

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

The City Engineer may grant permits to qualified persons to raise and lower safes, machinery or any other heavy articles into and from buildings and to occupy in so doing such portion of the street and sidewalk as the City Engineer may deem necessary and subject to such conditions and regulations as he may prescribe for the safety and convenience of the public.  
(Ord. 90047 § 32, 1961.)

**Chapter 15.38  
IMPOUNDING**

**Sections:**

**15.38.010 Procedure generally.**

**15.38.010 Procedure generally.**

A. Any object or thing, except a newsstand in compliance with this subtitle, which without a permit, shall occupy continuously any public place for a period of more than twenty-four (24) hours, is a nuisance, and the City Engineer may seize and impound the same. The seizure shall be made by the City Engineer, or, under his direction, by any employee of the City Engineering Department, or by any police officer. The one making such seizure shall take such object or thing and store, impound and detain the same at any City storage yard or building until the same is redeemed or sold, as provided in this chapter. If, at the expiration of two (2) days from and after the time of seizing and impounding any such object or thing, the same is not redeemed and released to the owner by payment of costs and fees, as provided in this chapter, the City Engineer shall proceed to give fifteen (15) days' notice, by publication, in the official newspaper of the City, of the time and place where he will offer such object or thing for sale at public auction, unless for good and sufficient reason the period of sale be postponed from time to time, and when sold he shall proceed to pay all expenses theretofore incurred by reason of the seizure and impounding and all other necessary expenses incurred by the advertising and sale of the same, and shall pay the residue into the City Treasury. The notice of sale shall describe the object or thing intended to be sold with reasonable certainty, and shall state to whom, if anyone, the City Engineer believes the same belongs, and if the name of the owner is wholly unknown to the City Engineer, that fact

shall be stated in the notice, and in case such owner shall be known to the City Engineer, and can be found within the City, a copy of such notice shall be served upon him, at least one (1) day prior to the sale. At any time within six (6) months from and after the date of the sale, the former owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after deducting the necessary expenses, and if at the expiration of six (6) months the former owner shall not have applied to the City Treasurer, as provided in this section, the residue of the proceeds of such sale shall be turned into the general fund. The fees for any of the foregoing services shall be the cost thereof plus fifteen percent (15%).

B. If no sale is consummated, the thing shall be disposed of in a manner determined by the City Engineer.

(Ord. 108020 § 5, 1979; Ord. 90047 § 33, 1961.)

**Chapter 15.40  
WARNING LIGHTS AND BARRICADES**

**Sections:**

**15.40.010 Lights and barricades required—Posting on obstructions in arterial streets.**

**15.40.030 Placement by City—Payment of costs.**

**15.40.040 Authority of City Engineer.**

**15.40.050 Unlawful acts designated.**

**15.40.010 Lights and barricades required--Posting on obstructions in streets.**

It shall be unlawful for anyone, in any manner to obstruct, excavate or tear up any public place, without providing safe and adequate guidance to pedestrian and vehicle traffic moving past the site. Such guidance shall consist of signs, barricades and warning lights. The design and location of such devices shall conform to the City's Traffic Control Manual for In-Street Work. These devices shall be removed at the completion of work or the removal of obstructions in public places providing the surface of the roadway has been restored to the satisfaction of the Director of Engineering.

(Ord. 111017 § 1, 1983; Ord. 103891 § 1(part), 1974; Ord. 92405 § 1(part), 1963; Ord. 92252 § 1(part), 1963; Ord. 90047 § 34(A), 1961.)

**15.40.030 Placement by City—Payment of costs.**

The City Engineer is authorized to place barricades and warning lights at unguarded or inadequately guarded excavations, obstructions, or other dangerous conditions existing in any public place and anyone causing or permitting such condition shall pay the cost of such barricading and lighting by the City at the rate of Ten Dollars (\$10.00) per day or part thereof for the first barricade and One Dollar (\$1.00) per day or part thereof for each additional barricade; provided, when such a hazardous condition develops after completion of work in a public place, the charges provided in this section shall commence twenty-four (24) hours after notice from the City Engineer of the existence of such hazardous condition.

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

**15.40.040 Authority of City Engineer.**

The City Engineer's judgment shall be final as to the number and adequacy of lights and barricades at all obstructions and excavations.

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

**15.40.050 Unlawful acts designated.**

It shall be unlawful to deface, move, injure, damage, alter or remove any barricade or light placed at or near any obstruction or defect in the street, or posted to obstruct the passing of vehicles.

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

**15.42.030 Contact with telephone or electric wires.**

**15.42.040 Obstruction of intersection prohibited.**

**15.42.050 Conformance to Street Tree Planting Standards.**

**15.42.060 Removal of hazards.**

**15.42.010 General provisions—Trees.**

No one shall plant in any public place any maple, Lombardy poplar, cottonwood or gum, or any other tree which breeds disease dangerous to other trees or to the public health. No one shall allow to remain in any public place any tree trunk, limb, branch, fruit or foliage which is in such condition as to be hazardous to the public, and any such trees now existing in any such planting (parking) strip or abutting street area may be removed in the manner provided in this subtitle for the revocation of permits and removal of obstructions.

(Ord. 109969 § 1, 1981; Ord. 90047 § 35(A), 1961.)

**15.42.015 Tree-root damage—Liability.**

Anyone who owns any tree, the roots of which cause injury to the public sewers, sidewalks, or pavements shall be liable for the damage done to the public sewers, sidewalks or pavement by said trees. No tree shall be planted within one foot (1') of any City sidewalk or pavement, except by special permit.

(Ord. 109969 § 2, 1981.)

**15.42.020 Overhanging trees and shrubs.**

No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the sidewalk or roadway, or street maintenance activity, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet (8') above the same, and fourteen feet (14') above a roadway.

(Ord. 90047 § 35(B), 1961.)

**Chapter 15.42  
PLANTING TREES AND SHRUBS**

**Sections:**

**15.42.010 General provisions—Trees.**

**15.42.015 Tree-root damage—Liability.**

**15.42.020 Overhanging trees and shrubs.**

**15.42.030 Contact with telephone or electric wires.**

No trees shall be allowed to come in contact with telephone, telegraph, electric or power wires of public service companies or of the City where such wires are twenty-five feet (25') or more above the level of the public place over which they pass. When the Director of Engineering finds that such trees are coming in contact with such wires of public service companies or of the City, said Director may order the trees trimmed, and if not so trimmed within ten (10) days after service of written notice upon the owner of such trees, or the posting of written notice thereof upon the premises, the Director of Engineering may issue a permit to the owner(s) of the wires, authorizing them to trim such trees at their own expense. If the work is done by the owner(s) of the wires, the Director of Engineering or his/her representative may accompany such owner(s) or the contractor thereof and have charge of the work, and the cost of supervising such trimming shall be borne by the owner(s) of the wires.

(Ord. 115994 § 34, 1991: Ord. 90047 § 35(C), 1961.)

**15.42.040 Obstruction of intersection prohibited.**

No trees, shrubs or flowers over two feet (2') in height shall be planted or maintained in that portion of any planting (parking) strip lying within thirty feet (30') of the intersection of the planting (parking) strip with the curblines of any intersecting street.

(Ord. 90047 § 35(D), 1961.)

**15.42.050 Conformance to Street Tree Planting Standards.**

Tree planting shall conform to the Street Planting Standards of the City of Seattle adopted by the Board of Public Works and continued in effect pursuant to this subtitle or as later modified by the Director of Engineering, insofar as practical. Changes from those standards may not be granted without approval of the Director of Engineering.

(Ord. 115994 § 35, 1991: Ord. 90047 § 35(E), 1961.)

**15.42.060 Removal of hazards.**

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

(Ord. 115994 § 36, 1991: Ord. 90047 § 35(F), 1961.)

**Chapter 15.44  
EXCAVATION AND FILLS**

**Sections:**

**15.44.010 Barricades and warning devices.**

**15.44.020 Excavation and fills near improved public places—Permit.**

**15.44.030 Permit—Security.**

**15.44.040 Permit—Liability insurance.**

**15.44.050 Permit—Indemnity.**

**15.44.060 Entry and inspection.**

**15.44.070 Special plans.**

**15.44.080 Permit fees.**

**15.44.090 Permit procedures.**

**15.44.100 Compliance.**

**15.44.110 Permit—Revocation.**

**15.44.120 Protection of public.**

**15.44.130 Collection of charges.**

**15.44.140 Appeal.**

**15.44.150 Form of notice of appeal.**

**15.44.160 Indemnity agreement—Shoring materials in public places.**

**15.44.170 Restriction on encroachments by shoring.**

**15.44.010 Barricades and warning devices.**

It shall be unlawful to leave any excavation or fill within four feet (4') of any public place without adequate barricades and warning devices to protect the public, or to fail to maintain the lateral support of any public place or of a fill adjacent to such public places.

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

**15.44.020 Excavation and fills near improved public places—Permit.**

It shall be unlawful to excavate or fill in excess of four feet (4'), measured vertically, on private property within any area between the vertical prolongation of the margin of an improved public place, and a one hundred percent (100%) slope line (forty-five degrees (45°) from a horizontal line) from the existing elevation of the margin of the traveled surface of an improved public place to the proposed elevation of the private property,

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without first obtaining a permit from the Director of Engineering to do so, and no work shall commence toward such excavation or fill until a permit therefor has been issued by the Director of Engineering.

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

**15.44.030 Permit—Security.**

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

1. All charges and payments due under this subtitle;

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

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

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

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

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

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

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

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

**15.44.040 Permit—Liability insurance.**

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

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

**15.44.050 Permit—Indemnity.**

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

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

#### **15.44.060 Entry and inspection.**

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

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

#### **15.44.070 Special plans.**

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

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

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

#### **15.44.080 Permit fees.**

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

(Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 101351 § 2, 1972: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(h), 1961.)

#### **15.44.090 Permit procedures.**

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

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

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

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

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

E. Soil investigations and reports may be required for all excavations described in Section 15.44.020 so that appropriate pressures may be established. The Director of Engineering may require investigations at any depth whenever specific conditions existing at the site of such excavation reveal an unstable soil structure, circumstances indicate that the excavation may impair the lateral support of any public place or any adjacent City property, or that such further investigation will supply information necessary to properly evaluate the application for said permit or shoring plans submitted. When highway traffic can come within a horizontal distance from the top of the shoring equal to one-half ( $1/2$ ) of its height, the pressure shall have added to it a live load surcharge pressure equal to not less than two feet (2') of earth.

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

G. When the plans presented show an encroachment upon the property interest of an abutting owner or franchise holder in a public place, the Director of Engineering may require that the consent of the person so affected be obtained as a condition of the issuance of the permit provided for in Section 15.44.020.

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

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

**15.44.100Compliance.**

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

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

**15.44.110Permit—Revocation.**

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

1. The permittee requests such revocation or suspension;
2. The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this subtitle, the Seattle Building Code,<sup>1</sup> or other City ordinances and the State Safety Code;
3. Entry upon the property for the purposes of investigation and inspection has been denied;
4. The permittee has made a misrepresentation of a material fact in applying for said permit;
5. The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, street utilities in the street, or the excavation or fill endangers or will endanger the public, the adjoining property, street, or utilities in the street;
6. The permit has not been acted upon within one (1) year of the time allowed by extensions;
7. The related building permit has expired without renewal, or has been revoked or canceled.

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

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

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

**15.44.120Protection of public.**

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

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

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

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**15.44.130 Collection of charges.**

A. The holder of any permit provided for in SMC Section 15.44.020, or contractor making the excavation or fill described in SMC Section 15.44.020, or the owner of the property upon which such excavation or fill is being made shall pay all charges assessed pursuant to this subtitle on or before thirty (30) days after mailing of a statement of charges by the Director of Engineering. In event of an appeal pursuant to SMC Sections 15.44.140 and 15.44.150, the Street Use Appeals Board may extend the time for payment pending its determination of the appeal and for a reasonable time thereafter.

B. Such charge shall be the joint and several obligation of the permit holder, contractor and owner and in the event such charges remain unpaid thirty (30) days after the date due recovery thereof may be made from the cash deposit and/or upon the security provided pursuant to Section 15.44.030, and/or by civil action in the manner provided by law.

(Ord. 115994 § 37, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98147 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(m), 1961.)

**15.44.140 Appeal.**

A. An applicant for the permit provided for in SMC Section 15.44.020, feeling aggrieved by any of the following actions, charges or determinations of the Director of Engineering may within ten (10) days thereof appeal the same to the Street Use Appeals Board by filing a written notice of appeal with the Board:

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

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

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

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

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

Provided, no appeal may be made from such actions or determinations after the applicant has accepted the permit to excavate or fill. Unless otherwise directed by the Board, no such permit to excavate or fill shall issue until after final determination of any such appeal.

B. A holder of the permit provided for in SMC Section 15.44.020, feeling aggrieved by any of the following actions, charges or determinations of the Director of Engineering may within ten (10) days thereof appeal the same to the Street Use Appeals Board by filing a written notice of appeal with the Board:

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

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

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

C. Any such permit holder feeling aggrieved by any action, directive or determination of the Director of Engineering made or taken pursuant to SMC Section 15.44.120, other than the amount of charges made thereunder, may appeal from the same to the Street Use Appeals Board by filing a written notice of appeal with the Board within three (3) days (exclusive of Saturday, Sunday and holidays) from the date the direction or determination was first made, or the action first taken; provided, that the permit holder shall fully comply with the Director of Engineering's direction or determination pending the decision of the Board, and no compensation shall be paid or allowed such permit holder for any expenses incurred in connection with compliance. The Street Use Appeals Board may sustain, modify or reverse any such action, charge or determination of the Director of Engineering and its decision shall be final.

(Ord. 115994 § 38, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(n), 1961.)

**15.44.150 Form of notice of appeal.**

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

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propose the action desired from the Director of Engineering.

(Ord. 115994 § 39, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(o), 1961.)

#### 15.44.160 Indemnity agreement—Shoring materials in public places.

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

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

#### 15.44.170 Restriction on encroachments by shoring.

A. All soldier piles or other shoring materials situated within four (4) vertical feet or less of the established grade of a public place shall be removed at or prior to completion of construction of a project for which an excavation or fill permit was granted.

B. Should the Director of Engineering find:

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

2. Should the need for the street area occupied arise, it would be feasible to remove the encroachment without expense to the public, he/she may by permit authorize the portion of soldier piles and shoring materials situated four feet (4') or more below the established grade of a public place to remain in place until such time as such official or his/her successor determines that the same obstructs a primary or secondary street use and orders removal of the same.

(Ord. 115994 § 40, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(q), 1961.)

### Chapter 15.46 DEBRIS IN PUBLIC PLACES

#### Sections:

**15.46.010 Removal of obstructions or nuisances.**

**15.46.020 Spilled loads.**

**15.46.030 Debris in street or gutter.**

#### 15.46.010 Removal of obstructions or nuisances.

Whenever it is expedient to the safety or convenience of the public, the City Engineer may remove obstructions, hazards or nuisances from public places, and anyone causing the obstructions, hazards or nuisances shall be responsible for reimbursing the City Engineer for the expense of cleaning the public place as well as being subject to prosecution in the Municipal Court.

(Ord. 90047 § 36, 1961.)

#### 15.46.020 Spilled loads.

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

(Ord. 90047 § 37, 1961.)

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**15.46.030 Debris in street or gutter.**

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

**Chapter 15.48  
UNLAWFUL ACTS**

**Sections:**

**15.48.010 Snow and ice removal.**

**15.48.020 Barbed wire or electric fence.**

**15.48.030 Air guns.**

**15.48.040 Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones.**

**15.48.050 Civil infraction.**

**15.48.100 Unlawful posting of signs.**

**15.48.110 Removal authorized.**

**15.48.120 Responsibility for costs of removal.**

**15.48.130 Presumptions for assessing cost of removal.**

**15.48.010 Snow and ice removal.**

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

**15.48.020 Barbed wire or electric fence.**

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

**15.48.030 Air guns.**

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

15.48.040 STREET AND SIDEWALK USE

**15.48.040 Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones.**

A. Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between seven a.m. (7:00 a.m.) and nine p.m. (9:00 p.m.) in the following zones:

1. The Downtown Zone, defined as the area bounded by the Puget Sound waterfront on the west, South Jackson Street on the south, Interstate 5 on the East, and Denny Way and Broad Street on the North;

2. Neighborhood Commercial Zones, defined as areas zoned as Pioneer Square Mixed (PSM), International District Mixed (IDM), Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), and Neighborhood Commercial 3 (NC3).

B. Exceptions. The prohibition in subsection A shall not apply to any person:

1. Sitting or lying down on a public sidewalk due to a medical emergency;

2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;

3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;

4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;

5. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by SMC Section 12A.12.015, Pedestrian interference.

C. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

(Ord. 117103 § 2, 1994; Ord. 116885 § 1(part), 1993.)

(Seattle 3-95)

**15.48.050 Civil infraction.**

A. The violation of SMC Section 15.48.040 shall be a civil infraction as contemplated by RCW Chapter 7.80, and deemed to be a Class 3 civil infraction under RCW 7.80.120(d) and shall subject the violator to a maximum penalty and a default amount of Fifty Dollars (\$50.00) plus statutory assessments. If the person is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty.

B. As contemplated by RCW 7.80.160, a person who fails to sign a notice of civil infraction or who wilfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction.

(Ord. 116885 § 1(part), 1993.)

**15.48.100 Unlawful posting of signs.**

It is unlawful for anyone to affix any handbill, sign, or poster upon any traffic control device, utility pole, lamp post, City-owned structure, or City-owned tree or shrubbery in any public place, or to affix the same to a wire or appurtenance thereof, except that affixation is authorized on poster boards and kiosks that are designated for handbills and signs. The provisions of this section shall not apply to traffic, parking and other regulatory signs posted under the auspices of a public agency with the permission of the City.

City-owned structures include bridges and overpasses, monorail supports, retaining walls, fences, street furniture and shelters, among other construction.

(Ord. 117066 § 1 (part), 1994.)

**15.48.110 Removal authorized.**

The following persons are authorized to remove any handbill, sign, or poster found affixed to any object, and to obliterate any of the foregoing that is not readily removed, in violation of Section 15.48.100:

A. Any City officer or employee in the scope and course of his or her duties;

B. Any volunteer authorized by the City official with jurisdiction over the property to which the handbill, sign, or poster was affixed or paint applied; and

C. Whenever a pole or other facility is subject to joint use by the City and a franchisee, any officer or employee of the franchisee. (Ord. 117066 § 1 (part), 1994.)

**15.48.120 Responsibility for costs of removal.**

Any person responsible for any posting made unlawful by Section 15.48.100 shall be liable to the City for the costs incurred by the City in removal thereof and, in event of a failure to pay, for billing and collection charges.

The Director of the Engineering Department, or his or her designee, is authorized to effect the collection of the removal cost incurred by the City, and, if the charge is not paid promptly, interest and the costs of collection, including reasonable attorney's fees. The cost shall be determined in accordance with a rate schedule approved by the City by ordinance. Costs include, but are not limited to, direct labor, material and equipment costs, as well as department and general City overhead costs attributable to the removal of signs and to identifying the responsible person or persons and collecting from them the costs of removal.

If the person responsible for posting the handbill, sign or poster is a minor or indigent, the Director of the Engineering Department, or his or her designee, is authorized to accept in settlement community service or labor in litter collection or removal of signs from public places equal in value to the City's cost of removal.

The Director of the Seattle Engineering Department is authorized to promulgate rules for the implementation of the program to recover the costs of removal, including providing for an administrative hearing before the Director of his or her designee.

(Ord. 117066 § 1 (part), 1994.)

**15.48.130 Presumptions for assessing cost of removal.**

For the purpose of recovering the costs of removal, there is a rebuttable presumption that:

A. A real estate agent, broker, brokerage firm, auctioneer or other person whose name or telephone number appears on a handbill, sign or poster is the person responsible for posting the handbill, sign or poster advertising the property for sale, lease or rent;

**Seattle Municipal Code  
March, 1995 code update file  
Text provided for historic reference only.**

**See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.**

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

B. A candidate seeking office is the person responsible for posting a handbill, sign or poster promoting his or her candidacy for public office;

C. A person conducting a yard, garage, estate or moving sale is the person responsible for posting a handbill, sign or poster advertising the sale; and, unless the sale is advertised as that of a merchant or liquidator engaged in the business of selling personal property, that the owner, or lessee if the property is leased, of the premises where the sale occurs is responsible for conducting the sale;

D. An owner, or lessee if the property is leased, of property used for a commercial activity or event is the person responsible for posting a handbill, sign or poster advertising the commercial activity or event;

E. A person whose name, telephone number or address appears as the sponsor of a sporting event, concert, theatrical performance or similar activity is the person responsible for posting a handbill, sign, or poster advertising the activity or event;

F. A person whose name, telephone number or address appears as the person to contact on any handbill, sign or poster is the person responsible for posting the handbill, sign or poster.

A person presumed to be responsible for posting a handbill, sign, or poster under the presumptions in this section may rebut the presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize or permit the posting of the handbill, sign, or poster on any public or utility property within the public place.

The presumptions in this section for recovering the costs of removal of handbills, signs or poster do not apply to proceedings to collect a civil fine under Section 15.50.050.

(Ord. 117066 § 1 (part) 1994.)

## **Chapter 15.50 ENFORCEMENT**

### **Sections:**

**15.50.010 Notice calling for compliance.**

**15.50.020 Removing or destroying notices prohibited.**

**15.50.030 Citation, arrest and bail.**

**15.50.040 Violation—Penalty.**

**15.50.050 Civil fine.**

### **15.50.010 Notice calling for compliance.**

The Director of Engineering is authorized to post notice on private property at or abutting the scene of any violation of this subtitle, calling for the terms of this subtitle to be complied with.

(Ord. 115994 § 41, 1991; Ord. 90047 § 44, 1961.)

### **15.50.020 Removing or destroying notices prohibited.**

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

(Ord. 90047 § 45, 1961.)

### **15.50.030 Citation, arrest and bail.**

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

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

C. If bail is to be posted by anyone for a violation of this subtitle, the arresting officer shall note the amount of such bail upon the citation or notice, in accordance with the bail designated for such offense by the Municipal Court Judge, and the bail must be posted with the Municipal Court within seven (7) days, exclusive of Saturday, Sunday and holidays, after the date of the citation or notice.

D. Anyone charged with an offense for which bail may be posted with the Municipal Court Judge shall have the option of forfeiting such bail, if it is posted within the time specified in the

15.50.030 STREET AND SIDEWALK USE

notice, or of requesting a trial as authorized by law. The date and time of the trial must be set by the court office at the time bail is posted. (Ord. 90047 § 46, 1961.)

**15.50.040 Violation—Penalty.**

Anyone who shall violate or fail to comply with any of the provisions of this subtitle, or who shall fail to remove any obstruction or discontinue use or occupancy of any public place when ordered to do so by the Director of Engineering, under authority of this subtitle, shall upon conviction be punished by a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the provisions of this subtitle shall be deemed and considered a separate offense. (Ord. 115994 § 43, 1991; Ord. 90047 § 47, 1961.)

**15.50.050 Civil fine.**

Each violation of Section 15.48.100 shall be a civil infraction as contemplated by RCW Chapter 7.80 and deemed to be a Class One civil infraction under RCW 7.80.120(a), and shall subject the violator to a maximum penalty and default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory assessments.

The penalty for a civil infraction is in addition to the civil liability of the person responsible for the posting to the City for the cost of removal under Sections 15.48.120 and 15.48.130. (Ord. 117066 § 2, 1994.)

Editor's Note: Nothing in this ordinance shall supersede the prohibitions in Seattle Municipal Code Sections 2.04.300 and 2.24.050 C upon the use of public property for political campaigns. (Ord. 117066 § 3, 1994.)

**Chapter 15.52  
CROWD CONTROL EVENTS**

**Sections:**

**15.52.010 Special Events Committee.**

**15.52.020 Committee membership.**

**15.52.030 Powers of Special Events Committee.**

**15.52.040 Special events permits required.**

**15.52.050 Conditions authorized.**

**15.52.060 Processing, denial, revocation of permit.**

**15.52.070 Fees.**

**15.52.080 Exemptions from fees.**

**15.52.090 Exclusions.**

**15.52.010 Special Events Committee.**

There is hereby established a Special Events Committee to coordinate the provision of governmental services for events occurring in parks or public places that may require police officers to provide crowd or traffic control; to issue special event permits for such events; to determine appropriate terms and conditions for such permits; to set the applicable fees; and to administer this chapter.

(Ord. 115982 § 1(part), 1991.)

**15.52.020 Committee membership.**

The Special Events Committee shall be comprised of the following voting members:

A. A representative of the Mayor, the Budget Director, the Fire Chief, the Police Chief, the Superintendent of Parks and Recreation, and the Directors of Engineering, Construction and Land Use, Finance, and Neighborhoods, and of the Seattle-King County Health Department;

B. A representative of the Metropolitan Services Division of King County;

C. Three (3) citizens and one (1) alternate appointed by the Mayor, subject to confirmation by the City Council; an alternate may vote when the appointee is absent. One (1) of the citizens shall have experience in organizing special events with attendance over ten thousand (10,000) people; another shall have experience organizing smaller events. Members shall serve without compensation, by reason of their committee membership. Citizen members and alternates may be reimbursed for expenses incurred in attending committee meetings and performing committee duties. The Mayor shall appoint the chair of the

Committee, who shall serve for a term of two (2) years and may be reappointed. The incumbent chair shall hold over at the expiration of his or her term until a successor is appointed and qualifies. The chair shall provide for maintaining committee records, arranging meeting times and places, sending statements, and issuing permits on behalf of the Committee.

(Ord. 117169 § 134, 1994; Ord. 115982 § 1(part), 1991.)

**15.52.030 Powers of Special Events Committee.**

The Special Events Committee shall have the power:

A. To interpret and administer this chapter;

B. To represent the City, under the supervision of the Mayor, in discussions and in making agreements with persons who present event that may require police personnel to provide crowd or traffic control;

C. To coordinate with City departments and with other governments the provision of governmental services for such special events;

D. To issue special event permits for special events; determine appropriate terms and conditions as contemplated by Section 15.52.040; require, review and approve crowd or traffic

control plans; identify the appropriate fee or, if applicable, apply an exemption in Section 15.52.080 or an exclusion in Section 15.52.090; accept a bond, escrow account or letter of credit from a financial institution in lieu of an advance deposit of a fee; work with the applicant and the Police Department to provide security under an approved security plan, and as authorized by Section 15.50.070 E, grant a refund of a fee paid;

E. To deny an application, issue a permit on contingency or conditions, and/or revoke a permit as contemplated by Section 15.52.060, and as consistent with Section 15.52.040;

F. To promulgate rules in accordance with the Administrative Code, Chapter 3.02, to implement this chapter, and to promulgate a schedule of base fees, rounded to the nearest Fifty Dollars (\$50.00), to reflect adjustments in the Consumer Price Index as contemplated by subsection A of Section 15.52.070;

G. To review the fee schedule and event classification every year, project revenues, and submit recommendations to the Mayor in the City annual budget process;

H. To adopt rules for its own procedures; establish subcommittees for assignments; select a voting member to preside in the absence of its chair; and delegate ministerial functions to City departments; and

I. To perform such other functions as may be assigned by ordinance from time to time.  
(Ord. 115982 § 1(part), 1991.)

**15.52.040 Special events permits required.**

A special event permit or authorization from the Special Events Committee is required for any event in a park or public place that is reasonably anticipated to require police personnel in order to provide crowd or traffic control. Such special event permit shall be in addition to any street or park use, or other regular permits as may be required by ordinance. When a special event permit is required, no street use permit shall issue under this title, nor shall a park use permit issue pursuant to Title 18 for such an event until the Special Events Committee has issued its special event permit therefor or otherwise authorized the issuance of the departmental permits.

When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington Constitution, the application shall be processed

promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberties of the applicants and the public.  
(Ord. 115982 § 1(part), 1991.)

**15.52.050 Conditions authorized.**

The Special Events Committee may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; the implementation of a plan presented by the applicant and approved by the Committee for crowd control; compliance with health and sanitary regulations as explicated by the Seattle-King County Health Department for the event; coordination with the Fire Department or medical personnel for emergency treatment and evacuation of people who may need immediate care, cardio-pulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways; and, where traffic congestion may be anticipated, encouraging the use of transit and car pooling.

In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use streets or parks, the conditions may include, but are not limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event.  
(Ord. 115982 § 1(part), 1991.)

**15.52.060 Processing, denial, revocation of permit.**

A. Processing. To assist the City in planning for and assigning its police, fire, and other department personnel, the producers of annual special events subject to a special event permit are encouraged to submit their applications at least three (3) months before the scheduled event; and the Special Events Committee shall process such application within sixty (60) days of the application, if practicable.

B. Denial. The Special Events Committee may deny an application for a special event permit if:

1. The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant

15.52.060 STREET AND SIDEWALK USE

declares or shows an unwillingness or inability to comply with reasonable terms or conditions contained in the proposed permit;

2. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting properties; or

3. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic as would present an unreasonable risk of injury or damage to the public.

In the event subsection 2 or 3, above, applies, the Special Events Committee shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

C. Revocation. The Special Events Committee may cancel or revoke a permit already issued, upon written notice to the applicant stating the grounds for revocation if:

1. The applicant, in the information supplied, has made misstatement of a material fact; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by an applicant in payment of the fee for a permit has been dishonored;

2. The applicant requests the cancellation of the permit or cancels the event; or

3. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety.

The City shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the City shall refund the balance of the fee less its costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

(Ord. 115982 § 1(part), 1991.)

**15.52.070 Fees.**

A. Computation of Fees. The fee for a special event permit shall be computed as follows:

1. No fee shall be charged for events exempt from fees under Section 15.52.080 or excluded under Section 15.52.090;

2. The schedule in subsection B sets the base fee for 1992; the base fee is supplemented by a factor of twenty-five cents (\$.25) per registered entrant in a sporting event;

3. The base fee applicable to events in 1993 and each year thereafter shall be revised by the Special Events Committee annually based on changes in the purchasing power of the dollar during the preceding year shown by the Consumer Price Index for Urban Wage Earners and Clerical Workers for Seattle, First Six Months, published in or about August of each year by the U.S. Department of Labor, Bureau of Labor Statistics. Adjustments shall use 1992 as the base year, provided, as to events with fifty thousand (50,000) or more people in attendance, the rates in Note 2 to the schedule in subsection B apply, and 1994 shall be the base year for calculating inflation adjustments for events in calendar year 1995 and thereafter. Except as provided in Note 2, the base fee for any classification of anticipated attendance in the schedule in subsection B may not increase by more than ten percent (10%) from one (1) year to the next;

4. The base fee schedule applies for each day of the event. If any event extends over two (2) or more days and its anticipated attendance varies from day to day, the fee will be calculated on the anticipated peak attendance for each date. A fee for a sporting event may encompass two (2) or more activities as long as all activities are part of a coordinated program. A fee for a day-event in the same area or along the same route encompasses all activities that occur as a part of that event within the block segments or park areas of the permit. When a day-event occurs with a sporting event or parade outside the area of the permit, the fee will be based on the charge for both events. The fee for an event that extends for two (2) or more days is the sum of the charges for each day;

5. These fees for a special permit do not displace any other fees required by ordinance for the event.

No special event shall be exempted from paying the fees in subsection B except those activities described in Sections 15.52.080 and 15.52.090.

B. Base Fee Schedule per Day of Event.

Number of People	“Anticipated Attendance” on Date (Note 1)		“Sporting Event” or “Parade”		“Day-Event”	
	No Fee	“Entry Fee”	No Fee	“Entry Fee”	No Fee	“Entry Fee”
50 — 1,000	\$ 100.00	\$ 500.00	\$ 100.00	\$ 500.00	\$ 100.00	\$ 500.00
1,001 — 5,000	250.00	1,250.00	250.00	1,000.00	250.00	1,000.00
5,001 — 10,000	500.00	2,000.00	500.00	1,500.00	500.00	1,500.00
10,001 — 25,000	1,000.00	3,000.00	1,000.00	2,500.00	1,000.00	2,500.00
25,001 — 50,000	3,000.00	6,750.00	3,000.00	5,500.00	3,000.00	5,500.00
50,000 or more	10,000.00	12,000.00	10,000.00	12,000.00	10,000.00	12,000.00

Note 1: Terms in quotation marks are defined in subsection C.

Note 2: During 1993, the base fee for an event with an anticipated attendance of fifty thousand (50,000) or more people shall be Fifteen Thousand Dollars (\$15,000.00) for an event free of charge for the public, and Seventeen Thousand Dollars (\$17,000.00) for an event with an entry charge to the public. During 1994, the base fee for such an event shall be Twenty Thousand Dollars (\$20,000.00) for an event free of charge to the public, and Twenty-five Thousand Dollars (\$25,000.00) for an event with an entry charge to the public.

C. Explanations of Base Fee Schedule.

The “anticipated attendance” is calculated as everyone present at the peak time for the event, including participants, spectators, performers and patrons.

A “day event” occupies a portion of a public place and/or park, typically with booths or stands, an exhibition, activities on a stage or platform, and/or amusement rides. Examples include street fairs, festivals, carnivals, concerts, hydro-plane races, major displays of fireworks, and outdoor circuses.

An “entry fee” is a charge made to the general public to attend or participate in a special event. It does not mean a payment to the producer of a special event by a seller of merchandise or services, an entertainer, a sponsor or advertiser, or an exhibitor, such as a percentage, concession or booth fee.

A “parade” is a march or procession. It may include floats, motor vehicles, and/or animals.

“Public place” is defined in Section 15.02.040.

A “sporting event” is a gathering of people, most of whom participate in an athletic activity or in physical exertion. It includes a run, walk, bicycling, a race or competitive contest.

D. When Payable. A deposit in the amount of the base fee is due and payable upon issuance of the permit unless the Special Events Committee authorized an alternate arrangement. The entire fee, including the per entrant charge in Section 15.52.070 A2, is due and payable thirty (30) days after the event. All payments shall be deposited into the City Treasury to the credit of the Treasurer's Clearing Fund; and upon settlement, the amount due to the City shall be transferred to the General Fund, Special Event Revenue Account, and any balance refunded.

E. Refund. A holder of a permit who has paid a base fee for an event based on an anticipated attendance greater than the attendance at the event as reported by the Police Department afterward shall be entitled to a refund of the amount overpaid if the permittee applies to the Special Events Committee within thirty (30) days after the event.

15.52.070 STREET AND SIDEWALK USE

(Ord. 115982 § 1(part), 1991.)

**15.52.080 Exemptions from fees.**

No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Section 3, 4, 5, or 11 of the Washington Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event; the extent of commercial activity, such as the sales of food, goods, and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; if part of an annual tradition or a series, previous events in the sequence; and the public perception of the event.

No fee shall apply to a block party with an anticipated attendance of three hundred (300) people or fewer that closes off a residential street segment no more than one (1) block in length, a sidewalk or alley abutting a park, or an unopened right-of-way for eight (8) hours or less during daylight hours, and does not need police service for crowd control.

No fee shall be imposed under this chapter on events that are authorized by a special ordinance which sets out fees or charges for that particular event.

(Ord. 115982 § 1(part), 1991.)

**15.52.090 Exclusions.**

This chapter excludes events at the Seattle Center; events of or under the authority of the United States; and/or use of streets or parks as a result of or preparation for a fire, earthquake or other disaster, or practices or exercises for disaster management.

(Ord. 115982 § 1(part), 1991.)

(Seattle 3-94)

15-38a

15-38.4

**Subtitle II Miscellaneous Street Use Regulations**

**Chapter 15.60  
CLASSIFICATION OF ROADS AND  
STREETS**

**Sections:**

**15.60.010 Map adopted.**

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

**15.60.010 Map adopted.**

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

(Ord. 96932 § 1, 1968.)

**Chapter 15.62  
VACATION OF STREETS, ALLEYS AND  
PUBLIC PLACES**

**Sections:**

**15.62.010 Statement of purpose.**

**15.62.020 Petition for vacation.**

**15.62.030 Petition fees.**

**15.62.040 Notice of hearing.**

**15.62.050 Protest.**

**15.62.060 Hearing.**

**15.62.070 Easements for utilities and services.**

**15.62.080 Vacation of waterfront streets.**

For current SMC, contact the Office of the City Clerk

**15.62.090 Compensation for vacation.****15.62.100 Appraisals.****15.62.110 Payment of compensation or conveyance.****15.62.120 Posting and mailing notices—Recording ordinance.**

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

**15.62.010 Statement of purpose.**

The purpose of this chapter is to establish procedures, notice requirements and fees for the vacation of streets, alleys and public places within the City. This chapter is intended to implement the authority granted to the City by RCW Chapter 35.79 and to conform to its provisions, and in case of conflict between this chapter and that statute, it is intended that the statutory provisions shall be controlling.

(Ord. 109740 § 1(part), 1981.)

**15.62.020 Petition for vacation.**

The owners of an interest in any real estate abutting upon any street, alley or public place who may desire to vacate the street, alley or public place or any part thereof may petition the City Council to make vacation, giving a description of the property to be vacated, or the City Council may itself initiate such vacation procedure by resolution. The petition or resolution shall be filed with the City Clerk, and if the petition is signed by the owners of more than two-thirds ( $\frac{2}{3}$ ) of the property abutting upon the part of such street or alley sought to be vacated, the City Council shall by resolution fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall be not more than sixty (60) days nor less than twenty (20) days after the date of the passage of such resolution.

(Ord. 109740 § 1 (part), 1981.)

**15.62.030 Petition fees.**

Every petition for the vacation of any street, alley or public place, or any part thereof, shall be accompanied by an initial payment to the City of a pre-hearing fee of Four Hundred Fifty Dollars

(\$450.00) to defray a portion of the administrative costs incurred in processing such vacation petitions. Subsequent fees for post-hearing activities shall be One Hundred Fifty Dollars (\$150.00) for single-family residential zoned land, and Three Hundred Dollars (\$300.00) for all other street vacation petitions. Such fees shall not be refunded under any circumstances. In addition, at the time the City Council, or a committee thereof, recommends granting a vacation petition for single-family residential zoned land, the petitioner shall deposit Six Hundred Dollars (\$600.00) with the Director of Engineering to be applied to the cost of an appraisal. If the land is zoned other than single-family residential or multiple parcels of land are involved in the vacation, the petitioner shall deposit an amount determined by the Director of Engineering to be the Director's best estimate of the cost of an appraisal of the land. In the event an appraisal cost is less than the amount deposited, the vacation compensation payable to the City shall be reduced by the difference between the deposit and the actual cost or, in the alternative, such difference shall be refunded. In the event an appraisal cost is more than the amount deposited, the vacation compensation payable to the City shall be increased by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be separately billed and paid prior to final approval of the vacation.

(Ord. 116469 § 1, 1992; Ord. 111436 § 1, 1983; Ord. 110879 § 1, 1982; Ord. 109740 § 1(part), 1981.)

**15.62.040 Notice of hearing.**

Upon the passage of the resolution fixing the time for hearing the petition or proposal for vacation, the City Clerk shall give not less than twenty (20) days' notice of the time, place and purpose of the hearing by written notice posted in three (3) of the most public places in the City and by posting written placards in conspicuous places on and near the street, alley or public place sought to be vacated. Placards shall be highly visible and at least eleven inches (11") by fourteen inches (14") in size, with headings that can be read from a distance of seventy-five feet (75') by persons of normal visual acuity, and shall include a map showing the location of the street, alley, or public place proposed to be vacated. In addition to posting notices of the hearing, the City Clerk shall

mail a copy of the notice containing a statement of the time and place fixed for the hearing to:

A. All owners, commercial lessees and residents of property which lies within three hundred feet (300') of the street, alley or public place proposed to be vacated, provided that when a street, alley or public place is proposed to be vacated in the area bounded by Denny Way, the Central Freeway, South Royal Brougham Way and Elliott Bay, notices shall be mailed only to property owners and building managers. For such purpose the real property tax roll as issued annually on microfiche by the County Comptroller and the addresses listed in the latest edition of Polk's Directory or its successor publications shall be used;

B. The Director of the Department of Construction and Land Use for inclusion in an informational mailing to newspapers, individuals and groups on a master mailing list established pursuant to the Master Use Permit Ordinance (Chapter 23.76).

(Ord. 111405 § 1, 1983; Ord. 109740 § 1(part), 1981.)

**15.62.050 Protest.**

If fifty percent (50%) of the abutting property owners file written objections to a Council-initiated vacation with the City Clerk prior to the time of the hearing, the City shall be prohibited from proceeding with the resolution.

(Ord. 109740 § 1(part), 1981.)

**15.62.060 Hearing.**

The hearing on such petition or proposal shall be held before the City Council, or before a committee thereof upon the day fixed by resolution or at the time to which said hearing may be adjourned. If the hearing is before such a committee, the same shall, following the hearing, report its recommendation on the petition or proposal to the City Council which may adopt or reject the recommendation. If such hearing is held before such a committee, it shall not be necessary to hold a hearing before the City Council.

The City Council may grant the petition with or without conditions, or may deny the petition.

(Ord. 113022 § 1, 1986; Ord. 109740 § 1(part), 1981.)

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**15.62.070 Easements for utilities and services.**

Ordinances vacating streets, alleys or public places may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future public utilities and services.

(Ord. 113022 § 2, 1986; Ord. 109740 § 1(part), 1981.)

**15.62.080 Vacation of waterfront streets.**

A. The City is not authorized to vacate a street, alley or public place if any portion thereof abuts a body of salt or fresh water unless:

1. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

2. The City Council, by resolution, declares that the street, alley or public place is not presently being used as a street, alley or public place, and that the street, alley or public place is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

3. The vacation is sought to enable the City to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets, alleys or public places sought to be vacated abut, had the properties included in the plan not been vacated.

B. Before adopting an ordinance vacating a street, alley or public place under subsection A2 of this section, the City Council shall:

1. Cause an inventory to be compiled of all rights-of-way within the City that abut the same body of water that is abutted by the street, alley or public place sought to be vacated;

2. Cause a study to be conducted to determine if the street, alley or public place to be vacated is suitable for use by the City for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

3. Hold a public hearing on the proposed vacation in the manner required by RCW Chapter 35.79 and this chapter; and

4. Include in its written decision a finding that the street, alley or public place sought to be vacated is not suitable for any of the purposes

listed under subsection B2 of this section, and that the vacation is in the public interest.

C. Notice of the public hearing on the proposed vacation shall be posted on the street, alley or public place sought to be vacated, and the notice shall indicate in addition to the requirements of Section 15.62.040 that the area is public access, that it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to the Transportation Committee indicating his or her objection.

D. Moneys received from the vacation shall be placed in the Guaranty Deposit Fund and may be used by the City only for the purpose of acquiring additional beach or water access, additional public view sites to a body of water, or additional moorage or launching sites.

(Ord. 113649 § 1, 1987; Ord. 109740 § 1(part), 1981.)

**15.62.090 Compensation for vacation.**

A. Ordinances vacating any street or alley or any part thereof shall not be passed by the City Council until a sum equal to one-half (1/2) of the appraised value of the area vacated is paid to the City, provided that where the area vacated was acquired at public expense, the sum to be paid to the City shall be equal to the full appraised value of the area vacated. State and federal agencies shall be exempt from such payment, but shall pay to the City all costs incurred by the City in processing the vacation request.

B. Conveyance of other property acceptable to the City may be made in lieu of the payment required by subsection A, whether required to mitigate adverse impacts of the vacation or otherwise. When such conveyance is made for street purposes, one-half (1/2) of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed shall be credited to the required payment.

When the value of the in-lieu parcel is less than the payment required by subsection A, the petitioner shall pay the difference to the City. When the value of the in-lieu parcel exceeds the payment required by subsection A, the City shall pay the difference to petitioner.

(Ord. 113022 § 3, 1986.)

**15.62.100 Appraisals.**

The Director of Engineering is authorized to obtain appraisals from either qualified, independent appraisers or qualified Engineering Department personnel in the discretion of the Engineer of such streets or alleys as are recommended for vacation after hearing by the City Council or a committee thereof, and is further authorized to obtain appraisals from either qualified independent real estate appraisers or qualified Engineering Department personnel, in the discretion of the Director of Engineering of the fair market value of the alternate right-of-way of land proposed to be granted or dedicated to the City for street or alley purposes in lieu of a cash payment in the manner contemplated by Section 15.62.090 and in such instance an additional appraisal deposit fee shall be paid for the appraisal of such parcel or parcels, and according to the fee and time schedule provided for in Section 15.62.030. Where qualified Engineering Department personnel are used to make the required appraisals, a reasonable hourly rate of compensation, as determined from time to time by the Director of Engineering shall be charged against the appraisal deposit fee.

(Ord. 109740 § 1(part), 1981.)

**15.62.110 Payment of compensation or conveyance.**

Upon securing an appraisal of the value of the street or alley area to be vacated as provided in this chapter, the Director of Engineering shall notify the petitioner of the amount of compensation, deducting therefrom any remaining appraisal fee deposit not previously refunded to petitioner. The payment shall be delivered to the Director of Engineering who, upon receipt of any such payment shall forthwith transmit the same to the City Finance Director for deposit in the General Fund and shall make a written report of such payment to the City Council. In the event that the petitioner has received approval of delivery of an instrument granting or dedicating to the City a parcel or parcels of land in lieu of a cash payment as contemplated by Section 15.62.090, the Director of Engineering, in his discretion, at the applicant's expense shall obtain either a policy of title insurance insuring title thereto in the City, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate shall transmit the same to the City Council for inclusion in the appropriate file.

(Ord. 117242 § 19, 1994; Ord. 113022 § 4, 1986; Ord. 109740 § 1(part), 1981.)

**15.62.120 Posting and mailing notices—Recording ordinance.**

Posting and mailing of the notices provided for in this chapter shall be the responsibility of the City Clerk, who shall have the discretion to permit the Director of Engineering or his/her designee to post and mail the notices under the supervision of the City Clerk. As required by RCW 35.79.030, a certified copy of the ordinance vacating a street, alley or public place, or

part thereof, shall be recorded by the City Clerk and in the office of the King County Comptroller. (Ord. 109740 § 1(part), 1981.)

**Chapter 15.64  
SKYBRIDGE PERMITS**

**Sections:**

- 15.64.010 Purpose and intent statement.**
- 15.64.020 Petition for skybridge permit.**
- 15.64.030 Recommendation of Street Use Appeals Board.**
- 15.64.040 Preliminary application.**
- 15.64.050 Circulation of preliminary application.**
- 15.64.060 Preliminary conceptual approval.**
- 15.64.065 Council conceptual approval.**
- 15.64.070 Submission of construction plans.**
- 15.64.080 Council consideration of petition.**
- 15.64.090 Conditions imposed on grant of permit.**

**15.64.010 Purpose and intent statement.**

A. The purpose of this chapter is to establish the procedure and criteria for the administration and approval of applications for permission to construct, maintain and operate pedestrian skybridges over and across streets, alleys and other public places within The City of Seattle.

B. It is the intent of the City Council to limit the proliferation and adverse effects of skybridges. It is intended that proposed skybridges shall be reviewed with regard to how well they serve the public interest and their relationship to the cityscape. The provisions of this chapter shall be liberally construed in carrying out the intent of the Council.

(Ord. 110422 § 1(part), 1982.)

**15.64.020 Petition for skybridge permit.**

Any owner of an interest in real property abutting any street, alley or other public place, as defined in Section 15.02.030 of the Seattle Municipal Code, who desires to construct a pedestrian skybridge over and above the street, alley or other public place, may petition the City Council to grant a special permit for construction, maintenance, and operation of a pedestrian skybridge. The petition shall be filed with the City Clerk.

(Ord. 110422 § 1(part), 1982.)

**15.64.030 Recommendation of Street Use Appeals Board.**

The City Council shall refer each application for a skybridge permit to the Street Use Appeals Board for a recommendation. Thereafter, the Street Use Appeals Board and the City Council shall follow the procedures set forth in SMC Sections 15.64.040, et seq., of this chapter.

(Ord. 115994 § 44, 1991; Ord. 110422 § 1(part), 1982.)

**15.64.040 Preliminary application.**

At the time of filing the application, the applicant shall also submit to the Director of Engineering on a form supplied by such official, the following:

A. Conceptual drawings of the proposed skybridge, which shall include its location, size, height above ground surface, and cost estimate;

B. Conceptual drawings of alternatives to the skybridge, with cost estimates;

C. Drawings of the proposed skybridge showing its visual appearance;

D. Photographs of the location and immediately surrounding area;

E. An environmental checklist as defined by WAC 197-10-365 and adopted by SMC Section 25.04.020;

F. A statement of the reasons for the necessity of the proposed skybridge;

G. Any additional information deemed necessary for processing the application.

(Ord. 115994 § 45, 1991; Ord. 110422 § 1(part), 1982.)

**15.64.050 Circulation of preliminary application.**

A. The Director of Engineering shall circulate the preliminary application and conceptual drawings to the Seattle Design Commission, the various interested City departments, and public and private utilities affected by the proposed skybridge for review, comment and recommendation.

B. In making the recommendation on the proposed skybridge, the following elements shall be considered:

1. That horizontal and vertical clearance is adequate;

2. That structural adequacy is insured;

3. Potential conflict with existing or proposed utilities, street lighting or traffic control devices;

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4. View blockage;
  5. Interruption or interference with existing streetscape;
  6. Reduction of natural light;
  7. Reduction of pedestrian activity at street level;
  8. The number of pedestrians projected to use the skybridges;
  9. Effect on commerce and enjoyment of neighboring land use;
  10. Availability of reasonable alternatives;
  11. Effect on traffic and pedestrian safety; and
  12. Accessibility for elderly and handicapped.
- (Ord. 110422 § 1(part), 1982.)

**15.64.060 Preliminary conceptual approval.**

The Director of Engineering shall compile the comments and recommendations of the Seattle Design Commission, the various City departments, Executive Department offices, and utilities and submit them, along with the preliminary application, conceptual drawings and environmental documents, to the Street Use Appeals Board for conceptual approval review of the proposed skybridge. Upon completion of review, the Street Use Appeals Board shall recommend to approve, deny or modify the application, and transmit the recommendation, together with the preliminary application, conceptual drawings and environmental documents, to the City Council or a committee thereof, for conceptual approval. (Ord. 115994 § 46, 1991; Ord. 110422 § 1(part), 1982.)

**15.64.065 Council conceptual approval.**

A. The City Council or a committee thereof shall consider the recommendation of the Street Use Appeals Board and shall include in its consideration those elements set out in SMC Section 15.64.050 B. Upon completion of consideration of the recommendation of the Street Use Appeals Board, the City Council shall by resolution approve, deny, or approve with requirements or conditions, the application for conceptual approval of the skybridge.

B. The City Council shall not grant conceptual approval to construct, maintain and operate a skybridge unless it finds that the skybridge is in the public interest and no reasonable alternative to the skybridge exists.

(Ord. 115994 § 47, 1991; Ord. 110422 § 1(part), 1982.)

**15.64.070 Submission of construction plans.**

If conceptual approval of the preliminary application is obtained from the City Council, the applicant shall submit construction plans to the Director of Engineering, the Director of Construction and Land Use, and the Seattle Design Commission for their final review and recommendation to the Street Use Appeals Board. (Ord. 115994 § 48, 1991; Ord. 110422 § 1(part), 1982.)

**15.64.080 Council consideration of petition.**

A. The Board of Public Works shall determine if the construction plans are in substantial conformance with the application which was given preliminary conceptual approval, including any requirements or conditions imposed by the Council.

B. Upon completion of its final review of the construction plans, the Board of Public Works shall transmit its final recommendation to the City Council for its decision to grant or deny the petition for a skybridge permit.

C. Approval of a petition for a skybridge and permit shall be granted only by ordinance. (Ord. 110422 § 1(part), 1982.)

**15.64.090 Conditions imposed on grant of permit.**

The City Council may impose such terms and conditions as it deems necessary upon the grant of permission to construct, maintain and operate a skybridge, which terms and conditions may include but shall not be limited to: the term of years for which permission is granted and renewal periods, if any; provision for regular City inspection of and procedures for closure or removal of the skybridge; requirements for performance bonds, public liability insurance, indemnification, and annual fees; prohibition against assignment without City Council consent; and timely acceptance of permission. Every ordinance approving a skybridge shall provide that the permission granted is subject to the primary use by the City of the street, alley or other public place for public travel and other street uses, and that the City expressly reserves the right to require the permittee to remove the skybridge at its sole cost and expense in case the street, alley or other

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public place is needed for such public use; or if the skybridge interferes with such public use; and that a determination by the City Council by ordinance that the space occupied by the skybridge is needed for or interferes with such public use shall be final and conclusive without any right of the permittee to resort to the courts to question the same.  
(Ord. 110422 § 1(part), 1982.)

**Subtitle III Maintenance and Construction**

**Chapter 15.70  
SIDEWALK CONSTRUCTION**

**Sections:**

- 15.70.010 Purpose.**
- 15.70.020 Payment of construction or reconstruction costs.**
- 15.70.030 Notification to construct or reconstruct—When work to be done by Department of Engineering.**

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

**15.70.010 Purpose.**

This chapter is enacted in order to enable the City to exercise the powers and authority granted by RCW Chapter 35.69 and to provide for the application and enforcement of said Act in this City.  
(Ord. 108992 § 3, 1980; Ord. 65482 § 3, 1935.)

**15.70.020 Payment of construction or reconstruction costs.**

Whenever a portion, not longer than one (1) block in length, of any street (the word “street” as used in this chapter, includes any boulevard, avenue, street, alley, way, lane, square or place) is not improved by the construction of a sidewalk thereon (the word “sidewalk,” as used in this chapter includes any and all structures or forms of street improvement included in the space between the street margin and the roadway), or the sidewalk thereon has become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion is so improved and in good repair, and the City Council by resolution

finds that the improvement of such portion by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion (which term “property directly abutting” or “abutting property,” as used in this chapter, shall be deemed to be all property having a frontage upon the sides or margins of any such portion); provided, that such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of fifty percent (50%) of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purpose of general taxation.  
(Ord. 108992 § 1, 1980; Ord. 65482 § 1, 1935.)

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

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

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

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

### Chapter 15.72 SIDEWALK MAINTENANCE

#### Sections:

**15.72.010 Notice to clear or clean sidewalk.**

**15.72.020 Notice—Information.**

**15.72.030 Notice—Delivery.**

**15.72.040 Work done by Engineering Department—Report to Council.**

**15.72.050 Assessment of costs.**

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

**15.72.010 Notice to clear or clean sidewalk.**

Whenever, in the judgment of the Director of Engineering, the condition of any sidewalk, or any

portion thereof, in the City is such as to render the same unfit or unsafe for purposes of public travel, or require clearing, cleaning, repair or renewal, said official is authorized, empowered and directed to serve upon the owner of the property immediately abutting upon the sidewalk, a notice advising such owner of the condition thereof and instructing him/her to clear, clean, repair or renew the same.

(Ord. 115994 § 50, 1991: Ord. 45712 § 1, 1923.)

**15.72.020 Notice—Information.**

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

(Ord. 115994 § 51, 1991: Ord. 45712 § 2, 1923.)

**15.72.030 Notice—Delivery.**

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

(Ord. 45712 § 3, 1923.)

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**Seattle Municipal Code  
March, 1995 code update file  
Text provided for historic reference only.**

**See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.**

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

**15.72.040 Work done by Engineering Department—Report to Council.**

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

(Ord. 115994 § 52, 1991; Ord. 45712 § 4, 1923.)

**15.72.050 Assessment of costs.**

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

(Ord. 45712 § 5, 1923.)

**Chapter 15.74  
DRIVEWAY PERMITS**

**Sections:**

**15.74.010 Permit required.**

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

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

**15.74.050 Violation—Penalty.**

**15.74.010 Permit required.**

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

access highway facility and a line projected at right angles to the centerline of said public street from a point thereon which is four hundred feet (400') distant, measured along said centerline, from the proximate margin of the limited access highway facility without first obtaining a permit from the Director of Construction and Land Use (herein "Director") so to do as hereinafter in this chapter provided.

(Ord. 109754 § 11(part), 1981; Ord. 95776 § 1, 1967.)

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

Applications for the driveway permit contemplated in Section 15.74.010 shall be made to the Director, who shall refer the application to the Director of Engineering for his report and recommendation as to the potential effect of the use of the proposed driveway upon the safe and efficient flow of traffic and shall issue the permit contemplated in Section 15.74.010 only upon a determination that the design, standard of construction, operational use, location or number of locations of the proposed driveway or driveways will not unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and from the proximate limited access highway facility, provided that such permit shall be issued in those instances in which a determination is made that the denial thereof would totally deprive the property to be served of vehicular access. The Director may attach such conditions to any permit issued hereunder as may be

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reasonably required under the particular circumstances for the protection of the public safety. (Ord. 109754 § 11(part), 1981; Ord. 95776 § 2, 1967.)

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

Where the safe and efficient flow of vehicular and pedestrian traffic require, the Director of Engineering may revoke any permit issued hereunder or order the alteration of a driveway for which a permit has been issued. The notice of alteration shall be in writing, be served upon the permittee, or the permittee's successor, and shall require compliance within one hundred eighty (180) days of said notice.

(Ord. 115994 § 53, 1991; Ord. 109754 § 11(part), 1981; Ord. 95776 § 3, 1967.)

**15.74.050 Violation—Penalty.**

Anyone who shall violate or fail to comply with any of the provisions of this chapter shall upon conviction be punished by a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not exceeding six (6) months, or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the provisions of this chapter, shall be deemed and considered a separate offense.

(Ord. 95776 § 5, 1967.)

across the public streets of the City pursuant to ordinance granting any franchise or special permit and required by such ordinance to be maintained by the grantee of any such franchise or special permit.

(Ord. 96715 § 1, 1968.)

**15.76.020 Inspection costs.**

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

(Ord. 96715 § 2, 1968.)

**Chapter 15.76**

**INSPECTION OF CERTAIN STRUCTURES  
NEAR PUBLIC STREETS**

**Sections:**

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

**15.76.020 Inspection costs.**

**15.76.030 Chapter not applicable when.**

**15.76.040 Violation—Penalty.**

**15.76.010 Inspection of bridges, trestles, via-  
ducts and other structures.**

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

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**15.76.030 Chapter not applicable when.**

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

(Ord. 96715 § 3, 1968.)

**15.76.040 Violation—Penalty.**

Anyone violating or failing to comply with this chapter shall upon conviction thereof be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment.

(Ord. 96715 § 4, 1968.)

**Chapter 15.78**

**NOTICE OF TRAFFIC RESTRICTIONS**

**Sections:**

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

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

Whenever the Director of Engineering shall begin, or cause to be begun, any work of grading, repairing or altering any street, or laying water or sewer pipe therein so as to prevent the free passage of vehicles over the same, said Director shall give immediate notice to the Chief of the Fire Department and the Superintendents of Water and City Light of the street, or streets, or parts thereof, affected, together with a statement of the probable length of time that the obstruction will continue; and when such street shall be in condition for travel the Director of Engineering shall notify those same City department heads of such fact.

(Ord. 115994 § 54, 1991; Ord. 2532 § 1, 1893.)

**Chapter 15.90**

**STREET USE APPEALS BOARD**

**Sections:**

**15.90.010 Street Use Appeals Board established—Membership.**

**15.90.020 Street Use Appeals Board—Functions.**

**15.90.030 Street Use Appeals Board—Procedures.**

**15.90.010 Street Use Appeals Board established—Membership.**

A. There is hereby established a Street Use Appeals Board composed of the following officials:

1. The Superintendent of Parks and Recreation;
2. The Director of Engineering;
3. The Director of Construction and Land Use;
4. The Director of Neighborhoods; and
5. The Superintendent of Water or the Superintendent of City Light, as determined by the chair of the Board for each matter coming before the Board.

B. Each such member may designate, on an annual basis, such member's alternate, who shall be a senior administrator within such member's department who has knowledge of the concerns of that department and City policies and interests regarding matters coming before the Board.

C. The members of such Board other than the Superintendents of Water and City Light shall elect from among themselves, on an annual basis, a chair who shall preside over all meetings of such Board in addition to exercising the right to vote in all matters coming before such Board.

(Ord. 115994 § 55(part), 1991.)

**15.90.020 Street Use Appeals Board—Functions.**

In addition to the advisory and quasi-legislative decision-making specified in SMC Sections 11.16.315 and 11.16.317, the Street Use Appeals Board may hear and decide appeals of the determinations and actions of the Director of Engineering and Traffic Engineer listed below:

A. The closure, or authorization to close, pursuant to SMC Section 11.16.125 A, of any street or alley or portion thereof to any or all traffic;

B. The designation of which streets shall be used for one (1) way traffic, and the allowable direction thereof, under SMC Section 11.16.125 B;

C. The addition or deletion, pursuant to SMC Section 11.16.317, of streets or street segments

### 15.90.030 STREET AND SIDEWALK USE

within a residential parking zone along which parking shall be restricted;

D. The issuance or revocation, pursuant to SMC Section 11.73.200, of permits for parking in a residential parking zone;

E. The approval or denial of a street use permit, generally, pursuant to SMC Section 15.04.010;

F. The determination, pursuant to SMC Section 15.04.040, of the amount of any cash indemnity deposit, or surety bond in lieu thereof or in addition thereto, that is required of an applicant for a street use permit;

G. The determination, pursuant to SMC Section 15.04.040, of the amount of public liability insurance coverage that is required of an applicant for a street use permit;

H. The determination, pursuant to SMC Section 15.04.050, of the amount of any surety bond that is required of an applicant for a street use permit;

I. The revocation, pursuant to SMC Section 15.04.070, of any street use permit;

J. The approval or denial, pursuant to SMC Section 15.08.080, of a request to construct a street elevator;

K. The approval or denial, pursuant to SMC Section 15.10.020, of a request for exception to minimum height requirement applicable to mar-quees, awnings and canopies;

L. The approval or denial, pursuant to SMC Section 15.10.030, of a request for exception to vertical depth requirement applicable to mar-quees;

M. The approval or denial, pursuant to SMC Section 15.12.030, of a request for a permit to hang a banner;

N. The approval or denial, pursuant to SMC Sections 15.14.040 and 15.14.050, of a request for a permit for a newsstand location not generally permitted by ordinance;

O. The issuance or denial, under SMC Chapter 16.60, of a permit to use or occupy any part of a waterway or any part of the land portion of a waterway; and

P. The determination of the cost of removal of a handbill, sign or poster pursuant to Sections 15.48.120 and 15.48.130.

(Ord. 117066 § 4, 1994; Ord. 115994 § 55(part), 1991.)

### 15.90.030 Street Use Appeals Board—Procedures.

Any person aggrieved by a determination or action of the Director of Engineering or Traffic Engineer listed in SMC Section 15.90.020 may seek review thereof by filing with the Street Use Appeals Board, a notice of appeal on a form provided by the Director of Engineering therefor, within ten (10) days after the determination or action that is to be the subject of such appeal. The notice of appeal shall identify the action(s) taken and determination(s) made that are being appealed, the appellant's objection(s) thereto, the specific relief or alternative action that is sought by the appellant and whether or not an immediate stay of any authorization granted by the Traffic Engineer or Director of Engineering is desired. The Street Use Appeals Board shall conduct a hearing regarding such appeal within thirty (30) days after receipt of any such appeal, according to hearing rules adopted by such Board pursuant to the City's Administrative Code (SMC Chapter 3.02). The Street Use Appeals Board may affirm, modify, prohibit or reverse any action or determination listed in SMC Section 15.90.020; and such Board action shall be final and conclusive, subject to judicial review.

(Ord. 115994 § 55(part), 1991.)