

**Chapter 22.220**  
**DOWNTOWN HOUSING MAINTENANCE**

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Severability: The provisions of the ordinance codified in this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of said ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.  
 (Ord. 112383 § 22, 1985.)

**22.220.010**Title for citation.

The ordinance codified in this chapter shall be cited as the “Downtown Housing Maintenance Ordinance.”

(Ord. 112383 § 1, 1985.)

**22.220.020**Findings.

The Seattle City Council hereby finds:

A. Low-income housing in downtown and adjacent lower First Hill is a scarce and diminishing resource. There has been a net loss of more than fifteen thousand (15,000) housing units in the downtown since 1960.

B. There exists an extreme shortage of low-income rental housing in the downtown area, resulting in a negligible vacancy rate for habitable low-income housing.

C. Many low-income tenants are unable to locate rental housing of any kind. These homeless persons are increasingly seeking housing in already overcrowded emergency shelters, and when such shelters are full, finding themselves on the City's streets.

D. Due to the drastic reduction in public funding, particularly federal funding, allocated to low-income housing since 1980, there are very few resources available to preserve or add new units to the existing supply of low-income housing.

E. Existing rental units in the downtown and adjacent lower First Hill constitute most of the remaining low-income rental housing in the City. The number of such units downtown is diminishing as a result of increased pressure for more intensive development downtown. Plans for major downtown development adjacent to lower First Hill have also put increased pressure on the low-income rental housing on lower First Hill.

F. Frequently, development speculation results in the premature closure of habitable existing buildings and the withdrawal of low-income rental units from the market long before such closure would be needed for any physical redevelopment of such buildings' sites.

G. There exists, especially in the downtown and adjacent First Hill a substantial number of abandoned or vacant residential units which create blight and constitute a danger to public health, safety and welfare.

H. Buildings which are vacant and not carefully secured and maintained frequently attract homeless persons seeking temporary shelter. This unsupervised use of these unheated buildings results in a fire hazard to the buildings and to the residents of nearby structures.

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I. Because of the conditions described above, there exists in the city a housing emergency. This necessitates that existing low-income rental housing in the downtown and adjacent lower First Hill be both maintained and offered for rent. (Ord. 112383 § 2(A), 1985.)

**22.220.030 Purpose.**

This chapter, therefore, is enacted to supplement the City's existing housing and building and safety codes and:

A. To reduce blight and threats to public health, safety and welfare by requiring that low-income units be both maintained and offered for rent, where feasible;

B. To relieve the effects of the City's housing emergency by preventing the premature withdrawal of units from the rental market;

C. To maximize the use of existing scarce low-income housing resources;

D. To provide public financial and management support, where appropriate, to assist owners to maintain low-income units in safe and habitable condition and available for occupancy;

E. To respect the owner's right to use and control private property, consistent with the above purposes and constitutional protections. (Ord. 112383 § 2(B), 1985.)

**22.220.040 Definitions.**

A. "Director" means the director of the Department of Construction and Land Use or the Director's designee.

B. "Downtown" means that portion of the City between the waterfront and Interstate Five (I-5) and between Royal Brougham Way and Denny Way.

C. "Lower First Hill" means that portion of the City between Interstate Five (I-5) and Boren Avenue and between Pike Street and James Street.

D. "Low-income rental unit" means all rental units which have been rented at or below thirty percent (30%) of fifty percent (50%) of the median income for comparably sized households in the Seattle Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development at any time during the two (2) year period prior to an inspection or complaint instituted under this chapter. Household size for a SRO or studio unit shall be deemed to be one (1) person, for a one (1) bed-

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bedroom unit shall be deemed to be three (3) persons.

E. "Owner" means any person who, alone or jointly, has title to or an ownership interest in any building, with or without actual possession thereof, including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

F. "Person" means any individual, firm, corporation, association or partnership and its agents or assigns.

G. "Rental units" means any dwelling unit, housekeeping room, or guest room as defined in the Seattle Housing Code (Chapter 22.204 of the Seattle Municipal Code) which has been occupied by tenants pursuant to rental agreements, oral or written, express or implied.

H. "SRO (single room occupancy)" means an existing housing unit with one (1) main sleeping and living room of at least seventy (70) square feet. Such housing unit may also include a kitchen niche or cooking facilities and/or a private bath or may share common bathroom facilities and/or cooking facilities.

(Ord. 112383 § 3, 1985.)

**22.220.050 Applicability of chapter.**

The provisions of this chapter shall apply to all low-income rental units if such rental units are situated in buildings located downtown or in lower First Hill and if such buildings contained any occupied rental units on or after November 5, 1984.

(Ord. 112383 § 4, 1985.)

**22.220.060 Low-income rental units—Rental responsibility.**

A. Owners of habitable low-income rental units shall make a good-faith effort to rent all such units.

B. An owner's failure or refusal to make such a good-faith effort to rent shall constitute a violation of this chapter.

C. In determining whether an owner is failing or refusing to make a good-faith effort to rent habitable low-income rental units, the Director may consider any actions by the owner which are inconsistent with keeping such units rented. Evidence of a lack of good faith may include, but shall not be limited to, the following:

1. Maintaining a building vacancy rate in excess of twenty percent (20%);

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 this source file.  
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2. Failing to offer an unoccupied unit for rent within seven (7) days of the unit becoming unoccupied, except under the circumstances provided for in Section 22.220.110;

3. Offering units for rental at a rental rate which substantially exceeds prevailing rents for comparable rental units;

4. Significantly reducing building services;

5. Changing rules, regulations, terms or conditions of tenancy so as to substantially and detrimentally affect the rights and obligations of tenants or prospective tenants;

6. Wilfully or wantonly failing to comply with applicable codes with respect to the low-income rental units or building, the violation of which substantially endangers or impairs the health or safety of the occupants;

7. Committing or causing vandalism or the intentional destruction of a rental unit or building;

8. Knowingly permitting a tenant to commit waste or to vandalize a rental unit.

(Ord. 114865 § 1, 1989; Ord. 112383 § 5, 1985.)

**22.220.070 Low-income rental units—Repair responsibility.**

A. Owners of low-income rental units shall repair such units when such units can feasibly be made habitable. A unit can feasibly be made habitable if, after consideration of variances, deferrals and extensions of time for compliance as provided in Section 22.220.080 of this chapter, the cost of the repairs necessary to make the unit habitable does not exceed the amount which the owner may be required to contribute as provided in subsections B, C, and D of this section, together with the amount to be contributed by the City.

B. Except as provided in subsection D below, the owner's contribution to the cost of repairs necessary to make a low-income rental unit habitable shall not exceed Three Thousand Dollars (\$3,000.00) per low-income rental unit for any three (3) year period, and the total repair cost of any low-income rental unit under this subsection shall not exceed Six Thousand Dollars (\$6,000.00) per low-income rental unit for any three (3) year period.

C. In determining the cost of repairing a low-income rental unit, the following rules shall apply:

1. The costs of repair shall include only repairs necessary to meet the minimum requirements of the Housing and Building Maintenance Code, SMC Chapter 22.206, except those requirements variances or deferred pursuant to Section 22.220.080 of this chapter.

2. The cost of repairs to common areas or building systems shall be allocated to all the low-income rental units in the building which are required to be offered for rent, not solely to low-income rental units which are vacant or not habitable; provided that, if the shared building systems and/or common area costs allocated to one (1) or more units would cause those units to exceed the maximum total stated above, the excess allocated shared costs may be reallocated among the remaining units required to be offered for rent to the extent that such reallocation does not cause the total repair costs of such remaining units to exceed the maximum cost stated in subsection B of this section.

3. The unit-specific costs of repairing low-income rental units shall be allocated to specific units.

4. Costs of all capital repairs shall be included in calculating the owner's maximum contribution over a three (3) year period. The costs of ordinary maintenance shall not be included. For the purposes of this section, all repairs which are ordered to remedy code violations upon the first inspection of a rental unit under this chapter shall be deemed capital repairs; during subsequent inspections capital costs for repairs to correct code violations shall be counted only if the Director determines that such repairs are not ordinary maintenance.

5. Any individual unit whose total unit-specific and allocated shared repair costs exceed the maximum allowed by this chapter shall be determined to be not feasible to repair.

D. The owner's required contribution to the repair of a unit shall be unlimited to the extent that the unit is not habitable because the owner has:

1. Wilfully or wantonly failed to comply with applicable building and safety codes; or

2. Committed or caused vandalism or the intentional destruction of any rental unit in the building; or

3. Knowingly permitted a tenant to commit waste or to vandalize a rental unit.

(Ord. 114865 § 2, 1989; Ord. 112383 § 6, 1985.)

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**22.220.080 Variances, deferrals and extended time for compliance.**

A. In specific buildings containing low-income rental units, the Director may authorize under conditions specified in subsections B and C of this section the following types of departure from the standards and requirements of Sections 22.206.020 through 22.206.160 of the Housing Code (Chapter 22.206 of the Seattle Municipal Code):

1. A variance;
2. A deferral from compliance for up to three (3) years, with the possibility of one (1) renewal for up to an additional three (3) years;
3. Extended time for compliance, with repair work scheduled over a period not to exceed eighteen (18) months, provided that such schedule is arranged to minimize as much as possible the amount of time a unit is not available for occupancy.

B. The Director may grant the departures authorized by this section if he or she determines that **both** of the following conditions or circumstances exist:

1. A literal interpretation and strict application of the standards and requirements would result in an undue or unnecessary hardship, other than solely a financial hardship, and would adversely affect the preservation and enjoyment of a substantial property right of the owner or tenant of the subject building; and
2. Because of the conditions or circumstances applying to the subject building or to the occupancy thereof, the departure will not be materially detrimental or injurious to the safety, health, or general welfare of the occupants thereof of neighboring property or occupancies or of the public.

C. In addition, in determining whether or not any departure from the requirements of the Housing Code is appropriate and, if so, whether to grant a variance, a deferral, or extended time for compliance, the Director shall consider, among others, the following factors:

1. The remaining useful life of the unit or building and the length of time it is likely to be available for low-income occupancy;
2. How materially the departure would

affect the living conditions of the tenants;

3. The permanency of the condition of the item, unit, structure, or system for which the departure is sought and the degree to which it might deteriorate over the period for which the departure is sought;

4. The difficulty of bringing the item, unit, structure or system into compliance if the departure is not granted.

D. Examples of items which might be variances, deferred or given extended time for compliance are shown below. Since no two (2) buildings are ever alike and the nature and extent of violations could change over short periods of time, these examples would not apply in all cases. The examples stated below are for illustrative purposes only and are not intended as a complete or exclusive list of the items which may be deferred or the nature of the deferral which might be granted.

1. Examples of items, which, under appropriate circumstances might be variances include:

**Section 22.206.030: Floor Area** — This section provides for the minimum space and occupancy standards of the Housing Code. For example, a dwelling unit is required to have at least one (1) room which shall have not less than one hundred twenty (120) square feet of floor area, etc.... A variance could be granted where areas are (1) or two (2) percent smaller than required.

**Section 22.206.050: Bathroom Fixtures** — Lavatories are required to be provided on each floor at a rate of one (1) for every additional ten (10) guests, etc.... A variance can be granted for a lesser number of bathroom lavatories especially when rooms are equipped with operating lavatory sinks.

**Section 22.206.110: Electrical** — Kitchens are to be provided with not less than three (3) outlets. A variance can be granted to allow less than three (3) electrical outlets generally based on the small size of the kitchen.

2. Examples of items, which, under appropriate circumstances might be deferred include:

**Section 22.206.050:** Kitchen — Every dwelling unit must be provided with a kitchen, and every kitchen must be provided with a sink, hot and cold running water, counter work space, cabinets, etc.... A deferral could be granted for the counter space requirement if a table is provided that could serve as counter space.

**Section 22.206.120** Stair Construction — Every required stairway, except in dwellings are required to have headroom clearance of not less than six feet six inches (6' 6") measured vertically, etc.... A deferral could be granted, provided adequate padding and warning signs were installed.

**Section 22.206.060:** Structural Components — Structural components of buildings shall be reasonably decay free. A building that appears to have a limited useful life has window sills and sashes with dry rot. A deferral could be granted for dry rot in wooden window sills where no moisture is seeping through the sill and no weather is coming through the meeting of the sill and sash. A deferral could not be granted for dry rot in the window sash, since such dry rot would make the windows unsafe for tenants to use.

The deferral for the window sill could be revoked if, upon subsequent inspection, conditions had deteriorated and moisture was seeping into the wall or the room.

3. Examples of items, for which, under appropriate circumstances an extended time for compliance might be authorized include:

**Section 22.206.070:** Shelter — Every building shall be protected so as to provide shelter for the occupants against the weather. A building roof has a number of leaks and an inspection in November reveals that the building must be completely reroofed. Work to patch the leaks is ordered and scheduled immediately; an extension for reroofing is granted until late the following spring, to be scheduled when the weather is more accommodating.

**Section 22.206.080:** Maintenance — Every foundation, room and exterior wall, etc., shall

be reasonably weathertight, watertight, damp free, etc. A large building has leaky mortar joints in the exterior walls, but an inspecting structural engineer has determined that the wall is sound enough to permit the owner an extended period of time during which to schedule the repair, e.g., two (2) sides during one (1) summer, the remaining two (2) sides during a second summer.

E. The Director of Housing and Human Services or his or her designee is hereby authorized to apply to the Director for any departure from the Housing and Building Maintenance Code authorized by this section. No other person is authorized to make such application.

F. If the Director determines after inspection of a unit or building that a condition or circumstance has changed which materially and detrimentally affects the health or safety of the tenants, their neighbors, or the general public, the Director may revoke an order granting a deferral or extended time for compliance.

G. In addition, the departures authorized under this section shall be automatically revoked for any unit which is no longer available for low-income occupancy as defined by this chapter. (Ord. 115958 § 29, 1991; Ord. 114865 § 3, 1989; Ord. 112383 § 7, 1985.)

**22.220.090 Loans and grants to owners.**

A. The Director of Housing and Human Services may authorize loans and grants to owners and receivers from the Downtown Housing Maintenance Account described in Section 22.220.100 and/or from such Community Development Block Grant funds or other similarly restricted funds as may have been appropriated for the rehabilitation of rental units downtown or may in the future be appropriated specifically for the repair of low-income rental units pursuant to this chapter. Such loans and grants shall be made only for the reasonable cost of repairs necessary to make low-income rental units habitable and for the reasonable cost of any other repairs to the building in which such units are located which are necessary to make such units habitable. Such loans and grants shall be made only in accordance with the criteria set forth in this section.

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B. The Director of Housing and Human Services may make grants for repairs necessary to make low-income rental units habitable. The maximum grant amount shall be Three Thousand Dollars (\$3,000.00) per unit, to be awarded after the owner has committed his or her own maximum contribution to the repair of a unit.

C. The Director of Housing and Human Services may extend loans for the repair of low-income units as follows:

1. The maximum loan amount shall be Six Thousand Dollars (\$6,000.00) per unit.

2. The Director of Housing and Human Services may authorize the forgiveness of such loans at a rate of twenty percent (20%) per year, with a maximum forgiveness of One Thousand Dollars (\$1,000.00) per year for each year the unit remains available for low-income occupancy, such forgiveness to continue until the entire amount has been forgiven; provided that the unit continues to be available for low-income occupancy during the entire forgiveness period.

3. The loans shall be made with no interest charged while the unit remains available for low-income occupancy.

4. If for any reason the units become unavailable for low-income occupancy, the remainder of the loan shall be required to be repaid, and in addition the Director of Housing and Human Services may require the immediate repayment of the remaining balance or said Director of Housing and Human Services may charge interest on the remaining balance at the then prevailing rate for the Washington State Housing Commission bond program.

D. The total amount of grants and loans authorized under this section shall not exceed Six Thousand Dollars (\$6,000.00) per unit for any three (3) year period.

E. The Director of Housing and Human Services shall prescribe such additional terms and conditions of such loans and grants as he or she deems appropriate. Within thirty (30) days of the effective date of the ordinance codified in this chapter,<sup>1</sup> the Director of Housing and Human Services shall promulgate regulations describing the circumstances under which loans and grants will be approved and the general terms and conditions of such loans and grants.

(Ord. 115958 § 30, 1991; Ord. 114865 § 4, 1989; Ord. 112383 § 8, 1985.)

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22.220.130 BUILDING AND CONSTRUCTION CODES

1. Editor's Note: Ordinance 112383 was passed by the City Council on August 8, 1985; Ordinance 114865 was passed by the Council on December 11, 1989; Ordinance 115958 was passed by the Council on November 25, 1991.

**22.220.100 Downtown Housing Maintenance Account.**

A. There is hereby created in the City Treasury an account in the Low-Income Housing Fund designated the "Downtown Housing Maintenance Account," from which account grants and loans as specified in Section 22.220.090 of this chapter may be made to owners or receivers to assist them in placing low-income rental units in habitable condition and from which account shall be paid costs and expenses incurred by the City in connection with the repair of low-income rental units or buildings that can feasibly be made habitable.

B. Money from the following sources shall be deposited in the Fund:

1. Such sums as may be received by gift, bequest or contractual arrangement for maintenance and rehabilitation of downtown low-income rental housing purposes; and

2. Such sums as may be recovered by the City as repayment of loans or as reimbursement of costs or expenses of repair of units that were found to be uninhabitable where such funds originated from this Account.

C. The moneys in the Account are hereby appropriated for the purposes described above and the City Finance Director is authorized to draw and to pay the necessary warrants upon vouchers approved by the Director of Housing and Human Services from the appropriated Account.

(Ord. 166368 § 294, 1992; Ord. 115958 § 31, 1991; Ord. 113834 § 10, 1988; Ord. 112383 § 9, 1985.)

**22.220.110 Duty to repair and rent—Termination conditions.**

A. The owner's duty to repair low-income rental units that can feasibly be made habitable and the owner's duty to make a good-faith effort to rent low-income rental units shall cease if any of the following circumstances occur:

1. The Director determines that it is not feasible to repair units pursuant to Sections 22.220.070 and 22.220.130 or pursuant to the administrative relief provisions in this section and Section 22.220.120; or

2. A demolition or change of use permit covering the units is issued under the Housing Preservation Ordinance (Chapter 22.210 of the Seattle Municipal Code) or any successor ordinance and the owner complies with the terms of said ordinance; or

3. The rental rate at which the units are offered for rent has exceeded the low-income rental rate established in subsection D of Section 22.220.040 for more than two (2) years; or

4. The rental unit is occupied by the owner as his or her personal residence.

B. There shall be no duty to offer a low-income rental unit for rent during a reasonable period of time necessary to repair or rehabilitate a unit or building if such repair or rehabilitation makes occupancy of that unit temporarily impracticable.

(Ord. 112383 § 10, 1985.)

**22.220.120 Duty to repair and rent—Administrative relief.**

In accordance with the procedures specified in Section 22.220.130, the Director may provide full or partial relief from the duty to offer low-income rental units for rent and/or the duty to make low-income rental units habitable, if the owner establishes with clear and convincing proof that:

A. The literal interpretation and strict application of the duty to offer for rent or the duty to make habitable constitute an unconstitutional taking of the owner's property;

B. The requested relief would be consistent to the extent possible with the objectives of this chapter;

C. The requested relief does not go beyond the minimum necessary to prevent the unconstitutional taking of property, and does not constitute a grant of special privilege inconsistent with the limitations upon other similar properties.

(Ord. 112383 § 11, 1985.)

**22.220.130 Failure to rent or repair—Administrative investigation and determination.**

A. Inspection. The Director shall inspect any building that he or she has reason to believe contains low-income rental units that the owner is not making a good-faith effort to rent or low-income rental units that are not habitable but could feasibly be made habitable. The Director may, upon presentation of proper credentials and

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with the consent of the occupant or owner, or pursuant to a lawfully issued warrant, enter at reasonable times any building, structure or premises in the City to perform any duty imposed by the ordinance codified herein.

B. Application for and Determination on Departures.

1. If the Director finds low-income rental units that are not habitable, he or she shall notify the Director of Housing and Human Services, who shall have fifteen (15) days to determine if a departure or departures as authorized in Section 22.220.080 is appropriate and, if so, to recommend such departures to the Director.

C. Determination of Feasibility to Make Units Habitable. After the Director has received and considered the recommendations of the Director of Housing and Human Services on the requested departures, if any, he or she shall, using the standards as prescribed in Section 22.220.070, make a determination as to the feasibility of making the uninhabitable units habitable. The Director may grant, modify or deny the recommended departures.

D. Issuance of Complaint and Notice.

1. If the Director finds that the owner has not made a good-faith effort to rent or that the building contains low-income rental units that are not habitable but could feasibly be made habitable, he or she shall serve upon the owner of the building, as shown upon the records of the Department of Records and Elections of King County, a complaint, identifying the specific low-income rental units which are not being offered for rent in good faith, the specific uninhabitable low-income rental units that could feasibly be made habitable, and, where applicable, the corrective action which the owner must take to make any low-income rental unit habitable and the amount of assistance which may be available to the owner as determined by the Director of Housing and Human Services. The complaint shall be delivered by personal service, registered mail, or certified mail with return receipt requested, and shall be posted in a conspicuous place on the property. No complaint shall be issued for uninhabitable units if the owner holds a valid permit for the repairs, alterations, or improvements necessary to correct the noted deficiencies and is, in the opinion of the Director, making reasonable progress toward correcting those deficiencies.

2. The complaint shall:

a. Contain a notice that a hearing will be held before the Director at a specified time and place not less than ten (10) nor more than thirty (30) days after service of the complaint;

b. Explain that all parties have the right to file an answer to the complaint;

c. Advise the parties that they may appear in person or by representative and give testimony at the time and place designated in the complaint; and

d. Advise the parties that they may seek relief and present evidence as to whether or not administrative relief from the strict enforcement of the requirements of this chapter as provided in Section 22.220.120 should be granted.

3. A copy of the complaint shall be filed with the King County Department of Records and Elections. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to the occupants of all rental units and/or commercial units in the building a notice informing the occupants of the filing of the complaint and advising them of the relevant procedures.

E. Administrative Hearing. The Director shall hold a hearing at the time and place specified in the complaint to take testimony on the allegations stated in the complaint and the defenses to such allegations and to receive evidence as to whether or not administrative relief should be granted in accordance with the standards set forth in Section 22.220.120, if such relief is sought by the owner at the hearing.

F. Report of Director of Housing and Human Services on Request for Administrative Relief. When administrative relief is sought pursuant to Section 22.220.120, the Director shall request from the Director of Housing and Human Services a report and recommendation analyzing whether application of the duties from which relief is sought would constitute an unconstitutional taking and the nature of the relief which would be appropriate, if any. The Housing and Human Services Director's report shall be made available to the owner and to any member of the public who requests it. The owner and any member of the public shall have fourteen (14) days from the date the report is published to make comments to

the Director concerning the appropriateness of the relief requests.

G. Determination and Order of Director After Hearing. After the hearing provided for in subsection E of this section and the report and public comment provided for in subsection F of this section the Director shall issue a written decision granting or denying administrative relief, if such relief has been requested and, if upon consideration of the complete record before him or her the Director determines that the owner is not making a good-faith effort to rent low-income rental units, or that the owner's building contains low-income rental units that are not habitable but could feasibly be made habitable, then he or she shall issue and cause to be served upon the owner in the manner provided in subsection D and shall post in a conspicuous place on the property, an order requiring the owner to repair, alter, or improve the uninhabitable units and/or make a good-faith effort to rent vacant low-income rental units in the building within a time to be specified in the order. When determining a time for compliance, the Director shall take into consideration:

1. Any departures granted pursuant to Section 22.220.080;
  2. Any administrative relief granted pursuant to Section 22.220.120;
  3. The availability of City funds for repair of the units;
  4. The type and degree of hazard cited in the complaint;
  5. The owner's ability to correct the noted deficiencies;
  6. The procedural requirements for obtaining a permit to correct the noted deficiencies;
  7. The complexity of the required repairs or corrective action, including seasonal considerations, construction requirements and the legal rights of affected tenants; and
  8. Circumstances beyond the owner's control.
- (Ord. 115958 § 32, 1991; Ord. 114865 § 5, 1989; Ord. 112383 § 12, 1985.)

#### **22.220.140 Appeal—From Director's order.**

A. Within fifteen (15) days from the date of service and posting of an order issued by the Director, the owner may file a written notice of appeal with the Office of the Hearing Examiner. The notice of appeal shall state the specific errors in the Director's order of proceedings and the spe-

cific grounds upon which a reversal or modification of the order is sought. The Director's decision to grant or deny administrative relief pursuant to Section 22.220.120 and the issues determined therein shall not be appealable to the Hearing Examiner. The notice of appeal shall be accompanied by a filing fee of Twenty-five Dollars (\$25.00).

B. The Hearing Examiner shall consider the appeal in accordance with the procedures established by the Administrative Code of The City of Seattle (Chapter 3.02 of the Seattle Municipal Code) for hearing contested cases. Notice of hearing shall be provided to all parties not less than ten (10) days prior to the hearing. The Hearings Examiner's review shall be de novo. The Hearing Examiner may affirm the order of the Director, or may reverse or modify the order only if it is determined that the Director's decision is clearly erroneous.

C. The Hearing Examiner's final written decision containing findings of fact and conclusions of law shall be mailed to the parties of record and filed with the King County Department of Records and Elections.

D. The Director's order shall not be final until the time for filing an appeal with the Hearing Examiner has expired or until the issuance of the Hearing Examiner's decision if an appeal is taken; provided that, when the Director determines that the deficiencies noted in the complaint will cause immediate and irreparable harm, and so states in the notice and order issued, the order shall be final upon issuance by the Director.

(Ord. 114865 § 6, 1989; Ord. 112383 § 13, 1985.)

#### **22.220.150 Appeal—Petition to Superior Court.**

Any appeal of a decision issued by the Hearing Examiner pursuant to Section 22.220.140 of this chapter must be filed in the Superior Court within thirty (30) days of the Hearing Examiner's decision.

(Ord. 112383 § 14, 1985.)

#### **22.220.160 Certificate of compliance—Issuance conditions.**

A. If the Director finds that the repairs, alter-

ations, improvements or other actions required in a final order have been satisfactorily completed, he or she shall prepare and, upon request therefor, issue to any party upon whom the final order was served, a certificate of compliance, stating that the deficiencies noted in the final order have been corrected. The certificate of compliance shall be filed with the King County Department of Records and Elections.

B. The issuance of a certificate of compliance shall not be construed to relieve from or lessen the responsibility and liability of any person owning, operating or controlling any building or structure or owning, operating, controlling, or installing any equipment therein for any injury, death, damage, and/or loss of any sort sustained by any person, organization, or corporation arising out of any condition of the building, structure, or equipment; nor shall The City of Seattle or the Director be held to assume any liability by reason of any inspection, issuance of a certificate of compliance, or any other act or omission of the city or the Director in connection with the enforcement and administration of this chapter.

(Ord. 114865 § 7, 1989; Ord. 112383 § 15, 1985.)

**22.220.170 Extension of compliance date.**

The director may, in his or her discretion, extend the time for compliance with a final order. Neither extensions, nor the Director's refusal to grant an extension shall be subject to any appeal.

(Ord. 114865 § 8, 1989; Ord. 112383 § 16, 1985.)

**22.220.180 Enforcement of final order.**

Whenever any person fails to comply with a final order, the Director may:

A. Institute an action to collect a civil penalty as provided in Section 22.220.190; and/or

B. Use any procedure established in any other ordinance or by any other law for securing compliance; and/or

C. Abate the violation pursuant to the procedures provided in Section 22.220.210; provided, that nothing herein shall prevent the Director from using any procedure established in any other ordinance or by any other law for securing compliance; and/or

D. Request the Law Department to seek an injunction to compel compliance.

(Ord. 114865 § 9, 1989; Ord. 112383 § 17, 1985.)

**22.220.190 Civil penalty.**

A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a final order of the Director of DCLU, violating any provision of this chapter, or deliberately attempting to evade application of this chapter shall be subject to a civil penalty in the amount of Five Hundred Dollars (\$500.00) per day for each day of violation.

B. The penalties imposed by this section shall be collected by a civil action brought in the name of the city. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

(Ord. 114865 § 10, 1989; Ord. 112383 § 18, 1985.)

**22.220.200 Abatement of defective conditions.**

In addition to, or as an alternative to seeking civil penalties as provided in Section 22.220.190, the Director may cause the defective condition or conditions to be repaired pursuant to Chapter 22.208 of the Seattle Municipal Code; provided, that the Director shall not repair such condition or conditions if the cost exceeds Four Thousand Dollars (\$4,000.00) per unit, calculated in accordance with the rules prescribed in Section 22.220.070.

(Ord. 112383 § 19, 1985.)

**22.220.210 Receivership—Authorized when—Purpose.**

A. If a building contains uninhabitable low-income rental units that can feasibly be made habitable and/or the owner of a building is not making a good-faith effort to rent low-income rental units or there are vacant units that constitute a threat to the public health and safety then the Director may request the Law Department to petition the Superior Court, pursuant to RCW 7.60.010 et seq. to appoint a receiver to manage and operate the building. In addition, the Court may be directly petitioned for the appointment of a receiver by tenants who reside in the building under the following circumstances:

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1. Where ten (10) or more tenants reside in the building, three (3) or more tenants join in bringing the petition;

2. Where less than ten (10), but more than five (5) tenants reside in the building, two (2) or more tenants join in bringing the petition;

3. Where five (5) tenants or less reside in the building, one (1) tenant or more brings the petition.

B. The purpose of the receivership shall be to take possession of the building for a period sufficient to accomplish and pay for repairs and improvements to uninhabitable units and/or to fill vacancies in units which have not been offered for rent in good faith. The receiver appointed:

1. May enter into week-to-week or month-to-month rental agreements for the rental of any vacant dwelling units and may take such steps as may be necessary to make vacant dwelling units available for rental and occupancy;

2. May enter into any contracts necessary to repair and improve the building and to make uninhabitable low-income rental units habitable;

3. May apply for and accept loans and grants from the City for the purpose of making low-income rental units habitable;

4. Shall be entitled to reasonable fees, commissions and necessary expenses which shall be paid out of the rents and income of the property in receivership or, upon approval by the Director, out of the Downtown Housing Maintenance Account;

5. Shall apply rents and income collected, to the extent not expended for repairs, improvements, and/or the preparation and rental of covered units, to the payment to the City of fines or penalties which may have been imposed upon the owner for violations of this chapter or other housing ordinances and which remain unpaid. Any rents or income remaining after the above expenses are paid shall be paid to the owner. (Ord. 112383 § 20, 1985.)

**22.220.220 Use of remedies.**

The remedies provided for in this chapter are not exclusive and may be used alone or in combination with the other remedies enumerated in this chapter. Nothing in this chapter shall be construed to supersede or repeal by implication the remedies available through enforcement of the

Housing Code (Ordinance 106319)<sup>1</sup> or any other City codes or ordinances. (Ord. 112383 § 21, 1985.)

1. Editor's Note: Ordinance 106319 is codified at Chapter 22.206 of this Code.

**Subtitle III Electrical Code**

Severability. If any section, subsection, sentence, clause, or phrase of this subtitle is, for any reason, held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this subtitle. The City Council declares that it would have passed the ordinance codified in this subtitle and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases are declared unconstitutional or otherwise invalid. (Ord. 108482 § 4, 1979.)

**Chapter 22.300  
ADOPTION OF ELECTRICAL CODE**

**Sections:**

**22.300.010 Adoption of the National Electrical Code.**

Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this subtitle. The City Council hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that one (1) or more sections, subsections, sentences, clauses and phrases are declared unconstitutional or otherwise invalid. (Ord. 114181 § 3, 1988.)

**22.300.010 Adoption of the National Electrical Code.**

The National Electrical Code, 1993 Edition, published by the National Fire Protection Association, one (1) copy of which is filed with the City Clerk in C.F. 299604, is hereby adopted and by this reference made a part of this subtitle. The National Electrical Code, 1993 Edition, together with the amendments and additions thereto adopted by Ordinance 116790,<sup>1</sup> shall constitute the Seattle Electrical Code. (Ord. 116790 § 1, 1993; Ord. 116368 § 295, 1992; Ord. 115781 § 1, 1991.)

1. Editor's Note: The Electrical Code provisions adopted in Section 22.300.010 are on file in the City Clerk's Office. Amendments to the 1993 Electrical Code are included in Sections 2 through 79 of Ordinance 116790.

22.400.010 BUILDING AND CONSTRUCTION CODES

**Subtitle IV Mechanical Code**

**Chapter 22.400**

**ADOPTION OF MECHANICAL CODE AND ADMINISTRATIVE AMENDMENTS<sup>1</sup>**

**Sections:**

**22.400.010 Adoption of Uniform Mechanical Code.**

**22.400.010 Adoption of Uniform Mechanical Code.**

The Seattle Mechanical Code<sup>1</sup> shall be constituted of the following portions of the 1994 edition of the Uniform Mechanical Code as published by the International Conference of Building Officials, together with the amendments and additions thereto adopted: Chapters 2 through 11, 14 and 16, the Uniform Mechanical Code standards contained in Appendix A, and Chapter 13 of Appendix B. One copy of the Uniform Mechanical code is filed with the City Clerk in C. F. 300681.

(Ord. 117722 § 1, 1995.)

1. Editor's Note: Amendments to the 1994 Mechanical Code adopted by § 1 of Ordinance 117722 are set out in Sections 2 through 56 of Ordinance 117722, Sections 1 and 2 of Ordinance 117863, and Sections 1 and 2 of Ordinance 118101, on file in the City Clerk's Office.

**Subtitle IVA Seattle Boiler and Pressure Vessel Code**

**Chapter 22.450**

**ADOPTION OF SEATTLE BOILER AND PRESSURE VESSEL CODE**

**Sections:**

**22.450.010 Adoption of Seattle Boiler and Pressure Vessel Code.**

**22.450.010 Adoption of Seattle Boiler and Pressure Vessel Code.**

The Seattle Boiler and Pressure Vessel Code is hereby adopted and by this reference made a part of this subtitle.

(Ord. 117723 § 2, 1995.)

(Seattle 9-96)

**Subtitle V Plumbing Code**

**Chapter 22.500  
ADMINISTRATION**

**Sections:**

**22.500.010 Title.**

**22.500.020 Purpose.**

**22.500.030 Liability for damages.**

**22.500.040 Scope.**

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

(Ord. 109033 § 9, 1980.)

**22.500.010 Title.**

This subtitle shall be known as the "Seattle Plumbing Code" and may be so cited, and is referred to herein as "this Plumbing Code."

(Ord. 109033 § 1, 1980.)

**22.500.020 Purpose.**

The purpose of this Plumbing Code is to provide minimum requirements and standards for the protection of the public health, safety and welfare.

(Ord. 109033 § 2, 1980.)

**22.500.030 Liability for damages.**

A. This subtitle is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of these purposes.

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

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

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

August 2026 code update file  
Text is for historic reference only.  
See [Seattle Municipal Code](#) for existing and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

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22.500.030

BUILDING AND CONSTRUCTION CODE

**Seattle Municipal Code**

**August, 1996 code update file**

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(Seattle 12-95)

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22-62.2



Seattle Municipal Code  
August, 1996 code update  
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sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.

(Ord. 109033 § 3, 1980.)

**22.500.040 Scope.**

The provisions of this Plumbing Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system except as specifically otherwise provided in this Plumbing Code.

(Ord. 109033 § 4, 1980.)

**Chapter 22.502  
ADOPTION OF UNIFORM  
PLUMBING CODE**

**Sections:**

**22.502.015 Adoption of Uniform Plumbing Code, IAMPO Installation Standards and Seattle Amendments.**

**22.502.015 Adoption of Uniform Plumbing Code, IAMPO Installation Standards and Seattle Amendments.**

Chapters 1 through 10 and Appendices A through D of the Uniform Plumbing Code, 1991 Edition, and IAMPO Installation Standards, 1991 Edition, 2-90, 3-89, 4-90, 5-90, 6-89, 9-90, 10-90, 11-87, 12-90, 13-84, 17-90, 18-85, 20-90, 21-89, 22-90, 23-90, 24-90, 25-90, all as published by the International Association of Plumbing and Mechanical Officials (one (1) copy of which has been filed with the City Clerk in C.F. 299445), and Chapters 22 and 25 of the 1991 Uniform Mechanical Code, together with the Seattle Amendments to the 1991 Uniform Plumbing Code as adopted by Ordinance 116594, shall constitute the official Plumbing Code of The City of Seattle.<sup>1</sup> In case of conflict between the Uniform Plumbing Code, the IAMPO Installation Standards and the Seattle Amendments, the Seattle Amendments shall be controlling.<sup>2</sup>

(Ord. 116594 § 2, 1993.)

1.Editor's Note: The Plumbing Code provisions adopted in Section 22.502.015 are on file with Ordinance 116594 in the City Clerk's Office.

2.Editor's Note: Sections 3 through 26 of Ordinance 116594, setting out the Seattle Amendments to the 1991 Uniform Plumbing Code, are on file in the City Clerk's Office.

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**Chapter 22.504  
PERMITS AND INSPECTIONS**

**Sections:**

- 22.504.010** Permit fees.
- 22.504.020** Refund of fees.

**22.504.010** Permit fees.

Every applicant for a permit to do work under this Plumbing Code shall pay for each permit, at the time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown in this schedule:

**A. Schedule of Fees**

- Base plumbing permit for one (1) through four (4) fixtures or traps ..... \$57.00
- For each additional plumbing fixture or trap (including water drainage vent piping and backflow protection therefor) ..... 8.00
- For each atmospheric vacuum breaker in irrigation systems, tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping
  - Vacuum breaker — one (1) to five (5) — each device ..... 8.00
  - Vacuum breaker — over five (5) — each device ..... 4.00
- Pressure-type backflow preventor — each ..... 8.00
- Reduced pressure principle backflow prevention device and/or double check valve assembly — each ..... 8.00

**B. Fees for Miscellaneous Inspection Services**

- Fees for inspection service outside regular working hours or for inspection service requested but not covered by a permit will be charged for at a rate equal to the cost of performing the service.
- Fees for permanent location inspection of factory housing or modular unit containing plumbing — For each single-family dwelling or each modular unit containing plumbing ..... \$18.00
- Plumbing permit includes on-site connections of building drain extensions, water service and necessary gas piping connections.

Additional plumbing fixtures installed after factory installation of plumbing for each plumbing fixture or trap .....\$ 8.00  
Fees for reconnection and retest of plumbing systems in relocated buildings — For each building containing plumbing .....18.00  
Plumbing permit includes on-site connections of building drain extensions, water service and necessary gas piping connections.

Additional plumbing fixtures installed after relocation for each plumbing fixture or trap .....8.00

C. For the purpose of this section “fixture” means and includes any appliance which is connected with a water, drain, or vent pipe, but no sillcock faucet or hose bibb shall be considered a fixture. A sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture.

D. Any person who commenced any work for which a permit is required by this Plumbing Code without first having obtained such permit, shall upon subsequent application for such permit pay double the fee fixed by the above schedule of fees for such work unless it shall be proved to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section.

E. A reinspection fee of Forty Dollars (\$40.00) may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This subsection is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as discouraging the practice of calling for inspection or reinspection.

Reinspection fees may be assessed when the permit is not properly posted on the work site, the work to be inspected is not under test, for failure to provide access on the date for which inspection is requested, or for failure to make required corrections. To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with this section. In instances where reinspection fees

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have been assessed, no additional inspection of the work will be performed until the required fees have been paid.  
 (Ord. 116939 § 1, 1993; Ord. 115946 § 1, 1991; Ord. 115443 § 1, 1990; Ord. 110885 § 1, 1982; Ord. 109495 § 1 (part), 1980; Ord. 109033 § 6(a), 1980.)

**22.504.020 Refund of fees.**

Should the work for which a permit fee has been paid not be started, the Administrative Authority, upon proper application for refund and surrender of the permit for cancellation, shall issue a refund. In determining the amount of refund due, the Administrative Authority shall deduct the amount of the basic fee to cover the cost of administration of the permit. No refund shall be made for any expired permit.  
 (Ord. 109495 § 1(part), 1980; Ord. 109033 §6(b), 1980.)

**Chapter 22.506  
 VIOLATIONS**

**Sections:**

**22.506.010 Penalty for violations.**

**22.506.010 Penalty for violations.**

Violation of any provision of this subtitle constitutes a violation subject to the provisions of Chapter 12A.02 and Chapter 12A.04 of this Code (the Seattle Criminal Code,<sup>1</sup> Ordinance 102843), and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).  
 (Ord. 109033 § 7, 1980.)

1.Editor's Note: The Criminal Code is codified in Title 12A of this Code.

**Subtitle VI Fire Code**

**Chapter 22.600  
 SEATTLE FIRE CODE**

**Sections:**

**22.600.010 Title.**

**22.600.020 Adoption of Uniform Fire Code.**

**22.600.025 Exclusion pursuant to RCW  
 36.70B.140 (2).**

**22.600.030 Fees.**

**22.600.040 Penalty.**

**22.600.050 Examinations—Duration.**

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## 22.602.010 BUILDING AND CONSTRUCTION CODES

**Editor's Note:** Permits, notices and orders issued under the previous Chapter 22.600 shall remain valid until expiration, completion and supersession by action under this ordinance. The Fire Chief is authorized to apply technical provisions of the repealed ordinances and Code sections to inspections and Fire Code compliance, as an alternative equivalent to the technical provisions of this ordinance, until December 31, 1996. This repeal of the previous Chapter 22.600 shall not affect any pending prosecutions or enforcement actions.  
(Ord. 118019 § 1(part), 1996.)

**Severability.** The several provisions of this ordinance are hereby declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.  
(Ord. 118019 § 3, 1996.)

### 22.600.010 Title.

This subtitle shall be known as the Seattle Fire Code.  
(Ord. 118019 § 2(part), 1996.)

### 22.600.020 Adoption of Uniform Fire Code.

The Uniform Fire Code, 1994 Edition, with Appendices I-C, II-A, II-B, II-C, II-D, II-E, II-F, III-A, III-C, IV-A (with amendments), IV-B, V-A, VI-A, VI-B, VI-E, VI-F and VI-G thereto, the Uniform Fire Code Standards, 1994 Edition, both published by the International Fire Code Institute, one (1) copy of which is filed with the City Clerk (C.F. 301137), are adopted and by this reference made part of this subtitle.<sup>1</sup> This Uniform Fire Code together with The City of Seattle amendments thereto, as adopted under separate ordinance and known as the Seattle Fire Code Supplement, shall constitute the Official Seattle Fire Code. In any case in which there is a conflict between the component parts of the Seattle Fire Code, the Seattle Fire Code Supplement shall be controlling over the Uniform Fire Code.  
(Ord. 118019 § 2(part), 1996.)

1. Editor's Note: The Fire Code provisions adopted in Section 22.600.020, including amendments, are on file with Ordinance 118019 in the City Clerk's Office.

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### 22.600.025 Exclusion pursuant to RCW 36.70B.140 (2).

The processing of any applications for permits required pursuant to the provisions of this chapter is excluded from the requirements of RCW 36.70B.110 — RCW 36.70B.130.  
(Ord. 118019 § 2(part), 1996.)

### 22.600.030 Fees.

Fees for permits, certificates, inspections, plans review and code alternates required by the Seattle Fire Code shall be as established in Chapter 22.602 of the Seattle Municipal Code.  
(Ord. 118019 § 2(part), 1996.)

### 22.600.040 Penalty.

Conduct made unlawful by this subtitle constitutes a crime subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code. Any person convicted of a violation of this subtitle or an order of the Fire Chief may be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for no more than one hundred eighty (180) days, or by both such fine and imprisonment. Each day's violation constitutes a separate offense.  
(Ord. 118019 § 2(part), 1996.)

### 22.600.050 Examinations—Duration.

Certificates indicating successful completion of an examination shall be valid for a period of three (3) years from the date of examination.  
(Ord. 118019 § 2(part), 1996.)

## Chapter 22.602 FIRE CODE PERMIT AND INSPECTION FEES

### Sections:

- 22.602.010 Title and purpose.
- 22.602.020 Payment of fees.
- 22.602.030 Administration and enforcement.
- 22.602.040 Fees.
- 22.602.050 Fees for subsequent inspections.
- 22.602.070 Fees for Fire Department plan review.
- 22.602.080 Fees for filing of code alternates/variances.

**22.602.010 Title and purpose.**

A. Title. The ordinance codified in this chapter shall be known as the “Fire Code Permit and Inspection Fee Ordinance.”

B. Purpose. It is the purpose of this chapter to prescribe fees as follows:

1. Fees for permits to store, handle or use hazardous materials or conduct hazardous processes;
  2. Fees for second acceptance tests of fire protection equipment, systems or devices as required by the Seattle Fire Code;
  3. Fees for inspections or plan review by the Fire Prevention Division of the Seattle Fire Department, outside regular business hours;
  4. Fees for the examination and/or review of plans;
  5. Fees for filing of code alternatives/variances resulting from other than plan review;
  6. Fees for the administration of examinations and certificates issued as prescribed in the Seattle Fire Code;
  7. Fees for subsequent inspections required to gain compliance with Seattle Fire Code requirements after completion of one (1) initial permit inspection and one (1) reinspection;
  8. Fees for subsequent inspections by the Fire Prevention Division of the Seattle Fire Department required to gain compliance with Seattle Fire Code requirements.
- (Ord. 115956 § 1, 1991; Ord. 115636 § 1, 1991; Ord. 110893 § 2(part), 1982.)

**22.602.020 Payment of fees.**

A. Fees shall be paid at the time of application for permit, certification, examination or inspection.

B. Fees which are invoiced by the Seattle Fire Department shall be paid within thirty (30) days of invoice issuance.

C. Failure to pay fees stipulated in this chapter is a violation of the Seattle Fire Code.

(Ord. 115636 § 2, 1991; Ord. 110893 §2(part), 1982.)

**22.602.030 Administration and enforcement.**

The Chief of the Fire Department or his/her designated representative, herein referred to as the Chief, is authorized to administer and enforce the provisions of this chapter.

(Ord. 115636 § 3, 1991; Ord. 110893 § 2(part), 1982.)

**22.602.040 Fees.**

A. The fees for the following permits and inspections are established in Schedule A. See Schedule A in Table 22.602.040 A.

B. The fees for examinations are established in Schedule B, as follows:

**Schedule B  
Table 22.602.040 B**

Exam No.	Examinations	Fee
AS-1	Automatic Sprinkler Examination .....	\$75.00
AS-2	Automatic Sprinkler Examination .....	75.00
AS-3	Automatic Sprinkler Examination .....	75.00
CT-1	Confidence Testing — Specific .....	
	..... Building or Testing Examination	75.00
CT-2	Confidence Testing — Specific .....	
	..... Building or Testing Examination	75.00
E-1	Engineered Foam Examination .....	75.00
E-2	Engineered CO <sub>2</sub> Examination .....	75.00
E-3	Engineered Halon Examination .....	75.00
E-4	Engineered Chemical Examination.....	75.00
PE-1	Pre-engineered Foam Examination .....	75.00
PE-2	Pre-engineered CO <sub>2</sub> Examination .....	75.00
PE-3	Pre-engineered Halon Examination .....	75.00
PE-4	Pre-engineered Chemical Examination.....	75.00
EG-1	Emergency Generator Examination .....	75.00
EG-2	Emergency Generator Examination .....	75.00
FA-1	Fire Alarm Examination .....	75.00
FA-2	Fire Alarm Examination .....	75.00
FA-3	Fire Alarm Examination .....	75.00
FP-1	Fire Pump Examination.....	75.00
FP-2	Fire Pump Examination.....	75.00
FEX-1	Fire Extinguisher Examination .....	75.00
FEX-2	Fire Extinguisher Examination .....	75.00
FEX-3	Fire Extinguisher Examination .....	75.00
FEX-4	Fire Extinguisher Examination .....	75.00
SC-1	Smoke Control Examination .....	75.00

**Schedule A**  
**Table 22.602.040 A**

Code No.	Code Reference	Permit	Original Fee	Renewal Fee
040	4.110	Temporary permit		None
103	10.315	Plan review (without building permit)	\$54.00/hour	No renewal
110	10.317	Subsequent inspections	See Section 22.602.050	
111	11.203	Combustible material storage	\$75.00 + time charge	No renewal
112	11.101	Outdoor fire	\$75.00	No renewal
116	11.412	Open flame at marina	\$75.00 + time charge	No renewal
117	11.101	Outdoor fire (senior citizen age 65)	None	None
230	2.301	Requests for Code alternate/variance (minor)	\$100.00	No renewal
231	2.301	Requests for code alternate/variance (major)	\$100.00 + time charge	No renewal
250	25.101	Place of assembly (nonprofit)	None	None
251	25.101	Place of assembly — R-1, B-2, A-3	\$150.00	No renewal
251T	25.101	Place of assembly, temporary (B-1, B-2, A-3, outdoor events with less than 1,000 people), where the event alters the existing exit configuration or fire lanes	\$75.00 + time charge	No renewal
252	25.101	Place of assembly — A-1, A-2, A-2.1	\$150.00	No renewal
252Ta	25.101	Place of assembly, temporary (A, A-1, A-2.1, Outdoor Events with 1,000 — 5,000 people), where the event alters the existing exit configuration or fire lanes	\$150.00 + time charge	No renewal

FIRE CODE PERMIT AND INSPECTION FEES

**Schedule A  
Table 22.602.040 A**

Code No.	Code Reference	Permit	Original Fee	Renewal Fee
252Tb	25.101	Place of assembly, temporary (A, A-1, A-2.1, outdoor events with 5,000 or more people)	\$300.00 + time charge	
253a	25.101	Exhibition in A-1, A-2, or A-2.1, temporary	\$100.00 + time charge	No renewal
253Tb		Exhibition, display or musical event (A-1, A-2, A-2.1, outdoor event with 1,000 — 5,000 people, where the activity alters the existing exit configuration or fire lanes)	\$150.00 + time charge	No renewal
254	25.101	Exhibition (nonprofit) place of assembly	None	
256	25.101	Open flame, place of assembly	\$75.00	No renewal
256A	25.101	Open flame, place of assembly (nonprofit)	None	No renewal
257	25.114	Open flame, place of assembly (special, temporary)	\$75.00 + time charge	No renewal
258Ta	25.101	Exhibition in R-1, B-2 or A-3 (temporary)	\$100.00 + time charge	No renewal
258Tb	25.101	Exhibition or display (B-1, B-2, A-3, outdoor event with less than 1,000 people), where the activity alters the existing exit configuration or fire lanes	\$75.00 + time charge	No renewal
258Tc	25.101	Exhibition or display, (R-1, B-1, B-2, A-3 with 1,000 — 5,000 people)	\$150.00 + time charge	
258td	25.101	Exhibition or display, (R-1, B-1, B-2, A-3 with 5,000 or more people)	\$300.00 + time charge	
301	30.101	Lumber storage	\$75.00 + time charge	No renewal

BUILDING AND CONSTRUCTION CODES

311	31.102	Tire recapping	\$75.00 + time charge	No renewal
321	32.191	Tent or air-supported structure	\$75.00 + time charge	No renewal
342	34.102	Waste material plant	\$75.00 + time charge	No renewal
621	62.102	Industrial oven	\$75.00 + time charge	No renewal
631	63.101	Refrigeration, mechanical* (*not required when under Health Department permit)	\$75.00 + time charge	No renewal
802	79.103	Flammable liquids—Temporary place of assembly only	\$75.00	No renewal
811	81.103	High-piled stock	\$75.00 + time charge	No renewal
822	82.102	LPG—Place of assembly—Temporary	\$98.00	No renewal
822A	82.102	LPG < 5 gal.—Temporary place of assembly only	\$75.00	No renewal
831	80.101	Matches, storage	\$75.00 + time charge	No renewal
999		All other nonhazardous material related permits	\$75.00 + time charge	No renewal

C. Hazardous Material Related Permits. Fees for hazardous material related permits established in Schedule C (See Table 22.602.040 C) are based on the quantity of hazardous material stored and/or handled at the site and the relative risk posed by each material.

**Quantity Range Table**

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Quantity Range Number	Solids (Pounds)		Liquids (Gallons)			Gases (Cu. Ft.)		
1	0	— 500	0	— 55	0	— 200		
1.25	> 500	— 5,000	> 55	— 550	> 200	— 2,000		
1.5	> 5,000	— 25,000	> 550	— 2,750	> 2,000	— 10,000		
1.75	> 25,000	— 50,000	> 2,750	— 5,500	> 10,000	— 20,000		
2	> 50,000		> 5,500		> 20,000			

1. Definitions:

a. "Quantity Range Number" as established in the Quantity Range Table below, is a number between 1 and 2 which is assigned to a hazard category based upon the amount of hazardous material located at the site.

b. "Assigned risk factor" as established below, is a number assigned to each hazard class and category of hazardous material indicating the relative hazard posed by materials in the hazard category.

Hazard Category	Assigned Risk Factor
Aerosol products	1.3
Cellulose nitrate	1.3
Combustible fiber	1.2
Combustible liquids	
Class II	1.2
Class III-A	1.1
Class III-B	1.1
Compressed gases	
Highly toxic	1.5
Pyrophoric	1.4
Flammable	1.4
Unstable	1.4
Oxidizing	1.4
Toxic	1.3
Cryogenic	1.3
Corrosive	1.3

Hazard Category	Assigned Risk Factor
Corrosives	1.1
Explosives and blasting agents	1.5
Flammable liquids	
Class I-A	1.5
Class I-B	1.4
Class I-C	1.3
Flammable solids	1.3
Highly toxic liquids and solids	1.5
Liquid petroleum gas	1.4
Magnesium	1.3
Organic peroxides	
Unclassified	1.5
Class I	1.4
Class II	1.3
Class III	1.2
Class IV	1.1
Oxidizers	
Class 4	1.5
Class 3	1.4
Class 2	1.2
Class 1	1.1
Pyrophoric liquids and solids	1.3
Radioactives	1.4
Toxic liquids and solids	1.2
Unstable (reactive) liquids and solids	
Class 4	1.5
Class 3	1.5

For current SMC, contact the Office of the City Clerk

## Schedule C

Table 22.602.040 C

## Hazardous Materials Related Permits

One, or a combination of more than one, of the following abbreviations shall be placed before the permit code number to indicate whether the permit applies to storage, retail sales, or use of hazardous materials:

R = Retail

S = Storage

U = Use

Code No.	Code Reference	Base Permit	Fee	Renewal Fee
<b>Special Occupancy Uses</b>				
241	24.102	Aircraft repair hangar	Fee worksheet	Half original
261	26.102	Bowling alley	Fee worksheet	Half original
271	27.102	Cellulose nitrate plastic (pyroxylin)	Fee worksheet	Half original
281	27.102	Combustible fiber storage	Fee worksheet	Half original
291	29.102	Repair garage	Fee worksheet	Half original
361	36.102	Dry cleaner	Fee worksheet	Half original
<b>Special Processes</b>				
Application of Flammable Finishes				
451	45.102	Spray finishing process (below permit quantities)	\$98.00	\$49.00
452	45.102	Spray finishing process (above permit quantities)	Fee worksheet	Half original
453	45.102	Combustible powder finishing (below permit quantities)	98.00	49.00
454	45.102	Combustible powder finishing (above permit quantities)	Fee worksheet	Half original

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FIRE CODE PERMIT AND INSPECTION FEES

455 45.102 Parts washing tank Fee worksheet Half original

**Schedule C**

**Table 22.602.040 C (continued)**

<b>Code No.</b>	<b>Code Reference</b>	<b>Base Permit</b>	<b>Fee</b>	<b>Renewal Fee</b>
461	46.102	Fruit ripening	Fee worksheet	Half original
471	47.102	Fumigation and thermal insecticidal fogging (no storage)	\$98.00	\$49.00
472	47.102	Fumigation and thermal insecticidal fogging (storage included)	Fee worksheet	Half original
481	48.102	Magnesium working	Fee worksheet	Half original
<b>Welding and Cutting</b>				
490	49.101	Annual shipyard welding and cutting facility	98.00	98.00
490A	49.101	Class I designated facility	98.00	98.00
490B	49.101	Class II designated facility	98.00	98.00
491	49.101	Annual—welding and cutting (Level I)	Fee worksheet	Half original
492	49.101	Annual—vessels in shipyard	Fee worksheet	Half original
493	49.101	Temporary	98.00	Conditional renewal**
494	49.101	Welding gas generator	Fee worksheet	Half original
495	49.101	Annual—welding and cutting at a class I or II designated facility	Fee worksheet	Half original
501	50.103	Manufacture of organic coatings	Fee worksheet	Half original
511	51.103	Semiconductor fabrication facility	Fee worksheet	Half original

**Special Subjects**

For current SMC, contact the Office of the City Clerk

BUILDING AND CONSTRUCTION CODES

741	74.103	Inert compressed gas	98.00	49.00
742	74.103	Medical gas	Fee worksheet	Half original
761	76.102	Dust producing operation	98.00	49.00

**Schedule C**  
**Table 22.602.040 C (continued)**

<b>Code No.</b>	<b>Code Reference</b>	<b>Base Permit</b>	<b>Fee</b>	<b>Renewal Fee</b>
<b>Fireworks</b>				
781	78.103	Fireworks use/display Class B, outdoor	\$300.00	No renewal
781A	78.103	Fireworks use/display Class C, indoor special effects	100.00	No renewal
782	78.103	Fireworks stand	100.00	No renewal
792	79.103	Hot roof tank truck/tar kettle	98.00	\$49.00
793	79.103	Temporary hot tar operation	98.00	No renewal
795	79.103	Master fuel transfer	98.00	49.00
796	79.103	Refueling facility	98.00	49.00
797	79.103	Marine or self-service station	98.00	49.00
798	79.103	Above-ground fuel dispensing	Fee worksheet	Half original
799	79.103	Flammable/combustible liquid tank removal	98.00	No renewal
<b>Hazardous Materials</b>				
801-A	80.103	Combustible liquids	Fee worksheet	Half original
801-B	80.103	Corrosive compressed gas	Fee worksheet	Half original
801-C	80.103	Corrosive liquids and solids	Fee worksheet	Half original
801-D	75.104	Cryogenic fluids	Fee worksheet	Half original
801-E	77.103	Explosives and blasting agents	Fee worksheet	Half original
801-F	74.103	Flammable compressed gas (except LPG)	Fee worksheet	Half original

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BUILDING AND CONSTRUCTION CODES

801-G	79.103	Flammable liquids	Fee worksheet	Half original
801-H	80.103	Flammable solids	Fee worksheet	Half original
801-I	80.103	Highly toxic compressed gas	Fee worksheet	Half original
801-J	80.103	Highly toxic liquids and solids	Fee worksheet	Half original
801-K	80.103	Organic peroxides	Fee worksheet	Half original

**Schedule C**

**Table 22.602.040 C (continued)**

<b>Code No.</b>	<b>Code Reference</b>	<b>Base Permit</b>	<b>Fee</b>	<b>Renewal Fee</b>
801-L	80.103	Oxidizer compressed gas	Fee worksheet	Half original
801-M	80.103	Oxidizer liquids and solids	Fee worksheet	Half original
801-N	80.103	Pyrophoric compressed gas	Fee worksheet	Half original
801-O	80.103	Pyrophoric liquids and solids	Fee worksheet	Half original
801-P	80.103	Radioactive materials	Fee worksheet	Half original
801-Q	80.103	Toxic compressed gas	Fee worksheet	Half original
801-R	80.103	Toxic liquids and solids	Fee worksheet	Half original
801-S	80.103	Unstable (reactive) compressed gas	Fee worksheet	Half original
801-T	80.103	Unstable (reactive) liquids and solids	Fee worksheet	Half original
801-U	80.103	Water-reactive liquids and solids	Fee worksheet	Half original
<b>Master Harbor Permit</b>				
803	80.103	Annual	\$1,000.00	\$1,000.00
804	80.103	Special — emergency notice	150.00	No renewal
805	80.103	Special — regular notice	75.00	No renewal
<b>Break Bulk Permit</b>				
806	80.103	Annual	500.00	500.00
807	80.103	Special — emergency notice	150.00	No renewal
808	80.103	Special — regular notice	75.00	No renewal

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FIRE CODE PERMIT AND INSPECTION FEES

810	80.103	Health hazard materials	No fee	No fee
Liquid Petroleum Gas				
821	82.102	LPG storage and use	Fee worksheet	Half original
823	82.102	LPG container filling	Fee worksheet	Half original
824	82.102	LPG transportation	98.00	49.00

**Schedule C**

**Table 22.602.040 C (continued)**

<b>Code No.</b>	<b>Code Reference</b>	<b>Base Permit</b>	<b>Renewal Fee</b>	<b>Fee</b>
881	88.103	Aerosol products	Fee worksheet	Half original
Tank Vehicles				
079	79.103	Flammable liquids	\$ 98.00	\$ 98.00*
809	80.103	Hazardous materials	98.00	98.00*

\* Biannual renewal fee

\*\* A conditional renewal to extend the temporary permit (for the length of time specified on the permit) may be granted at half the original fee.

For current SMC, contact the Office of the City Clerk

BUILDING AND CONSTRUCTION CODES

**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  
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22-72.4

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

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and tables and to confirm accuracy of  
this source file.**

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the Office of the City Clerk**



Hazard Category	Assigned Risk Factor
Class 2	1.3
Class 1	1.2
Water-reactive materials	
Class 3	1.5
Class 2	1.3
Class 1	1.1

Base permit fee = \$253.91

When a material has multiple hazards, only the hazard presented by the material that has been assigned the highest risk factor shall be considered. The base permit fee incorporates the cost of the initial site inspection plus one (1) reinspection of the facility. Any subsequent inspections will result in an additional fee based on the time charge which shall be calculated on actual costs for labor.

The annual permit renewal fee will be one-half (1/2) of the original base permit fee, if the facility is found to be in compliance with the original permit conditions.

Effective January 1, 1993, those facilities which have existing hazardous materials-related permits authorized under Ordinance 116258 shall have their permits renewed at the rate of Seventy-five Dollars (\$75.00) until the Fire Department Article 80 program inspection and inventory analysis for the facility has been performed.

In special circumstances, hazardous material permit fees may be adjusted, modified or combined. Authority to adjust, modify or combine such permit fees is limited to the Fire Chief, the Fire Marshal and the Assistant Fire Marshal.

D. All permits listed under subsection A have a base fee which incorporates the cost of initial site inspection and one (1) site reinspection to determine compliance with the Seattle Fire Code. Any subsequent inspections will result in a fee based on a time charge which shall be calculated on actual costs for labor. Labor costs shall be Twenty Dollars (\$20.00) per hour based on the rates of pay as determined by the collective bargaining agreement adopted by ordinance. Such fees shall include overtime costs only when the work performed outside normal business hours (eight (8:00) a.m. to four-thirty (4:30) p.m. Monday through Friday) is required by the Seattle Fire Code (Ordinance 115405)<sup>1</sup> or is performed at the request of the owner or responsible person or permit holder.

E. No permit listed under Schedule A will be renewed on an annual basis.

c. "Fixed permit cost (Ninety-eight Dollars (\$98.00))" is the minimum cost for the Seattle Fire Department to issue a hazardous material permit. This cost includes salaries and benefits of personnel, data management costs and all other permit issuance program support costs.

d. "Base permit fee" is determined by multiplying the sum of the products of the quantity range number and assigned risk factor for each hazard class by the fixed permit cost divided by 1.1 and is represented by the following equation:

$$\text{Base permit fee} = [\Sigma (Q)(R)] [F/1.1]$$

Where:

Q = The quantity range number.

R = The assigned risk factor.

F = The fixed permit cost (\$98.00).

Example:

XYZ Company stores 500 gallons of gasoline and 200 pounds of nitric acid. Gasoline is classified as a Class I-B flammable liquid which has an assigned risk factor of 1.4. Nitric acid is classified as a corrosive liquid and a Class 1 oxidizer, both of which have an assigned risk factor of 1.1.

Base permit fee =

$$[(1.25) (1.4)\text{flammable} + (1)(1.1) \text{Class 1 oxidizer}] [\$98./1.1]$$

22.602.040 BUILDING AND CONSTRUCTION CODES

F. Those permit applications which are required to be filed within time limitations specified under the Seattle Fire Code (Ordinance 115405)<sup>1</sup> or by order of the Fire Chief, shall be subject to a late fee, if not filed within the prescribed time period. The late fee shall be calculated at 1.75 times the original permit fee.

G. Unless specifically stated on the permit, no temporary use permit shall be valid for a term exceeding twelve (12) months.

H. Each examination fee listed under this section shall include one (1) test and one (1) retest.

(Ord. 116350 § 1, 1992; Ord. 116258 §§ 1, 2, 1992; Ord. 115956 §§ 2, 3, 1991; Ord. 115636 § 5, 1991; Ord. 114829 § 1, 1989; Ord. 114246 § 1, 1988; Ord. 113734 § 1, 1987; Ord. 110893 § 2(part), 1982.)

1. Editor's Note: Ordinance 114328 is codified at Chapter 22.600 of this Code.

**22.602.050 Fees for subsequent inspections.**

A. Prior to requesting the Fire Department to witness acceptance tests of fire protection systems or devices, it shall be the responsibility of the owner or the owner's representative to ensure that such systems have been pretested and are ready for inspection. Whenever such systems or devices fail the first inspection by the Fire Department, the Chief shall collect, and the responsible party shall pay, a fee for any subsequent inspection until the fire protection systems or devices pass.

B. Fees for subsequent inspections shall be as follows:

**\$45.00 PER HOUR OF FIELD INSPECTOR TIME WITH A ONE (1) HOUR MINIMUM, FOR EACH OF THE FOLLOWING INSPECTION CATEGORIES:**

- Fire Alarm Systems
- Pressure Regulating Valves
- Fire Sprinkler and Standpipe Systems
- Fire Escape Load Tests
- Exit Door Unlock Operations
- Shaft Pressurization
- Sequence Tests
- Elevator Operations
- Fire Dampers
- Flow Tests
- Tempered Window Placement
- Fire Protection Systems for Commercial Food Heat-Processing Equipment
- Other acceptance tests required by the Seattle Fire Code and other applicable standards.

All subsequent inspections will result in an invoice to the responsible party for each hour of field inspection per field inspector required to correct the deficiency. The invoice shall reflect time spent per inspector, to include preparation

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and travel time to the site with any time spent past an hour billed to the next quarter hour. **EXAMPLE:** If two (2) inspectors took one (1) hour and twenty (20) minutes to complete a standpipe system test, the invoice would total One Hundred Thirty-five Dollars (\$135.00) (two (2) inspectors × 1.5 hours).

C. Whenever the Fire Prevention Division is requested or required by the Fire Code to perform inspections or plan reviews outside normal business hours (eight a.m. (8:00 a.m.) — four-thirty p.m. (4:30 p.m.) Monday through Friday) the Chief shall collect and the responsible party shall pay a fee for such an inspection or plan review. Such fees shall be based on actual labor costs including any overtime actually paid as determined by the then-current collective bargaining agreement adopted by ordinance.

D. Whenever the Fire Prevention Division is requested to perform an inspection as required by the Fire Code and the responsible party fails to appear within twenty (20) minutes from the original appointment time, the Chief shall collect and the responsible party shall pay a fee for such staff time and preparation required to meet the inspection appointment. Such fees shall be based on actual labor costs including any overtime actually paid as determined by the then-current collective bargaining agreement adopted by ordinance.

E. Whenever the Fire Prevention Division is required to perform an inspection after three (3) inspections have been performed to gain compliance with Seattle Fire Code requirements, the Chief shall collect and the responsible party shall pay a fee in the amount of One Hundred Dollars (\$100.00). Such fee shall be due upon each inspection performed by the Fire Prevention Division until compliance with Seattle Fire Code requirements has been accomplished. The chief shall waive the inspection fee if the original order or notice is determined to be invalid or when mitigating circumstances beyond the responsible party's control exist such as conflicting enforcement by other jurisdictions, conditions caused by third parties or where alternate materials, methods or designs are under review to meet the intent of the Seattle Fire Code.

(Ord. 117392 § 1, 1994: Ord. 116258 §§ 1, 2, 1992: Ord. 115956 §§ 4, 5, 1991: Ord. 114829 § 2, 1989: Ord. 110893 § 2(part), 1982.)

**22.602.070 Fees for Fire Department plan review.**

A. The Chief shall collect, and the responsible party shall pay, a fee for the examination and review of plans by the Fire Prevention Division.

B. The fee for such plan examination or review shall be Fifty-four Dollars (\$54.00) per hour. (Ord. 114829 § 3, 1989: Ord. 110893 § 2(part), 1982.)

**22.602.080 Fees for filing of code alternates/variances.**

A. This section shall not apply to requests for a code alternate/variance which result from plan review and examination, issuance of hazardous material related permits, or due to deferment of provisions to a separate regulating agency.

B. Whenever a building owner or other responsible party proposes to use an alternate material or method to meet the intent or requirement of the Fire Code, the Chief shall collect and the responsible party shall pay a fee for field inspection and research.

C. The fee for such code alternates/variances shall be One Hundred Dollars (\$100.00) plus a time charge of Twenty-eight Dollars (\$28.00) per hour after one (1) hour for those alternate/variance requests involving field inspection in addition to code research and analysis. Alternate/variance requests which do not require field inspection or detailed code research exceeding one (1) hour of staff time will be subject to a flat nonrefundable fee of One Hundred Dollars (\$100.00). (Ord. 115956 § 6, 1991: Ord. 115636 § 7, 1991: Ord. 114829 § 4, 1989: Ord. 110893 § 2(part), 1982.)

**Subtitle VII Energy Code**

**Chapter 22.700 ADMINISTRATION**

**Sections:**

**22.700.010 Adoption of the 1994 Washington State Energy Code and local amendments.**

**22.700.010 Adoption of the 1994 Washington State Energy Code and local amendments.**

For current SMC, contact the Office of the City Clerk

The 1994 Washington State Energy Code (WAC 51-11), and the amendments thereto adopted by Ordinance 117081 incorporating the Seattle Amendments, copies and amendments made by the Washington State Building Code Council to the 1994 Washington State Energy Code filed December 21, 1994 (WSR 95-01-126), copies of which are filed with the City Clerk in C.F. 300684, are hereby adopted and by this reference made a part of this subtitle and shall constitute the official Energy Code of the City. The Model Energy Code, 1989 Edition and amendments thereto, are hereby repealed. (Ord. 117698 §1, 1995; Ord. 117081 § 1, 1994; Ord. 116368 § 298, 1992; Ord. 116159 § 1, 1992; Ord. 115641 § 1, 1991; Ord. 113059 § 1, 1986; Ord. 112500 § 1, 1985.)

**Subtitle VIII Grading and Drainage Control<sup>1</sup>**

**22.808.140 Severability.** The provisions of this subtitle are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this subtitle, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances. (Ord. 116425 § 2(part), 1992.)

1.Cross-reference: For provisions regarding emergency control of drainage problems, mud flows and earth slides, see Chapter 10.06 of this Code.

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**Chapter 22.800  
TITLE, PURPOSE, SCOPE AND  
AUTHORITY**

**Sections:**

- 22.800.010 Title.**
- 22.800.020 Purpose.**
- 22.800.030 Scope.**
- 22.800.050 Potentially hazardous locations.**
- 22.800.060 Compliance with other laws.**
- 22.800.070 City projects.**
- 22.800.080 Authority.**
- 22.800.090 City not liable.**

**22.800.010 Title.**

This subtitle shall be known as the "Stormwater, Grading and Drainage Control Code," and may be cited as such. (Ord. 116425 § 2(part), 1992.)

**22.800.020 Purpose.**

A. The provisions of this subtitle shall be liberally construed to accomplish its remedial purposes, which are:

1. Protect, to the greatest extent practicable, life, property and the environment from loss, injury and damage by pollution, erosion, flooding, landslides, strong ground motion, soil liquefaction, accelerated soil creep, settlement and subsidence, and other potential hazards, whether from natural causes or from human activity;
2. Protect the public interest in drainage and related functions of drainage basins, watercourses and shoreline areas;
3. Protect surface waters and receiving waters from pollution, mechanical damage, excessive flows and other conditions in their drainage basins which will increase the rate of downcutting, streambank erosion, and/or the degree of turbidity, siltation and other forms of pollution, or which will reduce their low flows or low levels to levels which degrade the environment, reduce recharging of groundwater, or endanger aquatic and benthic life within these surface waters and receiving waters of the state;
4. Meet the requirements of state and federal law and the City's municipal stormwater NPDES permit; and
5. Fulfill the responsibilities of the City as trustee of the environment for future generations.

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

(Ord. 116425 § 2(part), 1992.)

#### **22.800.030 Scope.**

This subtitle applies to:

- A. All grading and drainage and erosion control, whether or not a permit is required; and
- B. All new development and redevelopment, whether or not a permit is required; and
- C. All new and existing discharges directly or indirectly to a public drainage control system; and
- D. All new and existing land uses.

(Ord. 116425 § 2(part), 1992.)

#### **22.800.050 Potentially hazardous locations.**

A. Any site on a list, register, or data base compiled by the United States Environmental Protection Agency (“EPA”) or the Washington State Department of Ecology (“DOE”) for investigation, cleanup, or other action regarding contamination under any federal or state environmental law shall be a potentially hazardous location under this subtitle. When EPA or DOE removes the site from the list, register or data base, or when the owner otherwise establishes contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

B. The following property may also be designated by the Director of the Department of Construction and Land Use as potentially hazardous locations:

- 1. Existing and abandoned solid waste disposal sites;
- 2. Hazardous waste treatment, storage, or disposal facilities, all as defined by the federal Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.

(Ord. 116425 § 2(part), 1992.)

#### **22.800.060 Compliance with other laws.**

A. The requirements of this subtitle are minimum requirements. They do not replace, repeal, abrogate, supersede or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this subtitle imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this subtitle shall prevail.

B. Approvals and permits granted under this subtitle are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state and local laws and regulations, including rules promulgated under authority of this subtitle.

(Ord. 116425 § 2(part), 1992.)

#### **22.800.070 City projects.**

A. Compliance. City agencies shall comply with all the requirements of this subtitle, except they shall not be required to obtain permits and approvals under this subtitle for work performed within a public right-of-way and for work performed for the operation and maintenance of park lands under the control or jurisdiction of the Department of Parks and Recreation. Where the work occurs in a public right-of-way, it shall comply with Seattle Municipal Code Title 15, Street and Sidewalk Use, including the applicable requirements to obtain permits or approvals. Where appropriate as set forth in Subsection 22.804.040 C of this Code, a soils report and analysis by an experienced geotechnical/civil engineer shall be prepared for City projects.

B. Inspection.

1. When the City conducts projects for which review and approval is required under Section 22.802.015 or 22.804.030, the work shall be inspected by the City agency conducting the project or supervising the contract for the project. The inspector for the City agency shall be responsible for insuring that the grading and drainage control is done in a manner consistent with the requirements of this subtitle.

2. Where a soils analysis and report has been prepared as required under subsection A of this section, the grading shall also be inspected by the geotechnical/civil engineer who prepared the report.

22.800.060 BUILDING AND CONSTRUCTION CODES

3. A City agency need not provide an inspector from its own agency provided either:

- a. The work is inspected by an appropriate inspector from another City agency; or
- b. The work is inspected by the licensed civil or geotechnical/civil engineer who prepared the plans and specifications for the work; or

c. A permit or approval is obtained from the Director of Construction and Land Use, and the work is inspected by the Director.

C. Certification of Compliance. City agencies shall meet the same standards as non-City projects, and shall certify that each individual project meets those standards.

(Ord. 116425 § 2(part), 1992.)