the rule-making provision of the Seattle Administrative Code, Ordinance 102228, as amended.¹ An energy audit shall be conducted by city personnel to determine what energy conservation measures are needed in the dwelling unit. Following installation of the energy conservation measures by a qualified contractor, the work shall be inspected by city personnel for compliance with federal standards and additional City Light standards.

C. The Director is authorized to enter into contracts with qualified contractors for the supply and installation of energy conservation measures on terms and conditions deemed appropriate by the Director and the Purchasing Agent.
(Ord. 109675 § 7, 1981.)

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

21.52.260 Energy conservation measures described.

A. The following energy conservation measures are required for participation in the CRWP, unless the Superintendent or the director of the department administering a weatherization program authorized by this subchapter determines in writing that installation of a measure would require substantial structural alterations which significantly diminish the cost effectiveness of the energy conservation measure:

1. Attics. R-30 insulation shall be installed, unless R-19 or better insulation is already installed. If attic insulation is installed, the attic also must be ventilated in compliance with the Seattle Building Code.

2. Floors. R-19 insulation shall be installed in crawl spaces, unless R-9 or better insulation is already installed. A vapor barrier, equivalent to not less than four-thousandths of an inch (4 mil) thick polyethylene, shall be installed in all crawl spaces.

3. Water/Steam Pipes. Accessible water and steam pipes located in unheated spaces shall be insulated.

4. Heating Ducts. R-6 insulation of accessible heating ducts located in unheated spaces shall be installed.

5. Water Heaters. R-5 exterior insulation of water heaters shall be installed, unless the water heater is certified by the manufacturers to have a standby loss of no greater than thirteen and six-tenths Btu's (four watts) per square foot of external surface area. The water heater thermostat shall be set back to no greater than one hundred thirty degrees Fahrenheit, measured at the faucet nearest to the water heater.

B. At the option of the customer, the required energy conservation measures listed in subsection A of this section and the following optional measures may be financed by the CRWP:

1. Walls. R-11 wall insulation;

2. Floors. R-19 insulation in basements;

3. Caulking and Weatherstripping. Caulking of openings in the exterior building envelope and weatherstripping of exterior doors and windows, as well as doors leading from heated to unheated spaces, to American Society of Heating, Refrigeration and Air Conditioning Engineers ("ASHRAE") standards; and

4. Smoke Detectors. Underwriters' Laboratories (UL) or Factory Mutual (FM) approved battery or hard-wired smoke detectors; if hard-wired, installation shall be in accordance with and under permit of the Seattle Electrical Code, Ordinance 108482, as amended.¹

C. In addition to the energy conservation measures identified in subsections A and B of this section, the following energy conservation measures may be financed by HELP:

1. R-38 attic insulation;

2. Storm windows; and

3. Automatic setback thermostats.

D. As part of the energy audit, the city shall determine what repairs and/or rehabilitation are necessary to ensure for at least two years the effectiveness of the energy conservation measures installed through the CRWP. All owners of residential structures which do not meet the two-year criteria must provide for necessary rehabilitation or repair services before or when the energy conservation measures are installed. Up to Two Hundred Fifty Dollars (\$250.00) in necessary repairs may be considered an energy conservation measure eligible for financing through LIEP and the UDAG Program.

E. 1. Pursuant to the rule-making provisions

of the Seattle Administrative Code, Ordinance 102228, as amended,² the Superintendent and the Director of the Department of Human Resources may revise the energy conservation measures designated in subsections A and B of this section, provided the revision does not diminish the cost effectiveness of the measure.

2. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as amended,³ the Superintendent may revise the energy conservation measures designated in subsection C of this section, provided the revision does not diminish the cost effectiveness of the measure. The energy conservation measures designated in this Section 21.52.260 shall be added or deleted only by ordinance.

(Ord. 109675 § 8, 1981.)

1. Editor's Note: The Electric Code is codified in Chapter 22.300 of this Code.
2. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.
3. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

21.52.270 Liability limitations.

No provision of nor term used in this subchapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation of this subchapter shall be discretionary and not mandatory. Nothing contained in this subchapter or any agreement or act authorized hereunder is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the implementation of the subchapter, or by reason of any action or inaction on the part of the city, or its officers, employees, or agents, related in any manner to the implementation of this subchapter.

(Ord. 109675 § 19, 1981.)

Subtitle V CATV

Chapter 21.60

CABLE COMMUNICATIONS

Sections:

21.60.230 When applications accepted—Notification.

21.60.230 When applications accepted—Notification.

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 ninety days nor more than one hundred eighty days after publication of such notice. Such published notice shall contain a copy of the table of contents of this chapter.

(Ord. 110038 § 1, 1981; Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(a), 1976.)

Subtitle VII Miscellaneous Provisions

Chapter 21.76

UTILITY CREDITS FOR THE ELDERLY

Sections:

21.76.010 Program established—Purpose—Administration.

21.76.030 Qualification.

21.76.040 Rate of credit.

21.76.050 Method of receiving credit.

21.76.060 Authority of city treasurer.

21.76.010 Program established—Purpose—Administration.

A program for credits to the billings for water, sewer and solid waste utility services for certain low-income elderly and recipients of Supplemental Security Income pursuant to 42 United States Code §§ 1381–1383 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)¹ to carry out the intent and purpose of this chapter.

(Ord. 110243 § 1, 1981: Ord. 104472 § 1, 1975.)

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

21.76.030 Qualification.

A. To implement the program provided for in Section 21.76.010 "utility credits" shall be issued to each person who shows satisfactory proof that he or she:

1. (a) Is sixty-five years of age or older, and 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; or (b) receives Supplemental Security Income pursuant to 42 USC §§ 1381-1383;

2. Is a single occupant or the head of a household or the spouse of the head of the household; and

3. Resides in a dwelling unit served directly by the city's water, sewer or solid waste utilities; and

4. 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. 110243 § 2, 1981: 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 utility credits provided for in Section 21.76.010 shall be granted billing credits in the following stated monthly, or monthly-equivalent, amounts, provided, however, that in no case shall the amount of the billing credit granted for a utility service exceed the amount owing for that service.

A. Those residing in dwellings subject to the single-family dwelling rates for sewer, water and solid waste:

Sewer	\$1.90
Water	1.65
Solid waste	4.50

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	\$1.00
Water	0.65
Solid waste	2.10

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	\$1.00
Water	0.65
Solid waste	1.25

(Ord. 110243 § 3, 1981: Ord. 110199 § 1, 1981: Ord. 109398 § 4, 1980: Ord. 109132 § 1, 1980: Ord. 109021 § 1, 1980: 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 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 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. 110243 § 4, 1981; 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 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 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. 110243 § 5, 1981; Ord. 105537 § 4, 1976; Ord. 104472 § 8, 1975.)

Title 22

BUILDING AND CONSTRUCTION CODES

Subtitle I Building Code

Chapter 22.102

TITLE AND SCOPE

Sections:

22.102.040 UBC Section 104 added—
Application to existing
buildings.

22.102.040 UBC Section 104 added—

Application to existing buildings.

“(d) Standards for Additions, Alterations, Repairs and Changes of Occupancy.

“1. General. Recognizing that total compliance with all the requirements of this Code or specifically required chapters is often physically impossible and/or economically impracticable, the applicant may arrange a pre-design conference with the design team and the Building Official to identify design solutions which will provide equivalent protection or in some circumstances the Building Official may waive specific requirements in this Code where they are impracticable as determined by the Building Official.

“2. Non-structural Alterations or Repairs. Alterations or repairs which are nonstructural and do not affect any member or part of the building or structure having required fire-resistance may be made with the same materials of which the building or structure is constructed, provided that no change be permitted which increases its hazard.

“3. Change of Occupancy. Where there is a change of occupancy, all of the requirements of the chapter for the specific occupancy shall be satisfied.

“In addition to the requirements of Chapter 12, upon conversion of an existing building to residential occupancy, the elements of the dwelling unit envelope which are altered shall comply with the sound transmission control requirements of Chapter 35.

“4. Maintenance of Structural Stability. When approved by the Building Official, minor structural additions, alterations or repairs necessary to maintain the structural stability of the building may be made with the same material of which the building or structure is constructed.

“5. Minor Structural additions, alterations, and repairs. All work performed shall comply with the requirements of this Code for a new building or structure, provided that the existing building or structure shall not be required to comply with all the requirements of this Code.

“6. Substantial additions, alterations or repairs.

“A. Definition. For the purpose of this section, substantial additions, alterations or repairs shall mean any one of the following, as determined by the Building Official: