21.36.018 Enforcement authority.

A. The Director of Engineering is authorized and directed to supervise and manage the collection and disposal of solid waste under this chapter and to provide, designate, and supervise places for the disposal thereof, and shall with the assistance of the Chief of Police have general charge of supervision over the administration and enforcement of this chapter; provided the Health Officer shall enforce the provisions of Sections 21.36.096 (Waste screening), 21.36.180 (Incineration and energy recovery facilities), and 21.36.185 (Commercial composting facilities). The fire, health, engineering, construction and land use and other appropriate City departments are authorized to assist in enforcing the provisions of this chapter.

B. Upon a determination that in order to promote the public health, safety or welfare and that the successful operation of the system for collection and disposal of solid waste within the City requires such action, the Director of Engineering may direct that anyone, including but not limited to the persons or organizations exempted from the proscription of Section 21.36.030, must deposit solid waste hauled by them at designated disposal sites or interim solid-waste handling sites. The determination by the Director of Engineering shall set forth the reasons therefor, shall be filed with the City Clerk and mailed on the date of filing to all persons and organizations covered by exemptions A through D and F of Section 21.36.030, and shall be published within three (3) days thereafter in the City official newspaper.

C. The Director of Engineering may request that the Chief of Police commission authorized representatives of the Director as nonuniformed special police officers with powers to enforce the provisions of the Solid Waste Code.

(Ord. 117441 § 5, 1994: Ord. 116419 § 7, 1992: Ord. 114723 § 19, 1989: Ord. 113502 § 6, 1987: Ord. 107208 § 3, 1978: Ord. 96003 § 10, 1967.)

Subchapter II Solid Waste Collection

21.36.025 Unlawful disposal.

A. The following shall not be deposited or discarded into any commercial or residential garbage can, container or receptacle: Dead animals over fifteen (15) pounds; sewage; human or animal excrement (including excrement from disposable diapers); hot ashes, household hazardous waste, as set forth in Section 21.36.026; small quantity generator hazardous waste; asbestos material; asbestos-containing waste material; tires; dangerous waste; radioactive wastes; and explosives.

B. The following shall not be deposited or discarded at any interim solid waste handling site, except as specifically provided in Sections 21.36.026 through 21.36.029: Dead animals over fifteen (15) pounds; sewage; human or animal excrement (including excrement from disposable diapers); hot ashes; household hazardous waste, as set forth in Section 21.36.026; small quantity generator hazardous waste; asbestos material; asbestos-containing waste material; tires; special category waste; dangerous waste; radioactive wastes; and explosives.

C. Infectious waste shall be disposed according to the provisions of Seattle Municipal Code Chapter 21.43.

D. Operators and/or attendants at disposal sites and/or interim solid waste handling sites shall have the authority to refuse to accept any prohibited or restricted solid waste.

(Ord. 114723 § 10, 1989.)

21.36.026 Household hazardous wastes.

A. It is generally recommended that no household hazardous wastes are disposed in municipal solid waste. Specific household hazardous wastes which are prohibited from disposal as municipal solid waste include nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; corrosive materials; PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; and liquid paints.

B. The Director of Engineering by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, may prohibit additional substances from disposal or delete substances from the list in subsection A and authorize their disposal.

C. Household hazardous wastes prohibited from disposal as municipal solid waste are also prohibited from disposal in places where disposal of solid waste is prohibited.

D. Household hazardous wastes prohibited from municipal solid waste disposal shall be

disposed of at special collection facilities, locations, and/or events designated by the Director of Engineering.

E. When empty, containers for household hazardous products may be disposed of as refuse.

(Ord. 114723 § 11, 1989.)

21.36.027Small quantity generator hazardous wastes.

Small quantity generator hazardous waste shall be managed according to the provisions of Chapter 173.303 WAC, except that small quantity generator wastes are prohibited from disposal as municipal solid waste.

(Ord. 114723 § 12, 1989.)

21.36.028Asbestos material and asbestos-containing waste material.

Asbestos material shall be handled and disposed pursuant to 40 C.F.R. 61 Subpart M, WAC 173-303, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA) as follows:

A. Removal. Persons removing asbestos material shall provide advance notification to PSAPCA, which enforces regulations concerning removal and disposal. Asbestos-containing waste material must be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos-containing wastes shall be sealed into leak-tight containers or placed in one or more plastic bags with a combined six (6) mils thickness or greater, identified with the proper warning label.

B. Disposal.

1. It shall be unlawful for anyone to deposit, throw, place, discard or deliver, or cause to be deposited, thrown, placed, discarded or delivered any asbestos-containing waste material on any property, public or private, or in any public place; provided asbestos-containing waste material may be delivered to disposal sites or interim solid waste handling sites designated by the Director of Engineering for such purpose.

2. Disposal sites or interim solid waste handling sites which are designated to receive asbestos-containing waste material must be approved by the Seattle-King County Department of Public Health for this purpose.

(Ord. 114723 § 13, 1989.)

21.36.029Tires and special category wastes.

A. Tires. The Director of Engineering may authorize collection of tires at City of Seattle transfer stations according to restrictions established by Administrative Rule, in accordance with Seattle Municipal Code Section 3.12.020.

B. Special Category Wastes. The Director of Engineering may define by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, special restrictions and limitations on the disposal of certain types of wastes which cannot be handled safely through the municipal solid waste collection system. Restricted materials may include items over certain sizes or weights, and dust-producing materials.

C. Polystyrene Packaging Pieces. The Director of Engineering may set special restrictions and limitations on the disposal of polystyrene packaging pieces in solid waste to be collected by the City or a contractor making collection for the City. Restrictions may include containment requirements for polystyrene packaging pieces or restrictions on disposal locations for the packaging pieces.

(Ord. 116419 § 9, 1992: Ord. 115590 § 1, 1991: Ord. 114723 § 14, 1989.)

21.36.030Unlawful hauling of City's Waste—Exceptions.

It is unlawful for anyone, except the following, to haul City's Waste through the streets in the City:

A. The University of Washington or its contractor;

B. Military establishments or their contractors;

C. The City's solid waste contractors;

D. Anyone authorized to collect solid waste in the City under RCW Chapter 81.77;

E. Business concerns, as to City's Waste originating within their own establishments; and

F. The Seattle Housing Authority or its contractor; provided, however, that the exempted persons and organizations may be required to deposit such City's Waste at disposal, processing, or recovery sites provided and/or designated by the Director of Engineering pursuant to Section 21.36.018.

(Ord. 116419 § 10, 1992: Ord. 116220 § 1, 1992: Ord. 113502 § 4, 1987: Ord. 107208 § 2, 1978: Ord. 96003 § 3, 1967.)

21.36.040Unlawful disposal sites.

It is unlawful for anyone to deliver and/or deposit any solid waste that is City's Waste generated within the City at any disposal site other than a disposal, processing, or recovery site provided and/or designated by the Director of Engineering pursuant to Sections 21.36.030 and 21.36.018.

(Ord. 116419 § 11, 1992: Ord. 113502 § 5, 1987: Ord. 107208 § 4, 1978: Ord. 96003 § 3A, 1967.)

21.36.042Solid waste disposal required—Nonresidential.

For solid waste that is City's Waste, every owner, tenant, occupant, or other person responsible for the condition of private property that is not used as a residence or dwelling shall deliver, or shall ensure lawful delivery of, the City's Waste to the receiving facility designated by City and shall keep receipts as proof of delivery.

(Ord. 117441 § 6, 1994: Ord. 116419 § 12, 1992.)

21.36.044Containers required—Nonresidential.

Ever owner, tenant, occupant, and other person responsible for the condition of private property that is not used as a residence or dwelling shall have and use solid waste containers of a number and size sufficient to contain all solid waste generated on the site and shall provide for lawful disposal of all such solid waste.

(Ord. 117441 § 7, 1994.)

21.36.050Garbage containers required—Residential.

A. All owners and occupants of residences and other dwellings shall have and use a sufficient number of garbage containers to hold all of their garbage and ashes. Additional amounts of rubbish, bundled in bundles as defined in this chapter, may be set out for collection. At least one (1) service unit must be a garbage can, mini-can, or collector-supplied cart for all service levels greater than zero (0) units.

B. Ashes, bagged or boxed, will be placed in garbage cans, collector-supplied containers, or detachable containers, but hot ashes shall not be put out for collection. No garbage shall be placed in bundles.

C. Yardwaste may be set out for separate curbside collection, but shall not be mixed with other solid waste.
(Ord. 117441 § 8, 1994: Ord. 116419 § 13, 1992: Ord. 116187 § 1, 1992: Ord. 114205 § 2, 1988: Ord. 112942 § 2, 1986: Ord. 110443 § 1, 1982: Ord. 109131 § 1, 1980: Ord. 96003 § 4, 1967.)

21.36.060Garbage cans—Maintenance.

A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes accumulated at that premises until it is removed to a disposal site or interim solid waste handling site.

B. All garbage cans and detachable containers shall be kept tightly covered and in good condition for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged edges or holes shall not be used. The City Engineer, at the request of the contractor, in writing, shall determine whether or not the condition of any garbage can, garbage container, or detachable container is satisfactory for use.
(Ord. 114723 § 16, 1989: Ord. 96003 § 5, 1967.)

21.36.070Garbage containers—Weight.

A. Garbage containers, when filled, shall not exceed the following limits:

Garbage can	60 pounds
Mini-can	30 pounds
30-gallon carts	60 pounds
60-gallon carts	120 pounds
90-gallon carts	180 pounds

B. The contents of a container shall dump out readily when it is inverted.
(Ord. 114205 § 3, 1988: Ord. 96003 § 6, 1967.)

21.36.080Placement of garbage containers, bundles and detachable containers.

A. All garbage cans and bundles for backyard collection shall be placed by the occupant in a convenient, accessible location as near as practicable to the approximate rear of the building or near the alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches (14″) above such level or floor, except that sunken cans may be below the ground level. Where no other suitable area is available, garbage cans or bundles may be placed at a location selected by the customer and the Director of Engineering. Garbage containers or bundles and bundles-of-yardwaste for curbside/alley collection shall be placed as follows:

1. From properties with level planting strips, in the planting strip or driveway within one (1) yard of the curb;

2. From properties with alleys of sufficient width, in the alley or within one (1) yard of the alley gate if the gate is within one (1) yard of the alley;

3. From properties with sidewalks but not planting strips, on the owner's property, within one (1) yard of the sidewalk, if level;

4. When the foregoing location slopes at a grade making placement of a container difficult, the nearest reasonable level area; and

5. If the premises has no sidewalk or planting strip, dense shrubbery or extraordinary circumstances preclude such a location, from a placement suitable to the customer and convenient to the collection contractor.

B. Containers and bundles for collection shall not be placed on the sidewalk or in the planting strip or the alley for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

C. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.
(Ord. 114205 § 4, 1988: Ord. 112171 § 3, 1985: Ord. 96003 § 7, 1967.)

21.36.085Yardwaste programs.

Yardwaste shall not be mixed with garbage, refuse or rubbish for disposal.

A. Curbside Yardwaste Collection. Yardwaste for collection under the City's curbside program shall be set apart from refuse for pickup in a manner that is readily identifiable by the collectors. Yardwaste shall be defined as set forth in Section 21.36.016, except that yardwaste for curbside collection shall not include wood or tree limbs over four feet (4′) long. Only yardwaste generated at the dwelling unit shall be collected at curbside.

B. Transfer Station Yardwaste. All yardwaste delivered to the City's transfer stations shall be separated from garbage, refuse and rubbish and deposited in an area designated for yardwaste. Yardwaste shall be defined as set forth in Section

21.36.016, except that yardwaste delivered to the transfer station shall not include wood or tree limbs over eight feet (8′) long.
(Ord. 114723 § 17, 1989: Ord. 114205 § 5, 1988.)

21.36.087White goods and bulky items.

A. The Director of Engineering may determine from time to time the items eligible for pickup under the Solid Waste Utility's program for collection of white goods and bulky items, and after consultation with the Purchasing Agent, arrange for the disposition of the items collected without regard to the procedures of Section 3.14.828.

B. "White goods" are large household appliances, such as refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines and air conditioners. "Bulky items" include and are illustrated by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and wardrobes. Neither term includes motor vehicles or hulks; car parts and tires; commercial machinery or equipment; lumber and building materials; or hazardous wastes.

C. By delivering possession to the collector, the customer relinquishes title to the white goods and bulky items picked up. The Solid Waste Utility may decline to accept such items that contain refuse, contraband, or hazardous wastes.

D. The Director of Engineering may:

1. Remove all hazardous and toxic constituents, including the recovery of CFCs (chloro-fluorocarbons), from white goods delivered to the City recycling and disposal stations and require that the resultant scrap metal not be landfilled;

2. Accept a maximum of two (2) white goods per load at a rate established in subsection A of Section 21.40.080 and subsection D of Section 21.40.080;

3. Reject vehicle loads at the City's recycling and disposal stations which contain more than two (2) white goods or white goods from non-Seattle residents and provide information to the haulers of rejected loads on alternative disposal sites for white goods available within Seattle;

4. Direct white goods from charitable organizations qualified under Section 21.40.080 to the City's selected white-goods processor;
(Ord. 116250 § 2, 1992; Ord. 114205 § 6, 1988.)

21.36.088Concrete and asphalt recycling.

Any concrete, cement concrete, or asphalt (as defined in SMC Section 3.18.902) generated in the process of City street, bridge, drainage, or other public works projects, whether those projects are performed by the City or under contract with the City, shall be recycled or reused unless its quality or quantity preclude efficient recovery by a recycling facility.
(Ord. 116726 § 7, 1993.)

21.36.090Paths to garbage storage area.

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

21.36.095Right to determine disposition of solid waste.

The City acquires the right and power to determine the disposition of solid waste collected or delivered to the City's recycling, transfer and disposal facilities. Disposition may include the establishment of salvage operations. The City may decline to accept and may return hazardous wastes and other material ineligible for collection under the City's solid waste collection ordinances.
(Ord. 116419 § 14, 1992: Ord. 114205 § 7, 1988.)

21.36.096Waste screening.

A. Dangerous Waste. The Health Officer may screen any wastes that are being disposed, and that

are suspected of being a regulated dangerous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that the waste is not a regulated dangerous waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to dispose of the waste at a specific type of disposal site. If the Health Officer determines that the waste is a regulated dangerous waste, he/she shall notify the Department of Ecology which shall have full jurisdiction regarding handling and disposal. The Dangerous Waste Regulations, WAC 173-303, shall be considered when screening and making waste determinations.

B. Disposal Sites. If during inspections of waste the Health Officer observes waste suspected of being regulated dangerous waste because of physical properties of the waste, he/she shall have the authority to require the site operator to segregate and hold any such waste. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis, and if the generator is not known, the site operator shall be responsible for funding such analysis. The disposal site operator and/or attendants shall have similar authority not to accept suspect wastes.

C. Procedures. When such wastes are identified as being suspect dangerous wastes, the Health Officer may issue a notice for requirement of screening. This notice will specify requirements which must be met to satisfy the screening process and a schedule for compliance.
(Ord. 114723 § 18, 1989.)

Subchapter III Flow-Control Special Provisions

21.36.112Designation of receiving facilities.

A. Union Pacific's Seattle Intermodal Facility or successor receiving facility specified by the City is hereby designated as the receiving facility for disposal of all City's Waste, including waste left over after separating out Special Waste, CDL Waste or materials destined for recycling. All generators, handlers, and collectors of City's Waste shall deliver or, for example, by taking City's Waste to a City transfer station, shall ensure delivery of all City's Waste to Union Pacific's Seattle Intermodal Facility or successor receiving facility designated by the City, in a manner specified by the Director of Engineering.

B. Special Waste (excluding Contaminated Soils) may be disposed at any permitted solid waste handling facility; provided, that no City's Waste, Special Waste or CDL Waste generated within The City of Seattle shall be disposed of at a facility owned or operated by King County, unless specifically agreed by the City and King County.

C. The City of Seattle's North and South Recycling Disposal Stations, Waste Management of Seattle's Eastmont Transfer Station and RABANCO's Third and Lander Transfer Station, or successor receiving facilities specified by the City, are hereby designated as the receiving facilities for disposal of all nonrecycled CDL Waste and Contaminated Soils generated within the City. All generators, handlers and collectors of CDL Waste and Contaminated Soils shall deliver or ensure delivery of all nonrecycled CDL Waste and Contaminated Soils to the receiving facilities hereby designated by the City.

D. Each receiving facility designated in subsection C of SMC Section 21.36.112 or successor receiving facility designated by the City, shall submit to the Director of Engineering by the twentieth day of each month, commencing February 20, 1993, on a form available from the Director of Engineering, a monthly flow report. The report shall document, for the previous month, (1) the number of trucks delivering waste and recyclables, (2) the type and amount (in tons) of waste and recyclables delivered to the receiving facility from each political jurisdiction in which waste or recyclables originated and (3) the type and amount (in tons) of all waste and recyclables leaving the receiving facility for each final destination. For waste, “type” means City's Waste, CDL Waste, Contaminated Soils, wood waste, Yardwaste or Special Waste; for recyclables, “type” means plastics, metal, paper, glass, wood waste, yardwaste and inert materials. Type of recyclables shall, at a minimum, be specified further as mixed waste paper, newspaper, corrugated paper, tin, iron, aluminum, glass, PET plastic, HDPE plastic, other plastic, and magazines.

E. In order to facilitate the designation of transfer stations and receiving facilities or successor receiving facilities, the Director of Engineering shall:

1. Establish any specifications and procedures determined necessary to address the manner in which waste is identified, packaged, loaded, containerized or delivered to transfer stations or receiving facilities and establish any other specifications and procedures determined necessary for the City to fulfill its obligations under its contract for the transportation and disposal of waste;

2. Mail, pursuant to SMC Section 21.36.018, a notice of the designated receiving facilities and specifications and procedures for delivery of waste to the facilities. In addition, the notice shall be mailed to all persons and organizations covered by exemptions A through E of SMC Section 21.36.030;

3. Publish such notice in the City official newspaper within three (3) days of mailing such notice.

(Ord. 116454 § 1, 1992: Ord. 116419 § 16, 1992: Ord. 115589 § 4, 1991.)

21.36.113 Containers—Billing—Unacceptable waste.

A. Containers shall be provided by Washington Waste Systems, Inc. to transfer stations in the City for delivery of City's Waste to the designated receiving facility. All transfer stations delivering City's Waste to the designated receiving facility shall load each container with waste, seal it with a cargo security seal and prepare a bill of lading in accordance with the procedures established by the Director of Engineering.

B. All persons shall use reasonable care in the handling of the containers supplied by Wash-ington Waste Systems, Inc. and shall be responsible for repair or replacement of containers they damage or destroy through their own negligence. Washington Waste Systems, Inc. shall be responsible for ordinary wear and tear.

C. All persons required to deliver City's Waste to the designated receiving facility shall be billed by the City at the rates specified by ordinance.

D. City's Waste delivered to the designated receiving facility shall be in compliance with all applicable federal, state, and local environmental health laws, rules, and regulations. The designated receiving facility and the Columbia Ridge Landfill or successor landfill are authorized to reject all Unacceptable Waste and shall not take title to Unacceptable Waste.

(Ord. 116419 § 17, 1992: Ord. 115589 § 5, 1991.)

21.36.114 Enforcement authority—Inspections.

A. The Director of Engineering and designated solid waste enforcement officers are authorized and directed to enforce the flow provisions of this chapter.

B. The Director of Engineering and designated solid waste enforcement officers are authorized to make lawful inspection of the premises of any person suspected of violating the flow provisions of this chapter and to inspect the books and accounts related to the subject of this ordinance.

(Ord. 115589 § 6, 1991.)

21.36.115Penalties for noncompliance.

In addition to any other sanction or remedial procedure which may be available, including the penalties listed in SMC Section 21.36.920, any person violating or failing to comply with any provision of SMC 21.36.112 A shall:

A. On the first violation:

1. Pay to the City the amount that would have been owed to the City had the waste been delivered to the receiving facility as required; and in addition

2. Pay for the actual cost to the City of investigating and bringing the enforcement action.

B. On the second violation, pay double the amounts set forth in subsections A1 and A2.

C. On the third and subsequent violations, pay treble the amounts set forth in subsections A1 and A2.

(Ord. 116419 § 18, 1992: Ord. 115589 § 7, 1991.)

21.36.116Third party action to effect compliance.

Washington Waste Systems, Inc., on its own behalf or as the City's agent, is hereby authorized to make a claim and bring suit directly against any person who violates flow control provisions of this chapter, and is further authorized to recover the amount per ton that the City was contractually required to pay Washington Waste Systems, Inc., for each ton not actually delivered to the receiving facility, and recovery of amounts owed to the City for its services, penalties owed to the City for repeat violations under SMC 21.36.115, plus recovery of Washington Waste Systems, Inc.'s costs, including witness fees and attorney fees, in detecting such diversion and in prosecuting the claim and suit for the violation.

(Ord. 115589 § 8, 1991.)

Subchapter IV Miscellaneous Provisions

21.36.180Incineration and energy recovery facilities.

Incineration and energy recovery facilities shall be permitted and managed according to the provisions of Seattle Municipal Code Chapter 21.44. In addition, the following requirements shall apply:

A. Disposal of Process Water. All water from an incinerator or energy recovery facility shall be discharged into a disposal system approved by the Health Officer and Metro. The treated discharge water shall not violate applicable water quality standards.

B. Pre-Use Inspection and Performance Tests. Upon completion of the facility and prior to initial operation, the Health Officer and Puget Sound Pollution Control Agency (PSAPCA) shall be notified. The Health Officer shall inspect the facility both prior to and during the performance tests. A report covering the results of the performance test with all supporting data shall be certified by the design engineer of the project and submitted to the Health Officer.

C. Failure to Meet Standards. The Health Officer shall have the authority to close down an incinerator or energy recovery facility that does not meet all applicable federal, state and PSAPCA standards.

(Ord. 114723 § 21, 1989.)

21.36.185Commercial composting facilities.

Commercial composting facilities shall be permitted and managed according to the provisions of Seattle Municipal Code Chapter 21.44 for recycling facilities. In addition, the following requirements shall apply:

A. Generators of compost for retail sales shall submit chemical analyses and reports to the Health Officer in sufficient frequency to demonstrate that the resulting product does not contain levels of chemicals or pathogens that could create a risk to the public health.

B. If levels of chemicals or pathogens are found which could create a risk to the public health, the Health Officer may prohibit or restrict use of the product. Written notices shall be provided to the compost user of any restrictions imposed.

C. Generators of sewage sludge compost must follow the methods and procedures established in the Best Management Practices for Use of Municipal Sewage Sludge, developed by the Washington State Department of Ecology.

D. Odorous material such as spoiled foods, blood and slaughterhouse wastes shall be immediately processed to prevent odors.

E. The composted material shall contain no sharp particles which would cause injury to persons handling the compost.

(Ord. 114723 § 22, 1989.)

21.36.190Abandoned landfills.

A. All abandoned landfills shall be maintained by the owner and/or operator so as not to create a risk to the public health. The Health Officer shall have the authority to perform methane monitoring, surface water, groundwater and leachate monitoring, and to monitor for any other environmental conditions at abandoned landfills.

B. The Health Officer may order the owner and/or operator to perform monitoring or any remedial measures necessary to protect the public health and the environment. Any person aggrieved by any order issued under this section may appeal the order to the Seattle Board of Health, by requesting in writing an appeal hearing before the Board of Health or its designee. The request shall be filed within ten (10) days of the service of the order, and shall briefly state the reasons for the appeal. Enforcement of the order shall be staged during the pendency of the appeal.

(Ord. 114723 § 23, 1989.)

Subchapter V Litter Control Code

21.36.400Litter Control Code—Title.

This subchapter, Seattle Municipal Code Sections 21.36.400 through 21.36.499, shall be titled the "Litter Control Code" of the City and may be referred to as such.

(Ord. 116419 § 20(part), 1992.)

21.36.410Littering.

A. This section applies only to litter in the amount of one (1) cubic foot or less which does not contain hazardous substances.

B. No person shall throw, discard, or deposit litter on any street, sidewalk, or other public property within the City, on any private property within the City and not owned by the person, or in or upon any body of water within the jurisdiction of the City, whether from a vehicle or otherwise; except:

1. When the property is designated by The State of Washington or any of its agencies or political subdivisions or by the City for the disposal of litter or other solid waste and such person is authorized to use the property in such manner; or

2. Into a litter receptacle, garbage container or other solid waste container in a manner in which the litter will be prevented from being carried or deposited by the elements or otherwise on any street, sidewalk, or other public or private property.

C. No owner, tenant, or other person responsible for the condition of a construction site shall cause or allow any litter from the site to be deposited by the elements or otherwise on any other public or private property in the City. During such time as the site is not being used, all litter shall be stored or deposited in garbage containers or other solid waste containers in such a manner as to prevent the litter from being deposited on any other public or private property.

D. No person shall throw, discard, sweep or deposit any accumulation of litter from public or private property into any gutter or stormwater drain within the City.

(Ord. 116708 § 3, 1993: Ord. 116419 § 20(part), 1992.)

21.36.420Unlawful dumping of solid waste.

It is unlawful for anyone to dump, throw, or

place solid waste on any property, public or private, or in any public place except, as authorized by city ordinance, in a litter container, solid waste container, or in a bundle as described in this chapter, or upon or at a disposal site or interim solid waste handling site provided and/or designated by the Director of Engineering pursuant to Section 21.36.018. Anyone who dumps, throws, or places solid waste in violation of this section shall remove and properly dispose of it. This section does not apply to dumping, throwing or placing litter in the amount of one (1) cubic foot or less which does not contain hazardous substances.
(Ord. 117441 § 9, 1994: Ord. 116419 § 21, 1992: Ord. 114723 § 6, 1989: Ord. 113502 § 2, 1987: Ord. 112171 § 2, 1985: Ord. 107208 § 1, 1978: Ord. 96003 § 2, 1967.)

21.36.425Accumulation of solid waste.

A. It shall be unlawful for any person to keep solid waste or allow solid waste to accumulate on any property, or in any public place, except in a litter receptacle, in a solid waste container, or in a bundle as described in this chapter, or as otherwise authorized by ordinance or by the Director of Engineering. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any solid waste on sidewalks or planting strips, whether the solid waste is deposited by such owner or occupant or not. Solid waste that is prohibited to accumulate includes but is not limited to litter, cigarette butts, burning or smoldering materials, garbage, and rubbish. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public. This provision shall not apply:

1. To the Sheriff when removing the contents of a building to the sidewalk or planting strip pursuant to an eviction ordered by the Superior Court;

2. To firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;

3. To the use of receptacles placed or authorized by the City for the collection of solid waste on sidewalks or planting strips; or

4. To accumulations temporarily authorized under a street use permit.

(Ord. 117441 § 10, 1994: Ord. 116419 § 22, 1992: Ord. 114723 § 9, 1989: Ord. 113502 § 3(part), 1987.)

21.36.430Unlawful use of City litter receptacles.

Except as authorized by the Director of Engineering, it shall be unlawful to place in any receptacle provided by the City for litter disposal any solid waste accumulated on private property or generated by any business, including but not limited to burning or smoldering materials, asbestos material, asbestos-containing waste material, yardwaste, dangerous waste, household hazardous waste, small quantity generator hazardous waste, human or animal excrement and dead animals; nor shall the contents of any such litter receptacle be removed or disturbed by anyone except as authorized by the Director of Engineering.
(Ord. 117441 § 11, 1994: Ord. 116419 § 23, 1992: Ord. 114723 § 7, 1989: Ord. 113502 § 3 (part), 1987.)

21.36.440Unlawful use of solid waste container on private property.

It is unlawful for anyone not authorized by the property owner or occupant to deposit any material in any solid waste container on private property or on a sidewalk or a planting strip abutting private property.
(Ord. 117441 § 12, 1994: Ord. 116419 § 24, 1992: Ord. 96003 § 9, 1967.)

21.36.450Fee on unsecured loads.

A. Every vehicle delivering solid waste to a staffed interim solid waste handling site or a staffed disposal site shall have its load tied, covered, or confined in such a manner as to prevent any part of the load from leaving the vehicle while the vehicle is in motion. If the load is not secured in such a manner and the vehicle is not exempt pursuant to subsection B, the operator of the vehicle delivering the load shall pay, in addition to the basic disposal charge or rate, a fee at the staffed solid waste handling site or staffed

disposal site according to the following scale, effective January 1, 1994:

Cars (vehicles with passenger license plates)	$3.00
Trucks (vehicles with truck license plates)	$5.00 for a load of a ton or less or $10.00 for a load of more than a ton

B. A vehicle transporting sand, dirt or gravel in compliance with the provisions of RCW 46.61.655, as now existing or hereafter amended, shall not be required to secure or cover a load or pay a fee pursuant to this section.

C. The fee collected under subsection A of this section shall be paid to The City of Seattle no less often than quarterly and shall be deposited in the Solid Waste Fund.

(Ord. 116927 § 1, 1993.)

Subchapter VI Penalties and Enforcement

21.36.920Violation—Penalty.

A. Except for a violation designated by this chapter as a civil infraction, anyone who shall violate or fail to comply with any provision of this chapter may, upon conviction, be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment in the City Jail for a period of not exceeding one (1) year, or by both such fine and imprisonment.

B. Alternatively, except for a violation designated by this chapter as a civil infraction, the violation of or failure to comply with any provision of this chapter shall be subject to a civil penalty in the amount of Fifty Dollars ($50.00) for each violation and the amount of Fifty Dollars ($50.00) per day for each additional day of a continuing violation. To collect the penalty imposed by this subsection, the City shall file a civil action in the Municipal Court.

C. The penalties provided in this section are in addition to any other sanction or remedial procedure which may be available. The criminal or civil penalty, and the limitation on the amount of the penalty, does not including any amounts that may be recovered for reimbursement. Sums recovered for reimbursement shall be in addition to the penalty.

(Ord. 117441 § 13, 1994: Ord. 116419 § 26, 1992: Ord. 114723 § 20, 1989: Ord. 113502 § 7, 1987: Ord. 96003 § 11, 1967.)

21.36.922Civil infractions.

A. The violation of or failure to comply with any section of this chapter identified in this section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

B. The violation of or failure to comply with the following section shall be a civil infraction and subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Two Hundred Fifty Dollars ($250.00), not including statutory assessments:

SMC Section 21.36.420 (Unlawful dumping of solid waste)

C. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Fifty Dollars ($50.00), not including statutory assessments:

SMC Section 21.36.044 (Containers required — Nonresidential)

SMC Section 231.36.410 (Littering)

SMC Section 21.36.425 (Accumulation of solid waste)

SMC Section 21.36.430 (Unlawful use of City litter and solid waste receptacles)

SMC Section 21.36.440 (Unlawful use of private solid waste container)

D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the provisions of the Solid Waste Code are: (1) the Director of Engineering; (2) authorized representatives, assistants or designees of the Director of Engineering; and (3) commissioned officers of the Seattle Police Department and persons issued non-uniformed special police officer commissions by the Chief of Police with authority to enforce such provisions.

E. An action for a civil infraction shall be processed in the manner contemplated by RCW Chapter 7.80.

F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal action to enforce this chapter as deemed necessary and appropriate.

(Ord. 117441 § 1, 1994.)

21.36.924Each day a separate violation.

For a continuing violation, each day a person shall continue to violate or fail to comply with a provision of this chapter shall be deemed and considered a separate violation.
(Ord. 117441 § 2, 1994.)

21.36.965Identification.

Whenever solid waste deposited, thrown, placed, or kept in violation of Section 21.36.420 or Section 21.36.425 contains three (3) or more items bearing the name of one (1) individual, or whenever a motor vehicle or trailer used in the activity is identified by its license plate, it shall be presumed that the individual whose name appears on the items or to whom the vehicle or trailer is registered committed the unlawful act. The defendant shall have an opportunity to rebut the presumption and may show, for example, as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the wilful act, neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary labor, inability to gain access to the subject property, or other condition or circumstances beyond the control of the defendant.

(Ord. 116419 § 31, 1992.)

21.36.970Summary abatement.

A. The City Council may, after a report has been filed by the enforcing authority and the property owner, tenant or other person responsible for the condition has had an opportunity to be heard, by ordinance require such person to abate a nuisance by removal and proper disposal of solid waste from the property at such person's cost and expense within a time specified in the ordinance; and if the removal and disposal is not accomplished within the time specified, the enforcing authority may abate the nuisance and recover the cost and expense thereof plus fifteen percent (15%) in a civil action.

B. The enforcing authority may also seek relief in Superior Court to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this chapter when the civil or criminal remedies provided herein are inadequate to effect compliance.

C. The procedures set forth herein are not exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances, abating nuisances, imposing penalties, or taking other legal action.
(Ord. 117441 § 14, 1994: Ord. 116419 § 32, 1992: Ord. 113502 § 8(part), 1987.)

21.36.975Reimbursement for City expenses.

Whenever it furthers the safety or convenience of the public, the Director of Engineering may remove obstructions, hazards or nuisances composed of solid waste from public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same and cleaning the public place together with a charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses and together with the costs of collection and interest.
(Ord. 117441 § 3, 1994.)

21.36.980Crediting of reimbursement to Solid Waste Fund.

All sums received by the City in reimbursement for the Solid Waste Utility's costs, expenses or charges relating to removal of solid waste or cleaning of property pursuant to any section of this chapter shall be credited to the Solid Waste Fund.
(Ord. 117441 § 4, 1994.)

Chapter 21.40
SOLID WASTE COLLECTION RATES AND CHARGES

Sections:

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

21.40.010Definitions, title, declarations and administrative provisions.

The definitions in Sections 21.36.010 through 21.36.016 and the title, declarations, and administrative provisions in Section 21.36.017 apply to this chapter.
(Ord. 116419 § 33, 1992: Ord. 114205 § 8, 1988: Ord. 111662 § 1, 1984: Ord. 90379 § 10, 1961.)

21.40.020Public utility designated—Effective date.

Public necessity requires that the existing system of the City for the collection and disposal of garbage, rubbish and trade and other waste, together with such extensions, additions and betterments thereto as may from time to time be authorized, be maintained, conducted and operated as a public utility of the City beginning September 1, 1961, and the rates and charges provided for in this chapter be effective as of such date.
(Ord. 90379 § 1, 1961.)

21.40.030Administration.

The Director of Engineering, through the Department of Engineering, shall operate and administer such public utility and enforce this chapter; and there shall be kept by him or her a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Finance Director, as required by law in such connection.
(Ord. 116368 § 288, 1992: Ord. 90379 § 2, 1961.)

21.40.040Fixing of rates and charges.

The City fixes rates and charges as provided in Section 21.40.050 for the collection and disposal of garbage and rubbish as defined by Ordinance 86373[1] from the residences and other dwelling units referred to in Section 21.40.050.
(Ord. 90379 § 3, 1961.)

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

21.40.050Collection rates.

A. There is imposed upon all residences and other dwelling units within the City a charge for garbage and rubbish collection and disposal service in accordance with the following schedule, and the amounts stated below shall be charged for optional ancillary services; the rates listed below are effective September 1, 1994.

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

Service Units	Rates
Micro-can	$ 10.05
Mini-can	12.35
1	16.10
2	32.15
3	48.25
Each additional service unit	16.10

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

Service Units	Rates
1	$ 22.50
2	45.00
3	67.55
Each additional service unit	22.50

3. Multifamily variable-can rate schedule for curbside/alley pickup: A charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent for the entire building as follows:

Service Units	Rates
Micro-can	$ 9.75
Mini-can	12.05
1	15.80
2	31.85
3	47.90
Each additional service unit	16.10

4. Multifamily variable-can rate schedule for backyard pickup: A charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or agent for the entire building as follows:

Service Units	Rates
1	$23.10
2	44.60
3	67.10
Each additional service unit	22.50

5. Minimum Charge, No Pickup Service. A charge per month or portion thereof, for each dwelling unit, including single-family dwellings not being used as residences, billed directly to the owner or occupant of Six Dollars and Twenty-five Cents ($6.25) to cover landfill closure costs, billing, collection, Low Income Rate Assistance, hazardous waste costs, and litter cleanup costs. To be eligible for the minimum charge (zero (0) container rate) a customer may not generate any garbage or rubbish for collection or disposal. With occupied premises, the customer must demonstrate a consistent and effective practice of selective purchasing to minimize refuse, of recycling materials whenever practical, and of composting any yardwastes generated on the premises and the customer must have qualified for the rate on or before December 31, 1988. A customer is not eligible for the zero (0) container rate by hauling his or her garbage and rubbish to a transfer station, disposal site, or by disposal in another customer's containers or by the use of prepaid stickers. Vacant multifamily units do not qualify for the minimum charge.

6. Prepaid Stickers. A Charge of Five Dollars ($5.00) for a bundle. The sticker authorizes pickup of the bundle when placed with the customer's container. The sticker must be affixed to the bundle in order to be picked up by the collector.

7. Bulky and White Goods Pickup. A charge of Twenty-six Dollars and Eight-five Cents ($26.85) for each item.

8. Curbside/Alley Yardwaste. A charge per month or portion thereof for each dwelling unit, billed directly to the owner or occupant, of Four Dollars and Twenty-five Cents ($4.25) except that such charge shall be Two Dollars and Fifteen Cents ($2.15) for customers qualifying for Low Income Rate Assistance. To receive this service, a customer must be signed up with the Solid Waste Utility for a minimum of twelve (12) months' service and place his or her yardwaste at the curbside/alley for collection on the scheduled date. The maximum allowed to any customer is five (5) bundles of yardwaste per week per subscription.

9. Providing, Excharging and Replacing Containers. A charge to customers on curbside/alley service for providing micro-cans, exchanging collector-supplied containers or for replacing lost, stolen or damaged collector-supplied containers, as follows:

Micro-can	$ 6.00
Mini-can	10.00
32-gallon	12.25
60-gallon	30.00
90-gallon	40.00
90-gallon recycling Cart	$ 40.00
Glass insert	6.00
3-bin, stackable recycling containers	10.00

Except in the case of micro-can service, this charge does not apply to the initial delivery of containers upon the establishment of service to a new customer or to an exchange from a higher to a lower service level. The charge for micro- cans will be applied regardless of the reason for delivery.

10. New/Changed Account. A charge of Ten Dollars and Seventy-five Cents ($10.75) for the establishment of a new account or for each change in an existing account. This charge shall apply when the owner or property manager of any single-family residence or multifamily structure (duplex, tri-plex, four-plex, or structure with five (5) or more units) establishes a new account or requests any change in his/her account requiring a change in account number or customer number.

The new/changed account charge is not applicable to customers qualified for Low Income Rate Assistance.

11. Physical Disability Exemption. An exemption will be provided to qualified residents to allow for backyard collection at curbside rates when the resident is physically unable to take his or her garbage and rubbish containers to the curb. Qualifying criteria shall include, but are not limited to, the resident's physical condition, qualification for backyard service in other City programs, a physician's recommendation, the presence of other physically capable persons in the household, special topography and other unique property conditions, taking into account the contractors' ability to provide different combinations of container sizes to make curbside pickup feasible.

B. The City shall calculate the charge for each multifamily dwelling unit within apartment houses and apartment hotels and for each resident within boarding, rooming, fraternity, sorority and group student houses for two (2) times a week service, billed directly to the owner or agent for the entire building, by doubling the applicable one (1) container and multifamily rates in subsection A4 of this section and reducing this calculated amount by Three Dollars and Sixty-five Cents ($3.65) per unit to adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

C. All Single-Family and Multifamily Customers Requesting and Receiving Special, Nonroutine Collection Service for Garbage, Yardwaste, or Recyclable Materials. A per-pickup charge of Twenty-three Dollars and Ninety Cents ($23.90) for first container collected plus One Dollar and Eighty Cents ($1.80) for each additional container.

The following charges shall apply to detachable container customers requesting special collections:

Service Unit	Uncompacted Service	Compacted Service
¾ cubic yards		
-First container	$ 42.90	$ 58.25
-Each Additional	21.35	36.70
1 cubic yard		
-First container	44.15	64.60
-Each additional	22.65	43.10
1½ cubic yards		
-First container	52.55	83.15
-Each additional	31.05	61.70
2 cubic yards		
-First container	60.90	101.80
-Each additional	39.40	80.30
3 cubic yards		
-First container	77.70	139.00
-Each additional	56.20	117.50
4 cubic yards		
-First container	94.45	176.20
-Each additional	73.00	154.75
6 cubic yards		
-First container	122.20	244.80
-Each additional	100.65	223.30
8 cubic yards		
-First container	149.85	313.40
-Each additional	128.35	291.85
10 cubic yards		
-First container	189.25	393.65
-Each additional	167.75	372.15

D. The charges imposed by subsections A1 through A5 of this section inclusive shall not apply to dwelling units which elect to use detachable containers supplied either by the City's contractor or by the customer for the storage of garbage and rubbish. Application for detachable container service for a minimum period of six (6) months shall be made to the Director of Engineering on forms supplied by him/her, and collection of garbage and rubbish from such premises shall be made at such frequency as is necessary as determined by the Director of Engineering, but in no event less than once each week. The monthly charges for detachable container service for the container and frequency selected shall be in accordance with the rates set forth in Section 21.40.060.

E. The Director of Engineering may adjust the service level to a single-family residence to match the garbage and rubbish actually collected from the premises, or, for multifamily structures, to match the amount of garbage and rubbish reasonably anticipated from the dwelling units on the premises.

(Ord. 117184 § 1, 1994: Ord. 116754 § 1, 1993: Ord. 116725 § 1, 1993: Ord. 116187 § 2, 1992: Ord. 115231 § 3, 1990; Ord. 114205 § 9, 1988: Ord. 113533 § 2, 1987: Ord. 113374 § 1, 1987: Ord. 112942 § 3, 1986: Ord. 111661 § 1, 1984: Ord. 110448 § 1, 1982: Ord. 109130 § 1, 1980: Ord. 109022 § 1, 1980: Ord. 106017 § 1, 1976: Ord. 105544 § 1, 1976: Ord. 103458 § 1, 1974: Ord. 98130 § 1, 1969: Ord. 96301 § 1, 1967: Ord. 94711 § 1, 1966: Ord. 94022 § 1, 1965: Ord. 91048 § 1, 1962: Ord. 90379 § 4, 1961.)

21.40.060Detachable container rates.

A. Uncompacted Rates. Effective September 1, 1994 there is imposed upon residential premises that use detachable containers without mechanical compactors a monthly charge for garbage and rubbish collection and disposal service in accordance with the following formula:

($6.65 + cn + f ($13.25 + $20.70n + $36.95ns) + $.60d) where:

c = capital cost per container/60 months;
n = number of containers served;
f = number of pickups per week;
s = size of container in cubic yards; and
d = number of dwelling units

The capital cost per container/sixty (60) months for various container sizes is as follows:

¾ cubic yard	$ 4.95
1 cubic yard	4.95
1½ cubic yards	5.50
2 cubic yards	6.10
3 cubic yards	7.55
4 cubic yards	9.20
6 cubic yards	11.05
8 cubic yards	15.20
10 cubic yards	43.90

B. Compacted Rates. Effective September 1, 1994, there is imposed upon residential premises that use detachable containers with compactors a monthly charge for garbage and rubbish collection and disposal service in accordance with the following formula:

$6.65 + cn + f ($13.25 + $20.70n + $90.10ns) + $.60d), where:

c = capital cost per container/60 months;
n = number of containers served;
f = number of pickups per week; and
s = size of container in cubic yards; and
d = number of dwelling units.

The capital cost per container/sixty (60) months for various container sizes is as follows:

¾ cubic yard	$ 4.95
1 cubic yard	4.95
1½ cubic yards	5.50
2 cubic yards	6.10
3 cubic yards	7.55
4 cubic yards	9.20
6 cubic yards	11.05
8 cubic yards	15.20
10 cubic yards	43.90

C. Recycling Setup Fee. There is assessed on all accounts of residential structures of five (5) units or more, who opt for City-provided recycling collection services, except those customers selecting recycling collection services from Nuts and Bolts Recycling and West Seattle Recycling, a setup fee according to the following schedule:

1. Uncompacted Dumpster Accounts.

Weekly Collection Service	Fee
1 cubic yard	$50.00
1.5—2 cubic yards	100.00
3—5 cubic yards	200.00
6—8 cubic yards	350.00
9—10 cubic yards	500.00

2. Can Service Accounts will be assessed a Fifty Dollar ($50.00) setup fee.

3. Compacted Dumpster Accounts will be assessed a Five Hundred Dollar ($500.00) setup fee.

No setup fee will be assessed on three-quarter (¾) cubic yard per week garbage accounts, and no setup fee will be assessed on those accounts which are at minimum garbage collection service levels.

D. Mixed-Use Building. The Director of Engineering will determine the appropriate residential collection service level for a mixed-use building according to the estimated amount of residential garbage or refuse generated and to be collected by the City.

E. Charges for Lockable Containers. Customers using detachable containers (compacted or noncompacted) may have a lock installed by the collection contractors. A fee of Fifty-three Dollars and Forty Cents ($53.40) will be assessed for installation of the lock. Additional keys are Three Dollars and Sixty Cents ($3.60) and an extra padlock is Eight Dollars and Thirty Cents ($8.30). Only customers who own their own containers may install their own locks.

F. Customers who own their own detachable containers shall have the factor for the capital cost of containers in the formulas in subsections A and B of this section omitted in calculating the collection charge.

(Ord. 117184 § 2, 1994: Ord. 116346 § 1, 1992: Ord. 116187 § 3, 1992: Ord. 115231 § 3, 1990; Ord. 114205 § 10, 1988: Ord. 113374 § 2, 1987: Ord. 112942 § 4, 1986: Ord. 112687 § 1, 1986; Ord. 111661 § 2, 1984: Ord. 110440 § 2, 1982: Ord. 109130 § 1.1, 1980: Ord. 109022 § 1.1, 1980: Ord. 106017 § 2, 1976: Ord. 105544 § 2, 1976: Ord. 103458 § 2, 1974: Ord. 98130 § 2, 1969: Ord. 96301 § 2, 1967: Ord. 90379 § 4.1, 1961.)

21.40.080Transfer station and disposal site rates.

A. Basic Rates. The following rates are established for the use of the City's transfer stations effective September 1, 1994, except as otherwise provided in subsection D of this section:

Passenger Vehicle and Commercial Rate Schedules	**1994 Rate**
1. Any vehicle that only delivers contaminant-free, clean recyclables to the transfer station	No charge
2. Passenger vehicles	$ 8.50
3. Minimum charge for passenger vehicles with trailers and all other nonpassenger vehicles (trucks, motor homes, travel-alls, commercial vehicles, etc.)	$15.50
4. Refuse deposited at transfer stations from passenger vehicles with trailers and all other nonpassenger vehicles (trucks, motor homes, travel-alls, commercial vehicles, etc.)	$93.65 per ton
5. Passenger vehicle delivering only clean yardwaste or wood waste	$ 6.50
6. Minimum charge for passenger vehicles with trailers and all other nonpassenger vehicles (trucks, motor homes, travel-alls, commercial vehicles, etc.) delivering only clean yardwaste or wood waste	$10.75
7. Passenger vehicles with trailers and all other nonpassenger vehicles (trucks, motor homes, travel-alls, commercial vehicles, etc.) delivering only clean yardwaste or wood waste	$68.70 per ton
8. Passenger vehicle tires	$ 7.75 per load; a maximum of four (4) tires per load
9. Passenger and other noncommercial vehicles delivering only household hazardous waste	No charge
10. White goods, Seattle residents only Passenger vehicles with trailers and all other nonpassenger vehicles (trucks, motor homes, travel-alls, commercial vehicles, etc.) delivering a combination of refuse and white goods	$93.65 per ton plus $5.40 per unit; A maximum of two (2) white goods per load
11. White goods, Seattle residents only Vehicles delivering white goods only	$15.25 per unit; a maximum of two (2) white goods per load

B. Collection of Charges. It shall be the duty of the Director of Engineering, or his/her authorized agent, to issue and sell tickets at the City's transfer stations for the privilege of such disposal; provided, that such disposal charges shall not apply to the disposal of earth or other material suitable for road construction when disposal of

same has been approved by the Director of Engineering or his/her authorized agent.

C. State Tax Collection and Refund. The Director of Engineering, or his/her authorized agent, has the authority to collect taxes due as required by state law and to make refunds to any person entitled thereto under state law and RCW 43.155.050.

D. Charitable Organizations Reusing Goods. Effective September 1, 1994, a charitable organization qualified by the Director of Engineering or his/her authorized agent, in accordance with Seattle Municipal Code Section 21.40.080 E, shall be charged at the rate of Forty-six Dollars and Seventy Cents ($46.70) per ton for the disposal on an ongoing basis, rather than on an occasional or incidental basis, of refuse generated within Seattle only, that is deposited at a transfer station. This rate shall increase each April 1st during the rate period to coincide with the fee paid to Washington Waste Systems at the Columbia Ridge Landfill or its successor facility.

The City shall continue to accept white goods from charitable organizations qualified by the Director of Engineering in a number equal to the number of white goods delivered to the City recycling and disposal stations by the qualified charitable organization in 1991, subject to the conditions set forth in subsection D of Section 21.36.087. Upon exceeding this number, qualified charitable organizations may be charged at a per-unit rate equal to that established by contract between the City and its selected vendor for CFC (chlorofluorocarbon) recovery.

A charitable organization shall be qualified for the rate established in Seattle Municipal Code Section 21.40.080 if found by the Director of Engineering, after application by such organization to the Director, to:

1. Be a credit customer of the Solid Waste Utility;

2. Be a nonprofit charitable organization recognized as such by the Internal Revenue Service; and

3. Be engaged, as a primary form of its doing business, in processing abandoned goods for resale or reuse.

E. Interest on Delinquent Accounts. Interest shall accrue on delinquent charges of credit customers at the City's transfer stations at the legal rate established by RCW 19.52.010.

F. Requirements for Special Reduced Fees for Dumping. Under certain conditions, the Solid Waste Utility will offer reduced-fee dumping at the transfer stations. An organization may be qualified for a one (1) time reduced-fee rate for a special event if found, after written application to the Director of the Solid Waste Utility to:

1. Be the only such request from the organization for the calendar year;

2. Support the City's goals for cleaner neighborhoods and environments;

3. Not to be supplanting any current or existing agency responsibilities or activities;

4. Have presented in the letter requesting reduced fee evidence that the event is a City program, or sponsored by a City Department.

The fee to organizations meeting such criteria shall be at the discretion of the Director of the Utility.

G. Waiver of Residential Disposal Rates Under Certain Circumstances. The Director of the Utility has discretion to waive disposal rates for City residents for yardwaste or refuse for up to sixty (60) days at a time when the Director determines that unique or emergency situations, such as transitions in collection service, incidents of arson, windstorms, etc., make it prudent to encourage self-haul of refuse or yardwaste to the transfer stations by waiving the disposal fee for a limited period.

(Ord. 117184 § 3, 1994: Ord. 116426 § 1, 1992: Ord. 116250 §§ 3, 4, 1992; Ord. 116187 § 4, 1992: Ord. 115926 § 1, 1991; Ord. 115231 § 4, 1990; Ord. 114205 § 11, 1988: Ord. 113882 § 2, 1988; Ord. 113374 § 3, 1987: Ord. 113163 § 1, 1986: Ord. 112942 § 5, 1986: Ord. 111662 § 2, 1984: Ord. 110399 § 1, 1982: Ord. 109130 § 2, 1980: Ord. 109022 § 2, 1980: Ord. 106017 § 3, 1976: Ord. 105544 § 3, 1976: Ord. 103458 § 3, 1974: Ord. 99122 § 1, 1970: Ord. 98130 § 3, 1969: Ord. 94711 § 2, 1966: Ord. 94022 § 2, 1965: Ord. 90379 § 5, 1961.)

21.40.085Commercial railyard rate.

A. Nonresidential solid waste generated within the City and directed by the City to the Argo Yard or its successor facility for transport and disposal shall be charged Sixty-two Dollars and Twenty Cents ($62.20) per ton with a minimum charge of

One Thousand Five Hundred Fifty-five Dollars ($1,555.00).

B. A hauler depositing waste at the Argo Yard or its successor receiving facility shall be subject to an hourly shipping container rental charge if any shipping container supplied for transport and disposal of waste is detained by the hauler more than twenty-four (24) hours. The charge shall be One Dollar and Fifty Cents ($1.50) for each hour and for each container detained beyond twenty-four (24) hours. The Director of Engineering will provide exemptions from this charge consistent with the City's operating agreement with Washington Waste Systems, Incorporated.

C. In the event the receiving facility turnaround time experienced by all trucks hauling waste to the Argo Yard or its successor receiving facility averages more than twenty (20) minutes in a calendar month, a hauler shall be entitled to receive a portion of any liquidated damage paid to the City by Washington Waste Systems as a result of this excessive turnaround time. The total liquidated damage for any calendar month will be equal to One Dollar and Twenty-five Cents ($1.25) for each minute exceeding twenty (20) minutes multiplied by the total number of containers deposited at the receiving facility during the month. A hauler shall receive a portion of this liquidated damage equal to the total liquidated damage multiplied by the hauler's share of containers deposited at the receiving facility during the calendar month for which the liquidated damage applies.

D. A hauler who deposits waste at the Argo Yard or its successor receiving facility shall be subject to payment of any cost incurred for the separation and proper disposal of any hazardous or unacceptable waste found in the deposited waste.

(Ord. 117184 § 4, 1994: Ord. 116188 § 2, 1992: Ord. 115475 § 1, 1990.)

21.40.090 Authority to make rules and regulations.

To carry out the provisions of this chapter, the Director of Engineering is authorized to make, modify and enforce regulations for all operations at garbage and rubbish disposal sites, which regulations shall designate what material may be disposed of at particular disposal sites, may establish and provide for the collection of reasonable fees for special services rendered to persons requesting the same at such disposal sites.

(Ord. 94711 § 3, 1966: Ord. 90379 § 6, 1961.)

21.40.100Exemption for governmental agencies owning disposal site.

The charge imposed by Section 21.40.090 shall not apply to any governmental agency owning in whole or in part the property upon which the disposal site is located.
(Ord. 90379 § 7, 1961.)

21.40.110Preparation and placement of garbage.

All garbage and rubbish shall be prepared and placed for collection as required by ordinance. Failure to meet such requirements may result in discontinuation of collection service, but not of the charges therefor.
(Ord. 90379 § 8, 1961.)

21.40.120Payment of charges—Delinquency and lien.

A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three (3) months in advance at the office of the City Finance Director and at the same time that water utility charges are due and payable with respect to residences or other dwelling units contemporaneously served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish collection services and the balance to outstanding charges for water services. The charges imposed under Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units, whether occupied or not; provided, however, that where no portion of the premises is being used and occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of Engineering for an adjustment to garbage and rubbish collection charges. In such connection the Director of Engineering may from time to time reduce the liability for such charges upon request therefor whenever he or she is satisfied that the premises are not being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed and billed from time to time by the Director of Engineering through an interdepartmental arrangement with the Superintendent of Water as a separate charge on the water bill for residences or dwelling units served, and the Director of Engineering and the Superintendent of Water shall cooperate, in the interest of economy and efficiency, in establishing common billing practices and procedures to the extent permitted by law.

B. Garbage and rubbish collection charges shall be against the premises served and when such charges have not been paid within ninety (90) days after billing, they shall be delinquent and constitute a lien against the residence or dwelling units served. Notice of the City's lien specifying the amount due, the period covered and giving the legal description of the premises sought to be charged may be filed with the County Auditor within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and material as authorized by RCW 35.21.140.

(Ord. 116368 § 289, 1992; Ord. 111818 § 1, 1984; Ord. 111661 § 3, 1984; Ord. 94711 § 4, 1966: Ord. 90379 § 9, 1961.)

21.40.130Solid Waste Fund—Purchase of recyclable solid waste.

A. The utility created by this chapter shall be known as the Solid Waste Utility, and the Garbage Collection and Disposal Fund in the City Treasury is renamed the Solid Waste Fund. All revenues from the garbage and rubbish collection and disposal charges set forth in this chapter, the use of disposal sites, and from the sale of recyclable solid waste shall be credited to the fund; all expenses for the operation of the collection system, operation and maintenance of the disposal sites, operation and maintenance of recyclable solid waste purchase accounts, and transportation expense, servicing of bonds, cost of operation and maintenance of the disposal system as constructed or added to, and to maintain the Solid Waste Utility in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance, including the cost of billing and collection and all interdepartmental charges for service rendered by other City departments to the utility.

B. The City Engineer is authorized to purchase at the City's solid waste disposal facilities, recyclable solid waste at a price which shall be equal to the gross revenue received from the sale by the City of such recyclable solid waste, less costs of handling, accounting, and transportation. Such purchase price shall be computed and paid quarterly as to recyclable solid waste purchased and sold by the City in the preceding quarterly period.

(Ord. 104455 § 1, 1975: Ord. 99322 § 1, 1970: Ord. 90379 § 11, 1961.)

Chapter 21.43
INFECTIOUS WASTE MANAGEMENT

Sections:

21.43.010Definitions.

A. “City” means The City of Seattle.

B. “Disposal site” means the areas or facilities where any final treatment, utilization, processing or deposition of solid waste occurs.

C. “Health Officer” means the Director of the Seattle-King County Department of Public Health or his/her designated representative.

D. “Infection control staff/committee” means those individuals designated by an infectious waste generator or an infectious waste storage/treatment operator whose responsibility includes but is not limited to developing and maintaining the infectious waste generator's or infectious waste storage/treatment operator's infectious waste management plan.

E. “Infectious waste” means and includes solid waste which is:

1. Cultures and stocks of etiologic agents and associated biologicals, including, without limitations, specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, and discarded live and attenuated vaccines;

2. Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stocks of etiologic agents;

3. Sharps, which means medical and laboratory equipment generated by an infectious

waste generator that may cause punctures or cuts. Such waste includes, but is not limited to, needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware including slides, coverslips, and pasteur pipettes;

4. Pathological waste, which means all human tissues and anatomical parts which emanate from surgery, obstetrical procedures, autopsy, and the laboratory;

5. Human blood and blood products, including but not limited to serum and plasma, in fluid form exceeding fifty (50) milliliters per container;

6. Wastes that have come into contact with human body substances infected with anthrax, smallpox, rabies, plague and viral hemorrhagic fevers such as lassa fever and Ebole-Marburg virus disease;

7. As determined by and solely at the discretion of the infectious waste generator's infection control staff/committee, wastes that have come into contact with human body substances or other sources which may contain pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease;

8. Animal carcassess exposed to pathogens in research, their bedding, and other waste from such animals.

F. "Infectious waste collection/transportation vehicle" means a collection/transportation vehicle used for the collection and transportation of infectious waste over the highways.

G. "Infectious waste generator" means any producer of infectious waste, to include without limitation the following categories: General acute care hospitals, skilled nursing facility or convalescent hospitals, intermediate care facilities, inpatient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians' offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes, or other similar facilities. Home generated syringe wastes are excluded from this category if the containment and disposal requirements specified in Section 21.43.040 K4 are followed.

H. "Infectious waste storage/treatment operator" means a person who stores and/or treats infectious waste if required by this chapter, and is not an infectious waste generator.

I. "Infectious waste transporter" means a person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred (100) pounds per month.

J. "Infectious waste treatment" means infectious waste treatment as described in Section 21.43.050 of this chapter.

K. "Laboratory" means a room or building equipped for scientific experimentation, research, testing, or clinical studies of specimens, fluids, tissues, cultures or stocks of etiologic agents and associated biologicals or other biologically active agents.

L. "Steam sterilization" means sterilizing infectious waste by use of saturated steam within a pressure vessel at temperatures sufficient to kill all microbial agents in the waste, as determined by biological and chemical indicator monitoring requirements set forth in this chapter.

(Ord. 115983 § 1, 1991; Ord. 114500 § 1(part), 1989.)

21.43.020Authority—Administration, inspection and enforcement.

A. The Health Officer of the Seattle-King County Public Health Department is authorized to administer and enforce all the provisions of this chapter relating to the generation, storage, treatment, transportation and disposal of infectious wastes in the City.

B. The Health Officer shall have the authority to inspect any infectious waste generator (IWG) or infectious waste storage/treatment operator (IWSTO), at any reasonable time, for the purpose of evaluating the IWG's or IWSTO's written infectious waste management plan, to determine if the IWG's or IWSTO's infectious waste is being handled, stored, treated and disposed in accordance with this chapter, and to determine if the IWG's or IWSTO's solid waste is being disposed of in accordance with this chapter.

C. The Health Officer shall have the authority to inspect any infectious waste transporter at any reasonable time, for the purpose of determining if the provisions of this chapter are being met.

(Ord. 114500 § 1(part), 1989.)

21.43.030Infectious waste management plan.

A. Each infectious waste generator (IWG) and infectious waste storage/treatment operator (IWSTO) must write an infectious waste management plan with an internal annual review. The plan shall include all aspects of the IWG's or IWSTO's infectious waste management. The plan must be followed by the IWG or IWSTO.

B. The plan must include a listing of the IWG's or IWSTO's infection control staff/committee member(s), phone numbers of responsible individuals, definition of wastes handled by the system, department and individual responsibilities, procedures for waste identification, segregation, containment, transport, treatment, treatment monitoring, disposal, contingency planning, staff/housekeeping training for infectious waste identification, when applicable, and compliance with infectious waste regulations. The plan must include the chief executive officer's endorsement letter.

C. The plan shall be available for inspection at the request of the Health Officer.

(Ord. 114500 § 1(part), 1989.)

21.43.040Storage and containment of infectious waste.

A. Storage of infectious waste shall be in a manner and location which affords protection from animals, rain and wind; does not provide a breeding place or a food source for insects or rodents; and is accessible only to personnel authorized in the infectious waste generator's infectious waste management plan.

B. Infectious waste shall be segregated by separate containment from other waste at the point of origin.

C. Infectious waste, except for sharps, shall be contained in disposable leakproof plastic bags which have a strength to preclude ripping, tearing or bursting under normal conditions of use. The bags shall be appropriately marked by the generator as containing infectious waste. The bags shall be secured to prevent leakage or expulsion of solid or liquid waste during storage, handling or transport.

D. Sharps shall be contained in leakproof, rigid, puncture-resistant, break-resistant containers which are tightly lidded during storage, handling and transport.

E. Infectious waste contained in disposable bags, as described in subsection C of this section,

shall be placed for storage, handling or transport in containers such as disposable or reusable pails, cartons, boxes, drums or portable bins. The containers shall be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words "Biomedical Waste" or words that clearly denote the presence of infectious waste.

F. Reusable Containers.

1. Reusable containers for infectious waste storage, handling or transport shall be thoroughly washed and decontaminated by an approved method each time they are emptied unless the surfaces of the containers have been protected from contamination by disposable liners, bags or other devices removed with the waste, other than those required in subsection C of this section.

2. Approved methods of decontamination are agitation to remove visible solid residue combined with one of the following procedures:

a. Chemical disinfection; chemical disinfectants should be used in accordance with the manufacturer's recommendations for tuburculocidal and viricidal (Polio Type 1 or 2, SA Rotovirus) killing capacities or by disinfectant concentration/contact times approved in writing by the Health Officer;

b. Other method approved in writing by the Health Officer.

3. Reusable pails, drums or bins used for containment of infectious waste shall not be used for any other purpose except after being disinfected by procedures as described in this subsection and after the international biohazard symbol and words "Biomedical Waste" are removed.

G. Trash chutes shall not be used to transfer infectious waste.

H. Unless approved in writing by the Health Officer, infectious waste other than sharps shall be treated in accordance with Section 21.43.050 within eight (8) days, if such waste is stored at temperatures exceeding thirty-two degrees Fahrenheit (32° F.) or zero degrees centigrade (0° C.), or within ninety (90) days if said waste is stored at temperatures at or below thirty-two degrees Fahrenheit (32° F.) or zero degrees centigrade (0° C.) commencing from the time of generation. Treated sharps waste, except incinerated sharps, shall be transported as described in subsection K of this section within ninety (90) days commencing from the time of generation. Sharps waste treated by incineration shall be treated within ninety (90) days commencing from the time of generation.

I. Infectious waste shall not be subject to compaction prior to treatment.

J. Infectious waste shall not be placed into the general solid waste stream prior to treatment.

K. At no time shall treated sharps waste, except incinerated sharps waste, be disposed into the general solid waste stream, unless approved in writing by the Health Officer.

1. Treated sharps waste, except incinerated sharps waste, shall be transported separately from the general solid waste stream in approved sharps containers for disposal.

2. If treated sharps waste, except incinerated sharps waste, is to be disposed of in King County, they shall be disposed at a disposal site approved by the Seattle-King County Public Health Department.

3. If treated sharps waste is transported to a disposal site in King County, the transporter of treated sharps waste, excluding incinerated sharps waste, must notify the disposal site operator prior to transporting the sharps waste to allow for adequate site preparation and staff availability. The sharps waste shall be covered with at least six inches (6″) of compacted waste material within twenty-four (24) hours of disposal.

4. Home generated sharps are exempt from other provisions of Chapter 21.43 if prepared for disposal by a means that protects medical handlers, solid waste workers and the public from injury. The disposal of home generated sharps shall be limited to:

a. Depositing sharps at a medical facility which has agreed to accept home generated sharps;

b. Depositing properly contained sharps at a pharmacy that provides a program to dispose sharps waste that meets the requirements of these regulations;

c. Depositing properly contained sharps in the designated sharps disposal receptacles (barrels) at Seattle's North and South Transfer Stations;

d. Acquiring a pickup service from an infectious waste transporter permitted by the health officer;

e. Other methods approved by the health officer.

5. If treated sharps waste, except incinerated waste, is to be disposed outside King County, it shall be disposed at a disposal site which meets all appropriate local, state and federal regulations. (Ord. 115983 § 2, 1991; Ord. 114500 § 1(part), 1989.)

21.43.050Infectious waste treatment.

A. Infectious waste shall be treated prior to disposal by one (1) or more of the following methods:

1. Cultures and stocks of etiologic agents and associated biologicals: Steam sterilization, incineration, or other treatment method approved in writing by the Health Officer;

2. Laboratory waste: Steam sterilization, incineration, or other treatment method approved in writing by the Health Officer;

3. Sharps: Incineration, containment, or other treatment method approved in writing by the Health Officer;

4. Pathological waste: Incineration, interment, or other treatment method approved in writing by the Health Officer;

5. Human blood and blood products: Direct pour via a utility sink drain or toilet to an approved sewage disposal system, incineration, other treatment method approved in writing by the Health Officer;

6. Wastes that have come into contact with human body substances from patients diagnosed with anthrax, smallpox, rabies, plague and viral hemorrhagic fevers such as Lassa fever and Ebole-Marburg virus disease: Steam sterilization, incineration, or other treatment approved in writing by the Health Officer;

7. As determined by the infectious waste generator's infection control staff person or committee, wastes that have come into contact with human body substances which may create a significant risk of disease: Steam sterilization, incineration, or other treatment method approved in writing by the Health Officer;

8. Animal carcasses exposed to pathogens in research: Incineration or other treatment method approved in writing by the Health Officer.

B. Infectious waste treatment and disposal shall be conducted as follows:

1. Steam Sterilization.

a. Steam sterilization by heating in a steam sterilizer so as to kill all microbological agents, as determined by chemical and biological indicator monitoring requirements set forth in this section. Operating procedures for steam sterilizers shall include, but not be limited to the following:

(1) Adoption of standard written operating procedures for each steam sterilizer, including time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content and maximum load quantity;

(2) Check of recording and/or indicating thermometers during each complete

cycle to ensure the attainment of a minimum temperature of two hundred fifty degrees Fahrenheit (250° F.) or one hundred twenty-one degrees centigrade (121° C.) for one-half (1 /2) hour or longer, depending on quantity and compaction of the load, in order to achieve sterilization of the entire load. Thermometers shall be checked for calibration at least annually;

(3) Use of heat-sensitive tape or other device for each load that is processed to indicate that the load has undergone the steam sterilization process;

(4) Use of the chemical migrating integrator Thermalog-S, or other chemical integrator meeting equivalent time, temperature and steam indicator specifications, based upon Bacillus stearothermophilus spore-kill steam sterilization parameters, approved in writing by the Health Officer. The chemical integrator shall be placed at the center load of each cycle to confirm attainment of adequate sterilization conditions for each infectious waste treatment cycle run;

(5) Use of the biological indicator, Bacillus stearothermophilus, or other biological indicator approved in writing by the Health Officer, placed at the center of a load processed under standard operating conditions at least monthly to confirm the attainment of adequate sterilization conditions;

(6) Maintenance of records and procedures specified in subparagraphs (1), (2), (4) and (5) above for a period of not less than one (1) year;

(7) Development and implementation of a written steam sterilization training program for steam sterilizer operators.

b. Infectious waste so treated shall be disposable into the general solid waste stream, provided it is not otherwise dangerous waste or non-incinerated sharps waste.

2. Incineration.

a. Incineration shall be conducted at a sufficient temperature and for sufficient duration that all combustible material is reduced to ash; and that no unburned combustible material is evident in the ash.

b. Operating procedures for incinerators shall include, but not be limited to, the following:

(1) Adoption of a standard written operating procedure for each incinerator that takes into account: Variation in waste composition, waste feed rate, and combustion temperature;

(2) Development and implementation of a written incinerator operator training program for incinerator operators.

3. Interment. Interment of pathological waste shall be conducted in such a manner so as to meet all federal, state and local regulations.

C. Contingency Planning. Each infectious waste generator and infectious waste storage/treatment operator must develop a contingency plan for the treatment of infectious waste. Provisions must be made for an alternate treatment plan in the event of equipment breakdown with an incinerator, steam sterilizer, or other method approved in writing by the Health Officer, as required by this section, for treating the waste prior to disposal.

(Ord. 114500 § 1(part), 1989.)

21.43.060 Transfer of infectious waste.

Any infectious waste generator who produces more than one hundred (100) pounds of infectious waste per month that requires off-site infectious waste treatment shall have such waste transported only by an infectious waste transporter.

(Ord. 114500 § 1(part), 1989.)

21.43.070 Infectious waste transport.

A. It shall be unlawful for any person to operate as an infectious waste transporter, without a valid permit therefor issued to such person by the Health Officer. Permits shall not be transferable and shall be valid only for the person and place or vehicle for which issued.

B. Any person desiring to operate as an infectious waste transporter shall submit three (3) copies of a written application to the Health Officer, on a form to be provided by the Health Officer. The Health Officer shall refer one (1) copy to the Washington State Department of Ecology.

1. Such application shall include the applicant's full name, post office address, and the signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm, corporation, and, if a partnership, the names and mailing addresses of all of the partners; and shall also state the legal description of the site(s) that the applicant is planning to use to treat or dispose of infectious waste.

2. The permit shall be accompanied by a nonrefundable fee of One Hundred Dollars ($100.00) for up to four (4) vehicles, and Twenty Dollars ($20.00) for the fifth and each additional vehicle.

3. When inspection reveals that the applicable requirements of this chapter have been met and the applicable fee has been paid, a permit shall be issued to the applicant by the Health Officer. The Health Officer may deny the application if, in his/her judgment, the operation of the vehicle is likely to result in a hazard to the public health and/or will not meet the requirements of this chapter. The Health Officer may also suspend or revoke a permit during its term for noncompliance with the conditions of the permit, the permittee's failure to disclose relevant facts at any time, or if the permittee's activity endangers or manifests irresponsibility concerning public health or the environment. The Health Officer shall consider any relevant health and safety factors in making this determination. If an application is denied or a permit is suspended or revoked, the Health Officer, at the time of the denial, suspension or revocation, shall inform the applicant in writing of the reasons for the denial or revocation and the applicant's right to an appeal pursuant to Chapter 70.95 RCW.

4. Should the holder of an infectious waste transporter permit desire to transport infectious waste to a site other than the site listed, the permittee shall first obtain written approval of such site from the Health Officer.

5. All permits issued pursuant to this chapter shall expire on June 30th next following date of issuance.

6. Fees for inspection service requested by the infections waste transporter, to be performed outside regular departmental working hours, will be charged at a rate equal to the cost of performing the service. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the re-examination of such plans shall be assessed at the current cost of plan review.

7. The Health Officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

a. Reproduction and/or search of records and documents;

b. Examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provisions of this chapter or their acceptability for use.

8. The Health Officer or his/her authorized representative shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to King County's cost for furnishing such services and materials.

C. Infectious waste shall be transported over the highways only in a leakproof and fully enclosed container or vehicle compartment. Infectious waste shall not be transported in the same vehicle with other waste or medical specimens unless the infectious waste is contained in a separate, fully enclosed leakproof container within the vehicle compartment. Infectious waste shall be delivered for treatment only to a facility that meets all local, state and federal environmental regulations, as determined by the appropriate local, state and federal agencies. Surfaces of infectious waste collection/transportation vehicles that have contacted spilled or leaked infectious waste shall be decontaminated as described in this chapter.

D. Infectious waste collection/transportation vehicles used by permitted infectious waste transporters shall have a leakproof, fully enclosed vehicle compartment of a durable and easily cleanable construction, and shall be identified on each side of the vehicle with the name or trademark of the infectious waste transporter.

E. All persons collecting or transporting infectious waste shall avoid littering, or the creation of other nuisances at the loading point, during transport and for the proper unloading of the waste at a permitted solid-waste handling site.

F. All persons commercially collecting or transporting infectious waste shall inspect collection and transportation vehicles monthly, for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facil

ity normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.

G. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system unless otherwise authorized by the Health Officer.
(Ord. 114500 § 1(part), 1989.)

21.43.090Violation—Penalty.

A. Authority. The Seattle-King County Health Officer is authorized to enforce the provisions of this chapter.

B. Criminal Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this code, any person who wilfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be guilty of a crime subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a criminal fine or forfeiture not to exceed Two Thousand Dollars ($2,000.00), or by a term of confinement not to be longer than six (6) months. Each day's violation shall constitute a separate offense.

C. Civil Penalty. In addition to or as an alternative to any other judicial administrative remedy provided herein or by law or other provision of this Code, any person who violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty. The penalty for the first violation shall be Two Hundred Fifty Dollars ($250.00). The penalty for the second separate violation by the same person in any five (5) year period shall be Five Hundred Dollars ($500.00), and for each subsequent violation by the same person in any five (5) year period the penalty shall be Seven Hundred Fifty Dollars ($750.00).

D. Administrative Order. In addition to or as an alternative to any other judicial or administrative remedy provided therein or by law or other provision of this Code, the Health Officer may

order a violation of this chapter to be abated. The Health Officer may order any person who creates or maintains a violation of this chapter, or any order issued pursuant to this chapter, to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. She/he will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

E. Notwithstanding the existence of use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any provision of this chapter. Any person aggrieved by an order issued pursuant to this subsection may appeal such order by filing a written appeal with the Hearing Examiner within ten (10) days of the service of the order, pursuant to Chapter 3.02 of this Code. (Ord. 114723 § 25, 1989.)

Chapter 21.44
STANDARDS FOR SOLID WASTE HANDLING

Sections:

Severability: If any clause, sentence, paragraph or part of this chapter, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter. (Ord. 106970 § 8, 1977.)

21.44.010Standards for solid waste handling.

All solid waste handling activities in The City of Seattle shall comply with the State Minimum Functional Standards for Solid Waste Handling,

WAC 173-304 (as promulgated through May, 1989), which is hereby adopted by reference.
(Ord. 114723 § 27(part), 1989.)

21.44.020Permits required.

In accordance with RCW Chapter 70.95, and WAC 173-304-600, a permit is required for all solid waste handling facilities subject to the requirements of WAC 173-304-130, 173-304-300, and 173-304-400. The owner or operator of the solid waste handling facility is responsible for obtaining the permit, which must be renewed annually, from the Seattle-King County Department of Public Health. Applications for a permit must contain all the information set forth in WAC 173.304.600(3).
(Ord. 114723 § 27(part), 1989.)

21.44.030Nonconforming facilities.

A nonconforming permit may be issued for solid waste handling facilities existing on or before November 27, 1985 which do not meet all of the pertinent requirements of the State Minimum Functional Standards for Solid Waste Handling, but which will be upgraded to meet such requirements according to a compliance schedule approved by the Health Officer, or which will be closed on a schedule approved by the Health Officer, provided that the compliance schedule shall ensure that these facilities meet the deadlines contained in WAC 173-304-400(3).
(Ord. 114723 § 27(part), 1989.)

21.44.040Special permits.

A. If a disposal site and/or operation utilizes a new method of solid waste handling or disposal not otherwise provided for in the State Minimum Functional Standards, a "special purposes facilities" permit may be issued.

B. The Health Officer shall determine which items of the Minimum Functional Standards shall apply to the disposal site on a case-by-case basis so as to protect the public health and the environment and to avoid the creation of nuisances. The terms and conditions of the special permit shall be itemized in writing by the Health Officer.
(Ord. 114723 § 27(part), 1989.)

21.44.050Fees.

A. Permit Application/Plan Review Fees. Permit applications to maintain, operate, alter, expand or improve a solid waste handling facility in the City, shall be made on forms provided by the Seattle-King County Department of Public Health, and shall be accompanied by a nonrefundable fee, as follows:

1. Municipal and construction landclearing (CDL) landfills — Six Hundred Dollars ($600.00), plus Ten Dollars ($10.00) for each acre of landfill site, resulting in a total fee not to exceed One Thousand Dollars ($1,000.00).
2. Inert landfill — Two Hundred Dollars ($200.00).
3. Energy recovery and incineration — Five Hundred Fifty Dollars ($550.00).
4. Recycling—Commercial
   a. Noncontainerized composting — One Hundred Dollars ($100.00) plus Fifteen Dollars ($15.00) per acre, resulting in a total fee not to exceed One Thousand Dollars ($1,000.00).
   b. Waste pile recycling — Two Hundred Dollars ($200.00).
   c. Solid waste treatment site — One Hundred Dollars ($100.00).
5. Transfer station — Two Hundred Twenty Dollars ($220.00).
6. Special purpose facility — Three Hundred Dollars ($300.00).
7. Closed landfill, plan review — Five Hundred Fifty Dollars ($550.00).
8. Drop box — One Hundred Ten Dollars ($110.00).
9. Biosolids utilization sites:
   a. Sites with biosolids application rates greater than or equal to four (4) dry tons per acre per year — One Hundred Fifty Dollars ($150.00), plus Ten Dollars ($10.00) per acre resulting in a total fee not to exceed Five Hundred Dollars ($500.00).
   b. Sites with biosolids application rates less than four (4) dry tons per acre per year — One Hundred Fifty Dollars ($150.00).
10. Storage/treatment piles
    a. First acre — One Hundred Dollars ($100.00).

b. Each additional acre Fifty Dollars ($50.00).
11. Wood waste landfills Three Hundred Dollars ($300.00) plus Ten Dollars ($10.00) per acre, resulting in a total fee not to exceed Five Hundred Dollars ($500.00).
12. Surface impoundments Two Hundred Fifty Dollars ($250.00).
13. Moderate-risk waste collection and storage facility Two Hundred Fifty Dollars ($250.00).

B. Permit Renewal Fees. Applications to renew a permit shall be made on or before January 1st of each year on forms provided by the Seattle-King County Department of Public Health. Application for renewal shall be accompanied by a nonrefundable fee, as follows:

1. Municipal and construction, demolition landclearing (CDL) landfills One Hundred Fifty Dollars ($150.00).
2. Inert landfill One Hundred Fifty Dollars ($150.00).
3. Solid waste incineration and energy recovery One Hundred Fifty Dollars ($150.00).
4. Compost Four Hundred Seventy-five Dollars ($475.00).
5. Transfer station Two Thousand Dollars ($2,000.00).
6. Recycling
   a. Noncontainerized composing piles
      — First acre One Hundred Dollars ($100.00).
      — Each additional site Fifteen Dollars ($15.00).
   b. Waste pile recycling One Hundred Dollars ($100.00).
7. Closed landfill site Three Thousand Dollars ($3,000.00).
8. Drop box Seventy-five Dollars ($75.00).
9. Landspreading (land utilization of biosolids):
   a. Sites with biosolids application rates greater than or equal to four (4) dry tons per acre, per year One Hundred Fifty Dollars ($150.00), plus Ten Dollars ($10.00) per acre.
   b. Sites with biosolids application rates less than four (4) dry tons per acre, per year One Hundred Fifty Dollars ($150.00).
10. Special purpose facility One Hundred Dollars ($100.00).
11. Storage/treatment piles One Hundred Dollars ($100.00), plus Fifteen Dollars ($15.00) per acre.
12. Wood waste landfills Two Hundred Fifty Dollars ($250.00).
13. Surface impoundments Two Hundred Fifty Dollars ($250.00).
14. Solid waste treatment site Two Hundred Fifty Dollars ($250.00).
15. Biomedical waste storage/treatment site Two Hundred Fifty Dollars ($250.00).

(Ord. 116438 § 1, 1992: Ord. 115442 § 1, 1990; Ord. 114723 § 27(part), 1989.)

21.44.060 Collection and transportation vehicles—Permits.

A. Permits Required. A permit is required to operate a solid waste collection/transportation vehicle. The vehicle owner is responsible for obtaining a permit from the Health Officer. Permits shall not be transferable and shall be valid only for the person and vehicle for which issued.

B. Nonduplication. Collection/transportation vehicle owners who have received a vehicle permit from the Health Officer under King County solid waste regulations (Code of King County Board of Health Title 10) do not need to obtain a second permit for the same vehicle.

C. Permit Application.

1. The application shall include the applicant's full name, address, and the signature of an authorized representative of the applicant; and shall disclose whether such applicant is an individual, firm, corporation, and, if a partnership, the names and mailing addresses of all of the partners.

2. Permit applications shall be submitted in triplicate on forms provided by the Health Officer.

3. The permit application shall be accompanied by a fee of Twenty-seven Dollars ($27.00) for each vehicle.

D. Quarterly Permit Fee Payments. In addition to the application fee, every person holding a solid waste collection/transportation vehicle permit shall pay to the Department of Public Health a permit fee equivalent to Five Dollars and Twenty-four Cents ($5.24) per month for each customer of such permit holder who is located in The City of Seattle and who is not billed for solid waste collection services by the City. Effective January 1, 1995, such permit fee shall be equivalent to Six Dollars and Seventy-seven Cents ($6.77) per month for each customer of such permit holder who is located in The City of Seattle and who is not billed for solid waste collection services by the City. All payments pursuant to this subsection D shall be remitted to the Department of Public Health on a quarterly basis for purposes of implementing the Local Hazardous Waste Management Plan.

E. Expiration. Permits shall expire on June 30th next following date of issuance.

(Ord. 117260 § 3, 1994: Ord. 116438 § 2, 1992: Ord. 115620 § 2, 1991: Ord. 114723 § 27(part), 1989.)

21.44.065 Collection and transportation vehicles—Operation.

A. All persons collecting or transporting solid waste shall avoid littering, creating of other nui-

sances at the loading point, during the transport and unloading of the solid waste at a permitted transfer station or other permitted solid waste handling site.

B. Vehicles or containers used for the collection and transportation of solid waste, except infectious waste, shall be durable and of easily cleanable construction, and shall be tightly covered or screened where littering may occur. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.

C. Vehicles or containers used for the collection and transportation of any solid waste, except infectious waste, shall be loaded and moved in such a manner that the contents will not fail, leak in quantities to cause a nuisance, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

D. All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles monthly for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.

E. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system unless otherwise authorized by the Health Officer.

(Ord. 114723 § 27(part), 1989.)

21.44.070Special inspections—Plan reexamination.

Fees for inspection service requested by the solid waste disposal site or collection/transportation vehicle management, to be performed outside regular departmental working hours, will be charged at a rate equal to the cost of performing the service. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the reexamination of such plans shall be assessed at the cost of plan review prevailing at the time of resubmittal.

(Ord. 114723 § 27(part), 1989.)

21.44.080Special services.

A. Authority. The Health Officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

1. Reproduction and/or search of records and documents;

2. Examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provisions of this chapter or their acceptability for use.

B. Terms and Conditions. The Health Officer or his/her authorized representative shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to the Seattle-King County Health Department's cost for furnishing such services and materials.

(Ord. 114723 § 27(part), 1989.)

21.44.090Violation—Penalty.

A. Authority. The Seattle-King County Health Officer is authorized to enforce the provisions of this chapter.

B. Criminal Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this Code, any person who wilfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be guilty of a crime subject to the provisions of Chapters 12A.02 or 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a criminal fine or forfeiture not to exceed Two Thousand Dollars ($2,000.00), or by a term of confinement not to be longer than six (6) months. Each day's violation shall constitute a separate offense.

C. Civil Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this Code, any person who violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty. The penalty for the first violation shall be Two Hundred Fifty Dollars ($250.00). The penalty for the second separate violation by the same person in any five (5) year period shall be Five Hundred Dollars ($500.00), and for each subsequent violation by the same person in any five (5) year period the penalty shall be Seven Hundred Fifty Dollars ($750.00).

D. Administrative Order. In addition to or as an alternative to any other judicial or administrative remedy provided therein or by law or other provision of this Code, the Health Officer may order a violation of this chapter to be abated. The Health Officer may order any person who creates or maintains a violation of this chapter, or any order issued pursuant to this chapter, to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. She/he will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

E. 1. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any provision of this chapter.

2. Any person aggrieved by an order issued pursuant to this subsection may appeal such order by filing a written appeal with the Hearing Examiner within ten (10) days of the service of such order, pursuant to Chapter 3.02 of this Code.

(Ord. 114723 § 27(part), 1989.)

Subtitle IV Lighting and Power

Chapter 21.49
SEATTLE CITY LIGHT DEPARTMENT

Sections:

21.49.150 Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this chapter or its application to any facts or circumstances is for any reason held to be unconstitutional or void, the invalidity shall not thereby affect the validity of the remaining portions of this chapter or their application to other facts or circumstances.
(Ord. 116619 § 17(part), 1993: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

Cases: Rate setting by ordinance was upheld in **Earle M. Jorgensen Co. v. Seattle**, 99 Wn.2d 861, 665 P.2d 1328 (1983).

21.49.005Rate surcharge through February 28, 1995.

Seattle City Light electrical rates, as set forth in Schedule 20, Schedule 26, Schedule 31, Schedule 34, Schedule 35, Schedule 38, Schedule 39, Schedule 42, Schedule 43, Schedule 3, Schedule 48, and Schedule 81, shall be increased by eight and nine-tenths percent (8.9%) through February 28, 1995.
(Ord. 117115 § 1, 1994: Ord. 116291, 1992.)

21.49.010Scope.

Rates and provisions for electricity and services supplied by the Seattle City Light Department shall be as set forth in this chapter. Section and subsection titles of this chapter are designed for reference purposes and are not substitutes for the referenced textual material.
(Ord. 114459 § 1, 1989: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

21.49.020Definitions.

A. The following terms or abbreviations, as used in this chapter, have the following meanings:

1. "Applicant" means any person, firm, corporation, government agency, or other entity requesting electrical service from the Department.

2. "BPA" means the Bonneville Power Administration or successor agency.

3. "City" means The City of Seattle.

4. "Customer" means any person, firm, corporation, government agency, or other entity that uses, has used, contracts, or has contracted for electric service from the Department.

5. "Department" means the Seattle City Light Department of the City, its Superintendent, or any duly authorized employee of the Department.

6. "Duplex" means a detached building containing two (2) dwelling units.

7. "Dwelling unit" means a single unit providing complete independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.

8. "Flat rate" means a fixed charge for a streetlight, floodlight, or a fixed amount of energy consumption.

9. "House service" or "house meter" means service for rooms or areas used in common by the occupants of a multiple-unit building.

10. "KV" means kilovolt.

11. "KVA" means kilovolt-ampere.

12. "KVarh" means reactive kilovolt-ampere hours.

13. "KW" means kilowatt.

14. "KWh" means kilowatt-hour.

15. "Master meter" means service which supplies electrical energy to more than one (1) dwelling unit or boat moorage and is measured through a single inclusive metering system.

16. "Medical life-support equipment" is any piece of equipment which is prescribed by a licensed medical physician, generally accepted in the medical industry as life support equipment, and dependent on electrical service for its operation, such as kidney dialysis units, iron lungs, etc.

17. "MW" means megawatt.

18. "Multiple dwelling building" means any building or any portion of the building which contains three (3) or more dwelling units used, rented, leased, let, or hired out to be occupied, or which are occupied and have provisions for living, sleeping, eating, cooking, and sanitation.

19. "New large single load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility which is not contracted for or committed to by a customer prior to September 1, 1979 and which will result in an increase in power requirements of such a customer of ten (10) average mW or more in any consecutive twelve (12) month period.

20. "Peak period" means Monday through Friday, seven a.m. (7:00 a.m.) to ten p.m. (10:00 p.m.).

21. "Power factor" is the ratio kW to kVA.

22. "Premises" means all of the real property at a single geographic location utilized by a customer.

23. "RCW" means Revised Code of Washington.

24. "Residence" means a single-family dwelling.

25. "Var" means volt ampere reactive, the unit of measure of reactive power in a circuit.

B. The following terms, as used for the purpose of applying rate schedules, have the following meanings:

1. "General service" means service to any customer who does not qualify for residential or public street lighting service. General service rates also apply to the separately metered electricity use by residential customers where that use is not for domestic purposes; or, to a single-metered service which includes domestic uses but for which the major portion of the service is used on an ongoing and regular basis for the conduct of business. General service uses include, but are not limited to, manufacturing, processing, refining, freezing, lighting, water heating, power purposes, air conditioning and space heating, traffic-control systems, and electricity provided to the common use areas of duplex or multiple-dwelling buildings.

a. "General service: standard" means any general service customer who does not qualify for general service: industrial.

b. "General service: industrial" means permanent electric service to plants where the primary function is manufacturing, processing, refining, or freezing, and for which the major portion of the electrical service is used on an ongoing and regular basis for one (1) or more of the aforementioned primary functions. To qualify for industrial service, the industrial power load must be fifty (50) kW or more of maximum demand recorded in half (½) or more of the normal billings in the previous calendar year. Determination of a customer's qualification for industrial service is at the discretion of the Department. The Department may use documents or manuals, including but not limited to the Standard Industrial Classification Code, to determine a customer's qualification for industrial service.

2. "Residential service" means permanent electric service furnished to a dwelling unit that is separately metered for domestic use. It includes any second service determined to be domestic use and billed on the same residential account. It excludes dwellings where tenancy is typically of a transient nature such as hotels, motels, and lodges. It also excludes services which use electicity for both domestic and commercial purposes if the major portion of the service is used on an ongoing and regular basis for the conduct of business.

Boarding, lodging, rooming houses or group homes shall be considered residential services if not more than four (4) separate sleeping quarters exist for use by other than members of the customer's family. A "boarding, lodging, or rooming house" means a building other than a hotel which advertises as a boarding, lodging or rooming house, or is a licensed place of business with rooms available for rent. A group home is an agency which operates and maintains a group care facility on a twenty-four (24) hour basis in a dwelling unit for the care of not more than ten (10) persons (including minor children of staff residing on the premises) under the age of eighteen (18) years.

(Ord. 116619 § 2, 1993: Ord. 114835 § 1, 1989: Ord. 114459 § 2, 1989: Ord. 112738 § 1(part), 1986: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

21.49.030Residential rate (Schedule 20).

A. Schedule 20 is for all separately metered residential services.

Schedule 20

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
First 300 kWh per month at 2.15¢ per kWh
All over 300 kWh per month at 3.70¢ per kWh
Winter Billing Cycles (November — February)
First 480 kWh per month at 3.21¢ per kWh
All over 480 kWh per month at 5.53¢ per kWh

Minimum Charge:
The minimum monthly charge for each meter shall be $2.75; however, when there is no consumption, there will be no charge.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
First 300 kWh per month
at 2.24¢ per kWh
All over 300 kWh per month
at 3.85¢ per kWh

Winter Billing Cycles (November—February)
First 480 kWh per month
at 3.34¢ per kWh
All over 480 kWh per month
at 5.75¢ per kWh

Minimum Charge:
The minimum monthly charge for each meter shall be $2.86; however, when there is no consumption, there will be no charge.

B. Normal residential service shall be limited to single-phase.

C. If Schedule 20 is applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

D. Duplexes using a single meter prior to October 13, 1978 shall be considered as a single residence for the purpose of applying Schedule 20. For a new duplex or a larger service to an existing duplex, each residence shall be separately metered.

E. If an electric water heater providing potable water is served under Schedule 20, it shall be a storage-type insulated tank heated by elements which are thermostatically controlled. The maximum element wattage shall not exceed five thousand five hundred (5,500) watts.

F. All electrical service provided for domestic uses to a single residential account, including electrically heated swimming pools, shall have all consumption of electricity added together for billing on Schedule 20.

(Ord. 116619 § 4, 1993: Ord. 115951 § 1, 1991: Ord. 114835 § 2, 1989: Ord. 114459 § 3, 1989: Ord. 112738 § 1(part), 1986: Ord. 112441 § 1, 1985: Ord. 111615 (part), 1984: Ord. 110919 § 1, 1982: Ord. 110733 (part), 1982.)

21.49.040Residential rate assistance (Schedule 26).

Schedule 26 is available to qualified low-income residential customers.

A. Schedule 26 is available for separately metered residential service use by persons who show satisfactory proof that they have a City Light residential account and reside in the dwelling unit where the account is billed and that they:

1. Receive Supplemental Security Income pursuant to 42 U.S.C. §§ 1381 — 1383; or

2. Reside in a household in which the annual income of all household members together does not exceed one hundred twenty-five percent (125%) of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City; or

3. Reside in a household in which the annual income of all household members together does not exceed seventy percent (70%) of the Washington State median income for the number of individuals in the household as computed annually by the State or the City and are:

a. Blind, or

b. Sixty-five (65) years of age or older, or

c. Disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 U.S.C. § 401 et seq., or

d. Require medical life-support equipment which utilizes mechanical or artificial means to sustain, restore, or supplant a vital function.

Schedule 26

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
First 300 kWh per month at 1.08¢ per kWh
All over 300 kWh per month at 1.85¢ per kWh
Winter Billing Cycles (November — February)

First 480 kWh per month at 1.61¢ per kWh
All over 480 kWh per month at 2.77¢ per kWh

Minimum Charge:
The minimum monthly charge for each meter shall be $1.38; however, when there is no consumption, there will be no charge.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
First 300 kWh per month at 1.12¢ per kWh
All over 300 kWh per month at 1.92¢ per kWh
Winter Billing Cycles (November—February)
First 480 kWh per month at 1.68¢ per kWh
All over 480 kWh per month at 2.88¢ per kWh

Minimum Charge:
The minimum monthly charge for each meter shall be $1.44; however, when there is no consumption, there will be no charge.

B. Applicants for Schedule 26 shall verify the information required to certify their eligibility for residential rate assistance and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the City's Department of Housing and Human Services.

C. Schedule 26 and any other form of residential rate assistance established by the Department is not available to those otherwise eligible persons who own their dwelling unit and who use electric heat as defined in Seattle Municipal Code Section 21.52.210 (Ordinance 109675, Section 2) but who have not completed or who are not in the process of completing the energy conservation measures required for participation in the Comprehensive Residential Weatherization Program described in Seattle Municipal Code Section 21.52.260 (Ordinance 109675, Section 8). Customers who own their own dwelling unit and who use electric heat have one (1) year from the date of application for Schedule 26 to complete the energy conservation measures. Eligibility for residential rate assistance may be continued by the Department, however, if the Department determines that the customer's failure to complete the required energy conservation measures is the fault of the City in failing to furnish or properly administer the Low Income Electric Program set forth in Seattle Municipal Code Section 21.52.250 (Ordinance 109675, Section 7).

D. Schedule 26 shall not apply to any subsidized unit operated by the Seattle Housing Authority, the Housing Authority of the County of King, or the Federal Government where utility allowances are provided.

E. Normal residential service under Schedule 26 shall be limited to single-phase.

F. If Schedule 26 is applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

G. Duplexes using a single meter prior to October 13, 1978 shall be considered as a single residence for the purpose of applying Schedule 26. For a new duplex or a larger service to an existing duplex, each residence shall be separately metered.

H. If an electric water heater providing potable water is served under Schedule 26, it shall be a storage-type insulated tank heated by elements which are thermostatically controlled. The maximum element wattage shall not exceed five thousand five hundred (5,500) watts.

I. All electric service provided for domestic uses to a single residential account, including electrically heated swimming pools, shall have all consumption of electricity added together for billing on Schedule 26.

J. The Department will provide owners of electric ranges, water heaters, permanently connected electric heat, microwave ovens, electric clothes dryers, dishwashers, refrigerators, and freezers with free parts and service for these appliances when the owner of the appliance requiring service is billed under Schedule 26.

(Ord. 116619 § 5(part), 1993: Ord. 115951 § 2, 1991: Ord. 114835 § 3, 1989: Ord. 114459 § 4, 1989: Ord. 112738 § 1(part), 1986: Ord. 112441 § 2, 1985: Ord. 111615 (part), 1984: Ord. 111243 § 1, 1983: Ord. 110919 § 2, 1982; Ord. 110733 (part), 1982.)

21.49.042Emergency low-income assistance program.

A. An emergency credit of fifty percent (50%) of a customer's delinquent bills up to a maximum credit of Two Hundred Dollars ($200.00) may be granted by the Department to residential account holders who qualify under the following criteria:

1. Meet the income eligibility guidelines for assistance under the Federal Energy Crisis Intervention Program; and

2. Have received a twenty-four (24) hour notice from the Department notifying them that payment or payment arrangements must be made to prevent disconnection; and

3. Have applied for and received grants from both the Federal Energy Assistance Program and the Federal Energy Crisis Intervention Program during their current program year or funds available through these programs must have been exhausted for the current program year; and

4. Have entered into an agreement with the Department to pay a minimum of fifty percent (50%) of the delinquent amount and also make arrangements to pay any remaining delinquent balance. The emergency credit from this program may be applied to the required payment of the minimum of fifty percent (50%) of the delinquent amount.

B. A customer is eligible for the emergency credit only one (1) time in each twelve (12) month period.

C. This program shall terminate thirty (30) days following the termination of either the Federal Energy Assistance Program or the Federal Crisis Intervention Program.

(Ord. 116619 § 5(part), 1993: Ord. 112637 § 1, 1985.)

21.49.052Small general service (Schedule 31).

Schedule 31 is for general service customers whose maximum demand is less than fifty (50) kW.

A. Schedule 31 is for general service customers who are not demand metered or, if demand metered, have in the previous calendar year more than half of the normal billings less than fifty (50) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

E. The Department will provide one (1) transformation from the available distribution system

Schedule 31

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
All energy at 3.11¢ per kWh
Winter Billing Cycles (November — February)
All energy at 4.51¢ per kWh

Minimum Charge:
The minimum monthly charge for each meter shall be $5.00.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
All energy at 3.24¢ per kWh
Winter Billing Cycles (November—February)
All energy at 4.69¢ per kWh

Minimum Charge:
The minimum monthly charge for each meter shall be $5.20.

Discounts:
Transformer losses —
$.53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$
Transformer investment —
$0.21 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in subsection A of this section.

C. For customers who provide their own transformation from the Department's distribution system voltage of thirteen (13) kV or above to a utilization voltage, a discount for transformer investment will be provided in the amount stated in subsection A of this section.

D. The Department reserves the right to control the use of service to electric space-heating equipment during such hours as may be deemed necessary. The customer may be required to provide suitable space-heating service controls as determined by the Department.

voltage of thirteen (13) kV or higher to a standard service voltage, and metering normally will be at

the service voltage level. However, if the Department determines that it is either uneconomical or impractical to meter at the service voltage level, the Department will meter at the distribution voltage level and the monthly kWh billed will be reduced by the amount of the discount for transformer losses.

If the customer elects to receive service from the Department's available distribution system voltage of thirteen (13) kV or higher, metering will be at the distribution voltage level and the discounts for transformer losses and for transformer investment, if applicable, will be applied to the customer's billings. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter at the service voltage level and the discount for transformer losses will not be applicable.

F. Any customer who adds a new large single load to the Seattle City Light Department service area shall be subject to additional charges described in Section 21.49.090, subsection N.

(Ord. 116619 § 6, 1993: Ord. 115951 § 3, 1991: Ord. 114835 § 4, 1989: Ord. 114459 § 5, 1989: Ord. 112738 § 1(part), 1986.)

21.49.055Medium general service (Schedules 34 and 35).

A. Schedules 34 and 35 are for general service customers who have in the previous calendar year for half or more than half of their normal billings fifty (50) kW of maximum demand or greater and have more than half of their normal billings less than one thousand (1,000) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

Schedule 34
Medium General Service: Standard

Schedule 34 is for medium general service customers for general service uses of electricity.

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
All energy at 2.62¢ per kWh
Winter Billing Cycles (November — February)
All energy at 3.92¢ per kWh

Demand Charges:
Summer Billing cycles (March — October)
All kW of maximum demand at $1.19 per kW
Winter Billing Cycles (November — February)
All kW of maximum demand at $2.08 per kW

Minimum Charge:
The minimum monthly charge for each meter shall be $28.00.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
All energy at 2.73¢ per kWh
Winter Billing Cycles (November—February)
All energy at 4.08¢ per kWh

Demand Charges:
Summer Billing Cycles (March—October)
All kW of maximum demand at $1.24 per kW
Winter Billing Cycles (November—February)
All kW of maximum demand at $2.16 per kW

Minimum Charge:
The minimum monthly charge for each meter shall be $29.13.

Discounts:
Transformer losses —
$1756 + .53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$
Transformer investment —
$0.21 per kW of monthly maximum demand

Schedule 35
Medium General Service: Industrial

Schedule 35 is for medium general service customers for industrial services at plants where the primary function is manufacturing, processing, refining or freezing, and for which the major portion of the electrical service is used on an ongoing and regular basis for one or more of the aforementioned primary functions.

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
All energy at 2.39¢ per kWh
Winter Billing Cycles (November — February)
All energy at 3.61¢ per kWh

Demand Charges:
Summer Billing Cycles (March — October)
All kW of maximum demand at $1.19 per kW
Winter Billing Cycles (November — February)
All kW of maximum demand at $2.08 per kW

Minimum Charge:
The minimum monthly charge for each meter shall be $28.00.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
All energy at 2.49¢ per kWh
Winter Billing Cycles (November—February)
All energy at 3.76¢ per kWh

Demand Charges:
Summer Billing Cycles (March—October)
All kW of maximum demand at $1.24 per kW
Winter Billing Cycles (November—February)
All kW of maximum demand at $2.16 per kW

Minimum Charge:
The minimum monthly charge for each meter shall be $29.13.

Discounts:
Transformer losses —
$1756 + .53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$
Transformer investment —
$0.21 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in subsection A of this section.

C. For customers who provide their own transformation from the Department's distribution system voltage of thirteen (13) kV or above to a utilization voltage, a discount for transformer investment will be provided in the amount stated in subsection A of this section.

D. The Department reserves the right to control the use of service to electric space-heating equipment during such hours as may be deemed necessary. The customer may be required to provide suitable space-heating service controls as determined by the Department.

E. The Department will provide one (1) transformation from the available distribution system voltage of thirteen (13) kV or higher to a standard service voltage, and metering normally will be at the service voltage level. However, if the Department determines that it is either uneconomical or impractical to meter at the service voltage level, the Department will meter at the distribution voltage level and the monthly kWh billed will be reduced by the amount of the discount for transformer losses.

If the customer elects to receive service from the Department's available distribution system voltage of thirteen (13) kV or higher, metering will be at the distribution voltage level and the discounts for transformer losses and for transformer investment, if applicable, will be applied to the customer's billings. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter at the service voltage level and the discount for transformer losses will not be applicable.

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F. If, at a single premises, the service ampacity for any new load or the composite ampacity of the service is in excess of the following current capacities, or for any service at a voltage higher than four hundred eighty (480) volts, the Department will provide only a single service for all customer load.

120/208 volts, three-phase 1,000 amperes(800 amperes in network area)
138/240 volts, three-phase 1,000 amperes
277/480 volts, three-phase 600 amperes(800 amperes in network area)
120/240 volts, three-phase 600 amperes
240/480 volts, three-phase 300 amperes

G. If the service ampacity is not in excess of the current capacities shown above, Schedule 35 will apply only to industrial power loads, unless all customer load is served from a single service.

H. Any customer who adds a new large single load to the Seattle City Light Department service area shall be subject to the additional charges described in Section 21.49.090, subsection N.

(Ord. 116619 § 7, 1993: Ord. 115951 § 4, 1991: Ord. 114835 § 5, 1989: Ord. 114459 § 6, 1989: Ord. 113636 § 1, 1987: Ord. 112738 § 1(part), 1986.)

21.49.057Large general service (Schedules 38 and 39).

A. Schedules 38 and 39 are for general service customers inside the network system who have in the previous calendar year billings for half or more than half of the normal billings at one thousand (1,000) kW of maximum demand or greater. Schedules 38 and 39 are also for general service customers outside the network system who have in the previous calendar year billings for half or more than half of their normal billings at one thousand (1,000) kW of maximum demand or greater and have more than half of their normal billings less than ten thousand (10,000) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

Schedule 38
Large General Service: Standard

Schedule 38 is for large general service customers for general service uses of electricity.

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.89¢ per kWh
Off-Peak:Energy used at all times other than the peak period at 2.08¢ per kWh
Winter Billing Cycles (November — February)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.59¢ per kWh
Off-Peak:Energy used at all times other than the peak period at 2.72¢ per kWh

Demand Charges:
Summer Billing Cycles (March — October)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.59 per kW
Off-Peak: No charge

Winter Billing Cycles (November — February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.87 per kW
Off-peak: No charge

Minimum Charge:
The minimum monthly charge for each meter shall be $205.00.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
Peak:Energy used between 7 a.m. and 10 p.m. Monday through Friday at 4.05¢ per kWh
Off-peak:Energy used at all times other than the peak period at 2.16¢ per kWh
Winter Billing Cycles (November—February)
Peak:Energy used between 7 a.m. and 10 p.m. Monday through Friday at 4.78¢ per kWh
Off-peak:Energy used at all times other than the peak period at 2.83¢ per kWh

Demand Charges:
Summer Billing Cycles (March—October)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.61 per kW
Off-peak:No charge
Winter Billing Cycles (November—February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.91 per kW
Off-peak:No charge

Minimum Charge:
The minimum monthly charge for each meter shall be $213.30.

Discounts:
Transformer losses —
1756 + .53285 × kW + .00002 × kW^2 + .00527 × kWh
Transformer investment —
$0.21 per kW of monthly maximum demand

Schedule 39
Large General Service: Industrial

Schedule 39 is for large general service customers for industrial services at plants where the primary function is manufacturing, processing, refining or freezing, and for which the major portion of the electrical service is used on an ongoing and regular basis for one (1) or more of the aforementioned primary functions.

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.58¢ per kWh
Off-Peak:Energy used at all times other than the peak period at 1.91¢ per kWh

Winter Billing Cycles (November — February)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.23¢ per kWh
Off-Peak:Energy used at all times other than the peak period at 2.50¢ per kWh

Demand Charges:
Summer Billing Cycles (March — October)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.59 per kW
Off-Peak: No charge

Winter Billing Cycles (November — February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.87, per kW
Off-peak:No charge

Minimum Charge:
The minimum monthly charge for each meter shall be $213.30.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.72¢ per kWh
Off-peakEnergy used at all times other than the peak period at 1.99¢ per kWh
Winter Billing Cycles (November—February)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.40¢ per kWh
Off-peak:Energy used at all times other than the peak period at 2.60¢ per kWh

Demand Charges:
Summer Billing Cycles (March—October)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.61 per kW
Off-peak:No Charge
Winter Billing Cycles (November—February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.91 per kW
Off-peak:No Charge

Minimum Charge:
The minimum charge for each meter shall be $213.30.

Discounts:
Transformer losses —
$1756 + .53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$
Transformer investment —
$0.21 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in subsection A of this section.

C. For customers who provide their own transformation from the Department's distribution system voltage of thirteen (13) kV or above to a utilization voltage, a discount for transformer investment will be provided in the amount stated in subsection A of this section.

D. The Department reserves the right to control the use of service to electric space-heating equipment during such hours as may be deemed necessary. The customer may be required to provide suitable space-heating service controls as determined by the Department.

E. For large industrial service, the Department will provide a single service for all customer load. An exception to this condition of service will be load previously served under the terms of a contract for interruptibility; or subsection D under Section 21.49.090.

F. Any customer who adds a new large single load to the Seattle City Light Department service area shall be subject to the additional charges described in Section 21.49.090, subsection N.

(Ord. 116619 § 8, 1993: Ord. 115951 § 5, 1991: Ord. 114835 § 6, 1989: Ord. 114459 § 7, 1989: Ord. 113636 § 2, 1987: Ord. 112738 § 4(part), 1986.)

21.49.058High demand general service (Schedules 42 and 43).

A. Schedules 42 and 43 are for general service customers who have in the previous calendar year billings for half or more than half of their normal billings at ten thousand (10,000) kW of maximum demand or greater, and who are located outside the Seattle City Light Department's network system. Classification of new customers will be based on the Department's estimates of maximum demand in the current year.

Schedule 42
High Demand General Service: Standard

Schedule 42 is for high demand general service customers for general service uses of electricity.

BASE RATES:

Energy Charges:
Summer Billing Cycles (March — October)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.78¢ per kWh
Off-Peak:Energy used at all times other than the peak period at 2.02¢ per kWh

Winter Billing Cycles (November — February)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.47¢ per kWh
Off-Peak:Energy used at all times other than the peak period at 2.64¢ per kWh

Demand Charges:
Summer Billing Cycles (March — October)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.59 per kW
Off-Peak:No charge

Winter Billing Cycles (November — February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.87 per kW

Off-peak:No charge

Minimum Charge:

The minimum monthly charge for each meter shall be $205.00.

RATES WITH SURCHARGE:

Energy Charges:

Summer Billing Cycles (March—October)

Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.93¢ per kWh

Off-peak:Energy used at all times other than the peak period at 2.10¢ per kWh

Winter Billing Cycles (November—February)

Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.65¢ per kWh

Off-peak:Energy used at all times other than the peak period at 2.75¢ per kWh

Demand Charges:

Summer Billing Cycles (March—October)

Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.61 per kW

Off-peak:No charge

Winter Billing Cycles (November—February)

Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.91 per kW

Off-peak:No charge

Minimum Charge:

The minimum monthly charge for each meter shall be $231.30.

Discounts:

Transformer losses —

$1756 + .53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$

Transformer investment —

$0.21 per kW of monthly maximum demand

Interruptibility —

$0.59 per kW of peak period demand in summer, $0.87 per kW of peak period demand in winter in any billing period in which voluntary interruption is made.

Schedule 43

High Demand General Service: Industrial

Schedule 43 is for high demand general service customers for industrial services at plants where the primary function is manufacturing, processing, refining or freezing, and for which the major portion of the electrical service is used on an ongoing and regular basis for one or more of the aforementioned primary functions.

BASE RATES:

Energy Charges:

Summer Billing Cycles (March — October)

Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.58¢ per kWh

Off-Peak:Energy used at all times other than the peak period at 1.91¢ per kWh

Winter Billing Cycles (November — February)

Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.23¢ per kWh

Off-Peak:Energy used at all times other than the peak period at 2.50¢ per kWh

Demand Charges:

Summer Billing Cycles (March — October)

Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.59 per kW

Off-Peak:No charge

Winter Billing Cycles (November — February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.87 per kW
Off-peak:No charge

Minimum Charge:
The minimum monthly charge for each meter shall be $205.00.

RATES WITH SURCHARGE:

Energy Charges:
Summer Billing Cycles (March—October)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 3.72¢ per kWh
Off-peak:Energy used at all times other than the peak period at 1.99¢ per kWh
Winter Billing Cycles (November—February)
Peak:Energy used between 7 a.m. and 10 p.m., Monday through Friday at 4.40¢ per kWh
Off-peak:Energy used at all times other than the peak period at 2.60¢ per kWh

Demand Charges:
Summer Billing Cycles (March—October)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.61 per kW
Off-peak:No charge
Winter Billing Cycles (November—February)
Peak:All kW of maximum demand between 7 a.m. and 10 p.m., Monday through Friday at $0.91 per kW
Off-peak:No charge

Minimum Charge:
The minimum monthly charge for each meter shall be $213.30.

Discounts:
Transformer losses —
$1756 + .53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$
Transformer investment —
$0.21 per kW of monthly maximum demand
Interruptibility —
$0.59 per kW of peak period demand in summer, $0.87 per kW of peak period demand in winter in any billing period in which voluntary interruption is made.

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in subsection A of Section 21.49.058.

C. For customers who provide their own transformation from the Department's distribution system voltage of thirteen (13) kV or above to a utilization voltage, a discount for transformer investment will be provided in the amount stated in subsection A of Section 21.49.058.

D. The Department reserves the right to control the use of service to electric space-heating equipment during such hours as may be deemed necessary. The customer may be required to provide suitable space-heating service controls as determined by the Department.

E. For high demand industrial service, the Department will provide a single service for all customer load. An exception to this condition of service will be load previously served under the terms of a contract for interruptibility; or subsection D under Section 21.49.090.

F. Any customer who adds a new large single load to the Seattle City Light Department service area shall be subject to the additional charges described in subsection N of Section 21.49.090.

G. At the request of the Department, customers must provide daily load schedules.

H. The Department may request voluntary load interruption during an emergency. If interruption occurs, the demand charge will be waived for the billing period in which the interruption occurs.

(Ord. 116619 § 9, 1993: Ord. 115951 § 6, 1991: Ord. 114835 § 7, 1989: Ord. 114459 § 8, 1989.)

21.49.060Public street and area lighting rate (Schedules 3 and 48).

A. Schedule 3 is available to all customers for floodlights operating from dusk to dawn and mounted on existing Department utility poles.

Schedule 48 is available to all customers, including The City of Seattle, for dusk-to-dawn lighting of streets, alleys, and other public thoroughfares on existing Department utility poles or on streetlight poles.

Schedule 3

BASE RATES:

Option I — Customer-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens	$2.46 per month
400 Watt Sodium Vapor, 50,000 lumens	$4.66 per month

Option II — Utility-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens	$4.96 per month
400 Watt Sodium Vapor, 50,000 lumens	$7.26 per month

RATES WITH SURCHARGE:

Option I — Customer-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens	$2.56 per month
400 Watt Sodium Vapor, 50,000 lumens	$4.85 per month

Option II — Utility-owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens	$5.16 per month
400 Watt Sodium Vapor, 50,000 lumens	$7.55 per month

Schedule 48

BASE RATES:

Option I — Customer-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens	$2.65 per month
150 Watt Sodium Vapor, 16,000 lumens	$3.29 per month
200 Watt Sodium Vapor, 22,000 lumens	$3.71 per month
250 Watt Sodium Vapor, 27,500 lumens	$4.42 per month
400 Watt Sodium Vapor, 50,000 lumens	$5.93 per month

Option II — Utility-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens	$4.48 per month
150 Watt Sodium Vapor, 16,000 lumens	$5.09 per month
200 Watt Sodium Vapor, 22,000 lumens	$5.88 per month
250 Watt Sodium Vapor, 27,500 lumens	$6.49 per month
400 Watt Sodium Vapor, 50,000 lumens	$8.11 per month

RATES WITH SURCHARGE:

Option I — Customer-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens	$2.76 per month
150 Watt Sodium Vapor, 16,000 lumens	$3.42 per month
200 Watt Sodium Vapor, 22,000 lumens	$3.86 per month
250 Watt Sodium Vapor, 27,500 lumens	$4.60 per month
400 Watt Sodium Vapor, 50,000 lumens	$6.17 per month

Option II — Utility-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens	$4.66 per month
150 Watt Sodium Vapor, 16,000 lumens	$5.30 per month
200 Watt Sodium Vapor, 22,000 lumens	$6.12 per month
250 Watt Sodium Vapor, 27,500 lumens	$6.75 per month
400 Watt Sodium Vapor, 50,000 lumens	$8.44 per month

B. The monthly charge for Option I floodlights covers energy only; charges for lamp replacement and fixture maintenance are in addition to the monthly charge. The monthly charge for Option II floodlights includes energy, lamp replacement, fixture maintenance costs and scheduled pole maintenance costs. The monthly charge for streetlights includes energy, lamp replacement, fixture maintenance costs, and scheduled pole maintenance costs.

C. A construction charge will be applied when a utility pole and/or a secondary circuit is not available for the installation of a streetlight.

D. Installation charges for alley lighting, decorative lighting, and other special lighting shall be established through the Administrative Code Process. These installation charges and the monthly charge for energy, lamp replacement, and normal maintenance for alley lighting are set out in Department Policy and Procedure 500 P III-401.

E. Lamps will be replaced on burn-out as soon as reasonably possible after notification by the customer.

F. Rates for incandescent and mercury-vapor streetlighting and floodlighting are limited to existing installations. No new installations will be made nor will existing fixtures be moved to new locations.

G. City Light will not install new or relocate existing customer-owned floodlights on City Light poles.

H. The customer shall execute a written service agreement to take service for a minimum of two (2) years at the rates and terms prescribed from time to time by ordinance.

I. All installations of customer-owned streetlights for billing on Schedule 48 shall be subject to the approval of the Department. An estimate of installed cost will be furnished upon request.

J. The Department shall have the authority to determine and establish charges for other types and sizes of streetlights and floodlights by the same method used in the determination of the charges established in Schedules 3 and 48.

K. The Department shall have the authority to determine and establish, by departmental policy, the minimum distances required to be maintained between all streetlights located in residential, commercial or industrial areas. Any customer requesting streetlighting at a location which is less than the minimum distance between lights or requesting streetlighting for private purposes shall be charged, by the Department, at the rate set out in Schedule 48 and shall pay such additional installation cost as determined by Department policy.

(Ord. 116619 § 10, 1993: Ord. 114835 § 8, 1989: Ord. 114459 § 9, 1989: Ord. 112738 § 5, 1986: Ord. 112441 § 4, 1985: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

21.49.080Power factor rate (Schedule 81).

A. When any inductive load causes unsatisfactory conditions on the Department's system due to induction, the Department may, at its discretion, install reactive kVa-hour meters and make a monthly charge in addition to demand and energy charges whenever electricity delivered to the customer has an average monthly power factor of less than 0.95.

Schedule 81

BASE RATE:

The monthly charge for average monthly power factors below 0.95 shall be as follows: 0.14¢ per kVarh.

RATES WITH SURCHARGE:

The monthly charge for average monthly power factors below 0.95 shall be as follows: 0.15¢ per kVarh.

B. Unless specifically otherwise agreed, the Department shall not be obligated to deliver electricity to the customer at any time at a power factor below 0.85.

C. The average power factor is determined as follows:

$$\text{Average Power Factor} = \frac{\text{kWh}}{\sqrt{(\text{kWh})^2+(\text{kVarh})^2}}$$

D. The meter for measurement of reactive kVa hours shall be ratcheted to prevent reverse registration.

E. All installations of power factor corrective equipment shall be subject to the approval of the Department. The customer's corrective equipment shall be switched with the load so that at no time will it supply leading reactive kVAs to the Department's distribution system unless written Department approval is obtained to do so.

F. This monthly charge may be waived in whole or in part to the extent that the Department determines that a power factor of less than 0.95 would be advantageous to the Department or if the addition of corrective equipment would be

detrimental to the operation of the Department's distribution systems.

G. Customers who install new or enlarged arc furnaces shall install static var generators for flicker control and power factor correction for the entire arc furnace load. The generator shall have one-half (½) cycle response time and independent phase control, supply sufficient reactive power to prevent objectionable flicker at the common connection point of the arc furnace with other utility customers, maintain a minimum power factor of ninety-five percent (95%), and be filtered to limit the total harmonic current to no more than the percentage of fundamental current given in "IEEE Recommended Practices and Requirements for Harmonic Control in Electric Power Systems, IEEE-519," latest revision.

(Ord. 116619 § 11, 1993: Ord. 114459 § 10, 1989: Ord. 112441 § 6, 1985: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

21.49.090Rate, meter reading, and billing provisions.

A. Prohibition of Departures from Adopted Rates and Rate Discrimination. The Department shall have no authority, by express contract or otherwise, to change or vary the schedule of rates and charges established by ordinance or to act in any way that would violate RCW 80.28.080. It shall be the responsibility of the Department to collect any undercharge, whether intentionally or inadvertently made, to prevent preferential treatment in violation of RCW 80.28.090 or rate discrimination in violation of RCW 80.28.100.

B. Single Meter, Single Service. All rates in this chapter apply to electricity supplied through a single meter to individual customers at each building or premises not separated by intervening property, streets, or alleys commonly used as public thoroughfares. At the option of the Department, however, two (2) or more physically and mechanically connected buildings used for a single business function under one (1) ownership may be supplied through one (1) point of delivery and one (1) meter even though they are separated by intervening property or a street or alley. Two (2) buildings merely joined by a walkway or mall across the street, alley, or public thoroughfare will not be allowed a single service and meter for both. In the event two (2) or more premises under one (1) ownership that are physically and mechanically connected, used for a single business function, and supplied through one (1) point of delivery and one (1) meter, undergo a change in ownership, so that each premises is separately owned, each premises will require a single service pursuant to this chapter. Each building owner(s) will be responsible for the conversion to a single meter at its sole expense. Such conversion will be subject to the installation charges set out in subsection R of Section 21.49.110.

C. Added Service. Any additional service supplied to the same customer in the same structure at different voltage or phase shall be separately metered and billed, and the customer shall pay for the installation of the service.

D. Totalizing Multiple Meters. The Department may waive the application of rates to each meter and permit the reading of two (2) or more meters at a single contiguous location to be totaled for billing purposes when the Department determines that the maintenance of adequate service and/or that the Department's convenience requires more than one (1) meter for each type of service or load classification.

E. Single Meter, Multiple Units: Owner/Tenant Billing. An account with one (1) meter serving more than one (1) unit will be billed to the property owner at City Light's option. When such services are identified, the Department will place the account in the owner's name effective the date of identification, unless the Department determines that another date would be more appropriate. It is the responsiblity of the owner/manager to give City Light written notice that the account premises has a split load (i.e., one (1) meter serves multiple units). Any terms and conditions contained in a lease or rental agreement for payment of electric services are not binding on the Department. In the event there is a dispute relating to such lease or rental agreement, the owner/manager shall be responsible for the timely payment for the electric service provided to the account premises. Failure to make such payments shall result in immediate termination of such service.

F. Rate Schedule Switching. No more than one (1) change to or from a rate schedule shall be made by the same customer during a twelve (12) month period unless the nature of the customer's electrical equipment or use of electricity changes.

G. Demand Intervals. Billing demand shall be the highest recorded demand (expressed in kW) during any fifteen (15) minute interval of the billing period, as determined at the Department's option by demand meter with either a fixed or sliding fifteen (15) minute interval, periodic load test, or assessment.

H. Seasonal Proration. All seasonal rates shall be prorated.

I. Meter Records—Estimated Meter Reads. Meters shall be read and bills rendered either monthly or bimonthly as scheduled by the Department. A record of meter readings will be kept by the Department, and the records shall be the basis for determination of bills rendered for metered service. It shall be the customer's responsibility to notify the Department of the date the customer began using the electric service. If the customer fails to notify the Department, the Department shall designate a date for billing purposes. If an accurate meter reading is not obtained for any reason, including, but not limited to the customer's failure to notify the Department, meter failure, meter reading error, clerical error and/or accounting system malfunction, the meter reading may be estimated by the Department.

In estimating meter reading (electrical consumption) it is not necessary that the estimate be made with mathematical certainty. The Department shall use standard engineering practices in developing an estimate, which may include but is not limited to regression analysis, customer loads, load comparison, meter conditions and test readings. In cases where estimates cannot be made using standard engineering techniques, the longest periods before and/or after the period of usage may be averaged to arrive at an estimated rate of consumption. In the event a constant margin of error is identified the bill may be adjusted accordingly.

J. Prorating Nonstandard Meter Reads. The rate schedules in this chapter indicate the charges for one (1) month's service. If usage is billed for longer or shorter intervals than normal billing periods, customer bills will be prorated. For purposes of applying demand charges in general service rate schedules, twenty-eight (28) to thirty-five (35) days shall be considered a normal billing period. Energy charges in residential rate schedules and minimum charges in all rate schedules are prorated on a daily basis. For these charges, thirty (30) days shall be considered a normal billing period.

K. Billings When the Meter Malfunctions. If the Department's seal on a meter, meter enclosure, current transformer enclosure, current limiter enclosure, or a terminal box is broken, or if for any reason as determined by the Department a meter does not properly register the electricity used, the customer shall be charged for usage, estimated by the Department pursuant to subsection I above, and billed accordingly.

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

Within one (1) week of any interruption, suspension, or interference the customer shall give written notice to the Department to read meters in order to make it possible to prorate billings.

M. Special Minimum Charges. A minimum monthly charge other than that specified under a particular rate schedule may be established by the Department to protect the Department's investment and to recover the fixed operating cost associated with providing an electric service.

N. New Large Single Load. Any applicant or customer who adds a new large single load to the Seattle City Light Department service area shall pay the charges under the Department's applicable rate structure, and in addition shall pay the difference between the charges which would have been incurred by the Department under BPA's wholesale rate to the Department and any charges which are incurred by the Department under BPA's wholesale rate for new large single loads for that portion of the customer's load determined to be a new large single load. The applicant or customer will be charged all the additional cost incurred by the Department under BPA's rate for new large single loads for that portion of the applicant's or customer's load determined to be a new large single load including any backbilling charges and interest charges levied on the Department by BPA. Any new large single load added to the Seattle City Light Department service area shall be considered subject to BPA's new large single load rate, if that rate is applicable under the City's power sales contract with BPA.

Any applicant or customer who adds a new large single load to the Seattle City Light Department service area is required to fulfill any advance notification of request for service requirements that are specified by BPA. The Department recognizes no obligation to provide service to applicants or customers with a new large single load who have not given the required amount of advance notification to BPA.

O. Average Payment Plan. Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02) the Department shall establish an average payment plan whereby a residential customer's expected billings for the next year may be averaged throughout the year in equal installments which normally shall be adjusted no more than once per calendar year. The Department, however, may adjust the payment level during the year to account for certain exigent circumstances, such as a rate change or a customer's deficit exceeding a certain level. The average payment plan shall be made available upon request to any residential customer of the Department who has established a twelve (12) month billing history on his or her current account, or on the basis of an estimate of consumption satisfactory to the Department. The average payment plan, however, shall cease to be available one (1) year from the date of enrollment in the average payment plan to those residential customers who own their dwelling unit and who use electric heat as defined in Seattle Municipal Code Section 21.52.210 (Ordinance 109675, Section 2) but who have not completed or who are not in the process of completing the energy conservation measures required for participation in the Comprehensive Residential Weatherization Program described in Seattle Municipal Code Section 21.52.260 (Ordinance 109675, Section 8) as of that date.

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

(Ord. 116619 § 12, 1993: Ord. 114459 § 11, 1989: Ord. 112738 § 7, 1986: Ord. 111615 (part), 1984: Ord. 111104 § 1, 1983: Ord. 110733 (part), 1982.)

21.49.100 Application and contract provisions.

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

B. Service Contracts and Agreements—Customers' Obligations. Applicants or customers desiring electric service shall make application to and may be required to sign an application furnished by the Department before service is supplied. Failure to notify the Department of use of service or to sign a contract when requested shall constitute sufficient cause for the Department to disconnect or refuse to provide electric service. Upon acceptance by the Department, the application shall constitute a contract between the Department and the applicant by which the Department agrees to furnish and the applicant agrees to accept and pay for electric service for the premises specified under the rates, terms, and provisions prescribed from time to time by ordinance. In the absence of an application for service or signed contract, the furnishing of electric service by the Department and the use of such service by the customer shall constitute a contract and the customer agrees to pay for such electric service under the rates, terms and provisions of the applicable rate ordinance as amended from time to time. The acceptance of application for service by the Department or the use by the customer of electric service provided by the Department will constitute an open and

continuous contract for electric services between the Department and the customer.

The receipt and acceptance of a payment of a periodic billing by the Department does not constitute payment in full for electric service unless it reflects the actual amount of service provided. In the event the bill reflects an amount that is less than the amount of electric service provided, the customer shall be liable for such difference. The customer is liable for all services rendered at the published rate and failure of the utility to bill does not release the customer from such liability. The open and continuing contract remains in effect until terminated by the customer or the Department and the customer will be required to pay any unbilled or underbilled service costs that are billed or rebilled within six (6) years of the date of termination. In the event that a customer uses the electric service provided by the Department but fails to receive billing for service, it shall be the customer's responsibility to notify the Department of the failure to receive a bill. It shall be the customer's responsibility to notify the Department in writing within sixty (60) days from the billing date, if a customer receives a bill on which the customer believes that the wrong rate schedule has been applied or that any other defect in billing exists. The Department assumes no responsibility for retroactive adjustments prior to the bill for which the Department has been provided such written notice.

C. Department's Obligation to Serve—Customer's Obligation to Pay. The Department, within its capabilities and under the rates, terms, and provisions of applicable City ordinances, shall supply electric service to all customers upon approval of application for electric service. The customer shall be responsible for all charges under the conditions of the contract and the rates and terms prescribed by ordinance or written Department rules and regulations, and shall be responsible for all charges to the time specified in the application or for the period of occupancy and/or control of the premises. Notice to close an account or disconnect service to any premises shall be given by the customer at any business office of the Department. If the customer does not give prior written notice to the Department to close an account or disconnect service to a premises on a certain date, the Department may bill the customer to a closing date determined by the Department; unless the customer is able to substantiate, to the Department's satisfaction, that the customer terminated the use of the Department's electric service at an earlier date.

D. Condominium Disconnections.

1. The Department shall not disconnect service to a customer at the request of a Condominium Association for the purpose of implementing RCW 64.32.200(1), the Horizontal Property Regimes Act.

2. In the event a facility is operated as a condominium association pursuant to the Horizontal Property Regimes Act (RCW Chapter 64.32) all units will be separately metered. It shall be the condominium association's responsibility to provide, at its sole cost, the necessary entrance service and meter bases required by this ordinance and the Department's Service Requirements.

E. Contract Violations. If a customer violates the contract with the Department or orders the closure of an account or service disconnect to any premises, the customer shall be responsible for all loss or damage incurred by the City by reason thereof.

F. Prohibition of Submettering. The customer shall not install or use equipment or devices to submeter electricity for the purpose of reselling or otherwise apportioning the costs of electric energy usage except as provided for in Section 21.49.100, subsection G.

G. Prohibition of Submetering—Exceptions. The Department shall not provide electricity to any customer who submeters any part of the electricity for the purpose of resale or apportionment or who otherwise apportions the costs of electric energy use to any other consumer, except that the Department shall permit such resale or apportionment for the following purposes:

1. Boat Mooring Establishments.

a. New or upgraded service to boat mooring establishments shall be master metered. The Department will not provide meters for individual moorage spaces nor directly bill individual boat moorage tenants at a boat moorage establishment where a new service has been installed or an existing service has been upgraded after September 25, 1982.

b. Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the boat moorage tenant is responsible.

2. Mobile Home Parks.

a. This exception applies to only those mobile home park operators submetering and reselling electricity as of August 1, 1980. New or upgraded services to mobile home parks will be provided in accordance with written Department rules and regulations.

b. Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the mobile home park tenant is responsible.

3. Other Purposes. On a case-by-case basis, the Department may permit a customer, subject to the provisions of subsection I of Section 21.49.110, to submeter for the purpose of apportioning the cost of electric energy. Provided, however, such determination must be based on an objective review and must relate to an economic imbalance relating to service and/or protection of each customer's rights under this chapter and RCW Chapter 80.28.

H. Customer Deposits. Applicants and customers may be required by the Department to deposit an amount of money to be held as security for payment of all bills and claims during the period of service. The Department may refuse to connect an applicant's service for failure to pay a deposit when requested, and may disconnect a customer's service for failure to pay a deposit when requested. The deposits may be required upon the Department's determination that the financial status or record of the applicant or customer warrants a deposit. Such deposit may not exceed the amount of the bill it is estimated will accrue during two (2) typical billing periods. Upon termination of service, or after twelve (12) billing periods if the customer's credit warrants, the deposits, less any amount owed by the customer, may be returned to the customer. When the deposit is returned, interest will be paid at the rate of six percent (6%) per annum on a deposit held longer than six (6) months. Interest payable shall be computed from the first day of the month following the date of deposit to the last day of the month the deposit is refunded.

I. Vacant Premises. Property owners shall be responsible for electricity used when the premises are vacant. Owners of leased or rented premises shall be responsible for electricity used by the premises until the Department is notified to open an account for a tenant. Owners shall be responsible for electricity used by the vacant premises whether the account is in the name of the owner or a tenant.

J. Account Service Charge. An applicant or a customer shall be charged an account service charge for establishing an account. The charge shall be included in the initial billing to the first permanent occupant after the establishment of an account. The schedule of charges shall be established through the Administrative Code Process.[1] The account service charge shall not apply in the following cases:

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

2. For temporary service used for the purpose of new construction;

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

4. For customers billed on Schedule 26;

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

6. For billing of vacancy current to property owners or authorized agent;

7. For a change in status between vacant and occupied.

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

customer be required to pay them, until the charges and/or surcharges have been authorized by ordinance.
(Ord. 116619 § 13, 1993: Ord. 114459 § 12, 1989: Ord. 112738 § 8, 1986: Ord. 112441 § 7, 1985: Ord. 111615 (part), 1984: Ord 110733 (part), 1982.)

Cases: City Light may cut off services to premises until delinquent and unpaid charges are paid. **Union Enterprises, Inc. v. Seattle**, 77 Wn.2d 190, 460 P.2d 285 (1969).

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

21.49.110Electric service connection provisions.

A. Rule-Making Authority. The Department shall have the authority to adopt and enforce rules and regulations, consistent with this chapter and the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended), for the purpose of carrying out the provisions of this chapter governing availability of service and materials from the Department. Notwithstanding the repeal of Seattle Municipal Code Chapter 21.48 (Ordinance 109218, as amended), all existing rules and regulations adopted by the Department shall remain in effect until modified or revoked.

B. Service Entrance Requirements. On initial installations or modifications to initial installations, the customer shall provide service entrance equipment which meets applicable Seattle and King County electrical codes and the Department's written rules and regulations. In the event a customer's electric service is installed before Seattle or King County enacted the current electrical code, the customer may not be required by the electrical code to upgrade his/her service. It shall be the responsibility of the owner/customer to determine if changes to the electrical system are necessary to receive the safety benefits of the new or amended electrical codes and National Electrical Code. It shall be a violation of this chapter to connect a building's electrical wiring to the Department's electrical system if the wiring of the building was not authorized by a proper City or County permit, does not meet the applicable existing electrical codes, or was not inspected by the proper authority.

C. Prohibition of Master Metering. The Department shall not supply electricity for any new service to a duplex or multiple-dwelling building for the purpose of master metering the energy usage of the dwelling units, a central space-heating system, or a central domestic water heating system. The Department shall not supply electricity for any larger service to an existing duplex or multiple-dwelling building for the purpose of master metering new central or individual space-heating systems.

D. Efficiency Standards. Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended) the Department shall adopt rules and regulations to promote conservation of The City of Seattle's electric energy resources by the designation of end-use efficiency standards to limit energy waste from all new or enlarged electric service connections. The Department may also designate end-use efficiency standards to limit energy waste from conversions to electric space heat at existing electric service connections. For the purpose of this section, “end-use” shall be defined as the final conversion of electric energy on the customer's premises into lighting, heating, cooling, and/or other mechanical processes.

The Department may require compliance with the rules and regulations as a condition for the supply or continued supply of electric service.

Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended) the Department shall:

1. Give notice of any public hearings held on proposed efficiency standards;

2. Afford all interested persons an opportunity to present data, views or arguments in regard to proposed efficiency standards;

3. Give appropriate consideration to economic values, along with any environmental, social, health, and safety factors affecting proposed efficiency standards.

The Department shall also apply the following specific criteria in developing, reviewing, and adopting all efficiency standards:

4. Efficiency standards must be cost effective. An efficiency standard shall be considered cost effective if the life cycle costs of complying with the standard are below the incremental system costs of generating, transmitting, and distributing electricity from the least-cost alternative new source of supply.

5. Efficiency standards must apply equitably to all customers in a customer class.

6. Efficiency standards must be no more stringent than the City's requirements for new construction.

In adopting any new or amended efficiency standards after August 1, 1984, the Department may consider including the following requirements:

7. A requirement that an electric energy analysis be performed;

8. A requirement that the customer implement the electric energy analysis recommendations;

9. A requirement that the size of service be limited to that required to serve the intended use of electricity in order to prevent oversizing the service;

10. A requirement that a customer provide the Department with advance notice of any request for a new or enlarged service connection.

In the development of each efficiency standard the Department shall solicit technical assistance from the customer class affected by the standard. In addition, the Department shall periodically review and evaluate all efficiency standards designated pursuant to this chapter and shall revise them as necessary to reflect the changing needs of the Department's generation, transmission, and distribution systems.

E. Protective Devices.

1. The Department may require customers to provide on their premises, at their own expense, additional protective devices deemed necessary by the Department to protect the Department's property or personnel, or the property or personnel of the Department's other customers.

2. It is the responsibility of customers using sensitive electronic equipment, computers, and computer peripheral equipment to provide, at their own expense, all protective devices necessary to protect such equipment against natural and switching transients, power surges, planned power outages, emergency power outages and any other occurrence which occurs on the Department's electrical system that is not within the control of the Department or is due to the natural mechanical failure of any of the equipment utilized to support and operate the Department's electrical system. It is also the customer's responsibility to provide the necessary emergency backup electrical system sufficient to protect the customer's sensitive electronic equipment and provide emergency electrical power as necessary to operate essential personal, business and medical equipment.

F. Three-Phase Motors—Protective Devices. Customers shall have the responsibility to provide suitable devices adequate to protect their three (3) phase motors and other equipment against reversal of phase rotation and single phasing.

G. Devices to Control Quality of Energy. Where the customer's use of electrical equipment results in an interference with the quality of the customer's own service or that of neighboring customers, or where the customer requires voltage control within unusually close limits, the Department may require the customer to provide at the customer's own expense such special or additional equipment as is required. This may apply to cases of extreme unbalance of single and three (3) phase loads. Customer loads which cause voltage fluctuation, harmonic current distortion, or harmonic voltage distortion shall not exceed the values given in "IEEE Recommended Practices and Requirements for Harmonic Control in Electric Power Systems, IEEE-519," latest revision.

H. License Requirements. It shall be unlawful for any person other than a duly authorized Department employee or agent of the Department to make an electrical connection between the Department's electrical system and any customer's wiring. With the written approval of the Department, a customer may contract with a qualified electrical contractor licensed under Chapter 19.28 RCW to install any material or equipment in lieu of having Department personnel perform the installation. The qualified electrical contractor shall be solely responsible for any damages resulting from the installation of any temporary service, permanent service, or expanded service and the Department shall be immune from any tortious conduct actions as to that installation.

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

1. Master-metered services approved prior to October 5, 1978 are exempt.

2. New or enlarged services to a duplex or multiple-dwelling building shall have common areas and common equipment supplied through a separate house meter.

J. Hazardous Wiring. The Department may refuse to connect the applicant's service conductors to the Department's electrical system or may disconnect an existing service if in the Department's judgment the applicant's wiring or electrical equipment is hazardous to life or property, or the Department's written rules and regulations have not been followed.

K. Maintenance of Safe Wiring. Customers shall at all times keep their wiring and electrical equipment in such condition that the wiring and equipment can be used without causing damage to the Department, its property, or personnel. The Department shall have the authority at any time to disconnect its electrical system from any wiring or electrical equipment which is defective or dangerous and refuse to reconnect its electrical system until the defective or dangerous wiring or electrical equipment is properly repaired or restored.

L. Access to Meters. Any duly authorized Department employee shall have free and safe access at any reasonable time to any and all premises furnished with electricity by the Department, for the purpose of reading, inspecting, repairing, installing or removing meters, electrical devices, or wiring of the Department, for the connection or disconnection of service, or for any other reasonable purpose connected with the performance of the contract for the provision of electric service. For the Department's systems in underground network areas, twenty-four (24) hour personnel access shall be provided to all vaults and switchgear rooms on customer property. Upon request, the customer shall correct any condition that limits or restricts free and safe access to the Department's meters or service. Failure of the customer to comply within a reasonable time specified shall subject the customer to disconnection of service.

M. Meter Seals. The Department may install sealable locking devices on certain enclosures containing unmetered conductors, including but not limited to meter sockets, meter enclosures, current transformer enclosures, test switch enclosures, wire troughs, bus gutters, and terminal boxes.

N. Meter Tampering Protection. When current has been diverted around the Department's metering equipment or when the Department's metering equipment has been tampered with to adversely affect metering registration, the Department may require the customer or property owner at his/her expense to repair, relocate or replace his/her service entrance equipment in a manner determined by the Department to prevent future incidents of current diversion.

O. Customer's Responsibility. Notwithstanding any other provisions of any other code or ordinance:

1. It is the responsibility of customers to protect themselves, life, and property from the use, misuse, and/or availability of electrical current on their premises and from the consequences of the use, misuse, and/or availability of electrical current on their premises,

2. It is the responsibility of customers to provide, install, use, inspect, and maintain suitable protection and protective devices to protect themselves, life, and property from any defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which they may own, operate, install, or maintain; and to protect themselves, life, and property from the consequences of any defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which they may own, operate, install, or maintain, including protection from surge voltages generated within their premises and generated by lighting, switching, and arcing on the Department's system to the full range of parameters described in "IEEE Recommended Practice on Surge Voltages in Low-Voltage AC Power Circuits, C62.41-1991," or latest revision.

Customers may consult with Department personnel, but such consultation shall not absolve customers from any of the responsibilities in this chapter, nor shall such consultation be relied upon as providing any substitute for professional advice from the customer's own engineers or contractors. It is the responsibility of customers to ensure that their electrical service panels and entrance equipment meet all current electrical codes and standards. City Light's responsibility for maintenance of the electrical system terminates at the weatherhead or other point of service as specified by the most recent version of Requirements for Electric Service Connection.

P. Customer's Liability. Nothing in this chapter shall be construed as placing upon the Department any responsibility for the condition, maintenance, or safety of customers' electrical wiring or current-consuming devices or other equipment; and the Department shall not be responsible for any loss or damage resulting from defects, failures, malfunctions, or electrical faults in or originating in any electrical wiring, current-consuming devices, or other equipment which customers may own or operate, install or maintain. The Department shall not be responsible for damage to persons or property arising from the use of electric service on the premises of the customer.

Q. Notification of Added Load. In order to prevent damage to the Department's equipment and impairment of its service, customers shall give the Department notice before making any additions to their connected load so that the Department, at its option, may provide the facilities which may be necessary for furnishing the increased service. The customer shall be liable for any damages to the Department that may occur and for any additional charges that may accrue as a result of the failure to so notify the Department.

R. Installation Charges. Any applicant or customer receiving a new or an enlarged service installation or converting an existing service from an overhead connection to an underground connection on or after January 1, 1983 shall be charged the material and labor costs incurred by the Department in making the installation less the material and labor costs of transformers and associated network protectors supplied by the Department. The Department shall have the authority to establish standard installation charges representing the average material and labor costs for customers who receive basic service installations which do not require a vault as specified in the Department's Requirements for Electric Service Connection manual. Such standard charges shall be developed pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended). The installation charges which otherwise would be applicable beginning in 1983 shall not apply to any applicant or customer who prior to September 25, 1983 has received a written communication from the Department reflecting a different level of costs for a specific installation. All applicant(s) or customer(s) receiving the conversion of an existing overhead electrical distribution system to an underground system shall:

1. Reimburse the utility in full for all materials and labor costs in excess of the salvage value of the existing overhead system and conversion costs, if any, from four (4) to twenty-six (26) kV;

2. Reimburse the utility in full for material and labor costs, if any, to underground and/or replace/install streetlights.

Installation charges are not rates for electrical service and reflect only costs incurred by the Department for new and expanded services.

S. Losses From Interruption of Service.

1. The Department shall not be liable for any loss, injury, or damage resulting from the interruption, fluctuation, restoration, or reduction of electric service from any cause beyond the control of the Department, including, but not limited to, fire, flood, drought, winds, acts of elements, court orders, interruptions or riots, generation failures, lack of sufficient generation capacity, breakdowns or damage to facilities of the Department or of third parties, acts of God or public enemy, strikes or other labor disputes, civil, military, or governmental authority, electrical disturbances originating on or transmitted through the electrical systems with which the Department system is interconnected, and acts or omissions of third parties.

2. Moreover, the Department shall not be liable for any such loss resulting from repair, maintenance, improvement, renewal, or replacement work on the Department's electrical system, which work, in the sole judgment of the Department, is necessary or prudent. To the extent practical, work shall be done at such times as will minimize inconvenience to the customer and the customer shall be given notice of such work in accordance with the rules and policies of the Department. Further, the Department's liability shall be limited for failure of generation and distribution, inadequacy of energy supply, implementation of emergency plans, or temporary disconnection for repairs and maintenance or for failure to pay for service rendered. During an

emergency declared by appropriate civil authority, the Department may curtail electric service. (Ord. 116619 § 14, 1993: Ord. 114835 § 9, 1989: Ord. 114459 § 13, 1989: Ord. 112738 § 9, 1986: Ord. 112441 § 8, 1985: Ord. 111615 (part), 1984: Ord. 110919 § 3, 1982; Ord. 110733 (part), 1982.)

Cases: 21.49.110 S. Subsection S of Section 21.49.110 was declared invalid as in conflict with state law. **Employco Personnel Services, Inc. v. Seattle**, 117 Wn.2d 606, 817 P.2d 1373 (1991).

21.49.120Equipment and facilities provisions.

A. Source of Meters. All meters and other equipment used for billing purposes shall be furnished by the Department.

B. Ownership of Meters. All equipment furnished by the Department shall be and remain the Department's property, and the right to remove, replace, or repair them is expressly reserved.

C. Vandalism and Disconnection of Electrical Equipment. Unless authorized by the Department, no person shall commit the following acts or cause others to commit the following acts: In any manner damage, mutilate, destroy, remove, connect, disconnect, or in any way interfere or tamper with any machinery, poles, wires, meters, seals, or other equipment belonging to, or in any manner connected with, the light and power plant of the Department. Whenever it becomes necessary to disconnect, remove, relocate any poles, wires, underground facilities, or other equipment belonging to the Department, the work shall be done by or under the direction of the Department. Prior notice shall be given to the Department by the person desiring the work done, stating when and where the work is required. The person desiring the work may be required to pay the cost of labor and material required to do the work.

D. Penalty for Damage. Persons who in any way damage Department property, facilities, or equipment may be prosecuted and/or charged for replacement, repair, revenue loss, and administrative costs. In the event the damage occurs on private property, the customer, owner, or person in control of the premises will be presumed to be responsible for the damage.

E. Current Diversion. When electricity is diverted around the Department's meter, or when the meter is tampered with or affected so that the meter will not measure and record the full amount of electricity supplied to the customer, owner, or person in control of the premises, the customer, owner, or person will be presumed to be responsible for payment for the electricity which is determined by the Department to have been diverted improperly to his/her own use, and to be in violation of this chapter. The Department may commence actions for three (3) times the amount of actual damages, if any, plus the cost of the suit and reasonable attorney's fees, plus the costs incurred by the Department on account of meter bypassing, tampering or unauthorized reconnections, as provided in RCW Chapter 80.28.

F. Notification of Defective Service. The Department shall be notified in case of defective service by the customer, owner, or person in control of the premises.

G. Phase, Voltage, and Frequency Standard.

1. Electric service furnished under this chapter shall be alternating current at sixty (60) Hertz, available at the phase and voltage which may be prescribed by the Department. The variation in steady state average voltage shall not be more than six percent (6%) above or five percent (5%) below the nominal voltage.

2. A greater variation of voltage than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where the revenues received do not justify close voltage regulation. In such cases the best voltage regulation that is practicable under the circumstances shall be provided. Variations in voltage in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuation of short duration due to system operation, by regional voltage collapse, or by the operation of power apparatus on the customer's premises that necessarily requires large starting currents and only affects the user of such apparatus, shall not be considered a violation of this rule.

3. Where the utility's distribution facilities supplying customers are adequate and of sufficient capacity to carry actual loads normally imposed, the utility may require that equipment on customers' premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent (4%) of the nominal voltage or cause objectionable flicker in other customers' lights.

4. The nominal sixty (60) Hertz frequency is maintained within two percent (2%) above and two percent (2%) below for normal operating conditions and may have excursions to ten percent (10%) above or ten percent (10%) below under severe operating conditions.

H. KWh Pulse Data. Subject to charge and the capability of metering equipment, the Department will provide a connection to its metering facilities to supply kWh data pulses to customers. Demand interval timing pulses will not be provided to customers.

(Ord. 116619 § 15, 1993: Ord. 114459 § 15, 1989: Ord. 112738 § 10, 1986: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

21.49.130Authority.

A. The Department shall have the authority to interpret the provisions of this chapter where necessary to implement and enforce its terms and provisions; provided, however, such interpretation shall be consistent with the intent of the City Council in setting the rates and terms and conditions for the use of the electric service provided under this chapter and and shall not expand the scope and authority contained therein.

B. Rule-Making and Contract Authority.

1. The Department shall have authority to adopt and file as appropriate rules, regulations, policies, and procedures relating to its performance of the provisions of this chapter and to the operation of the Department's light and power system. The Department may require compliance with such rules, regulations, policies and procedures as a condition for the supply or continued supply of electric service.

2. Upon determining availability or necessity for purchase, or a short-term surplus of nonfirm energy, the Department may enter into contracts with any city or town, public utility district, governmental agency, or municipal corporation, mutual association, or with any person, firm, or corporation, or any other member of the general public, outside its service area, terminable on not more than eighteen (18) months' notice, providing for the acquisition, exchange or sale of energy on terms most favorable to the Department under such circumstances and in compliance with state law, including RCW 43.09.210. Such sale or exchange shall be made on a basis representing the value of such energy under existing market conditions.

3. For the purpose of enhancing use and sale by the Department of all nonfirm resources available to it in order to increase its revenues to benefit the general public, the Department may enter into contracts for the sale of nonfirm energy with any member of the general public within its service area, terminable on not more than thirty (30) days' notice, to serve a load of not less than two (2) average megawatts, on terms representing the value of such nonfirm energy under existing market conditions. The Department shall determine that any such sale shall not displace firm service which would otherwise be available pursuant to schedules set forth in this chapter. Contract terms for like or contemporaneous service hereunder shall be made available to all members of the general public under the same or substantially similar circumstances or conditions.

4. The Department may enter into or amend agreements with the Bonneville Power Administration providing for reimbursements from Bonneville of some or all of the costs of operating energy conservation programs authorized by the City Council. The Department shall determine that such agreements or amendments to such agreements shall not incur any indebtedness or the acceptance of moneys imposing any duties or obligations on the City which are inconsistent with the Department's budget appropriation for such energy conservation programs. The Departments shall provide a written notification prior to the execution of such contracts and a copy of such contracts to the appropriate authorizing committee of the City Council.

C. Contracts and Authorized Agents. The Department may also enter into contracts of a general nature relating to the utility system. No promise, agreement, or representation of any employee or agent of the Department with reference to furnishing electricity shall be binding on the Department unless it is embodied in writing and signed by a duly authorized agent of the Department in accordance with the provisions of this chapter.

D. Authority to Interrupt Service. The Department shall have the authority to restrict the use of loads and/or services during scheduled maintenance outages and during periods of emergency when the Department determines that the contin-

ued use of the loads would jeopardize the Department's generation, transmission, or distribution system.

E. Special Service Charges and Interest Charges. The Department may add service charges or may separately bill customers to recover certain administrative, investigative and collection expenses in addition to any civil fine or forfeiture imposed under Section 21.49.140. These may include but are not limited to dishonored checks; field calls on delinquent accounts; service disconnections and reconnections resulting from City ordinance violations or failure to pay; and field calls, lab tests and office work involved in detecting, reporting, investigating and correcting cases of current diversion. The Department may also add interest charges on delinquent customer accounts and for other services including, but not limited to, C-bills, appliance repair bills, and bills for damage. The Department may develop a standard per-month charge for accounts that are too small to economically calculate interest. Such interest charges or standard charges may be added to the bill for each month or part thereof that the bill is delinquent. The Department shall have authority to bill for interest charges applied to the value of diverted current or unbilled service used during a billing period or periods, with interest charges beginning to run on the established due date for each billing period during which current was diverted. Interest charged is to be at the statutory nominal percentage rate, compounded monthly.

F. Recovery of Service Disconnection Costs. The Department shall have the authority to establish and collect service disconnection charges based on cost when such charges are adopted pursuant to and in accordance with the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended).

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

G. Equipment Rental. The Department shall have authority to: Sell, rent, lease, construct, install, operate and/or service material, supplies, facilities, appliances, or equipment for the use or conservation of electricity. The Department may also establish and collect charges based on cost, conservation, and/or the use of electricity and enter into related agreements. Any agreements entered into or charges made prior to the effective date of the ordinance codified in this chapter[1] are ratified and confirmed.

(Ord. 116619 § 16, 1993: Ord. 114459 § 15, 1989: Ord. 112738 § 11, 1986: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

1.Editor's Note: Ordinance 111615 was passed by the City Council on April 9, 1984; Ordinance 112738 was passed on March 17, 1986; Ordinance 114459 was passed on April 17, 1989; Ordinance 116619 was passed by the City Council on March 29, 1993.

21.49.140 Offenses and penalties.

Violation of any provision of this chapter constitutes a civil offense and a violation of any provision of this chapter will subject the violator to a civil fine or forfeiture not to exceed Five Hundred Dollars ($500.00) for each separate offense in addition to the City's cost of investigating and establishing such violation. Violators of this chapter are also subject to the provisions of RCW Chapters 9 and 9A and RCW Chapter 80.28 and a conviction or judgment under these RCW chapters will not relieve the violator of the payment of a fine and cost imposed under this section of the chapter.

(Ord. 116619 § 17 (part), 1993: Ord. 114459 § 16, 1989: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

21.49.160 Continuity.

No action or proceedings now pending, civil or criminal, and no cause of action heretofore arising or offense heretofore committed under ordinances heretofore enacted shall be affected in any way by the passage of the ordinance codified in this chapter,[1] but any such action or proceedings shall be conducted to final judgment and all such causes of action and offenses shall be prosecuted in the same manner as if this chapter had not been enacted.

(Ord. 116619 § 17(part), 1993: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

1.Editor's Note: Ord. 111615 was passed April 9, 1984; Ordinance 116619 was passed by the City Council on March 29, 1993.

21.49.180Ratification and confirmation.

Any act pursuant to the authority and prior to the effective date of the ordinance codified in this chapter is hereby ratified and confirmed.[1]
(Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

1.Editor's Note: Ord. 111615 was passed by the City Council on April 9, 1984.

Chapter 21.52
CONSERVATION MEASURES

Sections:

Subchapter I Conservation Investment Assistance Program

21.52.010Program established—Administration.

The Superintendent of Lighting is authorized to establish a Conservation Investment Assistance Program; said program shall be administered in a manner to assist certain low-income Lighting Department customers who heat their own homes primarily with electric heat to insulate said homes; the Superintendent of Lighting will expend a maximum of Two Hundred Seven Thousand Dollars ($207,000.00) to accomplish the goals of the Conservation Investment Assistance Program.
(Ord. 106992 § 1, 1977: Ord. 106651 § 1 1977.)

21.52.020Eligibility—Low-income elderly.

Eligibility for participation in the Conservation Investment Assistance Program shall be determined by the Department of Housing and Human Services from verified applications and inspection of each home, and such qualifications shall be based on the following criteria for the following classes of low-income persons:

Low-income Elderly.

A. The head of household must own the home and must be sixty-five (65) years of age or older; and

B. Have a gross annual income of less than Five Thousand Six Hundred Seven Dollars ($5,607.00), if single, or Seven Thousand Three Hundred Thirty-one Dollars ($7,331.00), if married; and

C. Reside in the Seattle City Light service area, use the home solely for a residence and have permanently connected electrical heating facilities as the primary source of heat in the residence; and

D. The residence of the recipient is without insulation or is equipped with below standard insulation.
(Ord. 115958 § 20, 1991: Ord. 106651 § 2, 1977.)

21.52.030Eligibility—Low-income handicapped and others.

In the event the Superintendent of Lighting determines that there is a reasonable expectation of surplus funds remaining in the amount set forth in Sections 21.52.010 and 21.52.060, after actual and expected expenditures contemplated by Section 21.52.020, the following additional low-income classes may be determined by the Superintendent, in sequential order, to be eligible for participation in the Conservation Investment Assistance Program. Eligibility for participation in the program shall be determined by the following criteria:

A. Low-income Handicapped.

1. The head of household must own the home and be considered low-income handicapped under criteria for the disabled and blind as promulgated by the federal government Supplemental Security Income Program; and

2. Reside in the Seattle Lighting Department service area, use the home solely for residence and have permanently connected electrical heating facilities as the primary source of heat in the residence; and

3. The residence of the recipient is without insulation or is equipped with below standard insulation.

B. Other Low Income.

1. The head of household must own the home and be considered eligible under the low-income limits set forth for the City's Neighborhood Housing Rehabilitation Program; and

2. Reside in the Seattle Lighting Department service area, use the home solely for a residence and have permanently connected electrical heating facilities as the primary source of heat in the residence; and

3. The residence of the recipient is without insulation or is equipped with below standard insulation.

(Ord. 106651 § 3, 1977.)

21.52.040Maximum payment.

Payments for insulation under the Conservation Investment Assistance Program shall not exceed Four Hundred Fifty Dollars ($450.00) per household.

(Ord. 106946 § 1, 1977: Ord. 106651 § 4, 1977.)

21.52.050Verification—Inspection.

Certain expert and temporary services will be utilized to verify electrical and insulation requirements of applicants, establish the work requirements for each home insulated under the Conservation Investment Assistance Program, provide periodic inspections of insulation work in progress to validate performance and inspect completed work to insure contract compliance; such services, to be performed by personnel designated "Insulation Auditors," will be performed by persons hired from the Washington State Employment Securities CETA rolls to the extent possible; in the event CETA personnel are not available, the Insulation Auditors' functions will be performed by Lighting Department or contract personnel. All CETA personnel will be trained to perform the functions of Insulation Auditors by Lighting Department personnel.

(Ord. 106651 § 5, 1977.)

21.52.060Insulation priorities.

The criteria to be utilized in determining the insulation eligibility requirements and priority in installing insulation are as follows:

Insulation Priorities

Priorities	Work to be Done
A.	No ceiling insulation or ceiling insulation less than R-11. Insulate to R-19.
B.	Ceiling insulation at least R-11, but no floor insulation in unheated crawl space. Floors insulated to R-11.
C.	Ceiling insulation less than R-19 but more than R-11 Ceiling will be brought up to R-19.
D.	Ceiling insulation at or above R-19, but no floor insulation in unheated crawl space. Floors insulated to R-11.

(Ord. 106651 § 6 1977.)

Subchapter II Miscellaneous Provisions

21.52.100Insulation contracts with residential heat customers.

The Superintendent of Lighting is authorized to enter into contracts with residential heat customers of the Department of Lighting to provide for the supply and installation of attic and/or floor insulation by qualified contractors in a principal amount of not more than One Thousand Dollars ($1,000.00), based on cost and conservation of electricity, on such installment terms and conditions, including payment of interest, as appropriate. In order to provide for the implementation of such contracts, the Superintendent of Lighting and the Purchasing Agent are authorized to determine contractors qualified to install attic and/or floor insulation based on appropriate criteria, including capability to supply and install insulation of the type and on specified terms; compliance with applicable contractor's bonding and licensing requirements; a showing of adequate financial resources and insurance coverage; and necessary integrity, judgment and skill. Following audits by Lighting Department personnel to determine insulation requirements, electric heat customers may select proposals from a qualified contractor or contractors, and upon review and approval thereof, the Superintendent of Lighting and the Purchasing Agent are authorized to enter into an installation contract with the contractor; and any provisions of Ordinance 102151, as amended,[1] to the extent inconsistent herewith, are hereby superseded.

(Ord. 107766 § 1, 1978: Ord. 107564 § 1, 1978.)

1.Editor's Note: Ord. 102151, regarding the Division of Purchases, is codified in Chapter 3.14 of this Code.

Subchapter III Comprehensive Residential Weatherization Program

21.52.200Purpose.

The Comprehensive Residential Weatherization Program ("CRWP") is established by the ordinance codified in this subchapter for the purpose of encouraging the conservation of energy from all sources, reducing energy costs, and assuring a reliable supply of energy for the residents of Seattle and customers of the City Light Department.

(Ord. 109675 § 1, 1981.)

21.52.210Definitions.

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

A. "Dwelling unit" means a room or rooms located within a building designed, arranged, occupied, or intended to be occupied by not more than one (1) family with or without roomers and boarders (permitted by Title 24 of the Seattle Municipal Code) as living accommodations independent from any other family. The existence of a food-preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

B. "Electric heat" means permanently installed electric heat, which is the sole source of space heating of the dwelling unit, or which is a partial source of space heating of the dwelling unit, if at least thirty-five percent (35%) of the reduction in energy consumption would be electricity, as determined by The City of Seattle ("the City").

C. "Family" means any number of related persons; or not to exceed eight (8) nonrelated persons; or not to exceed a total of eight (8) related and nonrelated, nontransient persons living as a single nonprofit housekeeping unit, as distinguished from a group occupying a club, a

boarding, lodging, or rooming house, or fraternity, sorority, or group student house.

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

E. "Low-income" means:

1. For owner-occupied households: At or below seventy percent (70%) of the Washington State Median income adjusted for household size as defined by the Washington State Department of Revenue;

2. For renter-occupied households: At or below one hundred twenty-five percent (125%) of the federal poverty level adjusted for household size as defined by the United States Office of Management and Budget.

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

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

H. "Weatherization" means the installation of energy conservation measures, resulting in a reduction of heat loss, as described in Section 21.52.220.

(Ord. 112608 § 1, 1985: Ord. 109675 § 2, 1981.)

21.52.220Goals and policies.

The residential weatherization goals and policies for the City are:

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

B. To conserve energy from all sources;

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

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

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

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

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

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

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

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

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

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

(Ord. 109675 § 3, 1981.)

21.52.230Program components.

The Comprehensive Residential Weatherization Program, which applies to residential structures, shall consist of:

A. Energy Office. The Energy Office of the City's Executive Department shall coordinate and monitor the implementation and operation of the CRWP, and maintain liaison with other governmental bodies with respect to the CRWP;

B. Low-Income Weatherization Program ("LIWP"). The LIWP includes the programs administered by the Department of Housing and Human Services which provide financial assistance for weatherization of low-income households. The Department will establish and administer procedures to screen low-income residents of the City and customers of the City Light Department to determine their eligibility for the LIWP. The LIWP has the following three (3) programs:

1. Low-Income Electric Program ("LIEP"). LIEP shall provide grants to the low-income customers of the City Light Department (whose primary source of heat is electricity) for the supply and installation of certain energy conservation measures. The Light Fund shall provide the source of funds for LIEP. The LIEP Program shall only be available to residential structures of one (1) to four (4) dwelling units.

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

3. Weatherization Urban Development Action Grant ("Weatherization UDAG") Program. The Weatherization UDAG Program shall provide weatherization loans and grants for the supply and installation of energy conservation measures to low-income households whose income is greater than that allowed under the LIWA Program, but less than eighty percent (80%) of the SMSA median family income and whose primary heat source is oil or natural gas. The Weatherization UDAG Program will be implemented by contracts between the City and participating lending institutions on terms and conditions deemed appropriate by the Director of Housing and Human Services, consistent with the provisions of the Program.

C. 1. Home Energy Loan Program ("HELP"). HELP shall be administered by the City Light Department for its customers whose dwelling units are electrically heated. HELP shall provide assistance for the supply and installation of energy conservation measures designated by the Department on the terms and conditions deemed appropriate by the Superintendent and the Director of Administrative Services, consistent with this chapter and with the requirements of Amendment 70, Article VIII, Section 10 of the Washington State Constitution, as implemented by the Revised Code of Washington, RCW 35.92.360.

2. HELP shall enter into agreements for the supply and installation of the energy conservation measures set forth in Section 21.52.260. The cost of energy saved or produced by the use of the measures shall be less than the per-unit cost of energy produced by the next least-costly new energy resource which the City Light Department could acquire to meet future demand for electricity. The HELP Program shall only be available to residential structures of one (1) to four (4) dwelling units.

D. Department of Housing and Human Services. The Department of Housing and Human Services shall encourage weatherization among those residents of Seattle not served by other components of the CRWP.

(Ord. 115958 § 21, 1991: Ord. 115450 § 2, 1990; Ord. 112488 § 1, 1985: Ord. 111030 § 1, 1983: Ord. 109675 § 4, 1981.)

21.52.240Home Energy Loan Program (HELP).

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

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

1. Energy conservation measures needed in the dwelling unit;

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

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

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

D. To provide for the implementation of the agreements with customers, the Superintendent and the Purchasing Agent are authorized to contract with qualified contractors to supply and install designated energy conservation measures on terms and conditions consistent with the provisions of this chapter and RCW 35.92.360. The principal amount to be paid by the customer pursuant to agreements executed prior to December 31, 1981, shall not exceed Five Thousand Five Hundred Dollars ($5,500.00) per household;

provided, that the Superintendent or his designee may thereafter review and adjust the maximum assistance amount in response to significant changes in the cost of supplying and installing energy conservation measures consistent with subsection E of Section 21.52.260, pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as amended. The terms and conditions of this assistance, including but not limited to repayment, interest charge, and billing, shall be adopted by the Superintendent pursuant to the administrative rule-making procedure in the Seattle Administrative Code, Seattle Municipal Code, Chapter 3.02 (Ordinance 102228, as amended). Provided, however, that all terms and conditions adopted by the Superintendent shall be consistent with and shall not exceed the limitations of RCW 35.92.360.
(Ord. 113865 § 1, 1988: Ord. 109675 § 6, 1981.)

21.52.250Low-income Electric Program (LIEP).

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

B. The Director of Housing and Human Services is authorized to provide weatherization assistance grants to low-income households with electric heat, for the supply and installation of energy conservation measures by qualified contractors, consistent with this ordinance. An energy audit shall be conducted by City personnel to determine what energy conservation measures are needed in the dwelling unit. Following installation of the energy conservation measures by a qualified contractor, the work shall be inspected by City personnel for compliance with federal standards and additional City Light standards.

C. The Director is authorized to enter into contracts with qualified contractors for the supply and installation of energy conservation measures on terms and conditions deemed appropriate by the Director and the Director of Administrative Services.
(Ord. 115958 § 22, 1991: Ord. 115450 § 2, 1990: Ord. 109675 § 7, 1981.)

21.52.260Energy conservation measures described.

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

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

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

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

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

5. Water Heaters. R-5 exterior insulation of water heaters shall be installed, unless the water heater is certified by the manufacturers to have a standby loss of no greater than thirteen and six-tenths (13.6) Btu's (four (4) watts) per square foot of external surface area. The water heater thermostat shall be set back to no greater than one hundred thirty degrees Fahrenheit (130° F.), measured at the faucet nearest to the water heater.

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

1. Walls. R-11 wall insulation;

2. Floors. R-19 insulation in basements;

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

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

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

1. R-38 attic insulation;
2. Storm windows; and
3. Automatic setback thermostats;

and the following energy conservation measures may be financed under the UDAG Program and provided through the LIWA Program:

1. R-38 insulation;
2. Storm windows;
3. Flame retention burners;
4. Energy-efficient gas furnace appliances;
5. Automatic setback thermostats;
6. Exhaust fans;
7. Air-to-air exchangers; and
8. Furnace repairs.

D. As part of the energy audit, the City shall determine what repairs and/or rehabilitation are necessary to ensure for at least two (2) years the effectiveness of the energy conservation measures installed through the CRWP. All owners of residential structures which do not meet the two (2) year criteria must provide for necessary rehabilitation or repair services before or when the energy conservation measures are installed. Up to Two Hundred Fifty Dollars ($250.00) in necessary repairs may be considered an energy conservation measure eligible for financing through LIEP and the UDAG Program.

E. 1. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as amended,[2] the Superintendent and the Director of the Department of Housing and Human Services may revise the energy conservation measures designated in subsections A and B of this section, provided the revision does not diminish the cost effectiveness of the measure.

2. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as amended,[2] the Superintendent may revise the energy conservation measures designated in subsection C of this section, provided the revision does not diminish the cost effectiveness

of the measure. The energy conservation measures designated in this Section 21.52.260 shall be added or deleted only by ordinance.
(Ord. 115958 § 23, 1991; Ord. 112488 § 2, 1985; Ord. 111030 § 2, 1983: Ord. 109675 § 8, 1981.)

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

21.52.270Liability limitations.

No provision of nor term used in this subchapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation of this subchapter shall be discretionary and not mandatory. Nothing contained in this subchapter or any agreement or act authorized hereunder is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the implementation of the subchapter, or by reason of any action or inaction on the part of the City, or its officers, employees, or agents, related in any manner to the implementation of this subchapter.
(Ord. 109675 § 19, 1981.)

Chapter 21.56
MISCELLANEOUS PROVISIONS

Sections:

Cases: The City may participate with other public and privately owned utilities in construction and operation of coal-powered electric generating plant near Centralia. **PUD No. 1 of Snohomish County v. Taxpayers**, 78 Wn.2d 724, 479 P.2d 61 (1971).

21.56.010Application for membership in Washington Public Power Supply System.

The Superintendent of City Light is authorized on behalf of the City to make application for membership in the Washington Public Power Supply System, a joint operating agency formed pursuant to RCW Chapter 43.52, and upon acceptance of the City's application for membership the Superintendent of City Light is designated as the City's representative to serve on the System's Board of Directors. The Superintendent of City Light is authorized to designate an alternate representative to serve on the Board of Directors in his absence. All prior acts of alternate representatives to the System's Board of Directors are ratified and confirmed, provided