

Subtitle I Administrative Code**Chapter 3.02
ADMINISTRATIVE CODE****Sections:**

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3.02.010 Short title.

This chapter shall constitute and may be referred to as the "Administrative Code" of The City of Seattle.
(Ord. 102228 § 1, 1973.)

3.02.020 Definitions.

A. "Agency" means The City of Seattle or any of its subdivisions including but not limited to, any City board, commission, committee, officer or department, including the City Council and its committees, when acting in accordance with or pursuant to authorization by ordinance or Charter¹ to make rules, hear appeals, or adjudicate contested cases.

B. "Contested case" means any proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by ordinance to be determined after a hearing by a Hearing Examiner.

C. "Interested person" means any individual, partnership, corporation, association, or public or private organization of any character significantly affected by or interested in proceedings before an agency, and shall include any party in a contested case.

D. "License" includes the whole or part of any agency permit, certificate, approval, registration, or any form of permission required by law, including agency rules, to engage in any activity, but does not include a license required solely for revenue purposes.

E. "Rule" means any agency order, directive, or regulation of future effect, including amendment or repeal of a prior rule, which applies generally and which, if violated, subjects a person to a penalty or administrative sanction, including, but not limited to, an order, directive, or regulation which affects:

1. Any procedure, practice or requirement relating to agency hearings;
2. Any qualification or standards for the issuance, suspension or revocation of licenses;
3. Any mandatory standards for any product or material which must be met before distribution or sale; or
4. Any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law.

Such term does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, declaratory rulings issued pursuant to Section 3.02.080, or rules relating to the use of public ways and property when substance of such rules is indicated to the public by means of signs or signals.
(Ord. 107903 § 1, 1978; Ord. 102228 § 2, 1973.)

1. Editor's Note: The Charter is included at the beginning of this Code.

Cases: Adoption of electrical rates by ordinance is not rule-making under subsection E. **Earle M. Jorgensen Co. v. Seattle**, 99 Wn.2d 861, 665 P.2d 1328 (1983).

3.02.030 Notice and hearing on adoption of rules.

Prior to the adoption, amendment or repeal of any rule, an agency shall:

A. Within the time specified by the ordinance authorizing such action, or if no time is specified, at least fourteen (14) days prior to the proposed action and at least ten (10) days prior to a public hearing, if any, give notice thereof by: (1) publication in a newspaper in accordance with the City Charter and, where appropriate, in such trade, industry, or professional publication, as the agency may select; and (2) by mailing or delivery to the address specified by any person who has

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made written request therefor, which shall be filed with the agency and renewed annually. Such notice shall include: (a) a reference to the authority under which such rule is proposed; (b) an accurate description of the substance of the proposed rule or of the subjects and issues involved; and (c) a statement of the time and place of any public hearing, and manner in which interested persons may present data, views or argument thereon to the agency;

B. Afford all interested persons an opportunity to present data, views, or arguments in regard to the proposed action; provided, that if the agency finds that oral presentation is unnecessary or impracticable, it may require that presentation be made in writing;

C. Give appropriate consideration to economic values, along with any environmental, social, health, and safety factors, affected by the proposed adoption, amendment or repeal of any rule. (Ord. 107903 § 2, 1978; Ord. 106348-A § 1, 1977; Ord. 102228 § 3, 1973.)

3.02.040 Petition for rules.

Any interested person may petition an agency requesting the adoption, amendment or repeal of any rule. Each agency shall prescribe by rule the procedure for submission, consideration and disposition of such petitions. Within sixty (60) days after the submission of a petition, the agency shall either deny such petition in writing (stating its reasons for the denial), or initiate rulemaking proceedings concerning the subject of such petition in accordance with Section 3.02.030. (Ord. 102228 § 4, 1973.)

3.02.050 Emergency action.

Where the agency finds that immediate adoption, amendment, or repeal of a rule is necessary for the immediate preservation of the public peace, health or safety, such action may be taken and become effective upon filing such adoption, amendment or repeal with the City Clerk. This shall be accompanied by a statement of the facts upon which the findings of an emergency and necessity are based. The adoption, amendment or repeal of a rule under this section shall be for a period of sixty (60) days unless the notice and hearing procedures set forth in Section 3.02.030 have been complied with within this time period, or unless there has been a more limiting statement placed within the rule itself. This emergency sec-

tion does not relieve any agency from compliance with any law requiring that the adoption, amendment or repeal be approved by designated persons or bodies before they become effective, nor shall any action be taken under this section which affects any pending case or controversy. (Ord. 116368 § 33, 1992; Ord. 107903 § 3,¹ 1978; Ord. 102228 § 4-A, 1973.)

1. Editor's Note: Ord. 107903 contains two sections designated by the number "3."

3.02.060 Rules to be filed.

Each agency shall file with the City Clerk two (2) certified copies of all agency rules, which rules shall become effective on the date of filing. The City Clerk shall keep, index and compile copies of all such rules filed with him or her, and shall make such rules available for inspection by the public during regular business hours and furnish copies thereof to any person requesting the same and paying such fee as shall be prescribed by ordinance.

(Ord. 116368 § 34, 1992; Ord. 107903 § 3,¹ 1978; Ord. 102228 § 5, 1973.)

1. Editor's Note: Ord. 107903 contains two sections designated by the number "3."

3.02.070 Public information.

A. In addition to other rulemaking requirements imposed by ordinance, each agency shall:

1. Adopt as a rule a description of its organization, stating the general course and method of its operations, location of its offices, and the methods whereby the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

2. File with the City Clerk all procedures adopted pursuant to Ordinance 101810, as amended, Chapter 3.96.¹

B. Each agency shall make available for public inspection all final opinions and orders, and all rules and written statements of policy or interpretation formulated, adopted, or used by the agency in the discharge of its functions, and shall further make available for public inspection and copying all indexes maintained for agency use.

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C. Except to the extent that a person has actual knowledge thereof, no agency rule, order, or opinion shall be effective against any person, nor shall it be invoked by the City for any purpose until made available for public inspection as required in this section and Section 3.02.060.

D. Nothing in this section shall affect the confidentiality of records as provided by law. (Ord. 116368 § 35, 1992; Ord. 107903 § 4, 1978; Ord. 102228 § 6, 1973.)

1. Editor's Note: Chapter 3.96 was repealed by Ordinance 118912, § 41.

3.02.080 Declaratory ruling.

On petition of any interested person, any agency may issue a declaratory ruling with respect to applicability to any person, property, or state of facts of any rules or ordinance enforceable by it. Such petition shall be considered, and granted or denied in accordance with Section 3.02.040. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court upon judicial review in the manner prescribed by law. (Ord. 102228 § 7, 1973.)

3.02.090 Hearings in contested cases.

A. In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty (20) days' notice in writing; provided that a hearing may be set on shorter notice where substantial injury to a party would otherwise result; provided further, that unless otherwise provided by ordinance or rule, no hearing shall be required in any case except upon the demand of a party. Notice of hearing shall be accompanied by a filing fee as established by ordinance, which the Hearing Examiner shall ensure is received by the City Finance Director.

B. Notice of such hearing shall include:

1. A statement of the time, place and nature of the proceeding;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the ordinance and rules involved;
4. A short and plain statement of the matters asserted.

If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a

statement of the issues involved, and thereafter upon request, a more definite and detailed statement shall be furnished.

C. Notice shall be given in person or by mail to each party, or may be transmitted through regular messenger service to any agency, officer, or employee of the City. Additional notice may be required by ordinance or rule.

D. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

E. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

F. The record in a contested cause shall include:

1. All pleadings, motions, and intermediate rulings;
2. Evidence received or considered;
3. A statement of matters officially noticed ;
4. Questions and offers of proof, objections, and ruling thereon;
5. Proposed findings and conclusions;
6. Any decision, opinion, or report by the examiner presiding at the hearing.

G. Oral proceedings shall be electronically recorded. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

H. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

I. Each agency shall adopt appropriate rules of procedure consistent with this chapter and other applicable ordinances for notice, hearing and agency review of contested cases.

J. The examiner presiding at the hearing shall admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs, and shall give effect to the rules of privilege recognized by law.

K. All evidence, including records and documents in the possession of the agency which the examiner desires to consider, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case.

L. Examiners may take notice of judicially cognizable facts and of general, technical, or

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scientific facts within their specialized knowledge in the evaluation of the evidence presented to them; provided, that parties shall be notified during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

M. Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence. (Ord. 116368 § 36, 1992; Ord. 108650 § 1, 1979; Ord. 102228 § 8, 1973.)

3.02.100 Report and review of examiner's recommendation or decision in contested cases.

A. Within such period as may be fixed by agency rule or applicable ordinance, the examiner presiding at the hearing in a contested case shall prepare a written recommendation or decision which shall be filed as a public record and copies thereof mailed to each party and to other interested persons as provided by agency rule or applicable ordinance. Such recommendation or decision shall contain a brief summary of the evidence considered and shall state the examiner's findings and conclusions upon which such recommendation or decision is based, together with a brief statement of the examiner's reasons therefor. If the decision is to be made by the agency, an examiner's recommendation shall be in the form of a proposed decision which may be adopted by the agency as its decision in the case.

B. Where a decision is to be made by an agency based upon an examiner's recommendation, the agency shall set a date for consideration of the examiner's proposed decision, and shall give notice thereof to all parties not later than ten (10) days prior to such date; provided, that at the discretion of the examiner, and upon written showing of adequate reason for the delay, evidence not previously presented may be submitted to the examiner prior to the date set for consideration of such proposed decision, and if the examiner determines to accept and consider such evidence, he shall immediately give notice to each party of record and to the agency which shall remand such proposed decision to the examiner for further consideration and hearing in accordance with Section 3.02.090, and for such modification of such proposed decision as the examiner may make pursuant to such hearing.

In connection with the consideration by the agency of any proposed decision, any party may file written exceptions to such proposed decision or part thereof and may submit a proposed substitute decision together with a written argument in support thereof. Following consideration of such proposed decision and any proposed substitute decision, written exceptions, and/or arguments, the agency may adopt, reject, or modify such proposed decision or any part thereof, and shall issue its decision with its written findings and reasons for any changes from the examiner's proposed decision.

(Ord. 102228 § 9, 1973.)

3.02.110 Office of Hearing Examiner.

A. There is created the Office of Hearing Examiner as a separate and independent office of the City for the conduct of hearings in rulemaking and contested cases as provided in this chapter or other applicable ordinances. The Office of Hearing Examiner shall not be in the municipal court as contemplated in RCW 35.20.205.

B. Appointment to the Office of Hearing Examiner shall be made by the City Council, from among three (3) persons recommended by a committee composed of the City Personnel Director, the Director of the Seattle/King County Office of Citizen Complaints, and a representative of the Seattle/King County Bar Association. The Civil Service Commission having filed as a permanent record in the Office of the City Comptroller its recommendation that the Office of Hearing Examiner, as a professional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter,¹ should not be included in the classified civil service, such office shall not be included in the classified civil service. Each Hearing Examiner shall be appointed to an initial term of one (1) year, and may thereafter be reappointed to subsequent four (4) year terms, subject to removal for cause by the City Council.

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C. The Hearing Examiner is authorized from time to time to appoint Hearing Examiners Pro Tempore to serve on a day-to-day basis during the absence, unavailability, incapacity or disqualification of the Hearing Examiner.

D. There is created in the Office of Hearing Examiner the position of Deputy Hearing Examiner. The Civil Service Commission having filed as a permanent record in the Office of the City Comptroller its recommendation that the position of Deputy Hearing Examiner is a professional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter,¹ should not be included in the classified civil service, such position shall not be included in the classified civil service. Each Deputy Hearing Examiner shall be appointed by the Hearing Examiner, and perform such duties as shall be required by the Hearing Examiner, and may be removed at will by the Hearing Examiner.

E. Each Hearing Examiner and each Deputy Hearing Examiner shall be an attorney having training and experience for the conduct of administrative or quasi-judicial hearings, or shall have such other qualifications as may be prescribed by ordinance providing for the appointment of a special Hearing Examiner. (Ord. 106724 § 1, 1977; Ord. 106477 § 1, 1977; Ord. 104383 § 1, 1975; Ord. 102228 § 10, 1973.)

1. Editor's Note: The Charter is included at the beginning of this Code.

3.02.115 Hearing Examiner duties.

A. for the conduct of hearings as prescribed by ordinance in connection with weights and measures, consumer protection, and licenses issued for regulatory and/or revenue purposes, there is created in the Office of Hearing Examiner the position of Hearing Examiner and such Hearing Examiner, whose position shall not be included in the classified civil service, shall be appointed by the City Council in accordance with the Administrative Code of the City.

B. It shall be the duty of such Hearing Examiner to conduct hearings on appeals concerning the granting, denial, revocation, suspension or amendment of licenses, and to make investigations and hear appeals, protests and other matters relating to licenses, all as prescribed by and in accordance with ordinances providing for such appeals, protests, or other matters and this Administrative Code of the City. Written decisions of

the Hearing Examiner made pursuant to such hearings shall be final, and the affected departments shall implement such decisions in accordance with the provisions of the Administrative Code and other applicable ordinances of the City. (Ord. 117169 § 7, 1994; Ord. 102252 § 4, 1973.)

3.02.120 Powers of Hearing Examiner.

A. In the performance of duties prescribed by this chapter or other ordinances, Hearing Examiners may:

1. Administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive relevant evidence, and conduct discovery procedures which may include propounding interrogatories and taking oral depositions pursuant to rules promulgated by the agency; provided, that no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law;

2. Upon the request of an agency or any party, or upon his own volition, issue and cause to be served subpoenas for the attendance of witnesses and for production for examination of any books, records, or other information in the possession and under the control of any witness; provided that any such subpoena shall state the name and address of the witness sought, and if for the production of books, documents or things, shall specifically identify the same and the relevance thereof to the issues involved;

3. Regulate the course of the hearing in accordance with agency rules and this chapter and other applicable ordinances;

4. Hold conferences for the settlement or simplification of the issues by consent of the parties;

5. Dispose of procedural requests or similar matters;

6. Make decisions or recommendations in accordance with Section 3.02.100; and

7. Take any other action authorized by ordinance or agency rule consistent therewith.

B. In case of failure or refusal without lawful excuse of any person duly subpoenaed to attend pursuant to such subpoena, or to be sworn, or to answer any material and proper question, or to produce upon reasonable notice any material or proper books or records of other information in his possession and under his control, the Hearing Examiner may invoke the aid of the City Attorney who shall apply to the appropriate court for an

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order or other court action necessary to secure enforcement of the subpoena. (Ord. 102228 § 11, 1973.)

3.02.125Hearing Examiner filing fees.

A. Filing fees for hearings before the City Hearing Examiner are as follows:

Basis for Hearing	Fee
Admission Tax, Revocation of Exemption (Sec. 5.40.085).....	No fee
Ballard Avenue Landmark District (Ch. 25.16).....	\$ 50
Business and Occupation Tax Deficiency (Ch. 5.44).....	50
Cable Television Ordinance (Ch. 21.60).....	No fee
Columbia City Landmark District (Ch. 25.20).....	50
Design Decision in Multiple Residence — Mixed Density Zone (Ch. 24.38).....	50
Fair Employment Practices Ordinance (Ch. 14.04).....	No fee
Floating Home Moorages (Ch. 7.20).....	50
/petitioner; maximum fee.....	150
Grading Ordinance (Title 22, Subtitle VIII).....	50
Harvard/Belmont Landmark District (Ch. 25.22).....	50
Housing Code (Ch. 22.206).....	50
Land Use Code Enforcement (Ch. 23.90).....	50
Landmark Preservation Controls and Incentives (Sec. 25.12.530).....	No fee
Landmarks Preservation (Sec. 25.12.740 and Sec. 25.12.835).....	50
License Code (Title 6, Subtitle I).....	50
Master Use Permit (Ch. 23.76).....	50
Noise Ordinance (Ch. 25.08).....	50
Open Housing Ordinance (Ch. 14.08).....	No fee
Pike Place Market Historical District (Ch. 25.24).....	50
Pioneer Square Minimum Maintenance Ordinance (Ch. 25.28, Subchapter II).....	50
Planned Unit Development (Ch. 24.66).....	50
Plumbing Code (Ch. 20.16, Uniform Plumbing Code, Ord. 116594).....	50

Property Tax Exemption, Cancellation of Exemption (Ch. 5.72).....	50
Radiofrequency Radiation Ordinance (Ch. 25.10).....	50
Relocation Assistance (Ch. 20.84).....	No fee
Seizure of Property — Controlled Substances (RCW 69.50.505(e)).....	No fee
Special Review Districts (Ch. 23.66).....	50
State Environmental Policy Act (SEPA) (when not a Master Use Permit component) (Ch. 25.04).....	50
Utility tax (Ch. 5.48).....	50
Zoning Map Amendments (Rezoning) (Ch. 23.34).....	No fee
Zoning Rulings and Interpretations (Ch. 23.88).....	50

B. Filing fees are nonrefundable unless otherwise provided in this Code. The City Hearing Examiner may waive a fee if its assessment will cause financial hardship to the appellant.

C. There is no fee for hearing appeals from an administrative assessment or an order under Sections 6.212.280 and 6.212.290. (Ord. 119237 § 3, 1998; Ord. 116594 § 27, 1993; Ord. 116540 § 3, 1993; Ord. 116097 § 1, 1992; Ord. 116057 § 2, 1992; Ord. 115925 § 1, 1991; Ord. 115495 § 22, 1991; Ord. 110978 § 1, 1983; Ord. 109524 § 1, 1980; Ord. 108861 § 1, 1980; Ord. 108649 § 1, 1979.)

3.02.130Agency action upon judicial review.

Whenever any party aggrieved by a final order or decision in a contested case seeks judicial review thereof, the agency may in accordance with guidelines established by rules filed pursuant to Section 3.02.060, and upon application therefor within ten (10) days after the filing of the petition for review and notice to all parties, stay enforcement of such order or decision pending such judicial review. When judicial review is sought as to any order or decision made after hearing, the agency shall at the request of any party and upon payment of the reasonable costs thereof, prepare and transmit to the reviewing court a certified copy of the entire record of the proceedings or such shortened record as may be agreed to by the parties or ordered by the court. At the request or direction of the court, the agency may take additional evidence and modify its findings or order or decision in accordance therewith. Such additional evidence and any modification shall

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become a part of the record and where appropriate shall be prepared and transmitted to the reviewing court as provided in this section.
(Ord. 102228 § 12, 1973.)

Subtitle II Departments and Offices

Chapter 3.06 DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE¹

Sections:

- 3.06.010** Department created.
- 3.06.020** Director—Appointment and removal.
- 3.06.030** Director—Powers and duties.
- 3.06.040** Director—Agreements, rules and regulations.
- 3.06.050** Director—Fees and charges.
- 3.06.060** Transfer of Building Department responsibilities.
- 3.06.070** Land use duties transferred.
- 3.06.080** Continuation of rules and regulations.
- 3.06.090** Successor to Building Department.

1. Editor's Note: Former Sections 3.06.100 and 3.06.120 were editorially renumbered to Sections 3.18.160 and 3.18.180 in the December, 1986 supplement.

3.06.010 Department created.

A. As of June 4, 1980, there is created a Department of Construction and Land Use for the purpose of administering City ordinances which regulate building construction, the use of land, and housing.

B. As of January 1, 1999, the Department of Construction and Land Use shall be known as the Department of Design, Construction and Land Use.

C. As of January 1, 1999, all references to "Construction and Land Use," "Department of Construction and Land Use," "Director of Construction and Land Use," or the "Department of Construction and Land Use Fund" shall be deemed to be references to "Design, Construction and Land Use"; "Department of Design, Construction and Land Use"; "Director of Design, Construction and Land Use"; or the "Department of Design, Construction and Land Use Fund" respectively, except where the historical reference

to "Construction and Land Use," "Department of Construction and Land Use," "Director of Construction and Land Use," or the "Department of Construction and Land Use Fund" is called for by context.

D. The City's Code Reviser is authorized to amend the Seattle Municipal Code over time as he or she deems appropriate in order to carry out this name change.

(Ord. 119270 § 2, 1998: Ord. 109124 § 1, 1980.)

3.06.020 Director—Appointment and removal.

The Director of Design, Construction and Land Use shall be appointed by the Mayor and confirmed by a majority of the City Council subject to reappointment and reconfirmation every four (4) years; and the Mayor may at any time remove the Director of Design, Construction and Land Use upon filing a statement of reasons therefor with the City Council.

(Ord. 119270 § 3, 1998: Ord. 109124 § 2, 1980.)

3.06.030 Director—Powers and duties.

The Director of Design, Construction and Land Use, under direction of the Mayor, shall manage the Department of Design, Construction and Land Use, appoint, assign and dismiss all employees in conformance with the City's personnel ordinances and rules, and perform the following functions:

A. Enforcing building ordinances of the City, including but not limited to the provisions of the Building Code; the Electrical Code; the Mechanical Code; the Housing and Building Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance; the Condominium Conversion Ordinance; the Energy Code; the Stormwater, Grading and Drainage Control Ordinance;¹ and appropriate regulations;

B. Processing applications for construction permits, for grading permits, for use permits, for zoning exceptions, for subdivisions and for other land use approvals, including those related to shorelines management, but excluding those related to historic preservation;

C. Conducting reviews of the effects of proposed projects on the environment, as contemplated in the State Environmental Policy Act and City ordinances;

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D. Promoting the conservation of the City's housing stock;

E. Maintaining appropriate records regarding property, permits and structures;

F. Discharging such other responsibilities as may be directed by ordinance.

1. The Director shall consult on all matters of structural strength and design with an assistant who is a licensed structural engineer or architect with at least five (5) years' experience in the practice of his/her profession, unless the Director possesses such qualifications.

2. The Director shall consult on all matters concerning compliance with design guidelines with a qualified architect or urban designer with at least five (5) years of experience in the practice of his/her profession, unless the Director possesses such qualifications.

(Ord. 119270 § 4, 1998; Ord. 116909 § 2, 1993; Ord. 109124 § 3, 1980.)

1.Editor's Note: The Building, Housing, Electrical and Mechanical Codes are set out at Subtitles I — IV of Title 22; the Energy Code is set out at Title 22 Subchapter VII; the Grading Ordinance is found at Title 22 Subchapter VIII; the Condominium Conversion Ordinance is set out in Chapter 22.903 and the Zoning Ordinance is codified at Title 23 of this Code.

3.06.040 Director—Agreements, rules and regulations.

The Director of Design, Construction and Land Use is authorized to enter into such agreements, including interdepartmental agreements, consistent with provisions of law and the City Charter,¹ as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Department of Design, Construction and Land Use and may establish such rules, procedures and regulations, consistent with this chapter and other ordinances, as may appear necessary and proper. (Ord. 119270 § 5, 1998; Ord. 109124 § 4, 1980.)

1.Editor's Note: The Charter is included at the beginning of this Code.

3.06.050 Director—Fees and charges.

The Director of Design, Construction and Land Use shall charge such fees for licenses, permits, inspections, reviews and other services and approvals as may be provided by ordinance. (Ord. 119270 § 6, 1998; Ord. 109124 § 6, 1980.)

3.06.060 Transfer of Building Department responsibilities.

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As of June 4, 1980, all of the responsibilities, books, papers, properties, equipment, rights and contractual and other obligations of the Building Department which have not been transferred to the Departments of Community Development and Administrative Services are transferred to the Department of Construction and Land Use. Employees filling positions at the time of transfer shall continue employment in such positions without interruption of service. The Building Department and the Building Department Operating Fund are abolished as of June 4, 1980 and as of December 31, 1980 respectively, and assets and liabilities which are attributable to those activities of the Building Department transferred to the Department of Construction and Land Use are transferred to and shall become assets and liabilities of the Department of Construction and Land Use and of the Construction and Land Use Fund.

(Ord. 109124 § 7, 1980.)

3.06.070 Land use duties transferred.

As of June 4, 1980, the responsibilities associated with analyses, reports, presentations and other activities related to the processing of applications for variances, conditional uses and other matters under the Zoning Ordinance (86300),¹ the Subdivision Ordinance (105636),¹ the State Environmental Policy Act and related City ordinances, the Shorelines Management Act and other legislation relating to land use regulation heretofore assigned to the Technical Review Section of the Environmental Management Division of the Department of Community Development are transferred to the Department of Construction and Land Use along with the obligations associated with the accomplishment of such responsibilities, including conducting zoning studies and preparing zoning text amendments.

(Ord. 115958 § 10, 1991; Ord. 109124 § 9, 1980.)

1.Editor's Note: The Land Use Code is codified in Title 23 of this Code.

3.06.080 Continuation of rules and regulations.

All rules, regulations and procedures in effect as of December 31, 1998, with respect to the activities carried on by the Department of Construction and Land Use shall continue to be in effect until they expire of their own terms or are superseded by new rules, procedures and regulations adopted in conformance with the Administrative Code (Ordinance 102228, as amended)¹ or other applicable law.

(Ord. 119270 § 7, 1998; Ord. 109124 § 17, 1980.)

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

3.06.090 Successor to Building Department.

As of June 4, 1980, the Department of Construction and Land Use is designated to be the successor agency, under direction of the Mayor, to the Building Department with respect to enforcing building ordinances of the City, including but not limited to the Building Code, the Electrical Code, the Mechanical Code, the Housing Code, the Zoning Code and Litter Ordinance, the Minimum Maintenance Ordinance, the Condominium Conversion Ordinance, the Energy Code, the Grading Ordinance, and appropriate regulations; enforcing City ordinances, contracts and rules relating to the Building Department for activities not transferred from the Building Department to the Department of Community Development or the Department of Administrative Services; and carrying out all other activities of the Building Department not transferred from the Building Department. All responsibilities, agreements, obligations, benefits and billings of the Building Department and the Building Department Operating Fund with respect to the activities of the Code Enforcement, Housing Conservation and Administrative Services Divisions of the Building Department shall be deemed to be responsibilities, agreements, obligations, benefits and billings of the Department of Construction and Land Use and of the Construction and Land Use Fund.

(Ord. 109124 § 18, 1980.)

Sections:**3.08.010 Department**

established—Superintendent.

3.08.020 Adoption of rules.**3.08.030 Superintendent's duties.****3.08.040 Transfer from Charter authorization.****3.08.010 Department**

established—Superintendent.

A. There shall be a City Light Department, consisting of the municipal light and power system, the head of which shall be the Superintendent of City Light.

B. The Superintendent of City Light shall be appointed by the Mayor and confirmed by a majority of the City Council, subject to reconfirmation every four years; provided, that the Superintendent of Lighting appointed pursuant to Charter Article VII prior to its 1977 amendment, and serving immediately prior to the effective

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CITY LIGHT DEPARTMENT

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code

July 1999 code update file

Text provided for historic reference only.

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

For current SMC, contact
the Office of the City Clerk

date of the ordinance codified in this chapter,² shall serve as the first Superintendent of City Light pursuant to the provisions of this chapter until December 31, 1979.
(Ord. 107787 § 1, 1978.)

1.Cross-reference: For provisions regarding the Seattle City Light Department, see Chapter 21.49 of this Code.

2.Editor's Note: Ord. 107787 became effective on January 1, 1979.

3.08.020Adoption of rules.

Pursuant to the Administrative Code (Ordinance 102228),¹ the Superintendent of City Light may adopt whatever rule he or she deems useful for the conduct of the Department's business.
(Ord. 107787 § 2, 1978.)

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

3.08.030Superintendent's duties.

Under the direction of the Mayor, the duties of the Superintendent of City Light include:

A. Managing, controlling, operating and maintaining the municipal light and power system and related facilities;

B. Enforcing and implementing City ordinances, contracts, and rules which relate to the City Light Department;

C. Appointing, supervising and controlling all officers and employees of the City Light Department, subject to personnel ordinances and rules of the City;

D. Making maps, surveys, profiles, plans, specifications, estimates and reports in connection with the City Light Department as directed by the City;

E. Laying out, directing, constructing and supervising all public works of the City Light Department;

F. Performing other duties as directed by the City.

(Ord. 107787 § 3, 1978.)

3.08.040Transfer from Charter authorization.

A. The Department of Lighting heretofore established by Charter Article VII¹ shall become the Department of City Light established pursuant to the provisions of this chapter.

B. All of the records, books, papers, properties, equipment, offices, rights and responsibilities of the Department heretofore created by Charter are transferred to the department established by this chapter.

C. The appointment of each and every employee of the City Light Department heretofore established by Charter is ratified and confirmed as an appointment to the City Light Department

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established pursuant to the provisions of this chapter, and such employment shall be deemed to be continuous and without interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time, sick leave, compensation time, or any other benefit, on account of the transfer from a department created by Charter to a department created by this chapter. (Ord. 107787 § 4, 1978.)

1.Editor's Note: The Charter is included at the beginning of this Code.

**Chapter 3.10
OFFICE OF ENTREPRENEURIAL
ASSISTANCE**

Sections:

**3.10.060Entrepreneurial Assistance
Program—Confidentiality.**

**3.10.060Entrepreneurial Assistance
Program—Confidentiality.**

As of July 1, 1972, such specific creative proposals, product information and financial information as is contained in the Office of Economic Development Entrepreneurial Assistance Program forms shall be confidential and shall not be made public, nor shall they be subject to the inspection of any person except duly authorized City employees. (Ord. 101281 § 1, 1972.)

**Chapter 3.12
SEATTLE TRANSPORTATION**

Sections:

Subchapter I Department Regulations

3.12.010Department created—Director.

3.12.020Adoption of rules.

3.12.030Director's duties.

**3.12.040Transfer from Charter
authorization.**

**Subchapter II Funding of Restricted Parking
Zones**

3.12.120Disposition of permit fees.

**Subchapter III Agreements and Payments for
Departmental Work or Services**

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3.12.210Payment for work or services.

3.12.220Use of funds.

Subchapter I Department Regulations

3.12.010Department created—Director.

A. There shall be a department named Seattle Transportation, the head of which shall be the Director of Transportation.

B. The Director of Transportation shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall be subject to reappointment and reconfirmation every four years. (Ord. 118409 § 5(part), 1996: Ord. 107789 § 1, 1978.)

3.12.020Adoption of rules.

Pursuant to the Administrative Code (Ordinance 102228),¹ the Director of Transportation may adopt whatever rule he or she deems useful for the conduct of the Department's business. (Ord. 118409 § 5(part), 1996: Ord. 107789 § 2, 1978.)

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

3.12.030Director's duties.

Under the direction of the Mayor, the functions of the Director of Transportation include:

A. Making transportation surveys, maps, profiles, plans, specifications, estimates and reports as required by the City;

B. Laying out, directing and supervising the construction of transportation public works required by the City within the City and on property belonging to or controlled by the City, except as otherwise provided by ordinance placing such responsibility in another department;

C. Superintending, managing, constructing, repairing, maintaining, cleaning and controlling bridges, wharves, streets, gutters, sidewalks;

D. Enforcing and implementing City ordinances, contracts, and rules that relate to Seattle Transportation;

E. Appointing, supervising and controlling the officers and employees of the Seattle Transportation subject to personnel ordinances and rules of the City;

F. Conducting transportation planning; coordinating with and assisting Metropolitan King

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County in transit activities; participating in regional transportation planning; operating programs and activities to reduce traffic congestion, including among other activities, encouragement of carpools, vanpools, ride sharing, the use of transit or traveling at other than peak hours, and furthering bicycling and other modes of travel;

G. Maintaining a repository of City survey, graphic, climatic, soils and engineering records; of plans and construction notes of all work in street area;

H. Performing such other functions as assigned by the City.

If the Director does not possess at least ten (10) years' experience in civil engineering, he or she shall appoint and consult on all engineering matters with an assistant who is a professional engineer and has such experience.

(Ord. 118409 § 5(part), 1996: Ord. 109480 § 2, 1980: Ord. 107789 § 3, 1978.)

3.12.040 Transfer from Charter authorization.

A. The Department of Engineering heretofore established by Charter Article VII prior to its 1977 amendments shall become Seattle Transportation established pursuant to the provisions of this subchapter.

B. All of the records, books, papers, properties, equipment, offices, rights, and responsibilities of the department heretofore created by Charter are transferred to the department established by this subchapter.

C. The appointment of each employee of the Engineering Department heretofore established by Charter is ratified and confirmed as an appointment to Seattle Transportation established pursuant to the provisions of this subchapter, and such employment shall be deemed to be continuous and without interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time or any other benefit, on account of the transfer from a department created by Charter to the department created by this subchapter.

(Ord. 118409 § 5(part), 1996: Ord. 107789 § 4, 1978.)

Subchapter II Funding of Restricted Parking Zones

3.12.120 Disposition of permit fees.

Fees collected by Seattle Transportation for permits or other means of extending parking privileges in any restricted parking zone, as authorized in Seattle Municipal Code Section 11.16.315, shall be deposited in the Seattle Transportation Operating Fund for the purpose of reimbursing ongoing operating costs of residential parking zones.

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(Ord. 118409 § 5(part), 1996: Ord. 111749 § 2, 1984.)

Subchapter III Agreements and Payments for Departmental Work or Services

3.12.210 Payment for work or services.

The Director of Transportation is authorized for and on behalf of The City of Seattle to execute agreements for, and pursuant thereto, to accept moneys received from owners and/or developers for work or services performed or furnished by Seattle Transportation in connection with the development, subdivision or platting of real property as:

A. Payments pursuant to voluntary agreements authorized by RCW 82.02.020;

B. Payments for environmental mitigation and conditions pursuant to RCW Chapter 43.21C (State Environmental Policy Act) and WAC 197-11-660 (State Environmental Policy Act Rules);

C. Payments pursuant to Chapter 179, Laws of 1988;

D. Payments for studies or services performed or for acquiring consultant services in connection with the department's environmental review or analysis of a proposed development, subdivision, or project; and/or

E. Payments under a contract for the City to conduct particular studies or supply information sought by a contracting party in connection with a proposed improvement.

The work or services may include, among other activities, capital improvements; studies and/or assessments of the impact of a proposed improvement on traffic, parking, or the structural integrity of a street in the vicinity; adjusting or installing traffic control devices; establishing residential preference parking zones on nearby streets; and/or extraordinary research into departmental archives. The Director of Transportation is authorized to retain expert and consultant services as appropriate for such work in accordance with City and department selection procedures.

(Ord. 118409 § 5(part), 1996: Ord. 114107 § 1(part), 1988.)

3.12.220 Use of funds.

Funds received shall be deposited into the Guaranty Deposit Fund and used only for the

purposes contemplated by the payment. Payments received under voluntary agreements that remain unexpended after five (5) years shall be refunded as required by RCW 82.02.020; surpluses remaining after providing studies and contractual services shall be refunded within thirty (30) days after completion thereof. All appropriations of funds received and deposited appropriate to carry out the purposes of payments authorized in Section 3.12.210 and to make refunds of unexpended funds are hereby made and authorized.

(Ord. 118409 § 5(part), 1996: Ord. 116368 § 38, 1992: Ord. 114107 § 1(part), 1988.)

**Chapter 3.14
EXECUTIVE DEPARTMENT**

Statutory Reference: For Charter provisions on the Executive Department, see Charter Art. V.

Sections:

Subchapter I Office of Cable Communications

Subchapter II Office of Intergovernmental Relations

3.14.400 Office created.

3.14.410 Director—Appointment.

3.14.420 Director—Duties.

3.14.425 International affairs.

3.14.430 Transfer of records and responsibilities.

Subchapter III Strategic Planning Office

3.14.501 Office established—Purpose.

3.14.510 Director of the Strategic Planning Office—Appointment—Removal.

3.14.521 Director—Duties.

3.14.530 Director—Ancillary duties.

3.14.540 Work program to be adopted by City Council.

Subchapter IV

Office of Economic Development

3.14.600 Office established—Functions.

3.14.610 Director—Appointment—Removal

3.14.620 Director—Powers and authority.

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1. Cross-reference: For provisions on the Office of Cable Communications, see Chapter 21.60, Cable Communications, of this Code.

Subchapter V Office of Housing

3.14.700 Office of Housing created—Mission.

3.14.710 Office—Purpose.

3.14.720 Director of the Office of Housing—Appointment—

Removal.

3.14.730 Director—Duties.

3.14.740 Director—Ancillary duties.

3.14.750 Work program to be adopted by City Council.

Subchapter VI Neighborhood Planning Office

3.14.800 Office established—Purpose.

3.14.810 Director of the Neighborhood Planning Office—Appointment—Removal.

3.14.820 Director—Duties.

3.14.830 Director—Ancillary duties.

Subchapter VII Office for Civil Rights

3.14.900 Office established—Purpose.

3.14.910 Director—Appointment.

3.14.911 Adoption of rules.

3.14.912 Director's right to subpoena witnesses and take testimony.

3.14.913 Funds for settlement of claims.

3.14.915 Grants and donations—Information and education projects—Account in trust fund.

3.14.918 Appropriations and expenditures—OCR Public Information and Educational Materials Account.

3.14.920 Commissions—Established—Membership.

3.14.930 Seattle Womens' Commission—Duties.

3.14.931 Seattle Human Rights Commission—Duties.

3.14.932 Seattle Commission for Sexual Minorities—Duties.

3.14.940 Commissions—Organization—Adoption of rules.

Subchapter I Office of Cable Communications¹

Subchapter II Office of Intergovernmental Relations

3.14.400 Office created.

As of January 1, 1979, there is created, within the Executive Department, an Office of Intergovernmental Relations.
(Ord. 108098 § 1, 1979.)

3.14.410 Director—Appointment.

The Director of the Office of Intergovernmental Relations shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council. Pending permanent appointment of such Director under the authority of this section, the Mayor is authorized as of January 1, 1979, to appoint a person to temporarily act as the Director of the Office of Intergovernmental Relations for a period of sixty (60) days and thereafter for successive sixty (60) day periods with the approval of the City Council.
(Ord. 108098 § 2, 1979.)

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3.14.420 Director—Duties.

Under the direction of the Mayor, the duties of the Director of the Office of Intergovernmental Relations shall be as follows:

A. To represent and support the interests of the City in interactions with Congress, federal agencies, national organizations, and appointed and elected national officials, and to influence lawfully the decisions and actions of such individuals, Congress and agencies in support of City activities and policies;

B. To represent and support the interests of the City and its policies in relationship with the State Legislature, Governor's Office, agencies and state boards and commissions, and to develop and represent the City's annual State Legislative Program;

C. To coordinate and provide staff support in the representation of the City and its interests and policies in interactions with special and multipurpose regional agencies and general purpose local government, and to influence the decisions and actions of these agencies in accordance with City policy;

D. To appoint, remove, supervise, and control all officers and employees of the Office of Intergovernmental Relations in accordance with civil service laws and rules;

E. To manage the preparation of the proposed annual budget of the Office of Intergovernmental Relations, authorize necessary expenditures, and supervise the maintenance of adequate accounting systems and procedures;

F. To ensure that the City's elected officials and departments are made aware of major federal funding programs, regulatory and legislative activity and to coordinate the City's response to these federal actions;

G. To ensure that the City's elected officials and departments are supported and staffed on all policy issues arising in the regional agencies such as King County Government, Metro, Puget Sound Council of Governments, Puget Sound Health Systems Agency, Puget Sound Air Pollution Control Agency, Economic Development District and any other regional governmental agencies as needed;

H. To ensure that the City's elected officials and departments are made aware of major state funding programs, regulatory and legislative actions and assist them in participating in these state activities.

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(Ord. 108098 § 3, 1979.)

3.14.425 International affairs.

Under the direction of the Mayor, the Director of the Office of Intergovernmental Relations shall:

A. Represent and support the interest of the City in interactions with foreign heads of state, consular representatives, state officials, and federal representatives regarding foreign activities;

B. Establish and coordinate relations with other local and state jurisdictions and private businesses to promote foreign investment activities through international trade, tourism and exporting and marketing Seattle products and services;

C. Coordinate and provide staff support in representing the City and its interests and policies in interactions with private groups promoting the City, including, but not limited to, Sister City programs, Central American Commission, World Affairs Council, and other groups involved in international activities;

D. Provide all elected officials and department directors assistance with protocol activities by helping the City's representatives with background material and arrangements for international visitors and dignitaries;

E. Inform the City's elected officials and departments of the major activities occurring in the areas of foreign trade, tourism, exporting, marketing, and private initiatives that would have beneficial direct and indirect impact on the City;

F. Support the City's elected officials and departments on all policy issues relating to other local, state, and private jurisdictions' international relations.

(Ord. 115936 § 1, 1991.)

Editor's Note: By agreement authorized by Ordinance 116711, the Seattle King County Convention Bureau will maintain and administer a private International Relations Trust Fund, for the receipt of donations for the purchase of gifts for use by the City and City officials in the course of municipal affairs in reciprocal gift-giving, purchase of meals for foreign dignitaries and government officials of foreign countries; or for payment of expenses of a reception in honor of such visitors.

3.14.430 Transfer of records and responsibilities.

All of the records, books, papers, properties, equipment, rights, and responsibilities of the division heretofore created by Ordinance 104067¹ are transferred to the office established by this subchapter.

(Ord. 108098 § 4, 1979.)

1. Editor's Note: Ord. 104067 has been repealed by Ord. 108735.

Subchapter III Strategic Planning Office

3.14.501 Office established—Purpose.

There is established in the Executive Department a Strategic Planning Office. The purposes of the Strategic Planning Office are as follows:

A. To assist the Mayor and Council in developing the policies and initiating programs that carry out their goals;

B. To develop City-wide policies and initiatives to promote: housing production opportunities, effective transportation choices for Seattle's residents and workers, excellence in education and making schools the centerpiece of neighborhoods, effective and efficient social service delivery to meet the needs of Seattle's citizens, sustainable growth and development which strengthens our sense of community, and other projects as assigned by the Mayor or by the Council by ordinance;

C. To develop partnerships that will serve to carry out Mayor and Council goals, taking advantage of the talent and perspective of various private, public and community partners;

D. To develop and analyze City policy positions on local and regional transportation, growth management, housing, and environmental policy in order to promote consistent approaches to the Comprehensive Plan and adopted policies and to promote the efficient and effective use of City resources;

E. To maintain the vision of the Comprehensive Plan and regional growth management policies through functional plans, neighborhood plans, and other City programs;

F. To provide stewardship of the Comprehensive Plan; develop and lead initiatives that refine policies and carry out mandated responsibilities for annual amendments, monitoring and evaluation;

G. To lead the executive review of neighborhood plan recommendations, encouraging City departments to thoroughly consider ways to solve problems and build upon opportunities identified in the neighborhood plans' recommendations; and

H. To coordinate and lead City-wide initiatives that cut across the roles and responsibilities of multiple City departments, with the objective of

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achieving Comprehensive Plan and regional growth management goals.

(Ord. 119299 § 9, 1998: Ord. 118912 § 8, 1998.)

3.14.510 Director of the Strategic Planning Office—Appointment—Removal

The Director of the Strategic Planning Office shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council.

(Ord. 118912 § 9, 1998: Ord. 117408 § 9(part), 1994.)

3.14.521 Director—Duties.

Under the direction of the Mayor, the duties of the Director of the Strategic Planning Office are as follows:

A. Oversee and manage the functions of the Strategic Planning Office as set forth in Section 3.14.501; and

B. Such other functions and duties as may be assigned by ordinance.

(Ord. 119299 § 10, 1998: Ord. 118912 § 10, 1998.)

3.14.530 Director—Ancillary duties.

In order to carry out office functions, the Director of the Strategic Planning Office shall have the power to:

A. Appoint, remove, assign, supervise, and control officers and employees in the Strategic Planning Office in accordance with the applicable civil service ordinances and rules;

B. Manage the preparation of the proposed budget for the Strategic Planning Office authorize appropriate expenditures and carry out the adopted budget; authorize necessary expenditures and supervise the maintenance of adequate accounting systems and procedures; develop and manage programs; and undertake authorized activities;

C. Execute and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; apply for grants and donations for office programs; execute interdepartmental agreements and, as authorized by ordinances, intergovernmental agreements; arrange for places for public

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meetings; and solicit and use volunteer services; and

D. Promulgate rules and regulations to carry out office activities pursuant to the Administrative Code, SMC Chapter 3.02.

(Ord. 118912 § 16, 1998; Ord. 117408 § 9(part), 1994.)

3.14.540 Work program to be adopted by City Council.

The annual work program for the Strategic Planning Office, showing anticipated tasks/projects, likely work products, and approximate assignments of FTEs, shall be set by the City Council. The Council's review of the work program shall be in two (2) steps:

A. The Director of the Strategic Planning Office shall submit a preliminary proposed work program for the following year to the City Council no later than October 1st for use during budget review.

B. By January 15th of the following year, the Director of the Strategic Planning Office shall submit a revised proposed work program to the City Council. During the first quarter, the City Council shall adopt a resolution setting the final work program for the Strategic Planning Office. This resolution shall guide the work of the Office throughout the year, and any significant changes to the work program shall require Council approval.

(Ord. 118912 § 17, 1998; Ord. 118533 § 1, 1997; Ord. 117408 § 9(part), 1994.)

**Subchapter IV
Office of Economic Development**

3.14.600 Office established—Functions.

There is established within the Executive Department, an Office of Economic Development, under the direction of the Mayor. The functions of the Office shall be as follows:

A. To coordinate City policies and programs to support:

1. A healthy, diversified economy,
2. Employers, both large and small,
3. Small business creation and expansion,
4. The creation and retention of livable-wage jobs in Seattle and the region,

5. Expanded employment and training opportunities, especially for low-income individuals, and

6. The development and expansion of community-based organizations capable of implementing locally supported development initiatives;

B. To administer the City's business loan programs, including the Neighborhood Business Development Loan Program (Ordinance 116245), Seattle Small Business Lenders Association program (Ordinances 116245 and 116341),¹ Community Development Block Grant float loans (Ordinance 116402), Urban Development Action Grant loans, Washington State Development Loan Fund loans, Southeast Revolving Fund loans (Ordinances 109267 and 113991),² any other business loan programs not allocated by ordinance to other departments or offices, and any other programs or projects allocated to such office by ordinance;

C. To provide staff support to the Board of Directors of The City of Seattle Industrial Development Corporation;

D. To negotiate and administer contracts with, and City funding of, organizations engaged in business assistance, trade development, economic research, tourism, international trade and the provision of services funded through the Neighborhood Matching Fund; and

E. To administer terms and conditions of contracts for transfer of commercial real estate as designated by the Mayor or by ordinance.

(Ord. 116457 § 1(part), 1992.)

1. Editor's Note: The provisions of Ordinances 116245, 116341 and 116402 are not set out in this Code, but may be consulted in the office of the City Clerk.

2. Funds established in Ordinances 109267 and 113991 are listed in Chapter 5.76 of this Code.

3.14.610 Director—Appointment—Removal.

The Director of the Office of Economic Development shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council.

(Ord. 116457 § 1(part), 1992.)

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3.14.620 Director—Powers and authority.

Under the direction of the Mayor, the duties and powers of the Director of the Office of Economic Development shall be as follows:

A. To appoint, remove, assign, supervise, and control all officers and employees of the Office of Economic Development in accordance with applicable civil service laws and rules;

B. To manage the preparation of the annual budget of the Office of Economic Development, under the guidance of the Budget Director; authorize appropriate expenditures and carry out the adopted budget; supervise the maintenance of adequate accounting systems and procedures; develop and manage programs; and undertake authorized activities;

C. To make, modify, alter, and extend loans under the City's business loan programs consistent with the laws and ordinances relating to each program; to accept, release, subordinate, and foreclose on security interests in real and personal property; and to sign and deliver documents and to take other actions as shall be necessary or appropriate for such purposes;

D. To develop programs and seek additional funding sources for economic development;

E. To accept unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars (\$1,000);

F. To enter into and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; and execute interdepartmental agreements, and, as authorized by ordinance, intergovernmental agreements;

G. To serve as the City's representative to boards, commissions, and organizations engaged in economic development activities;

H. To serve as the City's representative to the Seattle Small Business Lenders Association;

I. In connection with any project or program now or hereafter coming within the responsibility of the Office of Economic Development but previously vested by ordinance in another City department, to exercise all authority vested in the director of such other department with respect to such project or program, unless otherwise provided by ordinance;

J. To administer all ordinances pertaining to the Office of Economic Development; and

K. To exercise such other and further powers and duties as shall be prescribed by ordinance.

(Ord. 116457 § 1(part), 1992.)

Subchapter V Office of Housing**3.14.700 Office of Housing created—Mission.**

A. There is established in the Executive Department an Office of Housing. The mission of the Office of Housing is to facilitate the substantial development of housing units for individuals earning zero (0) to one hundred twenty (120) percent of median income (low to moderate income households) via the identification and leveraging of public and private resources for such development; to increase the preservation of existing affordable multifamily and single-family housing; and to create and operate an efficient, effective organizational structure which aids in the accomplishment of this mission.

B. The intent of this section is to state generally the mission and activities of the Office. This section shall not be construed to create, establish or designate any particular class or group of persons who will or should be especially protected or benefited, nor to create any entitlement to any benefits or services.

(Ord. 119273 § 10, 1998.)

3.14.710 Office—Purpose.

The Office of Housing is established to develop comprehensive housing policies, programs, and plans; to act as coordinator and advocate for housing needs; to administrate, coordinate, and operate City housing policies, programs, and functions. The purposes of the Office of Housing are as follows:

A. Maintain and increase the City's strong commitment to the preservation and development of low-income housing;

B. Increase the supply of all types of housing in ways that enhance community;

C. Develop strategies for preserving existing, affordable housing units;

D. Develop strategies that encourage greater preservation and utilization of existing housing stock to increase the supply of all types of housing;

E. Strengthen partnerships to leverage community resources and public and private dollars;

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July 1999 code update file
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sections for complete text, graphics,
and tables and to confirm accuracy of
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F. Develop leadership and expertise in housing project development, management, and finance in order to best support community housing efforts.
(Ord. 119273 § 11, 1998.)

3.14.720 Director of the Office of Housing—Appointment—Removal.

The Director of the Office of Housing shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council. The Director of the Office of Housing may be referred to as the Director of Housing.
(Ord. 119273 § 12, 1998.)

3.14.730 Director—Duties.

Under the direction of the Mayor, the duties of the Director of Housing are as follows:

A. Oversee and manage the functions of the Office of Housing as set forth in Section 3.14.700;

B. Such other functions and duties as may be assigned by ordinance.
(Ord. 119273 § 13, 1998.)

3.14.740 Director—Ancillary duties.

In order to carry out office functions, the Director of Housing shall have the power to:

A. Appoint, remove, assign, supervise and control officers and employees in the Office of Housing in accordance with applicable civil service ordinance and rules;

B. Manage the preparation of the proposed budget for the Office of Housing, authorize appropriate expenditures and carry out the adopted budget, supervise the maintenance of adequate accounting systems and procedures, develop and manage programs, and undertake authorized activities;

C. Execute, deliver, indorse, modify, accept, administer, perform and enforce such agreements (including without limitation agreements for expert and consultant services, interdepartmental agreements, and agreements with other public entities), instruments, and other documents as he or she shall deem necessary or appropriate to implement ordinances, policies and programs, consistent with applicable laws and ordinances;

D. Collect amounts owing to the City under housing financing documents and contracts relating to housing development or to the sale of property for housing, and in the administration of the foregoing, subordinate liens or other interests of the City, compromise the City's claims or interests, and release parties and property from obligations and interests in favor of the City, all as he or she shall deem necessary or appropriate in the interests of the City and subject to applicable laws;

E. Grant and modify leases of real property under the jurisdiction of the Office of Housing, subject to SMC Section 3.24.300, and grant licenses for temporary use of such property, and prescribe and collect rents or charges therefor;

F. Apply to the federal and state governments for funding available for housing, and take all such actions as may be necessary to comply with federal and state requirements respecting the use of such funds when they are included in the adopted budget of the City or their acceptance is otherwise authorized by ordinance;

G. Promulgate and amend, in accordance with the City Administrative Code to the extent applicable, rules, regulations and policies to carry out Office of Housing activities; provided that no such rule, regulation or policy shall confer any rights to entitlement upon any person, entity, class or group, nor undertake any legal duty to any person, entity, class or group.
(Ord. 119273 § 14, 1998.)

3.14.750 Work program to be adopted by City Council.

The annual work program for the Office of Housing, showing anticipated tasks, likely work products, and approximate assignments of FTEs shall be set by the City Council. The Council's review of the work program shall be in two (2) steps:

A. The Director of Housing shall submit a preliminary proposed work program for the following year to the City Council no later than October 1st of the current year for review during the budget process.

B. By January 15th the following year, the Director of Housing shall submit a revised proposed work program to the City Council. During the first quarter, the City Council shall adopt a resolution setting the final work program for the Office of Housing. This resolution shall guide the

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work of the Office throughout the year, and any significant changes to the work shall require Council approval.
(Ord. 119273 § 15, 1998.)

Subchapter VI Neighborhood Planning Office

Editor's Note: Effective January 1, 1995, there is created in the Executive Department a Neighborhood Planning Office. The authority of this section, and the office established by it, shall expire at the end of December 1998 unless extended by ordinance.
(Ord. 117408 § 5, 1994.)

Editor's Note: Section 1. The Director of NPO is authorized to enter into agreements with neighborhood planning groups consistent with the form attached to Ordinance 118145 and on file in the city clerk's office, for the development of neighborhood plans consistent with the City's Comprehensive Plan.

Section 2. The agreements authorized in Section 1 shall be exempt from the provisions of SMC Chapter 3.114.

Section 3. Any neighborhood planning group entering into an agreement authorized in Section 1 shall be exempt from the provisions of SMC Sections 5.44.040 and 5.44.130, so long as the activities of the group receiving the contracted-for-funds are restricted solely to development of neighborhood plans.
(Ord. 118145 §§ 1—3, 1996.)

3.14.800 Office established—Purpose.

There is established in the Executive Department a Neighborhood Planning Office. The purposes of the Neighborhood Planning Office are as follows:

A. To implement the goals of the Comprehensive Plan and City Council Resolution 28966 for neighborhood planning, including developing neighborhood plans for all appropriate areas of the City;

B. To oversee the completion of neighborhood plans for all appropriate areas of the City within four (4) years;

C. To develop a mechanism for allocating flexible funds to neighborhoods that entails both determining appropriate budgets for individual planning processes and administering contracts between the City and neighborhood groups;

D. To work closely with the community planning staff in the Strategic Planning Office and an interdepartmental staff team from several City departments to assist in providing the community with needed planning information; and

E. To staff an advisory committee composed of City and neighborhood representatives that will provide policy guidance to the planning process.
(Ord. 118912 § 18, 1998; Ord. 117408 § 10(part), 1994.)

3.14.810 Director of the Neighborhood Planning Office—Appointment—Removal

The Director of the Neighborhood Planning Office shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City council.
(Ord. 117408 § 10(part), 1994.)

3.14.820 Director duties.

Under the direction of the Mayor, the duties of the Director of the Neighborhood Planning Office are as follows:

A. Oversee completion of neighborhood plans for all appropriate areas of the City within four (4) years;

B. Develop a process for allocating flexible funds to neighborhoods for the purposes of developing neighborhood plans; and

C. Work collaboratively with other City departments and an advisory committee to ensure coordination between the City and neighborhoods undertaking planning efforts and to foster collaboration between Seattle residents and the City.
(Ord. 117408 § 10(part), 1994.)

3.14.830 Director—Ancillary duties.

In order to carry out office functions, the Director of the Neighborhood Planning Office shall have the power to:

A. Appoint, remove, assign, supervise and control officers and employees in the Neighborhood Planning Office in accordance with the applicable civil service ordinances and rules;

B. Manage the preparation of the proposed budget for the Neighborhood Planning Office; authorize appropriate expenditures and carry out the adopted budget; authorize necessary expenditures, and supervise the maintenance of adequate accounting systems and procedures; develop and manage programs; and undertake authorized activities;

C. Execute and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; apply for grants and donations for office programs; execute interdepartmental agreements and, as authorized by ordinances, intergovernmental agreements; arrange for places for

public meetings; solicit and use volunteer services; and

D. Promulgate rules and regulations to carry out office activities pursuant to the Administrative Code, SMC Chapter 3.02.
(Ord. 117408 § 10(part), 1994.)

Subchapter VII Office for Civil Rights

3.14.900 Office established—Purpose.

There is established in the Executive Department an Office for Civil Rights to provide city-wide leadership and guidance in the areas of civil rights and equal opportunity. It shall promote equal access to services within The City of Seattle and work to eliminate discrimination in housing, employment and public accommodations for Seattle residents; recommend policies to all departments and divisions of City government in matters affecting civil rights and equal opportunity to all people; recommend legislation for the implementation of such programs and policies; promote awareness within City government and The City of Seattle through public education and outreach; and provide staff support for the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities.

(Ord. 118392 § 6, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 1, 1989; Ord. 109114 § 1, 1980.)

3.14.910 Director—Appointment.

There shall be a Director of the Office for Civil Rights who shall be appointed by the Mayor. Such appointment shall be subject to confirmation by a majority vote of all members of the City Council. The Director of the Office for Civil Rights shall not be included in the classified civil service. The Director of the Office for Civil Rights shall be the head of and, under the direction of the Mayor, shall be responsible for the administration of the office and in connection with such administration shall have duties and responsibilities including but not limited to the following:

A. Undertake enforcement, policy and education activities consistent with the mission of the Office for Civil Rights;

B. Administer and govern the Office for Civil Rights;

C. Appoint, remove and supervise officers and employees in the Office for Civil Rights;

D. Provide staff support for the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities, and consult with and report regularly to the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities on the workings of the Office for Civil Rights, and attend either in person or by designated representative, all regular meetings of the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities;

E. Administer all ordinances pertaining to the Office for Civil Rights and take appropriate remedial action where necessary;

F. Manage the preparation of the proposed annual budget of the Office for Civil Rights, and authorize necessary expenditures, and supervise the maintenance of adequate accounting systems;

G. After identifying priority issue areas, develop policies and programs, and seek additional funding sources in these areas, which seek to ameliorate the effects of dispute treatment and impact upon persons based on race, color, sex, parental status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability;

H. Make periodic reports and recommendations to the Mayor and City Council concerning the operations of the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle Commission for Sexual Minorities, and the Office for Civil Rights;

I. Receive, consider and make recommendations concerning statements, reports and complaints relative to problems of civil rights including such problems of civil rights as may arise in connection with the treatment, facilities or services of any office or department of the City;

J. Exercise such other and further powers and duties as shall be prescribed by ordinance.

(Ord. 118392 § 7, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 2, 1989; Ord. 109114 § 2, 1980.)

3.14.911 Adoption of rules.

The Director of the Office for Civil Rights, with the advice of the Human Rights Commis-

3.14.910 ADMINISTRATION

sion, shall adopt, promulgate, amend, and rescind suitable rules and regulations consistent with, and to carry out the provisions of this subchapter or any other ordinance administered or enforced by the Director of the Office for Civil Rights.

(Ord. 118392 § 15, 1996; Ord. 109115 § 1(part), 1980; Ord. 101477 § 1(part), 1972; Ord. 97971 § 2(part), 1969.)

3.14.912 Director's right to subpoena witnesses and take testimony.

A. In the performance of the duties imposed upon him/her by this subchapter or any other ordinance, the Director of the Office for Civil Rights may subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person, under oath, and in connection therewith, require the production for examination of any books, records or other information relating to any subject matter under investigation or in question by the Office for Civil Rights or the Human Rights Commission and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

B. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to a subpoena on the ground that the testimony or evidence required may tend to incriminate or subject that person to penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

C. In case of contumacy or refusal to obey a subpoena or other process or discovery issued to any person, the Director of the Office for Civil Rights may invoke the aid of the City Attorney

who shall apply to the appropriate court for an order or other court action necessary to secure enforcement of the subpoena.

(Ord. 118392 § 16, 1996; Ord. 109115 § 1(part), 1980; Ord. 101477 § 1(part), 1972; Ord. 97971 § 2(part), 1969.)

3.14.913 Funds for settlement of claims.

There is hereby established in the Civil Rights Department Program Category 1400 — “Discrimination Claims” in order to provide for settlement of valid employment discrimination claims filed with the Office for Civil Rights against the City. In no case shall individual payments from this program category exceed Two Thousand Five Hundred Dollars (\$2,500.00) for settlement of one (1) case. The Civil Rights Director may authorize payments upon completion of the documentation of case settlement as provided in Seattle Municipal Code Section 14.04.150 (Ordinance 109116, Section 12(B)). Funds appropriated for this program category shall not be transferred into any other program category; and SMC Chapter 5.08 is superseded to the extent it is inconsistent with this prohibition upon transfers.

(Ord. 118392 § 17, 1996; Ord. 110242 § 2, 1981.)

3.14.915 Grants and donations— Information and education projects—Account in trust fund.

A. The Director of the Office for Civil Rights is authorized from time to time for and on behalf of The City of Seattle to solicit, apply for, accept and expend donations, grants and other funds and in-kind services or materials from individuals, corporations and associations, foundations and nonprofit organizations, other governments, and the public-at-large in order to produce, provide or disseminate public information and educational or advocacy materials, projects, or programs on issues relating to civil rights and equal opportunity, and to provide an acknowledgement in any of its publications to those whose assistance enabled its preparation or distribution.

B. All donations, grants or other funds received shall be deposited into the “OCR Public Information and Educational Materials/Projects” Account, which is hereby created, in the General Donation and Gift Trust Fund. The account shall also be credited with a pro rata share of the earnings of investment of Fund balances, refunds due on expenditures from the account, and other

payments that the Director and the Finance Director determine to be due. Disbursements shall be made in accordance with Section 3.14.918. (Ord. 118392 § 8, 1996; Ord. 116598 § 1(part), 1993.)

3.14.918 Appropriations and expenditures—OCR Public Information and Educational Materials Account.

Effective upon their deposit, the Director of the Office for Civil Rights is authorized to submit vouchers to the Finance Director for expenditure of the funds in the OCR Public Information and Educational Materials/Projects Account established by Section 3.15.915, as the Director deems appropriate for producing, providing, or disseminating public information and educational or advocacy materials, projects or programs relating to various protected class groups approved by the Office for Civil Rights. All necessary appropriations therefor are hereby made and authorized.

(Ord. 118392 § 9, 1996; Ord. 116598 § 1(part), 1993.)

3.14.920 Commissions—Established—Membership.

There is established a Seattle Women's Commission, to be composed of twenty (20) members appointed from among those persons who are conscious of the discrimination against and oppression of women in this society, and who are working to eliminate these injustices; a Seattle Human Rights Commission, to be composed of fifteen (15) members who shall be representative citizens and shall include representatives of minority communities, other protected classes, and persons with a demonstrated concern and background in human rights; and a Seattle Commission for Sexual Minorities to be composed of fifteen (15) members appointed from among those persons who are conscious of the discrimination against and oppression of lesbians, gays and sexual minorities in the society, and who are working to eliminate these injustices. Upon the expiration of existing terms, new appointments to each position on each commission shall be made under this section by the authority originally appointing persons to that position, as follows:

A. Seattle Women's Commission: Nine (9) members shall be appointed by the Mayor, nine

(9) members shall be appointed by the City Council, and the nineteenth and twentieth members shall be appointed by the Commission as constituted; provided that, such appointments shall be made so as to reflect the diversity of the community.

B. Seattle Human Rights Commission and Seattle Commission for Sexual Minorities: Seven (7) members shall be appointed by the Mayor, seven (7) members shall be appointed by the City Council, and the fifteenth member shall be appointed by the Commission as constituted; provided, that such appointments shall be made so as to reflect the diversity of the community.

C. All appointments shall be subject to confirmation by a majority vote of the City Council. Each member appointed pursuant to the authority of this section shall serve for a term of two (2) years, but no member shall serve more than two (2) consecutive two (2) year terms. If a member is appointed to serve an unexpired term of a previous commission appointee, that term shall qualify as one of two consecutive terms. Any vacancy shall be filled for the unexpired term in the same manner as an original appointment.

(Ord. 118392 § 10, 1996; Ord. 116226 § 1, 1992; Ord. 115940 § 1(part), 1991; Ord. 109114 § 3, 1980.)

3.14.930 Seattle Women's Commission—Duties.

The Seattle Women's Commission shall:

A. Advise the Mayor, City Council, and other City departments and offices with respect to matters concerning women;

B. Provide information to the Mayor, City Council, and other City departments, and offices concerning issues of importance to women;

C. Assist City departments to address fairly the concerns of women, individually and as a protected class under City ordinance and other applicable laws;

D. As appropriate, recommend policies to all departments and offices of the City in matters affecting women and recommend legislation for the implementation of such policies;

E. Report on a semi-annual basis to the Mayor and the City Council. The reports shall include an annual or semi-annual workplan, a briefing of the Commission's public involvement process for soliciting community and citizens input in framing

3.14.920 ADMINISTRATION

their annual workplans, and updates on the workplans; and

F. Meet on a quarterly basis through a designated representative with the Seattle Human Rights Commission and the Seattle Commission for Sexual Minorities, to ensure coordination and joint project development.

(Ord. 118392 § 11, 1996; Ord. 115940 § 1(part), 1991; Ord. 109114 § 4, 1980.)

9.14.931 Seattle Human Rights Commission—Duties.

The Seattle Human Rights Commission shall act in an advisory capacity to the Mayor, City Council, Office for Civil Rights and other City departments in respect to matters affecting human rights and in furtherance thereof shall have the following specific responsibilities:

A. To consult with and make recommendations to the Director of the Office for Civil Rights and other City departments and officials with regard to the development of programs for the promotion of equality, justice and understanding among all citizens of the City;

B. To consult with and make recommendations to the Director of the Office for Civil Rights with regard to problems arising in the City which may result in discrimination because of race, religion, creed, color, national origin, sex, parental status, sexual orientation, political ideology, age, ancestry, or the presence of any sensory, mental, or physical disability, and to make such investigations and hold such hearings as may be necessary to identify such problems;

C. As appropriate, recommend policies to all departments and offices of the City in matters affecting civil rights and equal opportunity, and recommend legislation for the implementation of such policies;

D. Encourage understanding between all protected classes and the larger Seattle community, through long range projects;

E. Hear appeals and hearings as set forth in Chapters 14.04 and 14.08 of the Seattle Municipal Court.

F. Report on a semi-annual basis to the Mayor and the City Council. The reports shall include an annual or semi-annual workplan, a briefing of the Commission's public involvement process for soliciting community and citizen input in framing their annual workplans, and updates on the workplans; and

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G. Meet on a quarterly basis through a designated representative with the Seattle Women's Commission and the Seattle Commission for Sexual Minorities, to ensure coordination and joint project development.
(Ord. 118392 § 12, 1996; Ord. 97971 § 4, 1969.)

(Ord. 118392 § 14, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 3, 1989; Ord. 109114 § 5, 1980.)

1.Editor's Note: The City Charter is set out at the front of the Seattle Municipal Code.

3.14.932Seattle Commission for Sexual Minorities—Duties.

The Seattle Commission for Sexual Minorities shall:

A. Provide information to the Mayor, City Council, and other City departments and offices concerning issues of importance to lesbians, gays and other sexual minorities;

B. Assist City departments to address fairly the concerns of lesbians, gays, and other sexual minorities individually and as a protected class under City ordinance and other applicable laws;

C. As appropriate, recommend policies to all departments and offices of the City in matters affecting gay, lesbian, and sexual minority concerns, and recommend legislation for the implementation of such policies;

D. Encourage understanding between the lesbian, gay, and sexual minority communities and the larger Seattle community, through long-range projects;

E. Report on a semi-annual basis to the Mayor and the City Council. The report shall include an annual or semi-annual workplan, a briefing of the Commission's public involvement process for soliciting community and citizen input in framing their annual workplans, and updates on the workplans; and

F. Meet on a quarterly basis through a designated representative with the Seattle Women's Commission and the Seattle Human Rights Commission, to ensure coordination and joint project development.

(Ord. 118392 § 13, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 5, 1989.)

3.14.940Commissions—Organization—Adoption of rules.

The Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities shall each organize itself and shall adopt such rules and administrative procedures for its own governance, consistent with City Charter¹ and ordinances, as are necessary for its functions and responsibilities.

Chapter 3.16 FIRE DEPARTMENT

Sections:

Subchapter I Badges¹

3.16.010Wearing of badge when not in uniform.

Seattle Municipal Code

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- 3.16.020**Unlawful use of badge.
- 3.16.030**Violation—Penalty.

1.Cross-reference: For further provisions regarding unlawful use of firemen's badge or uniform, see § 12A.60.070.

Subchapter II Firefighting Assistance

- 3.16.070**Use of equipment outside City limits.
- 3.16.080**Aid in fighting shipboard fires.
- 3.16.090**Marine firefighting assistance.
- 3.16.100**Uncompensated experts—Consultation authorized.
- 3.16.105**Uncompensated experts—Claims and litigation.
- 3.16.110**Uncompensated expert—Claims procedures not modified.

Subchapter III Special Programs and Services

- 3.16.130**Fees for reports and tests.
- 3.16.140**CPR training program.
- 3.16.150**Paramedic training services.
- 3.16.160**Training in use of fire extinguishers.

Subchapter IV Hazardous Materials Handling

- 3.16.200**Incident Command Agency designated.
- 3.16.210**Assistance agreements—Fire Chief authority.
- 3.16.220**Assistance agreements—Terms and conditions.
- 3.16.230**Assistance agreements—Verbal notification conditions—"Good Samaritan" law.

Statutory Reference: For Charter provisions on the Fire Department, see Charter Art. X; for statutory provisions on fire prevention and extinguishment in cities of the first class, see RCW 35.22.280(22).

Subchapter I Badges

- 3.16.010**Wearing of badge when not in uniform.

Firemen in the service of the Fire Department of the City when not wearing the regular uniform of the department shall wear a badge, furnished by the City, entitling such firemen to ride upon the streetcars of the City and to go within the fire lines in case of fire, or to enjoy any other privilege or authority to which the wearing of their uniforms may entitle them.

(Ord. 19117 § 1, 1908.)

- 3.16.020**Unlawful use of badge.

It is unlawful for any fireman in the employ of the City to give away or sell the badge provided in

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Section 3.16.010 to any person for the purpose of enabling such person to procure transportation on the streetcars of the City or to gain admittance within the fire lines, or for any other purpose, and it shall be unlawful for any other person, not a fireman entitled to wear such badge under the provisions of this subchapter, to wear or display such badge for the purpose of securing privileges or authority set forth in Section 3.16.010. (Ord. 19117 § 2, 1908.)

3.16.030 Violation—Penalty.

Any person found guilty of a violation of the provisions of this subchapter, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) or be imprisoned in the City jail for a term not exceeding thirty (30) days, or may be both fined and imprisoned. (Ord. 19117 § 3, 1908.)

Subchapter II Firefighting Assistance

3.16.070 Use of equipment outside City limits.

The Chief of the Fire Department is authorized to use Fire Department apparatus, equipment and personnel outside the City limits for the purpose of extinguishing, controlling, or aiding in the extinguishing or controlling of, fires, explosions, or hazardous material incidents in accordance with written agreements authorized by ordinance. (Ord. 110450 § 1, 1982; Ord. 93145 § 1, 1964.)

3.16.080 Aid in fighting shipboard fires.

The Chief of the Fire Department is authorized for and on behalf of the City to execute a “Mutual Fire Fighting Assistance Agreement” substantially in the form contained in C.F. 280804, with the cities of Aberdeen, Anacortes, Bellingham, Bremerton, Edmonds, Everett, Hoquiam, Kennewick, Longview, Olympia, Pasco, Port Angeles, Port Townsend, Richland, Tacoma, Vancouver and such other cities, towns, counties, port districts and other governmental entities authorized and expressing willingness to enter into such agreement providing for mutual aid in fighting major shipboard fires, which agreement shall be executed in such number of copies as are necessary, including one copy to be retained by the Chief of the Fire Department and one copy to be filed in the records of the City Clerk's office. (Ord. 116368 § 39, 1992; Ord. 104623 § 1, 1975; Ord. 104346 § 1, 1975.)

3.16.090 Marine firefighting assistance.

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The Chief of the Fire Department, or his designee, is authorized, for and on behalf of the City to execute in such counterparts as may be necessary a "Marine Fire Fighting Assistance Agreement," or agreements with such vessel masters, owners, charterers, agents, or others as may be necessary from time to time to provide marine firefighting assistance in shipboard fires outside the corporate limits of the City, or to extend agreements entered into pursuant to Ordinance 104624¹ on or prior to July 1, 1976, to and including February 28, 1978, or until funding for the Marine Fire Protection Project no longer is available.

(Ord. 105725 § 1, 1976.)

1. Editor's Note: Ordinance 104624 is on file in the City Clerk's office.

3.16.100 Uncompensated experts—Consultation authorized.

The Fire Chief or his representative is authorized to request and accept uncompensated advice and assistance from experts during an emergency as declared by the Fire Chief or his representative, provided, that such experts shall be designated in writing by the Fire Chief or the staff duty officer as noncompensated experts prior to the request for advice and assistance. In no event shall such experts be deemed to be employees of the City.

(Ord. 109229 § 1, 1980.)

3.16.105 Uncompensated experts—Claims and litigation.

If any claim for damages shall be made or litigation instituted against a designated expert for personal injuries, wrongful death or property damage arising out of the rendering of assistance or advice under the circumstances set forth in Section 3.16.100, the City Attorney shall, at the written request of the Fire Chief on behalf of such expert, investigate and defend the claim and/or litigation and, if a claim is deemed by the City Attorney a valid one, or if judgment is rendered against such expert, said claim or judgment shall be paid by the City in the same manner as a claim or judgment against the City; provided that, such expert shall immediately forward to the City Attorney every demand, notice, summons or other process relating to any such claim or litigation received by him or his representative, and shall fully cooperate with the City Attorney and the

Law Department in the making of settlements or in the handling of claims and/or litigation and in enforcing any claim or any right of contribution or indemnity against any person or organization who may be liable to the City because of an alleged loss or damage arising in connection with such expert's advice or assistance, and the expert shall attend interviews, depositions, hearings and trials and assist in securing and giving evidence, and the expert shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expense; provided further, that in the event any such expert fails or refuses to fully cooperate as specified in this section or elects to provide his own legal representation with respect to any such claims and/or litigation, then the provisions of this section will be inapplicable and of no force and effect with respect to any such claim and/or litigation involving the expert.

(Ord. 109229 § 2, 1980.)

3.16.110 Uncompensated expert—Claims procedures not modified.

Sections 3.16.100 and 3.16.105 shall not modify existing procedures or requirements of law for the processing and payment of any claims against the City or payment of judgments in those cases in which the City is a party defendant.

(Ord. 109229 § 3, 1980.)

Subchapter III Special Programs and Services

3.16.130 Fees for reports and tests.

The Fire Department shall, under the direction of the Fire Chief, collect fees for certain reports and test services furnished by the Department as follows:

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Report, Record or Service		Fee
1. Aid car response report	per report	\$ 3.00
2. Fire and other response reports	per report	3.00
3. Carpet material flammability test (Fire Prevention Division)	per test	10.00

Provided, governmental agencies shall be exempt from such fees.
(Ord. 99481 § 1, 1970.)

3.16.140CPR training program.

The Fire Chief is authorized to plan for and initiate a Fire Department program for training interested volunteers in cardiopulmonary resuscitation techniques; to accept donations on behalf of the City from the public to bear the costs of such program, including particularly contributions from the Seattle Downtown Rotary Club and from the American Heart Association, all such donations to be deposited in the Cardiopulmonary Resuscitation Training Account, hereby created, in the General Donations and Gift Trust Fund; to accept contributions of services, clerical assistance, and other materials from civic organizations and citizens; and, effective upon deposit in the account of sufficient funds therefor, to conduct such program, retain instructors, procure necessary supplies and equipment, and incur other necessary expenses in connection therewith, all as recommended in C.F. 270765.
(Ord. 100336 § 1, 1971.)

3.16.150Paramedic training services.

As requested by the Chief of the Fire Department and recommended by the Mayor in C.F. 281342, the Fire Department is authorized to collect a fee of Twenty Dollars (\$20.00) per person per shift for practical paramedic training services provided to other than City personnel by Fire Department personnel in connection with training courses conducted by Harborview Medical Center or other similar training agencies. (Ord. 104670 § 1, 1975.)

3.16.160Training in use of fire extinguishers.

As requested by the Chief of the Fire Department and recommended by the Mayor in C.F. 281685, the Fire Department is authorized to establish a training program for other than City personnel to provide training in the use of fire extinguishers to extinguish flammable liquid fires and to collect and deposit into the General Fund, a fee of One Hundred Dollars (\$100.00) per training class for classroom instruction and practical

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“hands-on” training given by two instructors, and a fee of Fifty Dollars (\$50.00) per training class for classroom instruction only, given by one instructor. (Ord. 107539 § 1, 1978; Ord. 104731 § 1, 1975.)

Subchapter IV Hazardous Materials Handling

3.16.200 Incident Command Agency designated.

The governing body of The City of Seattle hereby designates the Seattle Fire Department as the Hazardous Materials Incident Command Agency for all hazardous materials incidents within the corporate limits of The City of Seattle. (Ord. 110614 § 1(part), 1982.)

3.16.210 Assistance agreements—Fire Chief authority.

The Fire Chief is authorized to enter into agreements with persons, agencies, and/or corporations who may provide assistance with respect to a hazardous materials incident. In accordance with the provisions of RCW 4.24 such persons, agencies, and/or corporations are not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct, provided:

- A. The Seattle Fire Department and the person whose assistance is requested have entered into a written hazardous materials assistance agreement prior to the incident which incorporates the terms of Section 3.16.220, except as specified in Section 3.16.230 of this chapter;
- B. The request for assistance comes from the Seattle Fire Department. (Ord. 110614 § 1(part), 1982.)

3.16.220 Assistance agreements—Terms and conditions.

A. Hazardous materials emergency assistance agreements which are executed prior to a hazardous materials incident shall include the following terms and conditions:

- 1. The person requested to assist shall not be obligated to assist;
- 2. The person requested to assist may act only under direction of the incident commander or his representative;
- 3. The person requested to assist may withdraw his assistance if he deems the actions or

directions of the incident commander to be contrary to accepted hazardous materials response practices;

- 4. The person requested to assist shall not profit from rendering the assistance;
- 5. The person requested to assist shall not be a public employee acting in his official capacity within the boundaries of his political subdivision;
- 6. Any person responsible for causing the hazardous materials incident shall not be covered by the liability standard defined in Section 3.16.210.

B. It is the responsibility of both parties to ensure that mutually agreeable procedures are established when assistance is requested, for recording the name of the person whose assistance is requested, and the time and date of the request, which records shall be retained for three years by the Seattle Fire Department. A copy of the official incident command agency designation shall be a part of the assistance agreement specified in this section. (Ord. 110614 § 1(part), 1982.)

3.16.230 Assistance agreements—Verbal notification conditions—“Good Samaritan” law.

A. The Chief of the Fire Department or his representative may enter into verbal hazardous materials emergency assistance agreements at the scene of an incident where execution of a written agreement prior to the incident is not possible. A notification of the terms of this section shall be presented at the scene by the incident commander or his representative to the person whose assistance is requested. The incident commander and the person whose assistance is requested shall both sign the notification which appears in subsection B of this section, indicating the date and time of signature. If a requesting agency deliberately misrepresents individual or agency status, that agency shall assume full liability for any damages resulting from the actions of the person whose assistance is requested, other than those damages resulting from gross negligence or wilful or wanton misconduct.

B. The notification required by subsection A of this section shall be as follows:

NOTIFICATION OF “GOOD SAMARITAN” LAW

You have been requested to provide emergency assistance by a representative of a designated hazardous materials incident command agency. To encourage your assistance, the Washington State Legislature has passed "Good Samaritan" legislation (Chapter 4.24 RCW, part) to protect you from potential liability. The law reads, in part:

"Any person who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct."

The law requires that you be advised of certain conditions to ensure your protection:

1. You are not obligated to assist and you may withdraw your assistance at any time.
2. You cannot profit from assisting.
3. You must agree to act under the direction of the incident commander.
4. You are not covered by this law if you caused the initial accident or if you are a public employee doing your official duty.

I have read and understand the above.
(Name) _____
Date _____ Time _____

I am a representative of a designated hazardous materials incident command agency and I am authorized to make this request for assistance.

(Name) _____
Date _____ Time _____

(Ord. 110614 § 1(part), 1982.)