

Subtitle I Street Use Ordinance**Chapter 15.02
GENERAL PROVISIONS****Sections:****15.02.010 Title.****15.02.020 Exercise of police power.****15.02.025 Disclaimer of City liability.****15.02.030 Right to prosecute civil action.****15.02.040 Definitions.****15.02.050 Safety Code, Building Code, and
Washington Clean Air Act
Compliance.**

Cases: Seattle has authority to charge fees for permission to occupy a portion of a public street for private use. The proof was inadequate to establish the existence and use of the areaways. *Seattle v. Samis Land Co.*, 55 Wn.App. 554, 779 P.2d 277 (1989).

15.02.010 Title.

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

(Ord. 90047 § 1, 1961.)

15.02.020 Exercise of police power.

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

(Ord. 90047 § 2, 1961.)

15.02.025 Disclaimer of City liability.

A. Issuance of any permit pursuant to the Street Use Ordinance¹ does not constitute the creation of a duty by the City to any person or to indemnify any person for any wrongful acts of a permit holder against any person or the public or to otherwise shift responsibility from the licensee to the City.

B. Nothing contained in this subtitle is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a permit holder or applicant for permit to comply with the provisions of this subtitle, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this subtitle on the part of the City by its officers, employees, or agents.

C. It is expressly the purpose of this subtitle to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this subtitle.

D. It is the specific intent of this subtitle to place the obligation of complying with its requirements upon the permit holder or applicant for permit within its scope, and no provision of nor term used in this subtitle is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this subtitle shall be discretionary and not mandatory.

E. Nothing contained in this subtitle is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a permit holder or applicant for permit to comply with the provisions of this subtitle, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this subtitle on the part of the City by its officers, employees or agents.

(Ord. 109969 § 3, 1981.)

1. Editor's Note: The Street Use Ordinance is codified in Chapters 15.02 through 15.50 of this Code.

15.02.030 Right to prosecute civil action.

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

(Ord. 90047 § 4, 1961.)

15.02.040 Definitions.

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

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the section in which used, shall be construed as follows:

1. "Adjacent property" means and includes the property abutting the margin of a public place contiguous and with reference to said public place.

2. "Areaway" means and includes a sunken space, either covered or uncovered, or a court affording room, access or light to a building.

3. "Awning" means a protective covering attached to a building, the upper surface of which has a pitch of at least thirty degrees (30°) from the horizontal.

4. "Banner" means any pliable canvas or cloth sign material stretched over or across any public place.

5. "Business property" means and includes all properties not included in "residence property" defined in this section.

6. "Canopy" means a nonrigid, collapsible, nonretractable, protective covering located at an entrance to a building.

7. "Director of Engineering" means the Director of Engineering and his authorized representatives.

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

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

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

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

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

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

of the public, and the space above or beneath the surface of the same.

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

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

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

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

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

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or remove any sidewalk, or crosswalk, pavement, sewers, water mains, grading, street lighting, or appurtenances thereto, except when permitted by ordinance, or

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to do any work in, or erect any structure under, along or over any public place.

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

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

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

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

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

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

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

**Chapter 15.04
USE AND OCCUPATION PERMITS**

Sections:

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

15.04.010 Permit—Required.

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

written permit from the Director of Engineering or the Director of Construction and Land Use, and without complying with all the provisions of this subtitle in relation thereto; provided, that nothing herein shall apply to street maintenance work performed by the City, street or sewer installation and improvement work authorized by ordinance, or street improvement work authorized by ordinance, or street improvement projects under contract with the City.

(Ord. 115994 § 1, 1991: Ord. 109754 § 1(part), 1981: Ord. 90047 § 7, 1961.)

15.04.020 Permit—Application.

Except for those street use approvals which must be requested from the Director of Construction and Land Use in accordance with the applicable provisions of the Master Use Permit Ordinance (SMC Chapter 23.76), applications for permits provided for by this subtitle shall be filed with the Director of Engineering, upon a form supplied by him/her. Such applications shall contain:

- A. An accurate description of the public place or portion thereof desired to be used as herein specified;
- B. The use desired to be made of such public place by the applicant;
- C. The plans and specifications for any utility or structure desired to be constructed, erected or maintained by the applicant in or on a public place; and

D. Where it is desired to construct a fuel opening, sidewalk elevator or door, documentation showing the applicant to be the record owner of the premises abutting and in connection with which such fuel opening, sidewalk elevator or door is to be constructed.

(Ord. 115994 § 2, 1991: Ord. 112522 § 18(part), 1985: Ord. 109754 § 1(part), 1981: Ord. 90047 § 8, 1961.)

15.04.030 Processing of applications.

A. The Director of Engineering shall examine each application submitted for review or approval to determine if it complies with the provisions of this subtitle. The Director of Engineering or the Director of Construction and Land Use, according to the type of permit for which application has been made, may inspect the premises which are desired to be used in order to ascertain any facts

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which may aid in determining whether a permit shall be granted.

B. Any application for a permit to construct, erect or maintain any awning, marquee, sign, or any structure in a public place, shall be transmitted by the Director of Engineering to the Director of Construction and Land Use, who shall ascertain if the plans and specifications conform to the regulations pertaining to safety, material and design of the Seattle Building and Construction Codes in SMC Title 22. The Director of Construction and Land Use shall then endorse on the application findings with respect to such conformance or nonconformance and transmit the same to the Director of Engineering.

C. If the Director of Engineering finds that the application presented for approval conforms to the requirements of this subtitle, and also that the proposed use of such public place will not unduly interfere with the rights of the public, said Director may approve said application, fix the duration for which the permit shall be effective, and notify the applicant that, upon the applicant's compliance with the requirements of the Director of Engineering relative to indemnification and insurance and payment of all required fees, the permit shall be issued.

(Ord. 115994 § 3, 1991; Ord. 109754 § 2, 1981; Ord. 91749 § 2, 1963; Ord. 90047 § 9, 1961.)

15.04.040 Indemnity deposit—Surety bond—Liability insurance.

A. If the Director of Engineering determines that there is a probability of injury, damage, or expense to the City arising from an applicant's proposed use of any public place, the applicant, upon notice from the Director of Engineering, shall deposit with the City Finance Director for addition to the Guaranty Deposit Fund, and take his or her receipt therefor, a cash indemnity deposit. The amount of the cash indemnity deposit shall be determined by the Director of Engineering at the time of approving the application based upon the anticipated amount and extent of injury, damage or expense to the City as determined by said Director, and shall be subject to appeal to the Street Use Appeals Board. Such indemnity deposit shall be used to pay the cost plus fifteen percent (15%) thereof for inspections, surveys, plans and other services performed by the City, of restoring the street and removing any earth or other debris from the street, the replace-

ment of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the City Finance Director, if such an agreement is required with the permit, and any other expense the City may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the Director of Engineering determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his or her indemnity deposit.

B. The applicant may file with the City Comptroller or such official's functional successor, in lieu of, or in addition to the cash indemnity deposit, as authorized or required by the Director of Engineering, a surety bond approved as to surety by the Mayor, and as to form by the City Attorney, which bond shall assume all the requirements provided in SMC Section 15.04.040 A in relation to a cash indemnity deposit, shall run for the full period of the permit, and shall be in an amount to be fixed by the Director of Engineering, subject to appeal to the Street Use Appeals Board, and conditioned that such applicant shall faithfully comply with all the terms of the permit and all the provisions of this subtitle and all other ordinances of the City, and indemnify and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of any public place, as provided for in the application.

C. An applicant for a permit shall maintain in full force and effect during the full period of the permit, public liability insurance in an amount sufficient to cover potential claims for any bodily injury, death, or disability and for property damage, which may arise from or be related to the permit and naming the City as an additional insured. The Director of Engineering may establish the amount of such insurance, subject to appeal to the Street Use Appeals Board, and may require that such insurance be provided prior to issuance of the permit.

D. If the application shall be to construct, reconstruct, repair, maintain, or remove any sidewalk, pavement, sewer, water main, grading,

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street lighting, or appurtenance thereto, the applicant shall file with the City Comptroller or such official's functional successor a surety bond approved as to surety by the Mayor and as to form by the City Attorney, which bond shall run for the full period of the permit plus one (1) year after the acceptance of the permitted work by the Director of Engineering and shall be in an amount fixed by said Director, subject to appeal to the Street Use Appeals Board, and conditioned that the applicant shall faithfully complete all portions of the work according to the Standard Plans and Specifications of the City, and the special plans approved by said Director.

(Ord. 116368 § 217, 1992; Ord. 115994 § 4, 1991; Ord. 108020 § 2, 1979; Ord. 95823 § 1, 1967; Ord. 90047 § 10, 1961.)

15.04.050 Indemnity or cash deposit for one (1) or more permits.

A. Where it is probable that more than one (1) permit will be desired from the same department, in the alternative to making an indemnity deposit for each permit, as provided for in Section 15.04.040, the applicant may deposit with the City Finance Director, to the credit of the Guaranty Deposit Fund, the sum of Five Hundred Dollars (\$500.00). The applicant shall replace said sum from time to time, whenever such sum shall have been reduced to the sum of Three Hundred Dollars (\$300.00) or less, or to a sum smaller than is required for the permit applied for when so notified by the City Director of Engineering, provided that this section shall not apply when the sum required for one (1) or more permits shall exceed Five Hundred Dollars (\$500.00).

B. If an applicant shall be periodically using public places, the Director of Engineering may require the applicant to post a surety bond of sufficient amount to cover the accumulated cost or risk involved at any certain time in a calendar year for a number of permits outstanding, as determined by said Director, the bond to be in force during the period of all outstanding permits, but in no case for less than one (1) year. The bond shall be of a form approved by the City Attorney, conditioned to assume all of the requirements provided in the previous sections of this subtitle in relation to a cash indemnity deposit. Licensed side sewer contractors who post such a one (1) year bond under the provisions of this subtitle shall not be required to post an additional surety bond

specifically covering work under separate side sewer ordinances; and the surety bond shall contain all of the requirements of side sewer ordinances in the same manner as provided by bonds posted pursuant to the side sewer ordinances and the License Code.¹

C. However, if at any time any applicant shall apply for a permit to use a public place above or below the surface of the same, and in the opinion of the Director of Engineering the work or risk involved in the application shall, together with that involved under other permits outstanding in the name of the applicant, exceed the amount of the then presently posted surety bond, the applicant may be required to post an additional or separate surety bond in an amount established by the Director of Engineering, subject to appeal to the Street Use Appeals Board, to cover the additional risk or work involved prior to the issuance of any new permit. The bond shall remain in force during the period of all outstanding permits, but in no case for less than one (1) year from and after the date of the permit. Also, the Director of Engineering may require any permittee to post a surety bond in the calendar year following the period of a permit when the extent of possible damage to a public place has not been completely determined.

(Ord. 116368 § 218, 1992; Ord. 115994 § 5, 1991; Ord. 95823 § 2, 1967; Ord. 90047 § 11, 1961.)

¹Editor's Note: The License Code is codified in Title 6 of this Code.

15.04.060 Indemnity to save City harmless from claims.

A. If the application for a permit be to construct or maintain an areaway, fuel opening, sidewalk elevator or door, or to use or occupy the

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planting (parking) strip by erecting a bulkhead, steps, retaining wall, rockery, structure, or any facility therein, in addition to the foregoing cash indemnity fund, the owner of the premises in front of which, and in connection with which, the same is to be constructed, erected, maintained, used or occupied, and any existing lessee, sublessee, tenant and subtenant using or occupying the basement of the premises in connection with which such structure is to be used, before the permit is issued, shall, in the manner provided by law for the execution of deeds, execute and deliver to the City upon a form to be supplied by the City Engineer, an agreement in writing, signed and acknowledged by such owners and by any such existing lessee, sublessee, tenant and subtenant, and containing an accurate legal description of the premises and a covenant on the part of such owner, lessee, sublessee, tenant and subtenant, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants and subtenants, forever to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of such public place, or of the construction, existence, maintenance or use of such structure. If the application for a permit be to construct and maintain an areaway, such agreement shall also contain a covenant on the part of the persons or corporations executing the same, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants and subtenants, assuming the duty of inspecting and maintaining all services, instrumentalities and facilities installed in the areaway to be constructed or occupied under authority of such permit, and assuming all liability for, and saving and holding the City harmless from any and all loss, damage or injury that may result to his or their own person or property, or the person or property of another, by reason of such services, instrumentalities or facilities.

B. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty (30) days' notice, posted on the premises, or by publication in the official newspaper of the City, or without such notice, in case the permitted use shall become dangerous or such structures shall become insecure or unsafe,

or shall not be constructed, maintained or used in accordance with the provisions of this subtitle, the same may be revoked and the structure and obstructions ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by the City Clerk in the files and records of the Clerk's office.

(Ord. 117242 § 18, 1994; Ord. 90047 § 12, 1961.)

15.04.070 Permit—Revocation—Fee schedule.

A. All street or sidewalk use authorizations approved under the provisions of this subtitle or Seattle Municipal Code Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be of a temporary nature and shall vest no permanent right, and may in any case be revoked by the Director of Engineering upon thirty (30) days' notice; or without notice, in case any such use or occupation shall become dangerous or any structure or obstruction permitted shall become insecure or unsafe, or shall not be constructed, maintained, or used in accordance with the provisions of this subtitle.

B. If any such structure or obstruction, or use or occupancy, is not discontinued on notice to do so by the Director of Engineering, said official may forthwith remove such structure or obstruction from such place, or make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the grantee of the permit, or such grantee's successor, and such expense may be collected in the manner provided by law; and the Director of Engineering may require a surety bond in such connection.

C. The Director of Engineering is authorized and directed to prepare and recommend for adoption by the City council, a schedule of fees applicable to all such permits heretofore or hereafter issued commensurate with the cost of administration, inspection and policing involved in the issuance and continuance of such permits and the use thereby granted, and any such schedule, when adopted by the City Council by ordinance, shall govern the amount of the fee for any such permit, which shall be collected by said Director as a condition to the issuance or continuance of any such permit; and in order to effectuate collection of such fees said Director shall promptly notify holders of outstanding permits issued pursuant to previous ordinances of the City, from time to

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time, to pay the applicable fee or the permit will be revoked. The rate in the schedule for permits for filming shall identify which, if any, of the factors identified in SMC Section 15.35.020 are taken into consideration in setting the rate and which are to be determined with respect to particular applications.

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

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

(Ord. 115994 § 6, 1991; Ord. 115942 § 2, 1991; Ord. 112522 § 20(part), 1985; Ord. 110951 § 1, 1982; Ord. 101351 § 1, 1972; Ord. 100603 § 1, 1972; Ord. 90047 § 13, 1961.)

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

15.04.080 Issuance of permits.

Upon approval by the Director of Engineering of an application for the use or occupation of a public place, and except where final approval of the application is issued by the Director of Construction and Land Use, the Director of Engineering shall issue a permit therefor. The original permit shall remain in the custody of the Director of Engineering and a carbon copy shall be given to the grantee.

(Ord. 115994 § 7, 1991; Ord. 109754 § 4, 1981; Ord. 91749 § 3, 1963; Ord. 90047 § 14, 1961.)

15.04.090 Refund on permit fee.

Whenever the fee paid for any street use or occupation permit shall be erroneous for any reason, and application is made for refund, the City Director of Engineering shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presenta-

tion of such certificate, to the City Finance Director is authorized to draw and to pay a warrant in the amount of such refund and the necessary appropriations are hereby made. (Ord. 116368 § 219, 1992; Ord. 84706 § 1, 1955.)

**Chapter 15.06
DRIVEWAYS**

Sections:

15.06.010 Construction—Temporary permission.

15.06.020 Removal of driveway and reconstruction of curb.

15.06.030 City's standards for construction.

15.06.040 Width requirements.

15.06.050 Parking curb setbacks.

15.06.010 Construction—Temporary permission.

A driveway must be constructed to provide access from a public place over and across a concrete curb and gutter and sidewalk to the adjacent property. Temporary permission may be granted by the City Engineer to plank a curb and walk while gaining temporary access to property, but the practice must be discontinued immediately upon notice from the City Engineer. (Ord. 90047 § 16(part), 1961.)

15.06.020 Removal of driveway and reconstruction of curb.

When driveways are no longer usable or needed to provide vehicular access onto private prop-

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erty, the owner of the adjacent property shall remove the driveway and restore the concrete curb and gutter and the sidewalk and planting (parking) strip. If such restoration work has not been completed by the sixtieth calendar day after receipt by such owner of the Director of Engineering's written order to perform such work by such deadline, the Engineering Department may perform such restoration and bill the cost thereof to the property owner.

(Ord. 115994 § 8, 1991; Ord. 90047 § 16(part), 1961.)

15.06.030 City's standards for construction.

All driveways constructed on public places where paved roadways and curbs exist shall be constructed according to the City's Standard Plans and Specifications.

(Ord. 115994 § 9, 1991; Ord. 90047 § 16(part), 1961.)

15.06.040 Width requirements.

The minimum width of driveways for residential property shall be ten feet (10') at the concrete walk and fifteen feet (15') at the curb, and for commercial properties the minimum width shall be fifteen feet (15') at the concrete walk.

(Ord. 90047 § 16(part), 1961.)

15.06.050 Parking curb setbacks.

Parking curb setbacks may be allowed by the Director of Construction and Land Use on the basis of demonstrated need by the applicant therefor upon the following terms and conditions:

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

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

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

(Ord. 109754 § 5, 1981; Ord. 101744 § 1, 1973; Ord. 90047 § 16-A, 1961.)

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Chapter 15.08

AREAWAYS, VENTS AND ELEVATORS

Sections:

15.08.010 Entrances and openings to areaways.

15.08.020 Construction of walk over areaways.

15.08.030 Conformance to Building Code.

15.08.040 Areaway metal guard.

15.08.050 Grade and extent of areaway.

15.08.060 Boiler or dangerous apparatus prohibited.

15.08.070 Ventilation opening in sidewalks.

15.08.080 Sidewalk elevators.

15.08.090 Metal guards attached to fuel openings and trapdoors.

15.08.100 Time of operation of sidewalk elevators.

15.08.110 Construction of elevators and trapdoors.

15.08.120 Elevators no longer in use.

15.08.010 Entrances and openings to areaways.

All areaway entrances and areaway openings shall be constructed in the following manner:

The walls shall be constructed of masonry or concrete of sufficient strength safely to resist a pressure from without equivalent to that exerted by a fluid weighing not less than thirty (30)

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pounds per cubic foot, and having a depth equal to that of the retained earth. Plans and specifications for such structures shall be approved by the Director of Construction and Land Use as heretofore provided.

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

(Ord. 115994 § 10, 1991; Ord. 108020 § 3(part), 1979; Ord. 106780 § 1(part), 1977; Ord. 90047 § 17(A), 1961.)

15.08.020 Construction of walk over areaways.

The sidewalks above existing areaways, when in need of repair, shall be constructed of reinforced concrete slabs supported by beams of either reinforced concrete or structural steel, and shall be of sufficient strength to withstand an imposed load of not less than two hundred fifty (250) pounds per square foot.

The concrete used in slabs shall be Class "6," using structural grade gravel as defined in City Standard Plans and Specifications.

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

15.08.030 Conformance to Building Code.

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

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

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

15.08.040 Areaway metal guard.

All uncovered areaways shall be guarded by a metal railing which, together with their fastenings, shall be of sufficient strength to withstand a lateral pressure exerted against the top of such railing of seventy-five (75) pounds per linear foot.

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

15.08.050 Grade and extent of areaway.

No uncovered areaway shall be constructed in any public place unless the grade thereof exceeds twelve percent (12%); provided, however, that no

such areaway shall extend out from the property line more than fifty-four inches (54"), nor to a point beyond seven feet (7') inside of the curbline, nor to within thirty-six inches (36") of any public place other than the one in which such areaway is located; and provided, that in case the grade exceeds ten percent (10%), an areaway may be constructed so that it does not extend more than thirty inches (30") from the property line.

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

15.08.060 Boiler or dangerous apparatus prohibited.

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

15.08.110 STREET AND SIDEWALK USE

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

15.08.070 Ventilation opening in sidewalks.

Openings in sidewalks for purposes of ventilation shall be covered by wrought iron bars three-eighths inch ($\frac{3}{8}$ ") by one and one-quarter inch ($1\frac{1}{4}$ ") in size, placed one inch (1") on centers and at right angles to the direction of the sidewalk. Such bars shall be held in position by sleeves placed between them on two (2) half-inch ($\frac{1}{2}$ ") iron rods running through such bars.

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

15.08.080 Sidewalk elevators.

Every sidewalk elevator shall be so constructed that when in use, the sides of opening will be closed by sheet metal guards, strengthened with an iron frame having a height equal to that of the elevator door. The maximum overall size of a sidewalk elevator shall not exceed five feet (5') by seven feet (7'), and where practicable it shall be placed seventeen inches (17") from the curb, and if of less width than the maximum, the lesser width shall be placed at right angles to the curb. No sidewalk elevator shall be constructed without approval of the Director of Engineering and a permit from the Director of Construction and Land Use to construct and operate the same.

(Ord. 115994 § 11, 1991; Ord. 108020 § 3(part), 1979; Ord. 106780 § 1(part), 1977; Ord. 90047 § 17(H), 1961.)

15.08.090 Metal guards attached to fuel openings and trapdoors.

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

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

15.08.100 Time of operation of sidewalk elevators.

No sidewalk elevator, door, fuel opening, or oil or gasoline intake contiguous to any business property shall be operated between the hours of nine a.m. and six p.m., except in case of emergency, in which event operation shall not continue for a longer period than thirty (30) minutes. During the operation of a sidewalk elevator, a

person shall be stationed on the sidewalk at the elevator opening to warn other persons of the danger.

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

15.08.110 Construction of elevators and trapdoors.

All elevators, fuel openings and trapdoors shall be made of metal of sufficient strength to sustain a weight of two hundred fifty (250) pounds per square foot and such doors and their hinges shall be so constructed that their surfaces will lie flat with the surface of the sidewalk upon which they are constructed and will present no obstruction whatsoever to traffic, and shall be so roughened and maintained as to occasion no danger whatsoever to pedestrians.

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

15.08.120 Elevators no longer in use.

Doors shall be removed from all sidewalk elevators which are no longer used, and the opening shall be replaced with reinforced concrete capable of withstanding an imposed load of not less than two hundred fifty (250) pounds per square foot. The metal rim around the doors must also be removed.

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

Chapter 15.10

MARQUEES, AWNINGS AND CANOPIES

Sections:

15.10.010 Extension—Approval and compliance.

15.10.020 Lowest point.

15.10.030 Vertical depth.

15.10.040 Lighting.

15.10.050 Obstructing streetlight or utility pole prohibited.

15.10.010 Extension—Approval and compliance.

No marquee, awning or canopy shall extend over any public place closer than to within two feet (2') of the curbline. Marquees, awnings and canopies shall be approved as to structural strength and quality of materials, and shall be

checked for conformance to all applicable codes by the Superintendent of Buildings before permission is granted for the street encroachment.

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

15.10.020Lowest point.

The lowest point of any part of any marquee, awning or canopy shall be not less than eight feet (8'), or sixteen feet (16') if in an alley, from the surface over which it is constructed, unless an exception to that requirement is approved by the Board of Public Works after a showing that traffic considerations have been satisfied.

(Ord. 115994 § 12, 1991: Ord. 108846 § 1(part), 1980: Ord. 91749 § 4(part), 1963: Ord. 90047 § 18(B), 1961.)

15.10.030Vertical depth.

No marquee shall exceed thirty inches (30") in vertical depth, unless an exception to that requirement is approved by the Director of Engineering after a showing that the proposed marquee will not obscure the visibility of any sign or traffic control devices in the immediate area.

(Ord. 115994 § 13, 1991: Ord. 108846 § 1(part), 1980: Ord. 91749 § 4(part), 1963: Ord. 90047 § 18(C), 1961.)

15.10.040Lighting.

Any and all public places under a marquee shall be lighted during the hours of darkness and on the same time schedule as the municipal street lighting. Lights shall be designed, constructed and maintained to provide a minimum average illumination on the sidewalk of five (5) footcandles of light intensity. The lowest footcandle value of any point shall not be less than one-half (1/2) the average value.

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

15.10.050Obstructing streetlight or utility pole prohibited.

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

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

Chapter 15.12

SIGNS, BANNERS AND STREET CLOCKS

Sections:

15.12.010Conformance to applicable regulations.

15.12.020Barber poles.

15.12.030Banners.

15.12.040Street clocks.

15.08.110 STREET AND SIDEWALK USE

15.12.010 Conformance to applicable regulations.

A. All signs in public places and their supports shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable ordinances by the Director of Construction and Land Use prior to action by the Director of Engineering.

B. All signs, banners, barber poles and street clocks constructed upon or projecting over a public place shall conform to SMC Chapter 23.55, and the decisions and policies of the Director of Engineering.

(Ord. 115994 § 14, 1991; Ord. 108020 § 4, 1979; Ord. 91749 § 5, 1963; Ord. 90047 § 19, 1961.)

15.12.020 Barber poles.

It shall be unlawful for anyone to erect any barber pole so that the same, together with its brackets and fastenings, shall extend more than one foot (1') over or into any public place, or so that the bottom thereof will be less than eight feet (8') from the sidewalk.

(Ord. 90047 § 20, 1961.)

15.12.030 Banners.

It shall be unlawful for anyone to stretch, hang or otherwise place any canvas or cloth sign or banner over or across any public place except upon written permit issued by the Director of Engineering, and then only upon such terms and conditions, and for such period of time as such official shall direct.

(Ord. 115994 § 15, 1991; Ord. 90047 § 21, 1961.)

15.12.040 Street clocks.

A. No clock shall be constructed, erected or maintained in or upon any public place within one hundred feet (100') of any other clock on the same side of such place, nor within eight feet (8') of any utility pole or fire hydrant, nor so that any portion thereof extends beyond the curbline.

B. No clock shall be more than fifteen (15') nor less than twelve and one-half feet (12½') in height from the sidewalk to center of the dial. Each dial shall be illuminated from within only, by electric light of not less than ninety (90) candlepower to each dial which shall be kept burning during the hours of the day in which the municipal streetlights are burning.

C. No clock shall be erected which has a base greater than twenty-eight inches (28") nor less

than sixteen inches (16") in any dimension, nor which has a dial greater than three feet (3') nor less than two feet (2') in diameter.

D. No more than two (2) lines of advertising matter shall appear upon the dial, nor anything other than the name and address of the owner, occupant or lessee upon the post or base of any clock.

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

F. No person shall permit a street clock of which he/she is the owner, to incorrectly record the time unless all dials thereof are covered. The cover of such a clock shall not have advertising matter thereon. Any clock not showing correct time or which has been covered for more than fourteen (14) days shall be removed upon order of the Director of Engineering.

(Ord. 115994 § 16, 1991; Ord. 90047 § 22, 1961.)

**Chapter 15.14
NEWSSTANDS**

Sections:

15.14.010 Statement of purpose—Standards.

15.14.020 Placement without permit—Exceptions.

15.14.030 Mandatory requirements.

15.14.040 When permit required—Issuance.

15.14.050 Congestion control.

15.14.060 Attended newsstands.

15.14.070 Authority of Director of Engineering.

15.14.080 Review and hearings by Street Use Appeals Board.

15.14.090 Newsstand policy in the Central Business District.

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

(Ord. 106583 § 12, 1977.)

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15.14.010 Statement of purpose—Standards.

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

1. Enable the public to acquire a wide variety of publications with a diversity of news, information, ideas, and opinions, at convenient locations in public places;
2. Facilitate the distribution of publications in public places as contemplated by Article I, Section 5, of the Constitution of the State of Washington and the First Amendment to the United States Constitution;
3. Maintain the use of City streets for travel and transportation and incidental authorized purposes, and to retain the use of other public places for the purposes established;
4. Consider the interests of owners and occupants of property adjacent to public places, while respecting the rights of all users thereof; and
5. Preserve the appearance of public places, carry out design controls in areas subject thereto, encourage improvements that make public places more pleasing, and promote the use of modern, aesthetic newsstands in congested areas.

B. The statement of purpose in SMC Section 15.14.010 A shall guide the Director of Engineering in determining the overall public interest in regulating the placement, construction, maintenance, size and appearance of newsstands.

(Ord. 115994 § 17, 1991; Ord. 106583 § 1, 1977; Ord. 90047 § 19-A, 1961.)

15.14.020 Placement without permit—Exceptions.

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

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

15.14.030 Mandatory requirements.

All newsstands in a public place shall align parallel with the curb, allow at least five feet (5') of clear sidewalk space for pedestrian passage, be detectable by pedestrians using canes for guidance; and be maintained in a safe condition, able to withstand strong winds, and in good repair at all times.

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

15.14.040 When permit required—Issuance.

A. Without a permit from the Director of Engineering, no newsstand shall:

1. Be placed or maintained so as to obstruct the use of any crosswalk, wheelchair ramp, driveway, hydrant, call box, or City emergency facility, or more than four feet (4') or less than eighteen inches (18") from the curb;
2. Impair loading at any bus, taxi, passenger or truck loading zone; hinder egress to parked vehicles in marked parking stalls; obstruct sight lines of motorists at an intersection; orient toward the roadway; or obscure any regulatory sign;
3. Be fastened to any Metro facility, any utility pole or tree, or be permanently affixed to or removed after affixation from the surface of any public place;
4. Contain advertising other than that which relates exclusively to the publication or publications sold; or be used for purposes other than the sale of such publications;
5. Exceed size limitations set by the Director of Engineering;
6. Conflict with design policies adopted for historical and special review districts or be placed within one hundred twenty feet (120') of the limits of a street improvement that provides for integration of newsstands into structures located therein;
7. Conflict with a rule or regulation adopted by the Director of Engineering pursuant to SMC Section 15.14.070.

B. The Director of Engineering may issue a permit to allow the location of a newsstand or to allow an action or condition restricted by SMC Section 15.14.040 A1 through A7 whenever the same constitutes a reasonable accommodation that furthers the overall public interest.

(Ord. 115994 § 18, 1991; Ord. 106583 § 4, 1977; Ord. 90047 § 19-D, 1961.)

15.14.050 Congestion control.

A. Without a permit from the Director of Engineering no newsstand shall be placed within one hundred twenty feet (120') of any corner or other location with more than four (4) newsstands, or of any intersection with more than twelve (12) newsstands, or the equivalent capacity in multiple publication modular unit newsstands or attended newsstands.

15.14.070 STREET AND SIDEWALK USE

B. If application is made for a permit under this section, the Director of Engineering shall determine whether the totality of newsstands at such location will conflict with the restrictions of subsections A1, 2, 5, or 6 of SMC Section 15.14.040. If no such conflict is evident, or if any such conflict would be allowed by virtue of the Director of Engineering's issuance of a specific permit therefor, or if said Director finds that the proposed newsstand together with the preexisting newsstands represent a reasonable accommodation furthering the overall public interest, the Director of Engineering may issue a permit for such proposed newsstand.

C. Upon the timely appeal of the issuance or denial by the Director of Engineering of a permit for a proposed newsstand under this section, the Street Use Appeals Board shall determine: (1) whether there is a satisfactory alternate location for such newsstand in the vicinity, and, if no such location exists, (2) whether an existing newsstand shall be displaced for such proposed newsstand. When necessary, allocations of space for newsstands at particular locations as provided herein shall be made in a manner which:

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

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

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

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

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

Before allocating space at any location, the Street Use Appeals Board shall afford the publishers affected a reasonable opportunity to do so voluntarily.

(Ord. 115994 § 19, 1991; Ord. 106583 § 5, 1977; Ord. 90047 § 19-E, 1961.)

15.14.060 Attended newsstands.

Attended newsstands existing on July 1, 1977 may remain in place within the space currently occupied for so long as the newsstands shall remain attended. A newsstand shall be deemed attended when its operator or other vendor shall

sell publications directly to customers, person-to-person, for at least one and one-half (1 1/2) hours per day Mondays through Fridays and maintain the newsstand for sale of publications during general business hours when the operator or vendor is not personally present.

(Ord. 106583 § 6, 1977; Ord. 90047 § 19-F, 1961.)

15.14.070 Authority of Director of Engineering.

The Director of Engineering is authorized to:

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

1. Establishing standards relating to advertising, safety, maintenance, location and the fastening of newsstands to traffic-control devices, and standards relating to the design of newsstands located within downtown Seattle between Stewart Street on the north, Sixth Avenue on the east, Yesler Street on the south and First Avenue on the west, or located along Alaskan Way adjacent to Piers 50 through 61, or located in the University District within sixty feet (60') of the street margins of Northeast 45th Street between Brooklyn Avenue Northeast and 15th Avenue Northeast, or within sixty feet (60') of the street margins of University Way between Northeast 42nd Street and Northeast 50th Street,

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

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

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

5. Requiring any publisher to take such actions respecting placement, maintenance, and repair of newsstands from time to time as may be appropriate and to cooperate with City officials in the implementation of this chapter;

B. Upon five (5) days' notice, or without notice if emergency or unsafe conditions exist, impound newsstands unused for thirty (30) days

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or left in place more than ten (10) days after the publisher discontinues publication;

C. Upon five (5) days' notice, or with such notice as may be practical if emergency or unsafe conditions exist, impound newsstands in violation of this chapter, including newsstands maintained without a permit where a permit is required;

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

E. Recommend to the City's legislative authority for adoption, by ordinance, of a schedule of fees for newsstands under permit, for impounding and storage of newsstands, and for relocating newsstands where authorized; and

F. Dispose of, as abandoned property, any impounded newsstand that is not claimed by the owner or other person responsible within thirty (30) days from the date of impoundment. (Ord. 115994 § 20, 1991; Ord. 106583 § 7, 1977; Ord. 90047 § 19-G, 1961.)

15.14.080 Review and hearings by Street Use Appeals Board.

Any person or publisher aggrieved by the placement of a newsstand in a public place or an action of the Director of Engineering with respect to a newsstand may seek review of such action by filing within ten (10) days after such action, a notice of appeal with the Street Use Appeals Board on a form provided by said Director. Such notice shall identify the action being appealed, the appellant's objections thereto, and the relief or action desired from the Board. The Street Use Appeals Board shall then conduct a hearing thereon. Unless an emergency or an unsafe condition exists, a newsstand already in place shall remain in place during a timely appeal until the Street Use Appeals Board makes its decision. The Street Use Appeals Board may sustain, modify, or prohibit or reverse any such newsstand placement or action of the Director of Engineering, and its decision shall be final and conclusive, subject to judicial review.

(Ord. 115994 § 21, 1991; Ord. 111214 § 1, 1983; Ord. 106583 § 8, 1977; Ord. 90047 § 19-H, 1961.)

15.14.090 Newsstand policy in the Central Business District.

It shall be the policy of the City to consider the location of newsstands and the practicality of integrating newsstands into structures being erected in the planning for projects in the Central Business District involving the construction or reconstruction of a substantial segment of sidewalk or other open area for pedestrian use, and to utilize such integrated structures wherever practical in such areas, and wherever appropriate to encourage the replacement of single publication newsstands with attractive modular units.

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

Chapter 15.16 SIDEWALK CAFES

Sections:

15.16.010 Permit—Required.

15.16.020 Permit—Application.

15.16.030 Notification of surrounding tenants and owners.

15.16.040 Terms and conditions.

15.16.050 Liquor.

15.16.060 Insurance.

15.16.070 Indemnity.

15.16.080 Sidewalk condition.

15.16.010 Permit—Required.

It shall be unlawful to operate a sidewalk cafe without a written permit to do so from the Director of Construction and Land Use, as provided in this chapter.

(Ord. 109740 § 6(part), 1981; Ord. 99674 § 2(part), 1971; Ord. 90047 § 49(a), 1961.)

15.16.020 Permit—Application.

In addition to the information required by Section 15.04.020, an application for a sidewalk cafe permit shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and whether any liquor, as defined in RCW 66.04.010(6), will be sold or consumed in the area to be covered by the permit.

(Ord. 109740 § 6(part), 1981; Ord. 99674 § 2(part), 1971; Ord. 90047 § 49(b), 1961.)

15.14.070 STREET AND SIDEWALK USE

15.16.030 Notification of surrounding tenants and owners.

The Director of Construction and Land Use shall provide notice of receipt of an application for a sidewalk cafe permit and of his decision to grant, deny, or condition the permit in accordance with the notice provisions of the Master Use Permit Ordinance (109438).¹ (Ord. 109740 § 6 (part), 1981: Ord. 99674 § 2 (part), 1971: Ord. 90047 § 49(c), 1961.)

1. Editor's Note: The Master Use Permit Ordinance was repealed by Ord. 110381. For current provisions see Chapter 23.76 of this Code, Master Use Permit Process.

15.16.040 Terms and conditions.

In the event and to the extent that the Director of Construction and Land Use determines that:

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

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

C. The proposed sidewalk cafe area is included within a food-service establishment permit issued pursuant to Seattle City Code Chapter 13.20, or the Seattle-King County Director of Public Health, or his representative, has otherwise authorized such use of the area; a permit for use of sidewalk cafe purposes may be issued upon such terms and conditions as said Director may deem appropriate including, but not limited to: restrictions as to the number and placement of tables and chairs and as to the hours and dates of use; a requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the Director of Engineering or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives, and that the permittees shall maintain the sidewalk in a clean and safe condition for pedestrian travel; a requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to adjacent or other nearby properties; regulations upon lighting and illumination of the sidewalk cafe; and a surety bond in accordance with the provisions of this subtitle; provided that unless expressly authorized by the City no pavement shall be broken, no sidewalk surface disturbed, and that no fixture of any kind shall be installed in

or on sidewalk area in connection with a sidewalk cafe.

(Ord. 109740 § 6(part), 1981: Ord. 99674 § 2 (part), 1977: Ord. 90047 § 49(d), 1961.)

15.16.050 Liquor.

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

(Ord. 109740 § 6(part), 1981: Ord. 99674 § 2 (part), 1977: Ord. 90047 § 49(e), 1961.)

15.16.060 Insurance.

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

(Ord. 115994 § 22, 1991: Ord. 109740 § 6(part), 1981: Ord. 99674 § 2(part), 1977: Ord. 90047 § 49(f), 1961.)

15.16.070 Indemnity.

The applicant for a sidewalk cafe permit shall execute and deliver to the City upon a form supplied by the Director of Engineering an agreement in writing and acknowledged by the applicant, forever to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk cafe. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty (30) days' notice, posted on the premises, or by publication in the official newspaper of the City, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this title, the same may be revoked and the sidewalk cafe furniture ordered removed. Every such agreement,

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after it has been received in his or her office and numbered, and shall be filed with the City Clerk. (Ord. 116368 § 220, 1992; Ord. 109740 § 6(part), 1981; Ord. 99674 § 2(part), 1971; Ord. 90047 § 49(g), 1961.)

15.16.080 Sidewalk condition.

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

(Ord. 109740 § 6(part), 1981; Ord. 99674 § 2(part), 1971; Ord. 90047 § 49(h), 1961.)

Chapter 15.17 MOBILE VENDING

Sections:

15.17.010 Areas where mobile peddling is restricted.

15.17.010 Areas where mobile peddling is restricted.

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

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

2. Within two hundred feet (200') of any public park, as defined in the Park Code, Ordinance 106615 as amended,¹ or within two hundred feet (200') of any public school.

3. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E. 40th Street to Brooklyn Avenue; then north on Brooklyn Avenue to N.E. 50th; then east on N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the place of beginning, including both sides of the streets and avenues mentioned. Provided, that selling in the above-described areas by persons on foot along the route of any parade for which a permit has been issued by the Police Department is authorized, while the parade is in progress and for one (1) hour prior to its commencement; provided further, that selling in the above-described areas is authorized if a Street Use Permit is obtained in accordance with this subtitle.

B. It is unlawful to sell, offer to sell, solicit orders, rent, lease, or otherwise peddle any goods or services in a public place within the area bounded by Yesler Way, Sixth Avenue South, South Atlantic Street, and Alaska Way South within two (2) hours of the commencement of any event scheduled at the Kingdome or during the progress of any such event.

(Ord. 109271 § 3, 1980; Ord. 90047 § 50, 1961.)

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

Chapter 15.18 DANGEROUS BUILDINGS

Sections:

15.18.010 Notice of hazardous condition.

15.18.020 Construction of covered way.

15.18.010 Notice of hazardous condition.

Whenever the Superintendent of Buildings finds that a building is unsafe, according to the terms of the Building Code,¹ or any other effective ordinance, and a hazard to public safety, health or welfare may exist to members of the public using an abutting public place, then the abutting sidewalk and/or public place may be barricaded immediately by the City Engineer to the extent found necessary, so as to prevent public access to such area in the interest of public safety, and the Superintendent of Buildings forthwith shall notify the owner or his agent of such hazardous condition and to correct this condition within ten (10) days from date of notice thereof.

15.20.060 STREET AND SIDEWALK USE

(Ord. 90047 § 23(A), 1961.)

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

15.18.020 Construction of covered way.

If such hazardous condition has not been corrected by the owner or agent within the ten (10) day period, the owner or agent shall be notified to obtain a permit for the construction and maintenance of a covered way over that portion of sidewalk or street area as directed by the City Engineer. In case of failure of owner or agent to begin construction according to permit or failure to obtain such permit in time specified, then owner or agent may be subject to penalties provided by this subtitle and the City Engineer may cause such covered way to be constructed and charge the cost plus fifteen percent (15%) thereof against the property described and such charges shall be collected by laws governing collection of debts.

(Ord. 90047 § 23(B), 1961.)

Chapter 15.20 BUILDING CLEANING OR PAINTING

Sections:

15.20.010 Permit—Required.

15.20.020 Permit—Validity.

15.20.030 Steam cleaning—Boiler permit.

15.20.040 Certain chemicals prohibited.

15.20.050 Scaffolding—Compliance.

15.20.060 Scaffolding—Canvas tarpaulin.

15.20.070 Barricades.

15.20.080 Ladder safety.

15.20.010 Permit—Required.

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

(Ord. 90047 § 24(A), 1961.)

15.20.020 Permit—Validity.

A permit issued under this chapter shall be valid only for the number of days stated therein

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and for the occupation of such portion of the street as is definitely set forth and at such hours as may be designated and only for the purpose of the cleaning, painting or hanging of the scaffold for the particular structure for which the permit is issued.

(Ord. 90047 § 24(B), 1961.)

15.20.030 Steam cleaning—Boiler permit.

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

(Ord. 90047 § 24(C), 1961.)

1.Editor's Note: Provisions on steam engineers and boiler firemen are codified in Chapter 6.230 of this Code.

15.20.040 Certain chemicals prohibited.

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

(Ord. 90047 § 24(D), 1961.)

15.20.050 Scaffolding—Compliance.

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

(Ord. 90047 § 24(E), 1961.)

15.20.060 Scaffolding—Canvas tarpaulin.

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

(Ord. 90047 § 24(F), 1961.)

15.20.070 Barricades.

During operations a suitable portion of the sidewalk or other public thoroughfare as required by the City Engineer shall be barricaded in an approved manner. Specified hours of operation and any additional construction may be required to protect the public in passing said point. (Ord. 90047 § 24(G), 1961.)

15.20.080 Ladder safety.

If a ladder more than fourteen feet (14') in height is used in building or cleaning operations, there shall be at all times a man stationed at the base thereof in the interest of public safety. (Ord. 90047 § 24(H), 1961.)

Chapter 15.22
BUILDING OPERATIONS

Sections:**15.22.010 Compliance required.****15.22.020 Application for use permit—Investigation and issuance.****15.22.030 Fence or enclosure—When required.****15.22.040 Fence or enclosure—Materials and construction.****15.22.050 Obstruction of utility or traffic facilities prohibited.****15.22.060 Removal of earth and debris.****15.22.070 Mixing of mortar or concrete.****15.22.080 Repair of damage to public property.****15.22.090 Excavations and cave-ins.****15.22.100 Permit to drive over sidewalk or curb.****15.22.110 Protection of sidewalk and pavement.****15.22.120 Types of protection required for pedestrians and motorists.****15.22.130 Uncovered walkways.****15.22.140 Obstructions in street intersection.****15.22.010 Compliance required.**

In any district when a building is to be erected, razed, repaired or altered the specifications set out in this chapter shall be complied with by the owner of the building or his agent. (Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(part), 1961.)

15.22.020 Application for use**permit—Investigation and issuance.**

A. An application shall be filed with the Director of Engineering for use of street or walk area deemed necessary for building operations. The application shall also specify the period of time the applicant desires to use the specified area and be accompanied by a plan of the definite limits of areas desired for use, which shall be confined to, and abutting, the property to be improved; provided, that upon written permission of other adjacent property owners filed with the application and approved by the Director of Engineering, such street use may extend beyond the limits of the improvement. The Director of Engineering shall investigate the area adjacent to the place of such building construction, demolition or repair to determine the traffic carried by adjacent roadway and walks, and to determine the inconvenience and hazard to the public.

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

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

15.20.070 STREET AND SIDEWALK USE

D. All determinations of the Director of Engineering with respect to the issuance or denial of permits for building operations shall be subject to appeal to the Street Use Appeals Board.

(Ord. 115994 § 23, 1991; Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(A), 1961.)

15.22.030 Fence or enclosure—When required.

A fence or enclosure shall be erected at any location at which a building is to be erected, razed, repaired or altered, and a hazard to pedestrian traffic is created: (A) within ten feet (10') of a walk or roadway, (B) in a business district, or (C) in any case deemed necessary by the City Engineer.

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

15.22.040 Fence or enclosure—Materials and construction.

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

B. Such fence, unless otherwise provided, shall be at least seven feet (7') in height and shall, where practicable, be erected before any

15.22.040 STREET AND SIDEWALK USE

work is commenced; provided, that if the enclosure is adjacent to a street intersection or corner, that portion of the fence from four feet (4') to seven feet (7') high which is within thirty feet (30') each way from the corner must be of wire mesh to provide for traffic visibility at all times, unless otherwise designated by the City Engineer. (Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(C) 1961)

15.22.050 Obstruction of utility or traffic facilities prohibited.

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

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

15.22.060 Removal of earth and debris.

Earth taken from excavations and rubbish from buildings shall not be stored on the sidewalk or other street area, but shall be removed from day to day as rapidly as produced. Where such materials are dry and apt to produce dust when handled, they shall be kept sufficiently moist to prevent the wind blowing the same about. Building rubbish accumulating on upper floors and all rubbish, plaster and other loose materials, produced while wrecking, altering or repairing a building must be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing the same. When likely to produce dust, the chutes must be provided with means of wetting waste to prevent the wind from blowing it about.

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

15.22.070 Mixing of mortar or concrete.

It is unlawful to mix mortar or concrete in any public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement or any similar material.

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

15.22.080 Repair of damage to public property.

Any damage done to sidewalk, pavement, sewers, drain inlets, catchbasins or any other public facility shall be repaired by the City Engineer as he finds necessary, and all costs plus fifteen percent (15%) shall be charged against the owner, agent or contractor; except that if a permit is granted so to do, the owner, agent or contractor may restore and repair such damages as required by, and under the inspection of, the City Engineer. (Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(G), 1961.)

15.22.090 Excavations and cave-ins.

Where excavations are to be made in any area adjacent to a street area, the owner, agent or contractor making such excavation shall maintain the lateral support of the street area. Where excavations have been made in the street area, or a cave-in or slide of earth has occurred extending into a public place due to excavation on private property, the City Engineer shall restore the street area at the expense of the owner, agent and contractor, who shall be jointly and severally liable therefor; or if the City Engineer so directs, the contractor, owner or agent shall make such backfill and restoration under the inspection of the City Engineer. The City Engineer shall collect the cost of any such work done or inspection made from the cash deposit and/or surety bond supplied by the contractor, owner or agent and/or by civil action in the manner provided by law.

(Ord. 106780 § 2(part), 1977; Ord. 98197 § 3, 1969; Ord. 90047 § 25(H), 1961.)

15.22.100 Permit to drive over sidewalk or curb.

Whenever an excavation is to be made adjacent to a public place, or in any case wherein materials are to be moved across a public sidewalk or curb or a portion thereof not set aside as a driveway, and the adjacent street area is not being used

under permit while building the owner, agent or contractor shall secure a permit to drive over the walk and/or curb and shall deposit cash, a surety bond or both as provided in this subtitle and as directed by the City Engineer.
(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(I), 1961.)

15.22.110 Protection of sidewalk and pavement.

In using the street area or driving over walks and curbs, the contractor shall keep such walk and pavement reasonably clean, properly protected with planks during working hours, and safe for public travel; upon failure to so do the City Engineer may place such planking and cause such clean-up to be made, and the cost thereof plus fifteen percent (15%) shall be charged to the contractor. Any charges so made may be deducted from the contractor's deposits on file or may be charged against his bond.
(Ord. 106780 § 2(part), 1977: Ord. 90047 § 25(J), 1961.)

15.22.120 Types of protection required for pedestrians and motorists.

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

- A. Railing. A handrail not less than three and one-half feet (3-1/2') high, capable of withstanding a fifty (50) pound load per lineal foot applied horizontally to the top rail;
- B. Barricades. Four (4) or more red or flashing amber lights as required in Chapter 15.40;
- C. Fence and Covered Walkway. A temporary protective roof extending above a pedestrian walkway to be built and maintained during construction or demolition on the adjacent property. The requirements of a covered walkway are:

1. Four feet (4') or more of clear walking width,

2. The roof shall have eight feet (8') of clearance above the walkway, and shall be tightly boarded with a covering of roofing paper or other material to prevent water from falling through,

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

4. Be designed to carry the loads imposed upon it, provided the minimum live load to be used in design shall not be less than one hundred fifty (150) pounds per square foot, uniformly loaded,

5. Have a handrail on the roadway side, not less than three and one-half feet (3-1/2') high, capable of withstanding a fifty (50) pound load per linear foot applied horizontally to the top rail,

6. If the walkway is abutting upon or within the roadway area, the roadway side shall be protected by a tight board fence three and one-half feet (3-1/2') high, and wire mesh or other suitable material from the top of the handrail to the roof,

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

8. If materials are stored or work is done on the roof of the walkway, the roadway side of the walkway shall extend one foot (1') above the roof, or as high as needed to contain the material stored on the roof,

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

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

11. A walking surface must be provided if pedestrians are to be routed off the paved sidewalk or into a roadway area for more than thirty (30) hours. The surface must be solid and not slippery, and the transition between the temporary walkway surface and the sidewalk shall be without abrupt breaks or stubs to prevent harm to handicapped persons. Pedestrians shall not be required to walk upon a roadway for more than thirty (30) hours and in such a case the roadway

must be safe for walking and the pedestrians carefully contained in a well defined space. Sleepers supporting a walking surface shall not obstruct drainage flow, and pedestrians shall not be required to walk in a gutter;

Table No. 25

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

D. Fence. A tight and secure fence of board or chain link must be built adjacent to the building or demolition site to protect pedestrians and motorists. It shall be at least seven feet (7') high, erected before demolition or construction begins, and designed to withstand wind loads and any other design factors imposed by the Seattle Building Code.¹ The fence shall be located according to the permit requirements. (Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(K),1961.)

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

15.22.130Uncovered walkways.

Whenever it is not necessary to construct a covered temporary walkway as stipulated in Table No. 25, an uncovered walkway shall be constructed if pedestrians are caused to be routed away from a paved walking surface, or if pedestrians are caused to walk in a roadway area for more than thirty (30) hours. The walking surface must be solid and not slippery and the transition from the sidewalk shall be without abrupt breaks or stubs to prevent harm to handicapped persons. Sleepers supporting a walking surface shall not obstruct drainage flow, and pedestrians shall not be required to walk in a gutter. Such a walkway shall be four feet (4') or more in clear walking width, as required by the City Engineer, and the

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walkway shall be located as required in the permit.
(Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(L), 1961.)

15.22.140 Obstructions in street intersection.

No temporary building, structure or machinery over four feet (4') high shall be located within a street intersection, nor shall materials be piled over four feet (4') high within an intersection.
(Ord. 106780 § 2(part), 1977; Ord. 90047 § 25(M), 1961.)

**Chapter 15.24
SCAFFOLDS**

Sections:

15.24.010 Requirements.

15.24.020 Permit required.

15.24.010 Requirements.

It shall be unlawful for anyone to use any scaffold or staging unless it has sufficient strength to support the weight to be placed upon it and unless it has sufficient width to prevent persons and materials from falling from it. Tarpaulins and scaffolds shall be braced sufficiently or anchored to the building so that they will not fall or be blown about or otherwise collapse.
(Ord. 90047 § 26(A), 1961.)

15.24.020 Permit required.

It shall be unlawful for any person to erect, hang, build or maintain any scaffold over any public place without a permit from the Director of Engineering. However, a general permit for the use of the public place while building or remodeling a structure shall carry with it the right for such scaffolding.
(Ord. 115994 § 24, 1991; Ord. 90047 § 26(B), 1961.)

**Chapter 15.26
BACKFILLING**

Sections:

**15.26.010 Authority of City
Engineer—Billing of costs.**

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Text provided for historic reference only.**

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and tables and to confirm accuracy of
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15.26.010 STREET AND SIDEWALK USE

15.26.010 Authority of City Engineer—Billing of costs.

After the completion of any work for which a permit has been granted, if the same shall have involved an excavation or disturbance of the surface of any public place, the City Engineer shall have control of the refilling and restoring of same to its proper condition, and the cost thereof plus fifteen percent (15%) shall be billed to the person or deducted from the grantee's indemnity deposit.

(Ord. 90047 § 27, 1961.)

**Chapter 15.28
HOUSE MOVING**

Sections:

15.28.010 Permit required.

15.28.020 Bond and insurance.

15.28.030 Application for permit.

15.28.040 Removal or trimming of trees or shrubbery.

15.28.050 Wires and cables.

15.28.060 Determination of probable interference.

15.28.070 Grantee to bear expenses.

15.28.080 Authority to make rules and regulations.

15.28.010 Permit required.

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

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

15.28.020 Bond and insurance.

A. No such permit to move a building along or across any public place shall be issued unless the applicant has furnished to the Director of Engineering, for filing with the City Clerk, a surety bond approved as to form by the City Attorney in the amount of Five Thousand Dollars (\$5,000.00), and conditioned upon the requirements of Sections 15.04.040 and 15.04.050 relating to cash indemnity funds. The bond shall be further conditioned to indemnify and save harmless the City from all claims, actions or damages of every kind and description which may accrue to or be suffered by the City by reason of the permittee's operations in moving a building on or along any

public place. In addition to the bond, the applicant shall furnish to the Director of Engineering, for filing with the City Clerk, a certificate stating that the City is included as an additional insured on his or her protective public liability insurance. The insurance shall provide for a limit of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for all damages arising out of bodily injuries to, or death of any persons in any one (1) accident; and shall also provide property damage liability insurance providing for a limit of not less than Seventy-five Thousand Dollars (\$75,000.00) for all damages arising out of injury to or destruction of property in any one (1) accident. The insurance shall state that the Director of Engineering shall be given ten (10) days' notice of any change, cancellation or expiration of such insurance policy.

B. In the event anyone granted a permit under this chapter fails to comply with any of the terms of this subtitle, the permit may be revoked by the Director of Engineering.

(Ord. 116368 § 221, 1992; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(B), 1961.)

15.28.030 Application for permit.

All applications for permit to move buildings through, or across public places of the City shall be made to the Director of Engineering on a form provided by the Director of Engineering. Every such application shall state the location of the building to be moved, its dimensions and its principal materials; shall definitely describe the route over which the building is to be moved, the length of time that will be required to move it, and the proposed new location thereof. Before any permit to move a building to a site within the City is issued, specific written approval must be obtained from the Department of Construction and Land Use. The approval of all public utilities owned and operated by the City is also necessary, if those utilities are to be disturbed.

(Ord. 115994 § 25, 1991; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(C), 1961.)

15.28.040 Removal or trimming of trees or shrubbery.

Where the removal or trimming of any shade trees or other shrubbery is necessary, the building mover is required to obtain from the owner thereof a written release for any damages, holding the

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City free of any liability or damages whatsoever. If the building is to be moved along or across any boulevard or other public place controlled and planted by the Parks and Recreation Department, the building mover is also required to have written approval from the Superintendent of Parks and Recreation.

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

15.28.050 Wires and cables.

The Director of Engineering shall determine the probable injury and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities. Such findings shall be endorsed upon the application for permit.

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

15.28.060 Determination of probable interference.

A. The Director of Engineering shall ascertain the probable interference with the rights of the public that such moving will cause, and any other facts which may aid in determining whether or not such permit should be granted. The Director of Engineering shall also prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations such official may deem necessary for public safety and convenience.

B. If the Director of Engineering finds the injury and inconvenience to the public, to owners of private property, and to public utilities is minor, said Director may grant the permit without a hearing. If the Director of Engineering finds that the injury or inconvenience to the public, to public utilities or to owners of private property is apparently greater than the value of the building to be moved, said Director shall notify the owners or agents of the properties that the Street Use Appeals Board will conduct a public hearing regarding such application, and set a date for this hearing. At this hearing, all persons interested may appear and offer their opinion regarding whether or not such permit should be granted.

C. Whenever the Director of Engineering determines that a public hearing must be held to determine whether or not a permit to move a building should be granted, the applicant shall pay

the cost to the City for advertising the hearing. Payment shall be made to the City Treasurer or such official's functional successor and the receipt therefor shall be delivered to the Director of Engineering. The receipt number for the sum shall be recorded on the application for the permit.

D. Based upon the findings of the Director of Engineering with respect to such application and the testimony received during its public hearing on such application, the Street Use Appeals Board shall determine whether or not such permit shall be granted.

(Ord. 115994 § 26, 1991; Ord. 108382 § 2(part) 1979; Ord 90047 § 28-A(F), 1961.)

15.28.070 Grantee to bear expenses.

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

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

15.28.080 Authority to make rules and regulations.

The Director of Engineering may make rules and regulations pursuant to the Administrative Code of the City (Ordinance 102228) and governing the moving of buildings along or across public places. Violation of those rules and regulations constitutes a violation of this subtitle.

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

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

**Chapter 15.30
FRANCHISE PERMITS AND
REGULATIONS**

Sections:

15.30.010 Construction work—Permit required.

15.30.020 Permit—Application and issuance.

15.30.030 Payment of fees.

15.30.040 Nuisances.

15.30.050 Deferment of permit action.

15.30.010 Construction work—Permit required.

It shall be unlawful for anyone holding a franchise from the City, or who may hereafter be granted such a franchise, to use or occupy any public place, to go upon such public place, or to perform any construction work therein that disturbs the surface of the street, planting (parking) strip or sidewalk, without complying with all provisions of this subtitle in relation thereto and obtaining and having a permit from the Director of Engineering for such activity.

(Ord. 115994 § 27, 1991; Ord. 90047 § 29(part), 1961.)

15.30.020 Permit—Application and issuance.

In order to obtain the permit provided for in SMC Section 15.30.010, anyone desiring to do such work shall file with the Director of Engineering an application, on a form furnished by such official, which application therefor shall be accompanied by a plat drawn to an accurate scale, conforming to such reasonable rules and regulations as such official may prescribe, and showing the exact location, character, position, dimension, depth and height of the work proposed to be done. Prior to the granting of any permit, the Director of Engineering may require such modifications or changes to the proposed work as such official deems necessary properly to protect the public in the use of the public places, and shall in the permit, if the same be granted, fix the time or times within and during which such work shall be done. The Director of Engineering shall have the power to supervise, regulate and direct the construction and shall keep a record of each such permit and the work done thereunder. Permits issued by the Director of Engineering may be revoked by such official on ten (10) days' notice.

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(Ord. 115994 § 28, 1991; Ord. 90047 § 29(part), 1961.)

15.30.030 Payment of fees.

Anyone doing construction work under a permit from the Director of Engineering shall, in addition to the permit fee authorized in SMC Section 15.04.070, pay into the Engineering Department Operating Fund such amounts as, in the judgment of the Director of Engineering, are reasonably necessary to investigate any application for construction work, to inspect such work, to secure proper field notes of location, and to plat such location on the permanent records of the City Engineering Department, or to inspect or reinspect as to maintenance during the progress of or after the repair of any construction placed under permits previously issued; or shall pay permit fees specified by ordinance when required.

(Ord. 115994 § 29, 1991; Ord. 110258 § 1, 1981; Ord. 90047 § 29 (part), 1961.)

15.30.040 Nuisances.

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

(Ord. 90047 § 29(part), 1961.)

15.30.050 Deferment of permit action.

The Director of Engineering may, in such official's reasonable discretion, defer the action of any permit provided for in this chapter, until such time as such official deems proper in all cases where the public place on which the work is desired to be done is occupied or about to be occupied in any work by the City, or by some other person having a right to use the same in

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FRANCHISE PERMITS AND REGULATIONS

15.30.010

March, 1995 code update file
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such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time, and in granting such permit, may so regulate the manner of doing such work as shall cause least inconvenience to the public in the use of such public place; and in all cases any work of the City or its contractors or employees shall have precedence over all work of every other kind.

(Ord. 115994 § 30, 1991; Ord. 90047 § 29(part), 1961.)

Chapter 15.32 PUBLIC UTILITY PERMITS AND REGULATIONS^{1,2,3}

Sections:

15.32.010 Permit required.

15.32.020 Terms of use and occupancy of streets.

15.32.030 Attachments to City-owned poles.

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

2. Editor's Note: Sections 1 and 2 of Ord. 116247, passed by the City Council on July 6, 1992, concerning permit issuance restrictions, read as follows:

"Section 1. Until such time the City adopts a comprehensive pole attachment policy or until April 1, 1993, whichever occurs first, the City shall not grant any new pole attachment agreements not previously entered into by the City Light department or any other City department that has ownership of poles. In addition, the City shall not grant any street uses permits pursuant to Seattle Municipal Code Chapter 15.32 for attachment to poles or for the erection of new poles, other than for the continuation of existing services as provided in Section 2 of this Ordinance, and any specific exemptions authorized by Council Resolution pursuant to Section 3 of this Ordinance."

"Section 2. Street use permits may continue to be issued under Seattle Municipal Code Chapter 15.32 for the continuation and maintenance of existing services already on poles including telephone, electric, Metro, streetlight, railroad signals, cable television within specific franchise areas, and private installations between buildings of the same ownership which do not utilize City poles or facilities."

3. Editor's Note: Sections 1 and 2 of Ordinance 116620, passed by the City Council on March 31, 1993, read as follows:

"Section 1. The moratorium on pole attachments put in place by Ordinance 116247 is hereby extended under the same terms and conditions until April 12, 1993."

"Section 2. This ordinance extending the pole attachment moratorium shall be implemented on April 1, 1993. All applications pending at the time of adoption of Ordinance 116247 (adopting a moratorium on pole attachments) and any subsequent applications for pole attachment shall be considered in accordance with the terms of the City's comprehensive pole attachment policy at such time as the policy is adopted."

15.32.010 Permit required.

It shall be unlawful for anyone acting as a person, firm, company, corporation or association having the right under the Charter, any ordinance or franchise or under any other law to construct, maintain and operate on, under or over the streets, alleys or public places of the City, pipes, ducts, utility tunnels, vaults, manholes, poles, fixtures, wires or any other appurtenances necessary for the purpose of conducting any lawful business, either public or private, to go upon any such public place to perform any work therein which will disturb the surface of the street, planting strip or sidewalk, or to occupy area upon the surface or beneath the surface of the street, planting strip or sidewalk without complying with all the provisions of any ordinance in relation thereto and obtaining and having a permit from the Director of Engineering for such purpose. Permits issued by the Director of Engineering may be revoked on ten (10) days' notice.

(Ord. 115994 § 31, 1991; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

15.32.020 Terms of use and occupancy of streets.

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

A. Anyone desiring to place or maintain any of the authorized facilities mentioned in SMC Section 15.32.010 shall, prior to the commencement of any construction work, file with the Director of Engineering an application for a permit therefor. If a permit allowing such construction is issued, the Director of Engineering shall have power to supervise, regulate and direct the construction and shall keep a record of the permit and the work done thereunder.

B. Anyone doing construction work under permit from the Director of Engineering shall, in addition to the permit fee authorized in SMC Section 15.04.070, pay into the Engineering Department Operating Fund such amounts as, in the judgment of the Director of Engineering, are reasonably necessary to investigate and process any application for construction work, inspect such work, secure proper field notes for location, plat such locations on the permanent records of the Engineering Department, and inspect or rein-

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spect as to maintenance, during the progress of or after the repair of, any construction placed under permits previously issued.

C. Anyone constructing under authority of this chapter and ordinances amendatory thereof any underground ducts or conduits, shall:

1. When the number of main line ducts or conduits exceeds two (2), reserve free of cost to the City for the exclusive use of governmental communication, traffic signal, and other governmental signal purposes, additional ducts in the proportion of one (1) duct for every five (5) or less constructed; provided, the Director of Engineering may, in such official's reasonable discretion, limit the number of ducts to be reserved; and

2. Upon request, provide the City with additional duct or conduit space over and above the duct or conduits planned to be constructed for the entity holding the permit or provided free to the City pursuant subsection C1 above. Such additional ducts or conduits shall be of a size and configuration specified by the City and shall be dedicated to the City. The City shall have the right to use the ducts and conduit for any purpose, including but not limited to leasing them to other entities. The incremental costs of adding the specified ducts and conduits for the City shall be borne by the City.

D. Attachments to City-owned poles shall be governed by this chapter and policies adopted by the City in accordance with this chapter. Operators of any privately owned poles installed under authority of this chapter shall permit joint use of such poles if directed to do so by the Director of Engineering and shall obey any order issued by the Director of Engineering relative to the joint use of such poles.

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

F. Anyone erecting or maintaining poles under authority of this chapter shall, upon order of the Director of Engineering, paint or repaint its poles to such height and in such colors and at such times as said official may direct.

G. Anyone having a franchise from the City, upon twenty-four (24) hours' notice from the Director of Engineering, shall, at his, her or its own cost and expense, disconnect or move his, her

or its wires to allow for the moving of buildings across or along any such street, alley, or other public place; provided, that any cost to the franchise holders affected exceeding, in the judgment of the Director of Engineering, a reasonable percentage of the value of the building, shall be borne by the person desiring to move the building.

H. Anyone upon order of the Director of Engineering, shall upon ten (10) days' notice, at his, her or its own cost and expense, move any underground, surface or overhead construction which interferes with any local improvement district work or with any construction for public purposes authorized or ordered by the City.

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

J. Anyone accepting permits under the terms of this chapter for the installation of any pipe, duct, utility tunnel, vault, manhole, pole, wire or any other appurtenance shall remove such installation when it is no longer required or used and the Director of Engineering orders the removal thereof.

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

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insurance provisions acceptable to the City which cover potential exposure to the City. (Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

15.32.030 Attachments to City-owned poles.

The terms and conditions for attaching to City-owned poles by entities other than co-owners of the poles shall be as follows:

A. The City shall reserve one (1) communication space on City-owned poles for its own use.

B. If additional communication space is available on City-owned poles, after reserving one (1) space for the City and after accounting for the space occupied by existing services already on the poles, the City may permit additional attachments under the following conditions:

1. The needs of the City are paramount. The City shall be the determinant regarding any question of right to attach, construction compliance or contract interpretation regarding attachment to poles. Permission to make attachments to the City's poles may be withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof of required permits, by governmental directive or for any reason associated with the City's requirements for the use of its poles or public right-of-way. The City may direct the immediate removal of attachments at the owner's expense, if attachments fail to conform to codes or the City's requirements, or if attachments interfere with City operations.

2. All attachments shall be made in accordance with all applicable codes as well as City electrical standards, guidelines and practices.

3. All attachments, including co-lashing, shall be subject to approval of the Department of Administrative Services, the Engineering Department and the City Light Department in accordance with the following principles, requirements and procedures:

a. Providing for the safety of the public, City employees, and other users of poles is a fundamental principle which must be observed.

b. The primary function of the City's poles is to support the City's electrical lines and equipment.

c. The City shall neither replace existing poles with taller poles nor add crossarms to existing poles to create more communication space on the poles.

d. Any new attachments must accommodate any prior agreements between the City and other entities regarding use of space on the poles.

e. The City shall not relinquish the one (1) communication space reserved for its own use on every pole. At the request of the applicant, however, the City shall consider creating additional space for communication uses on the poles by taking such actions as removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy wires and other attachments to the poles and by providing for co-lashing. Any actions undertaken to create more communication space shall be considered make-ready work, and any such costs shall be borne by the applicant.

f. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and viewsheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the Superintendent of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant.

g. All make-ready costs, including any permit review and environmental review costs, shall be paid by the applicant prior to making any attachments to the poles.

h. As a condition of securing the City's permission to use its poles for attachment of cable, all applicants shall be required to permit co-lashing to their own cable of up to two (2) other cables, which may be owned and operated by other entities. All cable attachments that initially occupy a space on a City-owned pole shall be required to provide an external or internal support ("messenger") wire that is capable of supporting two (2) other cables in addition to the initial cable installed by the applicant. Owners of cable subsequently co-lashed to the initial cable shall pay the owner of the initial cable a proportionate share of the cost of the messenger wire. All entities co-lashing together shall be required to provide one another with reciprocal indemnity provisions equivalent to those which must be granted to the City by each of them pursuant to

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subsection K of SMC Section 15.32.020. Co-lashing shall not be required of any applicant until all other spaces on the pole, other than the City's reserved space, have been utilized. The City Light Department shall issue a Department Policy and Procedure for providing co-lashing space based on costs, operational convenience, and other criteria which are developed in the course of producing such Department Policy and Procedure.

i. In addition to the indemnification required by SMC Section 15.32.020 K, the City may require that the applicant provide the City and entities permitted to co-lash with additional indemnification, such as indemnification from a parent company, and/or require that the applicant provide proof of specific insurance provisions acceptable to the City which cover potential exposure of both the applicant and the City.

j. As a further condition of securing the City's permission to use its poles for attachment of cable, all applicants upon request shall be required to provide the City with capacity on the applicant's cable over and above the capacity specifications submitted by the applicant. Such additional capacity may be in the form of dedicated fiber or dedicated space on the same cable being installed by the applicant or in the form of separate cable, as specified by the Department of Administrative Services, and shall be dedicated to the City for as long as the cable is attached to the City's poles. The City shall have the right to use that capacity for any governmental purpose and the right to lease that capacity to any public or nonprofit entities. The incremental costs of adding the specified amount of capacity for the City shall be borne by the City.

k. Applications for attachment to City-owned poles shall be submitted to the City Light Department. The City Light Department shall then coordinate that request with the Engineering Department and the Department of Administrative Services. Approval of all three (3) departments shall be required prior to the issuance of a permit to attach to the poles.

l. All applications for pole attachment shall be considered on a first-come, first-serve basis, provided that where space is limited, attachment permits shall be given first to public entities, second to entities which act as large-scale common carriers, third to entities which request attachment to six (6) poles or less

for their own private communication needs, and fourth to others.

m. If no space can be created on the poles requested, the applicant may seek an exception to any of the requirements set forth in this section by submitting a written request to a three (3) person review committee comprised of one (1) representative each from the Department of Administrative Services, the Engineering Department and the City Light Department. The committee shall review the request with reference to considerations which may warrant making an exception including, but not limited to reduced environmental effects, the lack of alternatives for achieving equivalent service available to the applicant, the lack of alternative routing which can be made available and the feasibility of undergrounding all or part of the cable. After engaging in a review of the application, the committee shall forward a recommendation to the Mayor and City Council. Any exceptions to the requirements of this section must be approved by ordinance.

n. All entities that are provided attachments to City-owned poles, including attachments by means of co-lashing, shall pay a use fee for each such attachment at a rate established by ordinance, provided that fees established by prior agreement shall remain in effect until the expiration or termination of such agreement. (Ord. 116633 § 2, 1993.)

Chapter 15.34 TEMPORARY FENCE FOR PARKING STRIPS

Sections:

15.34.010 Temporary fence to protect plantings.

15.34.010 Temporary fence to protect plantings.

Under a permit to improve a planting (parking) strip by grass, flowers, shrubs and trees, a fence with a one-inch (1") by three-inch (3"), or wider, board along the top, and at least thirty inches (30") high, may be temporarily maintained until such grass, flowers, shrubs and trees shall become thoroughly rooted. The Director of Engineering may order the removal of such fence if such

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official deems the same to be hazardous to the public.
 (Ord. 115994 § 33, 1991; Ord. 90047 § 31, 1961.)

**Chapter 15.36
 LIFTING HEAVY EQUIPMENT**

**Chapter 15.35
 FILMING**

**Sections:
 15.36.010 Permit—Authority of City Engineer.**

**Sections:
 15.35.010 Permits for filming.
 15.35.020 Terms and conditions.**

15.35.010 Permits for filming.

To accommodate filming motion pictures and videotaping productions, and pursuant to a filming permit, the Director of Engineering may close public places for a duration consistent with preserving necessary access to abutting owners; authorize temporary changes in the appearance thereof; relocate street signs and other fixtures; permit erection of temporary structures and parking of vehicles in designated areas longer than twenty-four (24) hours or parking meter limits; and provide other appropriate services.

Applications for a filming permit shall be made in the same manner as a street use permit, and when issued the permit shall be in the nature of a master permit for the activities described, covering uses contemplated by Chapters 15.08 through 15.46, inclusive.
 (Ord. 115942 § 1(part), 1991.)

15.35.020 Terms and conditions.

A filming permit may be conditioned upon restoration of the public place and reimbursement of City expenses for the filming, including, among other expenditures, coordination with abutting owners, site consultations with traffic engineers, traffic control, site presence, removal and reinstallation of street fixtures; providing barricades, meter-hooding, and like activities as required; and upon compensation for lost parking meter revenues at the site.
 (Ord. 115942 § 1(part), 1991.)

**For current SMC, contact
 the Office of the City Clerk**