

that such person was designated by the Superintendent of City Light.
(Ord. 107442 § 1, 1978; Ord. 99685 § 1, 1971.)

21.56.020 Financial obligations incurred under System.

Any financial obligations incurred by the City in connection with its membership in said System while a member thereof shall be payable solely out of the gross revenues of its municipal light and power plant and system and from no other source whatever and shall not constitute a general indebtedness of the City.
(Ord. 99685 § 2, 1971.)

21.56.030 Charges for electricity in Newhalem community.

As requested by the Superintendent of City Light in C.F. 274449 all consumers of electric energy from the City's system in the Newhalem community other than Lighting Department facilities or employees shall be charged the rates set forth from time to time in the Lighting Department Rate Ordinance (Ordinance 100163 as the same may be amended or superseded.)¹
(Ord. 101870 § 1, 1973.)

1. Editor's Note: Ordinance 100163 has been repealed. The current lighting and power rates are codified in Chapter 21.49 of this Code.

Subtitle V CATV

**Chapter 21.60
CABLE COMMUNICATIONS**

Sections:

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- 21.60.020 Purpose.
- 21.60.030 Definitions.
- 21.60.040 Office of Cable Communications—Created—Director.
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- 21.60.090 Basic services.
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Cable Television Glossary of Terms

Severability:

A. If any portion of this chapter shall be held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

B. If any portion of this chapter should be inconsistent with any rule or regulation now or hereafter adopted by the Federal Communications Commission, then to the extent of the inconsistency, the rule or regulation of the Federal Communications Commission shall control for so long, but only for so long, as such rule or regulation shall remain in effect, but the remaining portions of this chapter shall not thereby be affected.

(Ord. 105427 § 22, 1976.)

21.60.010 Short title.

This chapter shall constitute the "Cable Communications Ordinance" of the City and may be referred to as such.

(Ord. 105427 § 2, 1976.)

21.60.020 Purpose.

It is the purpose of this chapter to regulate in the public interest the operation of cable communications systems and their use of the public streets by establishing procedures for the granting and termination of franchises and the fixing of subscriber rates and charges, by prescribing rights and duties of operators and users of cable communications systems, and by providing generally for cable communications service to the citizens of Seattle.

(Ord. 105427 § 1, 1976.)

21.60.030 Definitions.

For the purposes of this chapter the following terms, phrases, words, abbreviations and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

A. "Access channels" means those channels designated and maintained by a cable communications system for programming not originated or procured by the system, including, but not limited to, the local government, the educational, and the public access channels described in and required by Sections 21.60.090 through 21.60.140.

B. "Advisory Board" means the Citizens' Advisory Board created in Sections 21.60.060 and 21.60.070.

C. "Basic services" shall be as defined in Section 21.60.090.

D. "Cable communications system" or "CATV system," which words are used interchangeably for the purpose of this chapter, are terms describing a system employing antennae, microwave, wires, wave-guides, coaxial cables or other conductors, equipment, or facilities designed, constructed, or used for the purpose of:

1. Collecting and amplifying local and distant broadcast, television, or radio signals and distributing and transmitting them;

2. Transmitting original cablecast programming not received through television broadcast signals;

3. Transmitting television pictures, film and video-tape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; and

4. Transmitting and receiving all other signals: digital, voice, audio-visual.

E. "City" means The City of Seattle, a municipal corporation of the State of Washington in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

F. "Council" means the City Council of The City of Seattle or any future body constituting the legislative body of the City.

G. "Franchise" means and includes any authorization granted under this chapter in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable communication system within all or a specified area in the City. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

H. "Grantee" means any person, firm or corporation granted a franchise by the City under this chapter and the lawful successor, transferee or assignee of such person, firm or corporation.

I. "Mayor" means the Mayor of The City of Seattle or any other person however designated who shall be the chief executive officer of the City.

J. "Nonbasic services" shall be as defined in Section 21.60.100.

K. "Person" means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business and common law trusts and societies.

L. "Property of grantee" means all property owned, installed and used within the City by a grantee in the conduct of a cable communications system business under the authority of a franchise grant pursuant to this chapter.

M. "Street" for the purpose of this chapter means the surface, the air space above the surface, and the area below the surface of any public street under the jurisdiction of the City.

N. "Subscriber" or "user" means any person or entity receiving for a consideration, direct or indirect, any service of a grantee's cable communications system.

(Ord. 105427 § 3, 1976.)

21.60.040 Office of Cable Communications—Created—Director.

There is created in the Department of Administrative Services an Office of Cable Communications for the administration and enforcement of this chapter and any other City ordinances relating to cable communications. The head of the Office of Cable Communications shall be the Director of Administrative Services.

(Ord. 116308 § 3, 1992; Ord. 107614 § 1(part), 1978; Ord. 105427 § 4(a), 1976.)

21.60.050 Office of Cable Communications—Duties.

The duties of the Office of Cable Communications are as follows:

A. To process applications for the granting or renewal of franchises;

B. To furnish the Council information, recommendations and technical assistance in connection with granting and renewing franchises;

C. To process applications for approval of initial or increased subscriber rates and to participate in rate hearings;

D. To investigate subscriber complaints and to resolve them by conciliation where possible;

E. To review generally the adherence by grantees to the terms of their respective franchises

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and to regulations of the Federal Communications Commission;

F. To serve as liaison for the distribution of information among public agencies, private firms and individual property owners with respect to: (1) the undergrounding of utility wires, (2) leasing of poles and pole space, and (3) the scheduling of construction whenever such undergrounding, leasing or construction affects existing or potential CATV facilities, whether or not the public improvement involved is limited in scope to the undergrounding of overhead wiring;

G. To promote the use of cable communications, the use of local government, education and public access channels, the procurement of grant funds to satisfy such uses, and community involvement in the formulation of City policy with respect to cable communications; and

H. To furnish to the Advisory Board such information and such staff, secretarial and other assistance as the Advisory Board may require to carry out its duties.

(Ord. 107614 § 1(part), 1978: Ord. 105427 § 4(b), 1976.)

21.60.060 Citizens' Telecommunications and Technology Advisory Board—Membership and duties.

A. There is hereby created a Citizens' Telecommunications and Technology Advisory Board consisting of fifteen (15) members:

1. The Advisory Board shall include one (1) member representing public access to telecommunications; one (1) member representing education; thirteen (13) members-at-large, and shall be staffed by a designee of the Executive who shall serve as Secretary to the Board.

2. Eight (8) members shall be appointed by the Mayor, subject to approval by the Council, including the representatives of public access and education. Seven (7) members shall be appointed by the Council. All members shall serve without compensation.

3. Of the members appointed initially, the Mayor shall appoint four (4) members to terms of two (2) years each and four (4) members to terms of one (1) year each and the Council shall appoint four (4) members to terms of two (2) years each and three (3) members to terms of one (1) year each. Thereafter, the term of each member shall be two (2) years. Each member shall be eligible for reappointment to one (1)

additional two (2) year term. A member may serve again after a hiatus of ten (10) years.

B. The duties of the Telecommunications and Technology Advisory Board are as follows:

1. To study and make recommendations to the Mayor and the Council on issues referred to the Board by the Mayor or Councilmembers, of community-wide interest relating to telecommunications and technology, including such issues as cable television access, technology access, and regulatory issues within the City's authority regarding wire and wireless communication systems;

2. To conduct hearings and workshops upon, and to make written recommendations regarding telecommunications and technology issues as referred above, and report its findings and recommendations to the Mayor and Council; and

3. To perform such other duties as may from time to time be appropriate and approved by resolution of the Seattle City Council.

(Ord. 118006 § 1, 1996: Ord. 117703 § 1, 1995: Ord. 116308 § 4, 1992: Ord. 105427 § 5(a), 1976.)

21.60.080 Franchise to install and operate.

A. The Council may grant to any person a nonexclusive franchise to install, construct, operate and maintain a cable communications system on streets within one (1) or more cable districts as defined in this chapter. The award of such franchises shall be made pursuant to the procedures, terms and conditions set forth in this chapter, and only to such persons who offer to provide a cable communications system under and pursuant to the terms and conditions of this chapter. No provision of this chapter shall be deemed or construed to require the granting of a franchise with respect to any cable district when, in the opinion of the Council, it is in the public interest to restrict to one (1) or more the number of grantees holding franchises with respect to a particular cable district or districts.

B. It shall be unlawful for any person to install, construct, operate or maintain a cable communications system on streets within all or any part of the City without first obtaining a franchise under and pursuant to the terms and provisions of this chapter, except as provided in Sections 21.60.290 and 21.60.680 A.

(Seattle 6-96)

Seattle Municipal Code

(Ord. 105427 § 6, 1976.)

CABLE COMMUNICATIONS

21.60.080

August, 1976 code update file
Text provided for historic reference only.

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

For current SMC, contact the Office of the City Clerk

21-92.1

(Seattle 6-96)

21.60.080

UTILITIES

Seattle Municipal Code
August, 1996 code update file
Text provided for historic reference only.

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

(Seattle 6-96)

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

21-92.2

21.60.090 Basic services.

Any cable communications system permitted to be installed and operated under this chapter shall:

A. Be operationally capable of relaying to subscriber drops (i.e., terminals) if technically practicable those television or radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

B. If technically and economically practicable be constructed with technical capacity for nonvoice return communication such that: (1) return communications are capable of being received and processed both at the head-end for the cable district in which the communication originates and at a main head-end for all cable districts served by the grantee; (2) return communications will be transmitted on a band width below the lowest band width used by the grantee to transmit television broadcast signals; (3) at the option of the subscriber, no return signals will be communicated; and (4) the system will include technical safeguards calculated to deter interception of return communications by third parties;

C. Distribute color television signals which it receives in color;

D. Provide in each cable district with a twelve (12) channel capacity one composite channel for local government, educational and public access uses, and in cable districts that have or are expanded to twenty (20) channel capacity provide one (1) channel each for local government, educational and public access such that:

1. All access channels will be made available without charge,

2. Access channel assignments shall be made by the Office of Cable Communications in consultation with the grantees and shall be made uniform throughout the City,

3. The requirement of this chapter that there be such access channels shall be reviewed every six (6) months by the Office of Cable Communications and the Citizens' Advisory Committee to examine the need for such channels,

4. Programs on any access channel shall be available to all subscribers within a single access district and to the extent technically practicable, cable district head-ends shall be interconnected to permit transmission to all cable districts of signals transmitted on any access channel,

5. For each access district there shall be provided, without charge, facilities sufficient to originate live or videotaped programs on the public access channel, which shall be available during the system's broadcast day on a first-come, first-serve, nondiscriminatory basis.

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Provided, however, that with respect to this subsection D the grantee shall not be required to provide access facilities in excess of those required by the rules and regulations of the Federal Communications Commission unless, upon application of the City, such access facility requirements are waived by the Federal Communications Commission; and

E. Have a minimum capacity of twenty (20) channels.
(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(a), 1976.)

21.60.100 Nonbasic services.

Any cable communication system permitted to be installed and operated under this chapter may also if technically practicable engage in the business of:

A. Transmitting original cablecast programming not received through television broadcast signals;

B. Transmitting television pictures, film and videotaped programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers; and

C. Transmitting and receiving all other signals: digital, voice, audio-visual.
(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(b), 1976.)

21.60.110 Subscriber complaints.

In providing the services designated in Sections 21.60.090 and 21.60.100, and excepting circumstances beyond grantee's control such as riots, civil disturbances and acts of God, the grantee shall:

A. Limit system failures to a minimum time duration by locating and commencing correction of malfunctioning equipment promptly, but in no event longer than twenty-four (24) hours after occurrence irrespective of holidays or other non-business hours;

B. Upon complaint by a subscriber and at the request of the Office of Cable Communications, demonstrate to the satisfaction of the Office of Cable Communications that a signal being delivered meets the technical and performance standards of strength and quality set forth in the rules and regulations of the Federal Communications Commission;

C. Render efficient service, making system repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of the system;

D. Maintain an office in or near the City which shall be so operated that complaints and requests for repairs or adjustments may be received at any time. The current local telephone number(s) for the office and complaint service shall be listed in telephone directories distributed in grantee's area of service;

E. Maintain a written record or "log" listing date of system failures and specific customer complaints other than those concerning system failures, and describing the nature of the complaint and when and what action was taken by grantee in response thereto. Records relating to each complaint shall be kept at grantee's local office for a period of three (3) years and shall be available for public inspection during regular business hours by the Office of Cable Communications.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(c), 1976.)

21.60.120 Educational and municipal service.

A. With respect to the local government and educational access channels:

1. On condition of reimbursement of grantee's actual cost for installation and periodic maintenance, the grantee shall provide a cable return length if technically practicable permitting transmission of originated program material between the head-end of the grantee and:

a. Each building designated by the Office of Cable Communications and located within a cable district for which the grantee holds a franchise and which is owned and controlled by the City and used for public purposes and not for residential use (fire and police stations excepted), and

b. Each state-accredited public or private educational institution located within a cable district for which the grantee holds the

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franchise and which requests such installation; and

2. If the grantee elects to provide facilities for production of program materials for use on the local government or educational access channels, the grantee shall charge no more than reasonable production costs, a schedule of which charges shall be filed with the Office of Cable Communications on January 2nd of each year.

B. With respect to basic cable services: the grantee shall provide if technically practicable all subscriber services and a tie-in connection without cost (except for actual cost of installation in the case of an underground connection), to each state-accredited public or private educational institution and each building designated by the Office of Cable Communications which is owned and controlled by the City and used for public purposes and not residential use (fire and police stations excepted), when the cable system passes any such institution or building.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(d), 1976.)

21.60.130 Compatibility and interconnection.

A. It is the desire of the City in enacting this chapter that all cable communication systems franchised under this chapter shall, insofar as financially and technically feasible, be compatible one with another and with systems adjacent to the City.

B. Whenever it is financially and technically feasible, the grantee shall so construct, operate, and modify the system as to be able to tie the same into all other systems within and adjacent to the City.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(e), 1976.)

21.60.140 Uses permitted.

Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable communications system in the City, and for that purpose to erect, install, construct, prepare, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street such poles, wire, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the cable communications system and in addition, so to use,

operate, and provide similar facilities by means of properties (i.e., systems of components thereof) rented or leased from other persons, including but not limited to, any public utility or other grantee franchised or permitted to do business in the City; provided, however, that nothing contained in this section shall relieve the grantee from the requirements of Ordinance 90047¹ relating to the use of public streets or from the requirements of any other ordinance, rule or regulation enacted or promulgated by or on behalf of the City in connection with the exercise of the City's police powers.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(f), 1976.)

1.Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

21.60.150 Franchise term.

Each franchise granted by the City under this chapter shall be for a term of fifteen (15) years from the date of its acceptance by the grantee.

(Ord. 105427 § 8(a), 1976.)

21.60.160 Termination of franchise.

The City may terminate by ordinance enacted for such purpose any franchise granted pursuant to the provisions of this chapter in the event of the willful failure, refusal, or neglect by grantee to do or comply with any material and substantial requirement contained in this chapter or rule or regulation of the Office of Cable Communications validly adopted pursuant to this chapter. System failure in all or a major part of any cable district shall constitute noncompliance with a material requirement of this chapter if such failure continues for a period of ten (10) consecutive days or for a period of twenty-four (24) consecutive hours on thirty (30) or more occasions during any period of twelve (12) consecutive calendar months.

(Ord. 105427 § 8(b), 1976.)

21.60.170 Proceeding before Hearing Examiner.

The Office of Cable Communications shall initiate a proceeding before a Hearing Examiner pursuant to the Administrative Code of the City¹ for the purpose of having the Examiner make the determinations contemplated by Section 21.60.180 if:

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A. The Office of Cable Communications determines that by reason of system failure not resulting from circumstances beyond its control the grantee has failed to comply with any material or substantial requirement of this chapter; or

B. The Office of Cable Communications determines that the grantee has failed or refused or neglected to do or comply with any material or substantial requirement or limitation contained in this chapter or other ordinance (other than system failure) or any rule or regulation of the Office of Cable Communications validly adopted pursuant to this chapter; and such failure, refusal, or neglect has continued for a period of thirty (30) days following written demand by the Office of Cable Communications to do or comply with such requirement, limitation, term, condition, rule or regulation; or

C. The Office of Cable Communications has received a petition requesting institution of such proceedings and signed by at least twenty-five percent (25%) of the subscribers within the cable district served by the grantee; provided however, that this subsection shall not be so interpreted as to preclude consideration by the Office of Cable Communications of complaints by nonsubscribers concerning matters in which such nonsubscriber(s) have a material interest. (Ord. 105427 § 8(c), 1976.)

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

21.60.180 Determinations by Hearing Examiner.

In any proceeding as set out in Section 21.60.170, it shall be the duty of the Hearing Examiner after receiving testimony and evidence from all interested parties:

A. To determine whether any such failure, refusal or neglect by grantee to do or comply with any such material requirement, limitation, term, condition, rule or regulation has occurred; and

B. If so, to determine whether such failure, refusal or neglect by grantee was with just cause; and

C. If such failure, refusal or neglect by the grantee was with just cause, to direct compliance within such time and upon such terms and conditions as are reasonable;

Provided, however, if the issue before the Hearing Examiner involves noncompliance with Section 21.60.380 he shall make a recommenda-

tion to the Council regarding a time certain for compliance by grantee. (Ord. 105427 § 8(d), 1976.)

21.60.190 Declaration of termination of franchise.

If the Hearing Examiner shall determine that such failure, refusal or neglect by the grantee was without just cause, he shall report such determination to the City Council whereupon the City may by ordinance declare that the franchise of such grantee shall be terminated and forfeited as of a date to be specified in such ordinance unless there be compliance by the grantee within such period as the City may also fix in such ordinance. Such ordinance shall be published once in the City official newspaper within three (3) days after the same shall have become a law. (Ord. 105427 § 8(e), 1976.)

21.60.200 City rights not affected.

The termination and forfeiture of any franchise shall in no way affect any other rights of the City under the franchise or any provision of law. (Ord. 105427 § 8(f), 1976.)

21.60.210 Cable districts and access areas.

A. Cable districts shall be as depicted on Exhibit "A" — "CABLE DISTRICTS" attached to Ordinance 105427.¹

B. Access districts shall be as depicted on Exhibit "B" — "ACCESS AREAS" attached to Ordinance 105427.¹ (Ord. 105427 § 9, 1976.)

1. Editor's Note: Exhibits "A" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

21.60.220 Applications for franchise.

Each application for the granting or renewal of a franchise to construct, operate or maintain any cable communications system in this City shall be filed with the Office of Cable Communications, be accompanied by a processing fee in the amount of Two Hundred Fifty Dollars (\$250.00) and shall also contain or be accompanied by the following:

A. The name, address and telephone number of the applicant;

B. A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent may reasonably be required by the Office of Cable Communications:

1. The names, residence and business addresses of all officers and directors of the applicant,

2. The names and addresses of all persons having, controlling, or being entitled to have or control, five percent (5%) or more of the ownership of the applicant, either directly or indirectly, and the respective ownership share of each such person,

3. A detailed description of all previous experience of the applicant or the owners of the applicant in providing cable communications and in related or similar fields,

4. A detailed and complete recent financial statement prepared by or under the supervision of certified public accountants, and of any corporation owning a majority or more of the voting stock of the applicant,

5. A detailed financial plan showing the financial resources required to construct and operate the proposed system together with satisfactory evidence of the availability to applicant of funding requirements in excess of applicant's own cash resources not otherwise committed;

C. A detailed statement of the proposed plan of operation of the applicant, which shall include:

1. A statement of the cable district proposed to be served and a proposed time schedule, not in conflict with this chapter, for installation in each neighborhood or portion of the district of all equipment necessary to complete energization throughout the entire area to be served,

2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of the classifications including installation charges and service charges and which shall remain in effect for not less than twelve (12) months following the grant of the franchise; provided grantee by this requirement shall not be precluded from initiating an application for a rate revision prior to the twelfth month, to be effective thereafter if allowed,

3. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant, including when applicable administrative and

technical procedures for interconnection of access channels and for safeguarding the privacy of return signals. In no event shall the operational and performance standards be less than those contained in Title 47, Subpart K (Section 76.601 et seq.) Rules and Regulations, Federal Communications Commission adopted February 2, 1972, and as amended,

4. A copy of any agreement proposed to be entered into between the applicant and any subscriber,

5. A statement setting forth the substance of, and names of persons party to, all agreements existing or proposed between the applicant and any other person which materially relate to or depend upon the granting of the franchise;

D. A copy of any agreement with respect to the franchise area existing between the applicant and any public utility providing for the use of any facilities of the public utility; and

E. Any other reasonable information requested by the Office of Cable Communications or the Council, or required by any provision of any other ordinance of the City or its Charter, or deemed pertinent by the applicant.

(Ord. 105427 § 10, 1976.)

21.60.230 When applications accepted—Notification.

A. For a period of one hundred eighty (180) days immediately preceding the expiration date of a franchise for any given cable district the Office of Cable Communications will accept for filing applications for franchises for such cable district. At least ten (10) days but not more than thirty (30) days in advance of the aforementioned date on which applications will first be accepted, the Office of Cable Communications shall give written notice thereof to each person who is then the holder of an existing CATV cable franchise from the City and to any person who has requested such notice in writing, and by publication of notice for one (1) day in a newspaper of general circulation throughout the City, which published notice shall include a copy of the table of contents of this chapter.

B. In the event that the Office of Cable Communications, upon the advice and recommendation of the Advisory Board, determines that an area not a part of a cable district is to be designated a cable district and is to be served, the Director of Administrative Services shall publish

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notice in a newspaper of general circulation throughout the City that applications for a franchise to serve such area will be received until a designated date which date shall be not less than ninety (90) days nor more than one hundred eighty (180) days after publication of such notice. Such published notice shall contain a copy of the table of contents of this chapter.

(Ord. 116308 § 5, 1992; Ord. 110038 § 1, 1981; Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(a), 1976.)

21.60.240 Report and recommendation on application.

Upon receipt of any application for franchise, the Office of Cable Communications shall prepare a written analysis or report upon such application and thereafter in consultation with the Advisory Board make recommendations respecting such application. Any such analysis or reports and recommendations shall be completed and filed with the Council within ninety (90) days following the close of the period for filing of the application.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(b), 1976.)

21.60.250 Public hearing on application.

Upon receipt of the reports or analysis and recommendations of the Office of Cable Communications, the Council shall promptly schedule a public hearing upon the application reported, and shall cause the City Clerk to publish notice thereof in at least two (2) newspapers of general circulation within the City at least once a week for each of the two (2) weeks preceding such hearing, provided, however, that no two (2) or more applications shall be considered at any one (1) hearing except by consent of the applicants and no applications shall be considered at any one (1) hearing which do not relate to the same cable district. The notice shall state the name of each proposed grantee for each cable district and the place where applications and relevant material are available to the public, and shall set forth the day, hour and place when and where any interested persons may file written comments pertaining thereto and/or appear before the Council and be heard.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(c), 1976.)

21.60.260 Considerations at public hearing.

At the hearing so scheduled or any adjournments thereof, all citizens and other interested parties shall have an opportunity to express their views orally or in writing to the Council, and the Council shall consider all the views expressed at the public hearing in determining its action upon each franchise application. Written comments if responsive to written or oral statements of any person filed or made at the hearing, but not otherwise, shall be received up to the conclusion of the fifth business day following the conclusion of the hearing, and be considered by the Council. The Council shall also give due consideration to the quality of the service proposed; the experience, character, background, and financial responsibility of each applicant and its management and owners; the technical and performance quality of equipment; the program proposed for construction; and the applicant's ability to meet construction and physical requirements and to abide by the terms and requirements of the franchise generally. The Council shall also give weight to local ownership and to ownership representing minorities within the larger public.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(d), 1976.)

21.60.270 Council determinations—Rejection or further consideration of application.

If the Council should determine to reject any application, such determination shall be final and the application shall be deemed rejected. If the Council shall determine further to consider an application, then:

A. (Reserved subsection.)

B. The reasonableness of the subscriber rates and charges proposed by the applicant shall be inquired into at a hearing before a Hearing Examiner pursuant to the Administrative Code of the City (Ordinance 102228)¹ and Sections 21.60.300 through 21.60.320. The Hearing Examiner shall make a determination concerning the reasonableness of the proposed rates and charges and forward such determination to the City Council. In the event that the Hearing

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Examiner determines that an independent audit of applicant's accounts and records by certified public accountants is essential to a determination of the fairness of applicant's proposed rates and charges he may direct applicants to cooperate in such respect. If an applicant is already operating under an existing franchise and does not propose to increase its rates and charges, no such hearing shall be required.

C. If the Council shall determine that a franchise be granted to the applicant upon the terms proposed by the applicant with respect to the applicant's construction program and subscriber rates and charges or upon different terms, such determination shall be expressed in the ordinance granting a franchise to the applicant.

D. No bill granting a franchise shall be finally passed within thirty (30) days after its introduction, nor until it has been published in the official newspaper of the City at the expense of the applicant for ten (10) consecutive press days. Any ordinance granting a franchise shall be published once in the official newspaper of the City at the expense of the applicant therefor within three (3) days after the same shall have become law.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(e), 1976.)

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

21.60.280 Procedure for grant or renewal of franchise.

The procedure for granting any franchise other than those contemplated by Section 21.60.230 and for renewing any franchise granted pursuant to this chapter shall be as follows:

A. Upon receipt of any application for the granting or renewal of a franchise, the Office of Cable Communications shall prepare a written analysis or report upon such application and thereafter in consultation with the Advisory Board, make recommendations respecting such application and cause the same to be completed and, together with the application, filed with the Council within ninety (90) days.

B. On receipt of such report or analysis and recommendation, the Council shall schedule a public hearing and cause notice thereof to be published at least once a week for each of two (2) weeks preceding the hearing in each of the two (2) newspapers of general circulation within the City,

which notice shall contain the same information described in Section 21.60.250. In addition, if the application is for renewal of a franchise for a cable district then served by a local access channel, the applicant shall broadcast notice of the hearing over all such channels at least once each working day between the hours of nine (9:00) a.m. and eleven (11:00) p.m. during the two (2) weeks immediately preceding the hearing.

C. The procedures followed at and subsequent to the hearing shall be the same as those described in Sections 21.60.260 and 21.60.270.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(f), 1976.)

21.60.290 Franchise grant for entire cable district—Exception.

Unless a cable district is already partially served pursuant to an existing franchise no grantee shall be awarded a franchise for less than an entire cable district, provided, however, that any person operating a cable system within the City pursuant to a franchise outstanding on the effective date of the ordinance codified in this chapter¹ shall be entitled to continue to operate in the area served on the effective date of the ordinance codified in this chapter, for which such outstanding franchise was granted, until the expiration of such outstanding franchise, notwithstanding the designation of a different grantee under this chapter for a cable district encompassing all or part of the area in which the existing system operates. When, as a result of this section a cable district is served by more than one (1) system, the system shall be interconnected at the expense of the grantee operating under a franchise initially granted pursuant to this chapter in such a way as to provide common access channels throughout the cable district.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(g), 1976.)

1.Editor's Note: Ord. 105427 became effective on April 25, 1976.

21.60.295 Regulation of cable television rates and charges.

A. The Office of Cable Communications shall regulate the rates charged by local cable television franchises in conformance with, and to the extent permitted by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460, 47 U.S.C. §§ 521 et

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seq. (1992), and implementing regulations of the Federal Communications Commission.

B. The Office of Cable Communications is authorized to take all steps necessary to become certified by the Federal Communications Commission to regulate cable television rates.

C. The Office of Cable Communications shall adopt such rules and regulations as necessary to regulate cable television rates. (Ord. 116917 § 1, 1993.)

21.60.300Subscriber rates and charges—Approval required.

A. No grantee shall impose or be permitted to impose upon subscribers or users rates or charges for installation or for basic services, approved by the Federal Communications Commission (FCC) and the City, until it has first been determined in the manner provided in this section and Section 21.60.295. The determination of the Hearing Examiner in such respect shall be made in accordance with the Administrative Code of the City (Seattle Municipal Code Chapter 3.02) and shall constitute a final order or decision; provided, however, that in connection with the original grant of a franchise pursuant to this chapter the reasonableness of rates or charges shall be determined according to Sections 21.60.230 through 21.60.290.

B. Any applicant for the granting or renewal of a franchise (except an applicant who already provides cable service to all or part of the cable district for which the franchise or renewal is sought and who proposes no increase in rates and charges for installation and basic services) and any grantee proposing any increase in rates and charges for installation or basic services shall first file with the Office of Cable Communications a schedule of the proposed increased rates and charges together with supporting financial data presented in a manner susceptible of meaningful comparison among all grantees, as prescribed by rules adopted pursuant to Section 21.60.650. Such supporting data shall include a statement covering the period since the last previous rate adjustment showing clearly what total proceeds were derived from the system in terms of ratepayers payments and users charges and the proportion of those proceeds devoted to operation and maintenance of the system and construction of capital plant in the cable district. The Office of Cable Communications shall examine and investigate

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the material submitted by the applicant or grantee and, in consultation with the Advisory Board, make a recommendation to the Council with respect thereto within thirty (30) days after receipt.

(Ord. 116917 § 2, 1993; Ord. 105427 § 12(a), 1976.)

21.60.310Subscriber rates and charges—Determination of Hearing Examiner.

The application of the applicant or grantee and the report of the Office of Cable Communications and recommendations of the Advisory Board and the Office of Cable Communications shall be submitted to a Hearing Examiner, and the reasonableness of the proposed rates and charges shall be determined after notice and a hearing by a Hearing Examiner pursuant to the Administrative Code of the City.¹ Notice of the hearing shall briefly describe the proposed rates and charges and the recommendation of the Office of Cable Communications with respect thereto and shall state the place where the application and relevant facts are available to the public, the time and place of the hearing, and the date by which written comments must be submitted. Notice of the hearing will be sufficient if published at least once a week during each of the two weeks preceding the hearing in a newspaper of general circulation within the City and in one or as many more community newspapers within the cable district or franchise areas, as may be necessary to cover the entire district and if broadcast over the local access channels of the applicant or grantee (if any) in the cable district or districts affected at least once each working day between the hours of nine (9:00) a.m. and eleven (11:00) p.m. during the two (2) weeks immediately preceding the hearing.

(Ord. 105427 § 12(b), 1976.)

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

21.60.320Subscriber rates and charges—Purpose of hearing.

The purpose of the hearing before a Hearing

Examiner shall be to determine whether the rates and charges proposed by the applicant or grantee are not in excess of the rates permitted by FCC rate regulations as now or hereafter amended and franchise requirements, if any. In the event that the Hearing Examiner determines that an independent audit of applicant's accounts and records by certified public accountants is necessary to the above determination, he/she may direct applicants to cooperate in such respect, and failure to consent to such audit without just cause shall be a ground for rejection of the applicant's application. The applicant or grantee shall have the burden of persuasion.

(Ord. 116917 § 3, 1993; Ord. 105427 § 12(c), 1976.)

21.60.330 Bonds.

Upon being granted a franchise and upon the filing of the acceptance required under Section

For current SMC, contact
the Office of the City Clerk

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Seattle Municipal Code

August, 1996 code update file

Text provided for historic reference only.

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

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For current SMC, contact
the Office of the City Clerk

21-100.2

Seattle Municipal Code
August, 1996 code update
Text provided for historical reference only.

See ordinances creating new sections for complete and tables and to compare with this source file.

21.60.370, a grantee shall deliver to the City Clerk for filing, and thereafter maintain continuously in effect a good and sufficient bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00), executed by a surety company authorized and qualified to do business in the state as a surety or by other sureties acceptable to the Office of Cable Communications and in a form approved by the City Attorney, which bond shall stipulate that grantee shall strictly comply with each and every condition and covenant of its franchise; provided, that whenever in the judgment of the Director of Administrative Services any bond or bonds filed by a grantee pursuant to the provisions of this section shall be deemed insufficient to satisfy the conditions of the bond, the grantee shall upon demand furnish a new or additional bond in such amount as may be specified by the Director of Administrative Services and with such sureties as are acceptable to the Director of Administrative Services, and maintain such new or additional bond continuously in effect; and provided further that the bond shall include the obligation of the surety to guarantee payment to the City of the penalty provided for in Section 21.60.360 should such penalty become applicable.

(Ord. 116308 § 6, 1992; Ord. 107614 § 2(part), 1978; Ord. 105427 § 13(a), 1976.)

21.60.340 Indemnity.

By acceptance of a franchise granted pursuant to this chapter and the rights and privileges thereby granted, grantee does covenant and agree with the City for itself, its successors and assigns, to at all times protect and save harmless the City from all claims, actions, suits, liability, loss, cost, expenses or damages of every kind or description which may accrue to or be suffered by any person or persons or property, and to appear and defend at its own cost and expense any action instituted or begun against the City for damages by reason of the construction, reconstruction, readjustment, repair, maintenance, operation or use of the streets of the City, or any act(s) or omission(s) of grantee, its successors or assigns, exercising any privilege conferred by this chapter or by such franchise, and in case judgment shall be rendered against the City in any such suit or action, the grantee shall fully satisfy such judgment within ninety (90) days after such action or suit shall have been finally determined if determined adversely to the City. Such indemnity shall include, but not be limited to, any liability as may arise or occur, or be alleged to arise or occur, from concurrent, contributing or joint acts or omissions of grantee and the City, but not attributable to the sole negligence of the City.

For current SMC, contact
the Office of the City Clerk

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(Ord. 107614 § 2(part), 1978; Ord. 105427 § 13(b), 1976.)

21.60.350 Insurance.

So long as grantee shall possess any right or privilege granted pursuant to this chapter or franchise, and before the commencement of any work under this agreement, the grantee shall deliver to the Office of Cable Communications for filing with the City Clerk a policy of insurance (or a copy thereof) showing that it has procured and is maintaining at all times a policy of public liability insurance, in a form approved by the City Attorney, naming the City as an insured, protecting and holding the City harmless from any and all damages of any kind whatsoever which may arise in connection with the services or work to be performed under this chapter, whether or not such damages are alleged to arise or result from acts or omissions which are the sole negligence of the City, its officers, employees and/or agents or the combined negligence of the City and others, in at least the principal amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one (1) person or for bodily injury or death to any number of persons in any one (1) incident, and/or One Million Dollars (\$1,000,000.00) for all property damage occurring during any one (1) incident, and/or One Million Dollars (\$1,000,000.00) for deprivation of civil rights and civil liberties, defamation of character, libel, slander, invasion of contractual rights, inverse condemnation, or similar or other causes of action, provided the Director of Cable Communications may increase the minimum policy limits and coverage from time to time as the Director deems appropriate to adequately protect the City and the public. The policy shall provide for at least thirty (30) days' notice to the Director of Cable Communications of any change, cancellation or lapse thereof, and that "This policy is issued and intended to comply with the conditions and requirements of Section 21.60.350 of the Seattle Municipal Code."

(Ord. 116368 § 290, 1992; Ord. 116308 § 7, 1992; Ord. 107614 § 2(part), 1978; Ord. 105427 § 13(c), 1976.)

21.60.360 Penalties.

It is the intent of this chapter that the citizens of Seattle who have contracted with a cable television franchise grantee for basic cable ser-

vices be provided uninterrupted service and, if any grantee abandons or wilfully ceases to serve any cable district or portion thereof, the grantee, after a hearing before the Director of Administrative Services, upon a determination and findings of

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such abandonment or wilful cessation of service shall be subject to a penalty of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), in the discretion of the Director, for each day such wilful cessation of service or abandonment continues, but not to exceed a total sum of Fifty Thousand Dollars (\$50,000.00). Operation by a temporary substitute operator by permission of the grantee and the City shall stay the penalty provision of this section for so long as the system is thereby maintained in operation.

(Ord. 116308 § 10, 1992; Ord. 107614 § 3, 1978; Ord. 105427 § 13A, 1976.)

21.60.370 Acceptance of franchise.

A. No franchise granted under this chapter shall become effective for any purpose unless and until an acceptance in writing thereof shall have been filed with the City Clerk. Such written acceptance, which shall be in form and substance approved by the City Attorney, shall also be and operate as an acceptance of each and every term and condition and limitation contained in this chapter or in such franchise, or otherwise specified as provided in this section.

B. The written acceptance shall be filed by the grantee not later than thirty (30) days following the effective date of the ordinance granting such franchise.

C. In default of the filing of such written acceptance as required in this section, the grantee shall be deemed to have rejected and repudiated the franchise and the City may invite and thereafter receive applications from persons desiring to serve the subject cable district.

D. In any case, all rights, remedies and redress which may or shall be available to the City under this chapter, shall at all times be available to the City and shall be preserved and maintained and shall continuously exist in and to the City and shall not be in any manner or means modified or abridged, altered, restricted or impaired by reason of this chapter or otherwise.

E. By acceptance of a franchise granted pursuant to this chapter any and all grantees specifically acknowledge that nothing in this chapter contained or in any franchise granted pursuant thereto constitutes an abrogation by the City of its police powers in any respect whatsoever.

F. If for the purpose of documenting his compliance with federal regulations for federal

authorities, any person operating a CATV system within any cable district or districts pursuant to a franchise outstanding on the effective date of the ordinance codified in this chapter¹ desires to accomplish such documentation by electing to accept the terms and conditions of this chapter he may do so by filing with the Office of Cable Communications a written acceptance of the terms and conditions of such ordinance which shall be in form and substance approved by the City Attorney and shall specify the cable district or districts to which the acceptance relates. Such an acceptance shall have the effect of conforming such outstanding franchise to this chapter for the district or districts specified except that such outstanding franchise shall terminate on its original expiration date.

(Ord. 107614 § 4, 1978; Ord. 105427 § 14, 1976.)

1. Editor's Note: Ord. 105427 became effective on April 25, 1976.

21.60.380 Construction—Approval of plan—Rate or extension of service.

The construction of new cable facilities or the extension of existing cable facilities by a grantee shall be done in accordance with a plan or design first submitted to and approved by the Director of Administrative Services, then the City Engineer and the Board of Public Works under the Street Use Ordinance.¹ The grantee shall at all times comply with this chapter and with Ordinance 90047¹ (commonly called the "Street Use Ordinance") as the same now reads or is hereafter amended, except that if this chapter and Ordinance 90047 are in any respect inconsistent the provisions of the latter shall control. To the end that an entire cable district shall be served within twelve and one-half (12½) years from the date of the awarding of the franchise, a grantee shall extend cable service at a rate of not less than eight percent (8%) per year of the area uncabled as of the date the franchise was granted; provided, however, that the legislative authority may by ordinance and pursuant to a specific application by the grantee, extend the time for a grantee's performance to a date certain after receiving findings and a recommendation from the Hearing Examiner and after a hearing by the Hearing Examiner upon the facts as to whether the failure to extend the time would cause the grantee to suffer an unreasonable rate of return in its invest-

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ment in the cable district, or as to whether delay is caused by strikes, acts of God, or other unforeseen circumstances beyond the control of the grantee. (Ord. 116308 § 11, 1992; Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(a), 1976.)

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

21.60.390Erection of poles and wires—Undergrounding.

All poles, cables, wires, antennae, conduits or appurtenances shall be constructed and erected in a neat, workmanlike manner and shall be of such height and occupy such position as the Board of Public Works shall direct. Whenever it is practicable to make use of poles already in the streets of the City, the grantee shall make use of such poles as provided in Ordinance 90047,¹ provided that in any district in which telephone, telegraph and electric power wires and cables have been placed underground, the grantee shall not be permitted to erect poles or to run or suspend wires, cables or other conductors thereon but shall lay such wires, cables or conductors underground in such manner as is required by the City, and if, prior to the passage of any ordinance creating a local improvement district or utility local improvement district which involves placing overhead utilities underground grantee shall have erected poles and suspended wires, cables and other conductors thereon, grantee shall participate in such underground project and shall remove poles, cables and wires from the surface of the streets within such district and shall place the same underground in conformity with the requirements of the Board of Public Works.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(b), 1976.)

1.Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

21.60.400Undergrounding requirements.

If in any part of the cable district for which the grantee has been awarded a franchise and where no cable facilities have been installed, the City or a local improvement district proposes to place telephone, telegraph and electric power wires and cables underground, or to require the same, grantee may place facilities in the underground project, but if grantee does not do so and

subsequently enters the area to serve the same, grantee shall place its facilities underground. In areas where all other utilities have their facilities underground the grantee shall underground its facilities within a reasonable period of time, as directed by the City Council.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(c), 1976.)

21.60.410City rights to make improvements—Use of grantee's poles.

Nothing in this chapter shall be construed to prevent the City or any Local Improvement District or Utility Local Improvement District from sewerage, paving, grading, altering or otherwise improving or reimproving any of the streets of the City, including the installation of City-owned utilities, and the City shall not be liable for any damages resulting to the grantee by reason of the performance of such work or by exercise of such rights of the City. This chapter shall not be so construed so as to deprive the City of any rights or privileges which it now has, or which may hereafter be conferred upon it to regulate and control the use of the streets. Whenever and to whatever extent any street shall be improved or the grade thereof changed, modified, raised or lowered, or the size, position or location of any City-owned public utilities changed, modified or altered, any of the installations belonging to the grantee which may be affected by or shall conflict with any such changes, alterations or modifications shall be promptly adjusted, removed, altered, raised, lowered or otherwise modified to conform to the improvements or changes made, by and at the cost and expense of grantee and in conformity with the requirements of the Board of Public Works. The City shall at all times have the right to make use of any or all of the poles of the grantee for wires, cables and conductors to carry any City-owned systems or facilities requiring such use.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(d), 1976.)

21.60.420Excavation—Application—Deposit with Board of Public Works.

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Whenever it shall be necessary, in the erection of poles or in the construction of underground pipes or conduits, to excavate in any portion of any street, the grantee shall file with the Board of Public Works an application for permission to do such work, together with plans, designs and drawings on a reasonable scale setting forth the streets to be disturbed, and obtain a permit from or approval of the Board of Public Works for so doing before beginning such work, all as contemplated by Ordinance 90047,¹ as it now exists and may hereafter be amended. After any poles are erected or such pipes or conduits constructed, grantee shall promptly replace any portion of the street disturbed by such work in a neat and workmanlike manner to its original condition and as required and approved by the Board of Public Works. The grantee at the discretion of the Board of Public Works shall keep on deposit in the City Treasury to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) in cash to be used by the Board as necessary for the purpose of restoring streets in the manner prescribed by the Board, to pay the reasonable costs of any City inspection necessitated by grantee's actions pursuant to this franchise, and to pay the cost of raising or removing of any wires, cables or conductors as provided in Section 21.60.430.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(e), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

21.60.430 Moving building—Raising or removing wires.

Whenever permission is obtained from the Board of Public Works for use of any streets of the City for the purpose of moving any building or structure, grantee, upon forty-eight (48) hours' notice from the Board of Public Works, shall raise or remove any wires, cables or conductors which may obstruct the removal of such building or structure, and in the case of grantee's refusal or failure to comply with such notice, the Board of Public Works may raise or cause to be raised or remove or cause to be removed such wires, cables or conductors at the expense of grantee for the purpose aforesaid.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(f), 1976.)

21.60.440 Compliance with chapter.

Construction, maintenance and operation of grantee's system, including house connections, shall be in accordance with the provisions of this chapter and in accordance with the provisions of all other applicable codes and ordinances, including the Electrical Code (Ordinance 103501),¹ and grantee shall comply with all applicable state and federal laws and the rules and regulations of the Federal Communications Commission relating to CATV systems.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(g), 1976.)

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

21.60.450 Connection point.

Except in areas of the cable district in which, by the terms of the grantee's franchise, no construction is required, the grantee shall, on payment of the installation charge prescribed in accordance with Sections 21.60.300 through 21.60.320, provide a connection, overhead or underground in the discretion of the Board of Public Works, to any point located not more than three hundred feet (300') from grantee's nearest distribution cable, and shall not accept payment for an installation charge unless there is a distribution cable within three hundred feet (300') of the subscriber's property or a specific written agreement has been entered into with the subscriber regarding the cost of a connection over a distance greater than three hundred feet (300').

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(h), 1976.)

21.60.460 Council may require construction in previously excluded area.

Notwithstanding any limitation to the contrary contained in grantee's franchise, the Council by ordinance may require grantee to construct cable facilities in any part of the cable district where by the terms of the franchise no

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such construction was originally required, if the Council determines on recommendation of the Office of Cable Communications or on petition by residents of the excluded area that because of changed economic circumstances since the granting of the franchise it has become feasible to require construction in such area.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(i), 1976.)

21.60.470 Permission from property owner.

It shall be grantee's sole responsibility when cable passes over or under private or publicly owned property to obtain all necessary permission from the owner thereof.

(Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(j), 1976.)

21.60.480 Consumer protection.

Subscribers and users in each cable district shall have the protection described in this section in addition to all other rights conferred in this chapter. A copy of this section shall be furnished by the grantee, at grantee's expense, to each new subscriber.

A. The Office of Cable Communications shall, in addition to receiving and investigating subscriber complaints, furnish timely information to the public regarding proceedings with respect to proposals to change the terms of this chapter or other City ordinances relating to cable communications, the terms of any franchise, subscriber rates and charges in any cable district, or relating to renewal or termination of any franchise or the transfer of control of any grantee.

B. Each grantee shall furnish to the Office of Cable Communications, and the Office of Cable Communications shall compile and maintain for public inspection during regular business hours, copies of:

1. All applications and other communications submitted by franchise applicants or grantees to the City, the Federal Communications System or any other federal, state, or local regulatory body having jurisdiction in respect of cable communications within this City;

2. Current information on ownership and management of the grantee;

3. Current information on forms of subscriber agreements used by the grantee; complaint procedures followed by the grantee; and nonbasic

services offered by the grantee and the rates and charges therefor; and

4. Records of all requests for use of public access channels and leased channel time and the disposition of such requests, and records of all signals and programs carried (other than radio and television broadcast signals).

C. The Office of Cable Communications shall also compile and maintain for public inspection during regular business hours copies of:

1. All federal, state, and local laws and regulations applicable to cable communications within this City;

2. Records of all complaints filed with the Office of Cable Communications and the disposition thereof; and

3. Policy statements and administrative and staff operating procedures of the Office of Cable Communications and the Advisory Board;

4. All reports and recommendations to the Council by the Office of Cable Communications or the Advisory Board, or both.

D. Each grantee shall make available to the public, at such hours of the day and at such places and in such manner as the grantee shall determine with the approval of the Advisory Board, current information pertaining to schedules of rates and charges for basic and nonbasic services, the address and telephone number of the grantee's local office, instructions for operating subscriber terminal equipment, an emergency subscriber telephone number, a description of complaint procedures, a description of subscriber rights, and schedules for programs on the local government, educational, and public access channels (to the extent such program content is known to the grantee).

E. In the operation of a CATV system under a franchise granted pursuant to this chapter, no grantee shall make or grant any undue preference or advantage to any subscriber or user or other person, nor discriminate against any person or group; provided that this subsection shall not be construed to prohibit trade promotions customary in the industry, provided such trade promotions are not otherwise prohibited by law.

F. If a grantee should for any reason cancel service to a subscriber without cause within a period of thirty-six (36) months from the commencement of furnishing service to that subscriber and prior to the termination or expiration

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of the grantee's franchise, the grantee shall refund to that subscriber a fraction of the installation charge paid by that subscriber, the numerator of which shall be the number of months remaining until completion of the thirty-six (36) month period, and the denominator of which shall be thirty-six (36).

G. No grantee shall cause or permit the viewing habits of any subscriber to be monitored without the subscriber's express consent.

H. Whenever a grantee shall offer a new service or facility, or changes in channel allocation or assignment, the grantee shall give notice thereof to the general public, to the Office of Cable Communications and through the Office of Cable Communications to each educational institution and to the person in charge of each City-owned building in the cable district to which the grantee provides basic service without charge pursuant to Sections 21.60.090 through 21.60.140, whereupon such new service or facility shall be made available to all subscribers if technically practicable, and without discrimination.

I. A grantee shall give to subscribers advance written notice of any hearing concerning grantee's franchise or any proposed change in subscriber rates and charges, such notice to contain all information contained in the published notice of hearing, and shall prior to such hearing file an affidavit by one (1) of its officers attesting to the fact that such written notice to subscribers has in fact been given.

(Ord. 105427 § 16, 1976.)

21.60.490 Franchise to be nonexclusive.

Every franchise granted pursuant to this chapter shall be nonexclusive.

(Ord. 105427 § 17(a), 1976.)

21.60.500 Privileges as stated in chapter.

No privilege shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed in this chapter.

(Ord. 105427 § 17(b), 1976.)

21.60.510 Subordinate to City and prior lawful occupancy.

Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to the City's police powers and to any prior lawful occupancy of the

streets or other public property.
(Ord. 105427 § 17(c), 1976.)

21.60.520 Transfers or assignment.

Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of in whole or in part, either by forced or involuntary sale or by voluntary sale, merger, consolidation or otherwise, without prior approval of the City expressed by ordinance, and then only under such conditions as may therein be prescribed. An application for any approval required by this section shall be filed with the Office of Cable Communications and a hearing thereon shall be conducted by the Council in the same manner as an application for granting or renewal of a franchise as provided in Section 21.60.280. A recommendation by the City Council for such approval may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the Council, must demonstrate to the Council's satisfaction its ability to comply with the provisions of this chapter and must agree to comply with all provisions of this chapter; and provided further that in case of a transfer or assignment as security by mortgage or other hypothecation in whole or in part to secure indebtedness, such consent shall not be required unless and until the secured party elects to realize upon the collateral. In the event grantee is a corporation, an assignment of the franchise shall be deemed to occur if there is an actual change in control or where ownership of more than fifty percent (50%) of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of the voting stock singly or collectively. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale or similar document, a duly executed copy of which shall be filed in the Office of Cable Communications within thirty (30) days after such transfer or assignment.

(Ord. 105427 § 17(d), 1976.)

21.60.530 Obligation to comply promptly.

Time shall be of the essence of any franchise granted under this chapter. The grantee shall not be relieved of its obligation to comply promptly with any of the provisions of this chapter by any

21.60.480 UTILITIES

failure of the City to enforce prompt compliance.
(Ord. 105427 § 17(e), 1976.)

21.60.540 Transfer of powers to other City officers or employees.

For purposes of the administration of this chapter any right or power conferred or impressed upon any officer, employee, department or board of the City shall be subject to transfer by the City to any other officer, employee, department or board of the City.

(Ord. 105427 § 17(f), 1976.)

21.60.550 No recourse against City for loss or expense.

Grantees shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or for any franchise issued under this chapter or because of its enforcement.

(Ord. 105427 § 17(g), 1976.)

21.60.560 Grantee subject to City laws.

Grantees shall be subject to all requirements of City laws, rules, regulations and specifications heretofore or hereafter enacted or established.

(Ord. 105427 § 17(h), 1976.)

21.60.570 Franchise in lieu of other rights and powers of grantee.

Any franchise granted under this chapter shall be in lieu of any and all other rights, privileges, powers, immunities and authorities owned, possessed, controlled or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation or maintenance of any cable communications system in the cable district to which the franchise relates; and the acceptance of any franchise under this chapter shall, as of the effective date of such franchise, operate between grantee and the City as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the cable district, to the effect that, as between grantee and the City, all construction, operation and maintenance by the grantee of any cable communication system in such district or districts shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to the franchise and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever.

(Ord. 105427 § 17(i), 1976.)

21.60.580 Grantee not to sell, rent or repair radio or TV sets.

No grantee nor any major stockholder of a grantee shall directly or indirectly engage within the City in the business of selling, leasing, renting, servicing or repairing radio or television sets or other receivers or parts thereof which make use of standard broadcast entertainment signals, provided that nothing therein shall prevent grantee from making modifications to the tuner input circuit of the subscribers' television receivers and the fine tuning of the customers' operating controls only, to insure proper operation under conditions of cable connection at the time of installation or in response to subscriber complaints, or from the selling, servicing or repairing receivers and other equipment belonging to other CATV system operators for use in the conduct of their businesses.

(Ord. 105427 § 17(j), 1976.)

21.60.590 Grantee not to control program content.

No grantee may exercise any control over program content on any access channel, except to the extent necessary to prevent the presentation of program material prohibited by rules and regulations of the Federal Communications Commission.

(Ord. 105427 § 17(k), 1976.)

21.60.600 Right of Council or people to repeal or amend grant.

Every franchise, right or privilege granted pursuant to this chapter shall be subject to the right of the Council, or the people of the City acting for themselves by the initiative and referendum, at any time, subsequent to the grant, to repeal, amend or modify the grant with due regard to the rights of the grantee and the interest of the public; and to cancel, forfeit and abrogate any such grant if the franchise granted thereby is not operated in full accordance with its provisions, or at all; and at any time during the life of the franchise grant to the right of the people acquire, by purchase or condemnation, for the use of the City itself, all the property of the grantee within the limits of the public streets, at a fair and just value, which shall not include any valuation of the franchise itself, which shall thereupon terminate;

and every ordinance making such grant shall contain a reservation of these rights of the Council, and of the people of the City acting for themselves by the initiative and referendum, to so repeal, amend or modify said ordinance, and to so cancel, forfeit and abrogate the grant, and to so acquire the property of the grantee in the public streets, as set forth in this section.
(Ord. 105427 § 18(a), 1976.)

21.60.620 Rights reserved to City.

There is reserved in the City every right and power which is required to be herein reserved or provided by any law, and a grantee by its acceptance of a franchise agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or powers heretofore or hereafter enacted or established.
(Ord. 105427 § 18(c), 1976.)

21.60.630 Right to require technical improvements.

There is reserved in the City the power to amend at intervals of five (5) years or more each and any section of this chapter so as to require additions or improved specifications pertaining to construction, operation, maintenance or otherwise on the part of the grantee, to reflect technical and economic changes occurring during the franchise term and to enable the City and the grantee to take advantage of new developments in the cable communications industry so as to serve the public more effectively, efficiently and economically, without the consent of the grantee, provided such amendments do not materially alter the contents of any franchise and provided further that this provision shall not be interpreted as a limitation in any manner whatsoever or at any time whatsoever upon the exercise by the City of its police powers.
(Ord. 105427 § 18(d), 1976.)

21.60.640 Use of facilities for emergency purposes.

A grantee shall upon request of the Mayor make its facilities immediately available to the City for emergency use during the period of any emergency or disaster declared by the Mayor or the Council.
(Ord. 105427 § 18(e), 1976.)

21.60.650 Rules and regulations.

A. Prior to receiving any applications for franchises, the Office of Cable Communications shall adopt rules, regulations and standards governing the operation of cable communication systems in the City which rules, regulations and standards shall be consistent with this chapter and all other applicable ordinances of the City. Such rules, regulations and standards shall apply to and govern the operations of the grantee of any franchise under this chapter and are expressly declared to be a part of any franchise granted pursuant to this chapter.

B. Provided the same do not materially alter the contents of any franchise, the Office of Cable Communications may at any time adopt new rules or regulations or standards and may amend, modify, delete or otherwise change rules, regulations or standards previously adopted, provided, however, this section shall not be interpreted as a limitation upon the exercise by the City of its police powers.

C. Any rules, regulations or standards proposed to be adopted pursuant to this section shall be adopted in accordance with the procedures prescribed by the Administrative Code of the City.¹
(Ord. 105427 § 19, 1976.)

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

21.60.660 Equal opportunity employment and affirmative action plan.

A. During the performance of a franchise, the grantee agrees as follows: The grantee will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin, unless based upon bona fide occupational qualification. The grantee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

B. Grantee also agrees that it will, prior to commencement of operations pursuant to its franchise and during the term of the franchise, furnish to the Director of the Department of Administrative Services of the City, upon his or her request and on such form as may be provided by the Director therefor, a report of the affirmative action taken by the grantee in implementing the terms of this provision, and will permit access to his or her records of employment, employment advertisements, application forms, other pertinent data and records by the Director of the Department of Administrative Services for the purpose of investigation to determine compliance with this provision.

C. If upon investigation the Director of the Department of Administrative Services finds probable cause to believe that the grantee has failed to comply with any of the terms of this section, the grantee and the Council shall be so notified in writing. The Council shall give the grantee an opportunity to be heard, after ten (10) days' notice. If the Council concurs in the findings of the Director, it may suspend the franchise, pending compliance by the grantee with the terms of this provision.

D. Failure to comply with any of the terms of this section shall be a material breach of the franchise.

E. Comparable provisions shall be inserted in all subcontracts for work covered by any franchise.

(Ord. 117407 § 22, 1994; Ord. 105427 § 20, 1976.)

21.60.670 Interpretation.

This chapter and any franchise granted pursuant to it shall at all times be so interpreted as to require the grantee to comply with all pertinent rules, regulations and requirements of the Federal Communications Commission, or any other federal or state body or agency having jurisdiction in regard to CATV systems. Such interpretation of this chapter shall not be deemed to diminish, impair, alter or affect any contractual benefit to the City or grantee, nor any contractual obligation of the grantee under any franchise issued under this chapter.

(Ord. 105427 § 21, 1976.)

21.60.680 Effective date.

The ordinance codified in this chapter shall become effective thirty (30) days from and after its passage and approval by the Mayor¹ except as follows:

A. Nothing contained in this chapter shall abridge, impair, alter, modify or in any way affect any right, privilege or immunity of either the grantee or the City conferred by or arising under any cable franchise granted prior to and remaining in effect on the effective date of the ordinance codified in this chapter;¹ provided, that the acceptance of a franchise granted under this chapter for any cable district shall be deemed to constitute the surrender by the grantee of the right to operate a CATV system in that cable district under any prior franchise.

B. Subsections B, D and E of Section 21.60.090 shall become effective when 47 C.F.R. § 76.251, as now in effect or as hereafter amended, becomes applicable to systems that commenced operations before March 31, 1972.

(Ord. 105427 § 23, 1976.)

¹Editor's Note: Ord. 105427 was passed and approved on March 26, 1976. Its effective date is April 25, 1976.

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21.60.690 Incorporation by reference into each franchise.

The Cable Communications Ordinance codified in this chapter shall be incorporated in its entirety by reference into and become a part of each and every cable television franchise granted by the City.
(Ord. 105427 § 24, 1976.)

21.60.700 Interim permits pending franchise grant.

Until the grant of a franchise for the Central Business Franchise District pursuant to Sections 21.60.220 through 21.60.270 of this chapter, the Board of Public Works may issue temporary and revocable street use (utility) permits pursuant to the terms and conditions of Subtitle I of Title 15 of this Code (the Street Use Ordinance) for the installation of coaxial cable or other transmission medium for the purpose of amplifying, distributing and transmitting electronic signals between properties under common ownership or management. Any permit issued pursuant to the authority granted by this section and Subtitle I of Title 15 shall state among its conditions that the permit is granted subject to the condition that the permittee agrees to remove the cable(s) or make such other arrangements as are satisfactory to the City when so ordered for any reason by the Board of Public Works. The grant of the permit shall not be construed to be a franchise or to abrogate, abridge, impair, alter, modify or in any way affect the right and power of the City to grant a franchise or franchises pursuant to this chapter in said district nor any rights, privileges or immunities of any such franchise grantee.
(Ord. 111262 § 1, 1983.)

CABLE TELEVISION GLOSSARY OF TERMS¹

“All-channel antenna” means an antenna which receives signals equally well over a wide band of frequencies.

“Amplifier” means a device consisting of electronic components used to increase power, voltage or current of a signal.

“Amplitude modulated link” means a form of microwave which uses amplitude modulation of a microwave carrier rather than the conventional frequency modulation usually used for microwave television links. This is usually accomplished by

heterodyne conversion from conventional TV channels.

“Antenna array” means a radiating or receiving system composed of several spaced radiators or elements.

“Attenuation loss” means the actual power loss in a cable, attenuator, coupling, or other device when electrical energy is transmitted through it, usually expressed in decibels.

“Attenuator” means a device for reducing the power of a signal.

“Automatic gain control” (AGC) means a circuit which automatically controls the gain of an amplifier so that the output signal level is virtually constant for varying input signal level.

“Automatic tilt” means automatic correction of change in tilt, or the relative level of signals of different frequencies.

“Back matched tap” means a cable tap device which employs transformer isolation and also employs impedance matching at the tap-off points.

“Bridger” means an amplifier connected directly into the main trunk line to feed distribution cables with minimum insertion loss in the main trunk line.

“Cablecasting” means origination of programming by a CATV system, usually other than automated services such as scanning weather dials, and exclusive of broadcast signals.

“Cable powering” means a method of supplying power through the coaxial cable to system amplifiers.

“Capacitive tap” means a tap device with a capacitor network providing the desired amount of loss and isolation between the feeder cable and the subscriber drop cable.

“Cascade” means the operation of devices (usually amplifiers) in sequence in a cable system with the output of one device feeding the input of the next.

“Cascadeability” means the performance capability of amplifiers used to reamplify the same signal along a cable system without noticeable degradation.

“Channel combiner” means an electronic or passive device which accepts the RF signals from many sources and combines them for delivery to the cable.

“Coaxial cable” means a cylindrical outer conductor (shield) surrounding a central conductor held centrally in place by an insulating material referred to as the dielectric. It is the most

commonly used means of CATV signal distribution.

“Co-channel” means a form of TV signal distortion where the same frequency is received from two different transmitters simultaneously. It generally appears as horizontal bars in the picture.

“Conduit” means a tube, manufactured of an environment protective material, through which CATV cable is conveyed in an underground system.

“Converter” means an electronic device that will shift any television channel(s) from one (1) channel to another.

“Cross modulation” means a form of signal distortion in which the visual content from one channel is superimposed on the visual content of another channel.

“Dielectric” means the material, usually an electrical insulator, which separates two conductors between which an electric potential exists; usually, the insulating material separating the center conductor and outer shield of a co-axial cable.

“Directional coupler” means a passive device that divides signal power between two paths with a greater degree of attenuation in one (1) direction than in the other.

“Directional tap” means a passive line tapping device based on directional coupler principles which diverts a portion of the signal from the line to the drop cable. The directional quality attenuates signals from the drop line, reducing reflections in the distribution cable.

“Distribution amplifier” means an amplifier used with the main trunk cable at a point from which one (1) or more feeder cables are extended (branched out).

“Distribution system” means the part of a CATV system used to carry signals from the head-end to the subscriber's receivers.

“Drop” means the cable which connects the tap on the feeder line to the subscriber's house.

“Feeder line” means the coaxial cable running from bridgers, to line-extenders and taps; sometimes called a distribution cable.

“Field strength meter” means a frequency selective heterodyne receiver capable of tuning the frequency band of interest, as used for TV, 54 to 216 Mz, with indicating meter showing the magnitude input of voltage and a dial indicating the approximate frequency.

“Frequency” means the number of complete cycles or vibrations per unit of time (example: 60 cycles per second).

“Gain” means a measure of the signal level increase in an amplifier usually expressed in dB.

“Head-end” means the electronic equipment located at the start of a cable system, usually including antennas, preamplifiers, frequency converters, demodulators, modulators and related equipment. Both the building and the equipment which receives the television signals and processes them before application to the cable system are known as the “head-end.”

“Insertion loss” means additional loss in a system when a device such as a directional coupler is inserted; equal to the difference in signal level between input and output of such a device.

“Line extender” means feeder line amplifiers used to provide signals at a sufficiently high level to the more distance subscribers.

“Log periodic antenna” means a form of antenna with intrinsic broadband and directional characteristics; characterized by low response to the back and sides.

“Major television market” means the specified zone of a commercial television station licensed to a Top-100 community, or a combination of such specified zones where more than one community is listed.

“Marker generator” means an electronic instrument providing variable or fixed signals and used in conjunction with frequent sweep testing to determine a specific frequency in the RF spectrum.

“Messenger” means a steel cable, strung between poles or other supporting structures which supports the CATV coaxial cable. The coaxial cable is usually attached to the messenger by lashing with stainless steel wire.

“Modulation” means the process, or result of the process, whereby some characteristic on one wave is varied in accordance with another wave.

“Noise” means, in general, any unwanted signal or interference. It usually refers to unwanted signals of a random nature arising from thermal effects in the input circuits of amplifiers. This form of noise is known as “snow.”

“Parabolic antenna” means an antenna that has a folded dipole or feed horn mounted at the focal

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point of a metal or mesh dish having a concave shape known as a parabola.

“Preamplifier” means an electronic device,

usually having superior input noise figure, designed to strengthen or boost a weak off-air signal to a level where it will be sufficient to drive succeeding amplifiers.

“Pressure tap” means a device which connects to the center conductor and shield of a distribution cable to extract television signals; tap does not require cutting of cable to make contact for a subscriber drop.

“Resolution” means a measure of picture resolving capabilities of a television system determined primarily by band width, scan rates and aspect ratio; relates to fineness of details perceivable.

“Return loss” means the ratio of incident to reflected power, usually applied to measure the reflected signal at an interface between cable and equipment or to measure reflections arising from structural imperfections within a cable.

“Semiconductor” means a material having conductivity characteristics intermediate between conductors and insulators. Junctions between certain types of semiconductors permit electric current to flow more easily in one (1) direction than the other.

“Share of viewing hours” means the total hours that non-cable television households viewed the subject station during the week, expressed as a percentage of the total hours these households viewed all stations during the period.

“Spacing” means length of cable between amplifiers based on the amount of gain required to overcome cable losses in dB at the highest TV channel carried in the system.

“Splitter” is usually a hybrid device, consisting of an RF transformer, capacitors and resistors, that divides the signal from an input cable equally to two or more output cables.

“Stacked antenna array” means a group of identical antenna physically grouped and connected electrically for greater gain and directivity.

“Tap” means a device that diverts a small part of the TV signal energy to the subscriber's drop line, from the feeder cable.

“Television demodulator” means a television receiver designed to recover the video modulation from a television channel and make it available as an electronic signal without displaying it on a picture tube.

“Television modulator” means a low-powered television transmitter usually used in local origination.

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“Terminator” means a resistive load for a coaxial cable designed to absorb the remaining energy at the end of a line eliminating reflection of energy which would appear as “ghosts.” It is usually coupled through a blocking capacitor which prevents short circuiting of the cable power system.

“Tilt” means the difference in cable attenuation or amplifier gain between lower and higher frequencies on the cable system.

“Trunk line” means the main coaxial line of a CATV system which feeds signals from the head-end to the community being served.

“Trunk line amplifier” means an amplifier specifically designed for service in CATV trunk lines, usually provided with cable powering, AGC, and minimum distortion characteristics to optimize system performance in cascaded systems.

1.Editor's Note: This glossary of terms is contained in the Comptroller's File relating to Cable television and is for public information purposes.

Subtitle VI Private Utilities

Chapter 21.64 FRANCHISES

Sections:

- 21.64.010 Compliance with Sections 21.64.020 through 21.64.070.**
- 21.64.020 Information required.**
- 21.64.030 Annual reports.**
- 21.64.040 Notification of lease, sale or transfer.**
- 21.64.050 Report upon purchase or assignment of franchise.**
- 21.64.060 Recordkeeping.**
- 21.64.070 Violation—Penalty.**
- 21.64.080 Payment of costs of publication.**

21.64.010 Compliance with Sections 21.64.020 through 21.64.070.

Any person or persons, firm or corporation which has heretofore received or which may hereafter receive a franchise from the City, for any purpose whatsoever, shall enjoy the franchise subject to the provisions of Sections

21.64.020 through 21.64.070.
(Ord. 4953 § 1, 1898.)

21.64.020 Information required.

Within thirty (30) days from and after the passage and approval of the ordinance codified in this chapter,¹ the owner or owners of each and any franchise granted by the City shall file with the City Clerk, under oath, and upon blanks furnished by the City Clerk, a written (or printed) statement and exhibit setting forth:

- 1st. The name of the person or persons, firm or corporation owning, holding and enjoying such franchise;
- 2nd. The character of the franchise;
- 3rd. The period of years for which the franchise was granted;
- 4th. The date of the grant of the franchise;
- 5th. The name of the person or persons, firm or corporation to whom the same was originally granted;

6th. The date upon which the franchise was transferred to and became the property of the present claimants;

7th. A statement as to whether the claimant or claimants be or are a person, persons, firm or corporation;

8th. The name of the person or persons or the members of the firm claiming to own the same, or, in the case of a corporation, the name of the president, vice-president and the secretary thereof;

9th. The number of the ordinance or ordinances of the City granting or amending the franchise.
(Ord. 4953 § 2, 1898.)

1.Editor's Note: Ord. 4953 was approved on June 20, 1898.

21.64.030 Annual reports.

In the month of January of each year, between the first and the fifteenth days thereof, if there has been any change from the previous year's report, each claimant to a franchise shall file with the City Clerk a statement in all respects similar to that required in Section 21.64.020: provided, the City Clerk shall not be required to retain any such statement for more than ten (10) years.

(Ord. 106346 § 1, 1977: Ord. 91058 § 1, 1962: Ord. 4953 § 3, 1898.)

21.64.040 Notification of lease, sale or transfer.

Whenever any parties owning or claiming any franchise shall lease, sell, assign or otherwise transfer the title or control of the same, they shall notify the City Clerk of the date of such sale and the name of the person or persons, firm or corporation to whom the franchise shall have been leased, sold, assigned or otherwise transferred. (Ord. 4953 § 4, 1898.)

21.64.050 Report upon purchase or assignment of franchise.

Any person or persons, firm or corporation purchasing or becoming the assignee of any franchise granted in the city shall, forthwith, and within ten (10) days after the purchase or assignment of the franchise report the same to the City Clerk in form and in the manner prescribed in Section 21.64.020. (Ord. 4953 § 5, 1898.)

21.64.060 Recordkeeping.

All such statements and reports made as provided in Sections 21.64.020 through 21.64.050 shall be properly entered in a book kept for that purpose by the City Clerk and shall be subject to like public inspection as are other public records. (Ord. 4953 § 7, 1898.)

21.64.070 Violation—Penalty.

Any person or persons, firm or corporation claiming to own or enjoy any such franchise who shall violate or fail to comply with the provisions of Sections 21.64.010 through 21.64.060 shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the city jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

(Ord. 66799 § 1, 1936; Ord. 4953 § 6, 1898.)

21.64.080 Payment of costs of publication.

The applicant for the grant of any franchise or private privilege within the City, or for the alteration, amendment, enlargement or extension of an existing franchise or private privilege within the City, shall prior to the passage of the ordinance granting, altering, amending, enlarging or extending such franchise or private privilege, pay to the publisher of the official newspaper of the

City the full cost and expense of publishing the proposed ordinance in the newspaper in accordance with the City Charter and no ordinance granting such a franchise or private privilege shall be deemed effective until such payment shall have been made and such publication completed. (Ord. 97358 § 1, 1968; Ord. 1466 § 1, 1890.)

Subtitle VII Miscellaneous Provisions**Chapter 21.68****UNDERGROUND UTILITY DISTRICTS****Sections:****Subchapter I Central City Area—University District**

21.68.010 Statement of fact.

21.68.020 Area described.

21.68.030 Undergrounding required.

21.68.040 Commencement of work.

21.68.050 Restoration of pavement and public utility equipment.

21.68.060 Maintenance and replacement of wires.

Subchapter II First Hill

21.68.070 Statement of fact.

21.68.080 Area described.

21.68.090 Undergrounding required—Restoration of pavement and public utility equipment.

21.68.100 CATV connections.

21.68.110 Exemptions.

Subchapter III South Seattle Redevelopment Project Area

21.68.120 Statement of fact—Purpose.

21.68.130 Area described.

21.68.140 Undergrounding required—Restoration of pavement and public utility equipment.

21.68.150 CATV connections.

21.68.160 Exemptions.

Subchapter IV Northwest Leschi Project Area

21.68.170 Statement of fact—Purpose.

21.68.180 Area described.

21.64.080 UTILITIES

21.68.190 Undergrounding required—Restoration of pavement and public utility equipment.

21.68.200 CATV connection.

21.68.210 Exemptions.

Subchapter I Central Area—University District

21.68.010 Statement of fact.

The installation and maintenance of overhead wires carrying any electrical energy including telephone, telegraph or other electrical service, in certain streets in areas in the City within the boundaries set forth in Section 21.68.020 has been, now is, and will hereafter continue to be a possible source of danger to the inhabitants of the City and persons using such streets, and public necessity, convenience, safety and the general welfare require that all such wires be placed underground at the expense of those owning the same or any interested therein.

(Ord. 90695 § 1, 1961.)

21.68.020 Area described.

Everyone engaged in the distribution of electrical energy for light, heat or power by wires or using or maintaining wires for telephone, telegraph or other electrical service in the City, shall have all wires and appliances used for the purposes stated in this section, and situated on, in, or over the streets, alleys and other public places within the boundaries of the areas described in this section, placed underground and all poles removed when and as directed by the Board of Public Works of the City so to do; said areas being bounded and described as follows:

Beginning at the intersection of the south line of South Jackson Street and the west line of Alaskan Way South; thence north along said west line to the westerly line of Alaskan Way; thence northerly along said westerly line to the north line of West Denny Way; thence east along said north line and along the north line of Denny Way to the centerline of Second Avenue North; thence north along said centerline to the centerline of Thomas Street; thence west along last described centerline to the centerline of First Avenue North; thence north along last described centerline to the centerline of Republican Street; thence east

along last described centerline to the centerline of Warren Avenue North; thence north along last described centerline to the centerline of Mercer Street; thence east along last described centerline to the centerline of Third Avenue North; thence north along last described centerline to the centerline of Roy Street; thence east along last described centerline to the centerline of Fourth Avenue North; thence south along last described centerline to the centerline of Mercer Street; thence east along last described centerline to the centerline of Fifth Avenue North; thence south along last described centerline to the north line of Denny Way; thence east along said north line to the easterly line of the Central Freeway; thence southerly along said easterly line to the south line of South Jackson Street; thence west along said south line to the east line of Occidental Avenue South; thence south to the south line of South King Street; thence west to the east line of Occidental Avenue South; thence south to the south line of South Connecticut Street; thence west to the west line of Occidental Avenue South; thence north to the north line of South King Street; thence east to the west line of Occidental Avenue South; thence north to the south line of South Jackson Street; thence west along said south line to beginning; also all of the Central Freeway inside the limits of the City lying within the area of limited access as approved by the City by Ordinance No. 86152 and such resolutions as have hereto or which may hereafter be approved, defining specifically the limits of the Freeway;

as illustrated by the blueprint map marked Exhibit "A" attached to Ordinance 90695¹ and by this reference made a part of this subchapter and

Beginning at the intersection of the west margin of 15th Avenue N.E. and the south margin of N.E. 50th Street; thence northerly along the westerly margin of 15th Avenue N.E. to the south margin of N.E. 55th Street; thence westerly along the south margin of N.E. 55th Street to the east margin of University Way N.E.; thence southerly along the east margin of University Way N.E. to the south margin of N.E. 50th Street; thence westerly along the south margin of N.E. 50th Street to the northwest corner of Lot 1, Block 1 of McGuire and Holden Addition; thence southerly along the platted centerline of said Block 1 to the north

margin of N.E. 47th Street; thence southerly across N.E. 47th Street to the northwest corner of Lot 1, Block 2 of said Addition; thence southerly along the platted centerline of said Block 2 to the north margin of N.E. 45th Street; thence southerly across N.E. 45th Street to the northwest corner of Lot 1, Block A of Brooklyn Supplemental Addition; thence southerly along the platted centerline of said Block A to the north margin of N.E. 43rd Street; thence southerly across N.E. 43rd Street to the northwest corner of Lot 1, Block B of said Supplemental Addition; thence southerly along the platted centerline of said Block B to the north margin of N.E. 42nd Street; thence southerly across N.E. 42nd Street to the northwest corner of lot 1, Block C of Brooklyn Supplemental Addition; thence southerly along the platted centerline of said Block C to the northerly margin of N.E. Campus Parkway; thence easterly along the north margin of N.E. Campus Parkway to the west margin of 15th Avenue N.E.; thence northerly along the westerly margin of 15th Avenue N.E. to the south margin of N.E. 50th Street, the point of beginning; all in the City of Seattle;

as illustrated by the blueprint map marked Exhibit "B" attached to Ordinance 90695 and by this reference made a part of this subchapter. (Ord. 106157 § 1, 1977; Ord. 105265 § 1, 1976; Ord. 96131 § 1, 1967; Ord. 90695 § 2, 1961.)

1. Editor's Note: Exhibits "A" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

21.68.030 Undergrounding required.

Everyone owning, using or maintaining any such wires be, and they are directed, ordered and required to place the same underground as their interest therein may appear, and at their own cost and expense, and thereafter, at their own cost and expense, to maintain and replace the underground wires as public interest may require and to the satisfaction, and subject to the supervision, of the Board of Public Works of the City. (Ord. 90695 § 3, 1961.)

21.68.040 Commencement of work.

Everyone owning, using or maintaining such wires be, and they are directed, ordered and required to commence forthwith and to diligently prosecute the work of placing such wires

underground at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works; provided, however, that in any part of the areas where streets are being paved or repaved, the work shall be completed before such paving or repaving. (Ord. 90695 § 4, 1961.)

21.68.050 Restoration of pavement and public utility equipment.

The owners of such wires shall, at their own cost and expense, cause to be restored to good condition and repair to the satisfaction of the Board of Public Works, any pavement, sidewalk, sewer, water main, or public utility equipment or facilities disturbed in connection with the work of removing any existing poles supporting the wires referred to in this subchapter in said areas, or in connection with the placing of such wires underground; such restoration and repair to be made pursuant to ordinances relating thereto. (Ord. 90695 § 5, 1961.)

21.68.060 Maintenance and replacement of wires.

Those owning said wires shall, after the same shall have been placed underground, in accordance with this subchapter, maintain, remove, move or replace the same or apparatus or the conduits containing the same or used in connection therewith on order of the Board of Public Works as the public interest may require and to the satisfaction of the Board. (Ord. 90695 § 6, 1961.)

Subchapter II First Hill

21.68.070 Statement of fact.

The installation and maintenance of overhead wires, and appurtenances carrying any electric energy, including telephone, telegraph, CATV, and other electric service in certain streets, public areas, and areas of the City in the First Hill area within the boundaries set forth in Section 21.68.080 has been, now is and will hereafter continue to be a possible source of danger to the inhabitants of the City and the persons using such streets and areas and the public necessity, convenience, safety and the general welfare require that all such wires and appurtenances be removed and placed underground at the expense

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of those owning the same or any persons interested therein.
(Ord. 96796 § 1, 1968.)

21.68.080 Area described.

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV or other electric service shall at their own expense remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Starting at the intersection of the centerline of Pike Street and the east margin of Boren Avenue; thence south along the east margin of Boren Avenue to the north margin of Columbia Street; thence west along the north margin of Columbia Street to the east margin of 7th-8th Alley; thence south along the east margin of 7th-8th Alley to the south margin of Cherry Street; thence west along the south margin of Cherry Street to the east boundary of the Freeway; thence north along the east boundary of the Freeway to the centerline of Pike Street; thence east along the centerline of Pike Street to the point of beginning;

and as illustrated by the blueprint map marked Exhibit "A,"¹ attached to Ordinance 96796 and by this reference made a part of this subchapter.

Also, starting at the intersection of the west margin of Broadway and the north margin of East Union Street; thence north along the west margin of Broadway and Broadway East to the south margin of East Roy Street; thence west along the south margin of East Roy Street to the west margin of Belmont Avenue East; thence northerly along the west margin of Belmont Avenue East to the east margin of the State Freeway right-of-way; thence south along the Freeway right-of-way to the centerline of Pike Street; thence easterly along the

centerline of Pike Street to the east margin of Boren Avenue; thence southerly along the east margin of Boren Avenue to the north margin of East Union Street; thence easterly along the north margin of east Union Street to the point of beginning;

and as illustrated by the map marked Exhibit "B,"² attached to Ordinance 112590 and by this reference made a part of this subchapter.
(Ord. 112590 § 1, 1985; Ord. 96796 § 2, 1968.)

1. Editor's Note: Exhibits "A" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

21.68.090 Undergrounding required—Restoration of pavement and public utility equipment.

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith

(Seattle 5-86)

Seattle Municipal Code
August, 1996 code update file
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UNDERGROUND UTILITY DISTRICTS 21.68.090

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

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21-116.21

(Seattle 5-86)

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and tables and to confirm accuracy of
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Seattle Municipal Code
August, 1996 code update
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and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.
(Ord. 96796 § 3, 1968.)

21.68.100 CATV connections.

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.080, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety (90) days of receipt of such notice, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.
(Ord. 96796 § 4, 1968.)

21.68.110 Exemptions.

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand (26,000) volts.
(Ord. 96796 § 5, 1968.)

Subchapter III South Seattle Redevelopment Project Area

21.68.120 Statement of fact—Purpose.

Removal of overhead wires and appurtenances carrying any electric service in streets, public areas, and areas of the City within the boundaries of the South Seattle Redevelopment Project set forth in Section 21.68.130 is required to implement the urban renewal plan for such project approved by Ordinance 94326,¹ the purpose of which is to eliminate and prevent the recurrence

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of blight; and the general public necessity, convenience, health, safety and welfare require that all such wires and appurtenances be removed and placed underground by those owning the same or any persons interested therein.
(Ord. 96797 § 1, 1968.)

1. Editor's Note: Ord. 94326 is not included in this Code. Copies are on file in the office of the City Clerk.

21.68.130 Area described.

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV, or other electric service shall at their own expense, subject to the aid and assistance of urban renewal project funds if, or to the extent that, such funds are legally available for such work, remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section, and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Beginning at the intersection of the west margin of United States Interstate Highway No. 5 and the south margin of South Dakota Street; thence westerly along the south margin of South Dakota Street to the east margin of 5th Avenue South; thence southerly along the east margin of 5th Avenue South to the south margin of South Alaska Street; thence easterly along the south margin of South Alaska Street to the west margin of United States Interstate Highway No. 5; thence northerly along the west margin of United States Interstate Highway No. 5 to the south margin of South Dakota Street, the point of beginning; all in the City of Seattle; and as illustrated by the blueprint map marked Exhibit "A-1"¹ attached to Ordinance 96797 and by this reference made a part of this subchapter.
(Ord. 96797 § 2, 1968.)

1. Editor's Note: Exhibit "A-1" is not reproduced in this Code. Copies are on file with Ordinance 96797 in the office of the City Clerk.

21.68.140 Undergrounding required—Restoration of pavement and public utility equipment.

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.
(Ord. 96797 § 3, 1968.)

21.68.150 CATV connections.

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.130, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety (90) days of receipt of such notice, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.
(Ord. 96797 § 4, 1968.)

21.68.160 Exemptions.

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand (26,000) volts.
(Ord. 96797 § 5, 1968.)

Subchapter IV Northwest Leschi Project Area

21.68.170 Statement of fact—Purpose.

The removal of overhead wires and appurtenances carrying any electric service in streets, public areas, and areas of the City within the boundaries of the Northwest Leschi Project set forth in Section 21.68.180 is required to implement the urban renewal plan for such project approved by Ordinance 98162,¹ the purpose of which is to eliminate and prevent the recurrence of blight; and the general public necessity, convenience, health, safety and welfare require that all such wires and appurtenances be removed and placed underground by those owning the same or any persons interested therein.
(Ord. 99641 § 1, 1971.)

¹Editor's Note: Ord. 98162 is not included in this Code. Copies are on file in the office of the City Clerk.

21.68.180 Area described.

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV, or other electric service shall at their own expense, subject to the aid and assistance of urban renewal project funds if, or to the extent that, such funds are legally available for such work, remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section, and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Beginning at the intersection of the centerline of East Yesler Way and a line drawn midway between 28th Avenue and 29th Avenue; thence north along last described midway line to its intersection with the south line of Lots 1 and 2, Block 11, Gamma Poncin's Addition, as recorded in Volume 20 of Plats, page

51, Records of King County, Washington; thence west along said south line and same produced west to its intersection with the centerline of 28th Avenue; thence north along last described centerline to its intersection with the centerline of East Cherry Street; thence east along last described centerline to its intersection with a line drawn midway between 32nd Avenue and 33rd Avenue; thence south along last described midway line to its intersection with the centerline of East Alder Street; thence east along last described centerline to its intersection with the production northwesterly of the northeasterly line of Lot 3, Block 3, Dodge and Dodge Addition, as recorded in Volume 3 of Plats, page 106, Records of King County, Washington; thence southeasterly along said produced and northeasterly line and same produced southeasterly to its intersection with the centerline of Lake Dell Avenue; thence southerly along last described centerline to its intersection with the production north of the centerline of the vacated alley as platted adjoining Block 49 in Yesler's Third Addition as recorded in Volume 6 of Plats, page 41, Records of King County, Washington; thence south along last described centerline and same produced south to its intersection with the centerline of East Yesler Way; thence west along last described centerline to the beginning; and as illustrated by the blueprint map marked Exhibit "A"¹ attached to Ordinance 99641 and by this reference made a part of this subchapter.
(Ord. 99641 § 2, 1971.)

¹Editor's Note: Exhibit "A" is not reproduced in this Code. Copies are on file with Ordinance 99641 in the office of the City Clerk.

21.68.190 Undergrounding required—Restoration of pavement and public utility equipment.

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be

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restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.

(Ord. 99641 § 3, 1971.)

21.68.200 CATV connection.

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.180, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety (90) days of receipt of such notice, provide space on their own property for installation of the necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.

(Ord. 99641 § 4, 1971.)

21.68.210 Exemptions.

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand (26,000) volts.

(Ord. 99641 § 5, 1971.)

Chapter 21.72 UTILITY CHARGE STATEMENTS

Sections:

21.72.010 Use of City Finance Director's name prohibited.

21.72.010 Use of City Finance Director's name prohibited.

Statements for the collection of City utility charges shall not use or direct the use of the

personal name of the City Finance Director for or in connection with the payment of such charges.

(Ord. 117242 § 24, 1994; Ord. 106352 § 1, 1977.)

Chapter 21.76 LOW-INCOME UTILITY CREDITS FOR QUALIFIED CUSTOMERS¹

Sections:

21.76.010 Program established—Purpose—Administration.

21.76.020 Definitions.

21.76.030 Qualification.

21.76.040 Utility low-income rates assistance.

21.76.050 Method of receiving credit.

21.76.060 Authority of Finance Director.

21.76.070 Violation—Penalty.

1. Cross-reference: For provisions regarding eligibility of low-income elderly for the Conservation Investment Assistance Program, see Chapter 21.52 of this Code.

21.76.010 Program established—Purpose—Administration.

A program for credits to partially offset the billings for water, wastewater, drainage, solid waste, and street utility services for qualified low-income customers is established in order to provide necessary support for the poor and infirm. Such reductions are intended to offset recent rate increases for such utilities. The Department of Housing and Human Services is authorized and directed to administer the program and in such connection may promulgate administrative regulations from time to time in the manner provided in the Administrative Code (Seattle Municipal Code Chapter 3.02) to carry out the intent and purpose of this chapter.

(Ord. 116455 § 2, 1992; Ord. 115958 § 24, 1991; Ord. 115424 § 3(part), 1990; Ord. 111243 § 3, 1983; Ord. 110243 § 1, 1981; Ord. 104472 § 1, 1975.)

21.76.020 Definitions.

As used in this chapter, the words and terms “duplex dwelling,” “dwelling unit,” “multiple dwelling” and “single-family dwelling” and “townhouse dwelling” shall have the meanings set

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forth in Article 3 of the Zoning Code (Ordinance 86300).¹
(Ord. 104472 § 2, 1975.)

which the amount of the solid waste rate increase affects the amount of the rent charged.

1. Editor's Note: Article 3 of the Zoning Code is codified in Chapter 24.08 of this Code.

21.76.030 Qualification.

A. To implement the program provided for in Section 21.76.010, credits to partially offset the billings for solid waste shall be issued to each household upon satisfactory proof that a member of the household:

1. a. Is sixty-five (65) years of age or older, and has a maximum annual income, if single, of not more than seventy percent (70%) of the Washington State median income for a one (1) person household, as computed annually by the state or the City, or whose annual income, if married, together with that of his or her spouse, does not exceed seventy percent (70%) of the Washington State median income for a two (2) person household as computed annually by the state or the City, or

b. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383, or

c. Is disabled and receives funds from a disability program as a result of a disability that prevents him or her from working consistent with the requirements of 42 USC Section 401 et seq. and whose annual household income, together with all household members, 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, or

d. Requires medical life-support equipment which utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which generates a disproportionate amount of solid waste; provided, that rate assistance issued on the basis of this qualification shall be limited to solid waste service where a significant proportion of the solid waste is from medical purposes; and

2. Resides in a dwelling unit served directly by the City's solid waste utility and is billed by the light or solid waste utilities; or, if not so billed, has resided for a period of not less than ninety (90) consecutive days in a rental unit in

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B. To implement the program provided for in Section 21.76.010, "low-income water, wastewater, drainage, and street utility credits" shall be issued to each person who shows satisfactory proof that he or she resides in a dwelling unit that is directly served by the City's water, drainage and wastewater or street utility and is billed by the light, water, drainage and wastewater or street utilities; or if not so billed has resided for a period of not less than ninety (90) consecutive days in a rental unit in which the amount of the water, wastewater, drainage or street utility rate increase affects the amount of rent charged and:

1. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383; or

2. Resides in a household whose annual income together with all household members 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. Resides in a household whose annual income together with all household members 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 is:

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

c. Disabled and receives funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or

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

4. Notwithstanding household income, requires medical life-support equipment which utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water, provided that rate assistance issued on the basis of this qualification shall be limited to water and wastewater service where a significant proportion of the water use is for medical purposes.

C. Applicants shall verify such information, and shall provide such other data as is deemed appropriate upon forms and in the manner deter-

mined by the Department of Housing and Human Services.

(Ord. 117813 § 3, 1995; Ord. 117386 § 3, 1994; Ord. 116455 § 3, 1992; Ord. 115958 § 25, 1991; Ord. 115529 § 3(part), 1991; Ord. 115424 § 3(part), 1990; Ord. 111243 § 4, 1983; Ord. 110243 § 2, 1981; Ord. 106045 § 2, 1976; Ord. 105537 § 1, 1976; Ord. 104472 § 3, 1975.)

21.76.040 Utility low-income rates assistance.

A. Drainage, Wastewater, Water, and Street Utility. Persons qualified by the Department of Housing and Human Services as eligible recipients of low-income utility credits provided for in Section 21.76.010 shall be granted low-income billing credits in amounts equal to one-half (1/2) of the monthly, or monthly equivalent bill for single-family, duplex or multi-family dwellings, as appropriate; provided, however, that in no case shall the amount of the low income billing credit granted for a utility service exceed the amount owing for that service.

B. Solid Waste. Persons qualified by the Director of Housing and Human Services as eligible recipients of Low Income Rate Assistance (LIRA) shall be granted special rates in the following amounts (stated in monthly rates). The rates for qualified solid waste customers become effective September 1, 1994.

**Single-Family LIRA —
Variable Can Service (once a week service)**

Service Unit	Curbside/ Alley Service	Backyard Service
Minimum charge	\$ 2.50	N/A
Micro-can	4.05	N/A
Mini-can	4.95	N/A
One (1) can	6.45	\$ 9.00
Two (2) cans	19.30	27.00
Three (3) cans	35.35	49.50
Additional cans each	16.10	22.50

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**Multi-Family LIRA —
Variable Can Service (once a week
service)**

Ord. 109132 § 1, 1980: Ord. 109021 § 1, 1980:
Ord. 108236 § 1, 1979: Ord. 106220 § 1, 1977:
Ord. 105537 § 2, 1976: Ord. 104472 § 4, 1975.)

Service Unit	Curbside/ Alley Service	Backyard Service
	Minimum charge	\$ 2.40
Micro-can	3.90	N/A
Mini-can	4.85	N/A
One (1) can	6.30	\$ 8.85
Two (2) cans	19.20	26.85
Three (3) cans	35.25	49.35
Additional cans	16.10	22.50

21.76.050 Method of receiving credit.

Qualified persons receiving drainage, wastewater, water, solid waste or street utility services shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should the billing period be other than monthly; provided, that no qualified person shall receive or accept utility credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

Qualified customers residing in dwellings subject to multi-family variable can rates based on the number of dwelling units, two (2) times-per-week service will pay rates equal to double the above rates less One Dollar and Forty-five Cents (\$1.45) to adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

A. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which would otherwise be payable.

Qualified customers residing in dwellings subject to multi-family rates based on the number of detachable containers will receive a monthly credit of Four Dollars (\$4.00).

B. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility bill directly, but who may pay such utility charges indirectly as part of their rental payment, the proper credit shall be made in the manner determined by the Director of Housing and Human Services and the Superintendent of Water, including, but not limited to:

C. Qualified persons receiving drainage, wastewater, water, solid waste or street utility credits through their City Light bills or through vouchers will receive credits for the full period covered by the City Light bill or voucher. The credit amount given will be based solely on the credit levels in effect at the time the City Light bill or voucher is issued.

1. A reduction in the amount otherwise payable on the light bills of those qualified persons who do not receive drainage, wastewater, water, solid waste or street utility bills but who do receive a light utility bill,

(Ord. 117391 § 3, 1994; Ord. 117265 § 2, 1994; Ord. 117184 § 5, 1994; Ord. 116928 § 1, 1993; Ord. 116455 § 4, 1992; Ord. 116423 § 3, 1992; Ord. 116187 § 5, 1992; Ord. 116185 § 5, 1992; Ord. 115958 § 26, 1991; Ord. 115955 § 2, 1991; Ord. 115529 § 3(part), 1991; Ord. 115424 § 3(part), 1990; Ord. 115376 § 2, 1990; Ord. 114898 § 4, 1989; Ord. 114782 § 4, 1989; Ord. 114370 § 3, 1989; Ord. 114205 § 12, 1988; Ord. 114156 § 2, 1988; Ord. 113729 § 1, 1987; Ord. 113374 § 4, 1987; Ord. 113165 § 1, 1986; Ord. 112942 § 6, 1986; Ord. 112549 § 1, 1985; Ord. 11974 § 1, 1984; Ord. 111675 § 1, 1984; Ord. 111550 § 1, 1984; Ord. 111438 § 1, 1983; Ord. 110447 §§ 1, 2, 1982; Ord. 110243 § 3, 1981; Ord. 110199 § 1, 1981; Ord. 109398 § 4, 1980;

2. The issuance of credit vouchers in the names of qualified persons, provided that the credit vouchers shall not be redeemed in cash and shall be honored by the City only when

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applied to the account through which utility services received by the qualified person are paid. (Ord. 116455 § 5, 1992; Ord. 116423 § 3, 1992; Ord. 115958 § 27, 1991; Ord. 115955 § 3, 1991; Ord. 115424 § 3(part), 1990; Ord. 110243 § 4, 1981; Ord. 105537 § 3, 1976; Ord. 104472 § 5, 1975.)

21.76.060 Authority of Finance Director.

A. The Finance Director is authorized to apportion the total amount of utility credits made to bills as provided for in Sections 21.76.010, 21.76.040 and 21.76.050.

B. To reimburse the Light Fund for utility credits made to lighting bills as provided for in Section 21.76.050, the Finance Director is authorized to make the necessary transfers from the Water, Sewer, Solid Waste Fund and Street Utility Sub-Fund in accordance with Section 21.76.040. (Ord. 116455 § 6, 1992; Ord. 116368 § 291, 1992; Ord. 110243 § 5, 1981; Ord. 105537 § 4, 1976; Ord. 104472 § 8, 1975.)

21.76.070 Violation—Penalty.

Any person knowingly making any false statement or representation to the Department of Housing and Human Services with intent to secure benefits to which he or she is not entitled under this chapter shall be guilty of an offense constituting a violation subject to the provisions of Chapter 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and upon conviction thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00). (Ord. 115958 § 28, 1991; Ord. 104472 § 9, 1975.)

Subtitle VIII Street Utility

**Chapter 21.100
STREET UTILITY**

Sections:

- 21.100.010 Definitions.**
- 21.100.020 Establishment.**
- 21.100.030 Street Utility charges.**
- 21.100.040 Street Utility Subfund created.**
- 21.100.050 Use of Street Utility funds and other funds.**
- 21.100.060 Administration of utility.**

(Seattle 3-96)

Severability. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable, the remainder of the ordinance shall continue in full force and effect. (Ord. 116451 § 2, 1992.)

21.100.010 Definitions.

As used in this chapter:

A. "Street facilities" means and includes all city streets, alleys, areaways, street lighting, traffic-control devices, bridges, sidewalks, curbs, gutters, and parking facilities owned by The City of Seattle and now and hereafter within the jurisdiction of the Seattle Engineering Department, except those facilities, property rights, and interests owned by the City and placed under the jurisdiction of the Drainage and Wastewater Utility or the Solid Waste Utility.

B. "Transportation purposes" means and includes but shall not be limited to the following:

1. The operation and preservation of streets and other transportation improvements;
2. New construction, reconstruction and expansion of City streets, and other transportation improvements;
3. Development and implementation of public transportation and high-capacity transit improvements and programs;
4. Planning, design, and acquisition of right-of-way and sites for such transportation purposes. (Ord. 116451 § 1(part), 1992.)

21.100.020 Establishment.

A Street Utility is hereby established within the Engineering Department, and the Director of Engineering shall manage, control, and operate the Street Utility pursuant to RCW 82.80.040 through 82.80.060. The Street Utility shall have jurisdiction of all street facilities as defined in this chapter. (Ord. 116451 § 1(part), 1992.)

21.100.030 Street Utility charges.

The City may impose, and the Street Utility

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may collect, periodic street utility charges for the use or availability of the streets. The Street Utility may use other authorized funding sources to raise revenues for transportation purposes. Pursuant to RCW 82.80.050, the total annual amount of periodic street utility charges imposed by the City shall not exceed fifty percent (50%) of the actual costs of operation, maintenance and preservation of the street facilities. The Director of Engineering is authorized to negotiate and, upon execution, implement agreements with other utilities or local government entities to provide for billing and collection of street utility charges. (Ord. 116451 § 1(part), 1992.)

21.100.040 Street Utility Subfund created.

A special subfund known as the “Street Utility Subfund” shall be created within the Transportation Fund. All street utility charges collected pursuant to RCW 82.80.050 and any other funds assessed or generated and designated for the Street Utility pursuant to RCW 82.80.060 shall be credited to the Street Utility Subfund, and interest accrued on such charges shall be credited to the Street Utility Sub-Fund.

(Ord. 116451 § 1(part), 1992.)

21.100.050 Use of Street Utility funds and other funds.

Money in the Street Utility Subfund shall be used strictly for transportation purposes as defined by this chapter and as required by RCW 82.80.060. Pursuant to RCW 82.80.060, the Engineering Department may, in addition to funds in the Street Utility Subfund, expend other funds from other sources for street facilities and for transportation purposes.

(Ord. 116451 § 1(part), 1992.)

21.100.060 Administration of Utility.

The Director of Engineering shall maintain a system of accounts to ensure all revenues collected pursuant to RCW 82.80.050 and other funds designated for the Street Utility Subfund are used strictly for transportation purposes. Pursuant to RCW 82.80.050, the Director shall maintain a system of accounts that enables the Director to determine the actual costs of operation, maintenance, and preservation of the street facilities, and the Director shall calculate the annual limitation on the total amount of periodic street utility charges based upon fifty percent (50%) of the

actual costs of operation, maintenance, and preservation of the street facilities. (Ord. 116451 § 1(part), 1992.)

**Chapter 21.101
STREET UTILITY RATES**

Sections:

21.101.010 Definitions.

21.101.020 Street Utility charges.

21.101.030 Businesses.

21.101.040 Exemptions from Street Utility charges.

21.101.050 Credits against Street Utility charges.

21.101.060 Adjustments of Street Utility charges.

21.101.070 Collection and billing procedures.

21.101.080 Lien for overdue charges.

21.101.090 Collection.

21.101.100 Violation—Civil penalties.

Severability. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the application thereof to any person or circumstance is found to be invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect.

(Ord. 116455 § 8, 1992.)

21.101.010 Definitions.

As used in SMC Chapter 21.101:

A. “Billing period” means a period for which street utility charges are billed.

B. “Business” means all activities engaged in by a person with the object of gain, benefit or advantage to the person engaged in such activities or to another person or class, directly or indirectly.

C. “City” means The City of Seattle.

D. “Commuter or employee tax” means commuter or employee taxes imposed pursuant to the authority of RCW 81.100.030 and 81.104.150.

E. “Employee” means any person employed at any business in the City, except casual laborers not employed in the usual course of business. A sole proprietor is not an “employee” when the business enterprise is located within a housing unit. All officers, agents, dealers, franchisees of a corporation or business trust, and all partners of a partnership (except limited partners) are “employees” within this definition.

21.101.040 UTILITIES

F. "Full-time equivalent employee" means the calculated number of employees in a business, which is derived by dividing the total yearly number of hours worked by the employees in the business by an annual total of one thousand nine hundred twenty (1,920) hours.

G. "Housing unit" means a building or portion thereof designed for or used as the residence or living quarters of one (1) or more persons living together, or of one (1) family. The existence of a food-preparation area within such residence or living quarters shall be evidence of the existence of a housing unit.

H. "Multiple-family" housing unit means a housing unit within a building containing three (3) or more housing units.

I. "Single-family" housing unit means a housing unit within a building containing one (1) or two (2) housing units.

J. "Street Utility charge" means the charge imposed in Section 21.101.020 by the City for the use and availability of the City's street facilities.

K. "Street Utility business charge" means a Street Utility charge imposed on a business.

L. "Street Utility residential charge" means a Street Utility charge imposed on a housing unit. (Ord. 116455 § 1(part), 1992.)

21.101.020 Street Utility charges.¹

A. Residential Charge. As of January 1, 1993, there is imposed upon each category of housing unit within the City, a Street Utility residential charge as follows:

1. Single family, Two Dollars (\$2.00) per month per housing unit;
2. Multiple family, One Dollar and Thirty-five Cents (\$1.35) per month per housing unit.

B. Business Charge. As of January 1, 1993, there is imposed upon each business within the City, a uniform Street Utility business charge of Two Dollars (\$2.00) per full-time equivalent employee per month.

C. Implementation Period. Notwithstanding subsection A and B above, during the first year of implementation, from January 1, 1993, to December 31, 1993, the Street Utility charges shall be one-half (1/2) of the residential and business charges established in this section.

D. Adoption of Rules and Regulations. The Director of Engineering is authorized to from time to time, adopt, publish, and enforce rules and

regulations not inconsistent with this chapter for the purpose of carrying out the provisions hereof.

E. Other Charges and Fees. The Street Utility charge shall not replace any other charge or fee imposed by the City pursuant to Seattle Municipal Code Chapter 15, including but not limited to use and occupation permit fees, public utility permit fees, or franchise fees.

(Ord. 116455 § 1(part), 1992.)

1. Editor's Note: The street utility residential charge under subsection 21.101.020 A of the Municipal Code is suspended, effective immediately. No further action shall be taken to collect the street utility residential charge until further action of the City Council.

Collection efforts on delinquent street utility residential charges shall cease immediately.

Street utility business charges under subsection 21.101.020 B of the Municipal Code shall continue to accrue to the extent permitted by law, but shall not become due on or after the effective date of this ordinance, until further action of the City Council.

Street utility business charges delinquent on the effective date of this ordinance shall remain payable until paid in full including any interest, penalty, or late payment fees. The Engineering Department, the Department of Finance, and other city departments may continue their normal collection activities with respect to such delinquent charges.

(Ord. 117904 §§ 1—4, 1995.)

21.101.030 Businesses.

A. Applicability to Businesses.

1. Each business located within the limits of The City of Seattle shall be subject to the Street Utility business charge imposed by Section 21.101.020.

2. All hours of an employee regularly reporting to work at the business shall be included in the computation of the Street Utility charge, even if portions of the employee's time are spent outside the City limits (for example, a realtor or outside salesperson).

B. Reporting of Employees. The City may require a business to provide information that may enable the City to make a determination of the appropriate number of full-time equivalent employees for that business. Such information may include the quarterly reports submitted by the business to the State Department of Labor and Industries reporting the number of employee hours worked. The City may adjust the number of full-time equivalent employees for that business based on the information provided.

(Ord. 116455 § 1(part), 1992.)

21.101.040 Exemptions from Street Utility charges.

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Street Utility charges by this chapter shall not be applicable to a housing unit or a business which occupies property that is exempt under the following statutory provisions:

A. Public property both owned and occupied by a public agency which is exempt from property taxes under RCW 84.36.010;

B. Publicly owned property subject to a leasehold interest and exempt from the leasehold tax under RCW Chapter 82.29A; and

C. Property which is:

1. Qualified for an exemption under RCW Chapter 84.36 by virtue of being both owned by a nonprofit or sectarian organization and used for nonprofit or sectarian purposes; or

2. Used for nonprofit or sectarian purposes which, if said property were owned by such organization, would qualify for an exemption under RCW Chapter 84.36.

(Ord. 116455 § 1(part), 1992.)

21.101.050 Credits against Street Utility charges.

Each business enterprise subject to this chapter shall be given a credit against the Street Utility business charge for the full amount of any commuter or employee tax which is paid by the business. In no case, however, shall the credit exceed the Street Utility business charge.

(Ord. 116455 § 1(part), 1992.)

21.101.060 Adjustments of Street Utility charge.

A. Any person receiving a bill or notice of a Street Utility charge may apply in writing to the Director of Engineering or his or her designee for a bill adjustment. References to the Director of Engineering in this section shall mean the Director or his or her designee. Filing such a request does not extend the period for payment of the charge. Requests for adjustments on delinquent accounts will not be acted upon until the delinquency is paid in full.

B. Requests for adjustments of the Street Utility business charge shall be filed with the Director of Engineering and must be accompanied by a copy of the preceding quarterly reports to the State Department of Labor and Industries, reporting the number of employee hours worked. For businesses that did not file reports with the State Department of Labor and Industries, an affidavit can be filed with the Director of Engi-

neering reporting the number of full-time equivalent employees or the total number of hours worked by all employees. The burden of proof shall be on the applicant to show that the charge adjustment sought should be granted. All decisions of the Director of Engineering shall be final.

C. To receive credit in the current billing period, applications for rate adjustment must be made not more than ninety (90) days after the billing due date, except for low-income credit, which shall be administered in accordance with SMC Chapter 21.76. Applications received more than ninety (90) days after the billing due date shall be effective for subsequent billing periods only.

D. If the Director of Engineering grants an adjustment which reduces the charge, the applicant shall receive a credit on the next bill or be refunded the amount overpaid. If the Director of Engineering determines that an adjustment should be made which increases the charge due, the applicant shall receive a notice for payment that will be due within forty-five (45) days of the date of issue. Applicants for Street Utility charge adjustments will be notified in writing of the Director of Engineering's decision.

(Ord. 116455 § 1(part), 1992.)

21.101.070 Collection and billing procedures.

A. Billing. The Director of Engineering shall determine the length and frequency of the billing periods for each Street Utility charge classification. The Street Utility residential charge may be included on the annual King County property tax statement. The Street Utility business charge may be on a separate bill or notice. The Street Utility charge shall become due and payable as stated in such billing or notice.

B. Application of Payments to Utility Funds. If payment is received for a combined property tax, drainage service charge and street utility charge, the payment shall be applied to the amount then due and payable (including delinquencies, if any), first, for annual property tax, second, to the Street Utility charge, and third to the drainage service charge; provided, if payment is designated for a charge, the payment will, to the extent the payment exceeds the amount of the property tax due and payable, be applied to the designated charge.

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C. Interest. The Director of Engineering shall add interest at a rate not to exceed eight percent (8%) per year to the delinquent charges. In addition, the Director may adopt a schedule of charges and impose charges to cover the administrative costs of handling delinquent payments and non-sufficient-fund checks.

D. Joint Collection of Charges. The Finance Director and the Director of Engineering are authorized to combine collection procedures for street use charges and license or business and occupation tax where possible.

(Ord. 117169 § 135, 1994; Ord. 116455 § 1(part), 1992.)

21.101.080Lien for overdue charges.

Any Street Utility charge which becomes delinquent shall become a lien upon property which is both owned and occupied by a business or occupied by a housing unit, and shall be enforced in the same manner as charges for the use of systems of sewerage under RCW Chapter 35.67. A charge is delinquent when not paid when due as stated in the bill or notice of the charge.

(Ord. 116455 § 1(part), 1992.)

21.101.090Collection.

Each person who owns a housing unit or business shall be liable for the charge imposed by Section 21.101.020. In addition to the above remedies, if any person fails to pay his or her Street Utility charge or any part thereof, the Director of Engineering may ascertain the amount of the charge and the interest due and administrative charges, issue a final notice to the person, and upon failure to pay, the Director of Engineering may employ a collection agency to collect any delinquent charges and interest and administrative charges, including the costs of utilizing the collection agency, and the City may bring a suit or action for the collection thereof.

(Ord. 116455 § 1(part), 1992.)

21.101.100Violation—Civil penalties.

It shall be unlawful to fail to pay upon final notice by the Director of Engineering the Street Utility charges imposed by this chapter. The failure to pay upon issuance of final notice by the Director of Engineering shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), provided that a conviction of a

violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal defense.

(Ord. 116455 § 1(part), 1992.)

(Seattle 3-96)

Seattle Municipal Code
August, 1996 code update file
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STREET UTILITY RATES 21.101.100

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