

**Chapter 15.26  
BACKFILLING**

**Sections:**

- 15.26.010** Authority of City.
- 15.26.020** Billing of costs.
- 15.26.030** Quality of backfill material.

**15.26.010** Authority of City.

The Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, shall have the control of the refilling and restoring of any public place to its proper condition, after an excavation or other use has disturbed its surface. The authorizing official may allow or require the permittee to complete the backfilling or restoration subject to City inspection or the City may perform the work itself.

(Ord. 118409 § 71, 1996; Ord. 117569 § 74(part), 1995; Ord. 90047 § 27, 1961.)

**15.26.020** Billing of costs.

The authorizing official shall bill the permittee for the City's cost of refilling and restoration according to one of the two (2) following methods:

- A. A standard set amount for the City's work according to a schedule of fees prepared by the authorizing official and approved by ordinance when the fixed charge fairly reflects an average amount and using a fixed figure furthers the public convenience and ease of administration; or
- B. The actual cost to the City for the work plus fifteen (15) percent to cover administrative expenses.

The method shall be determined before the City work commences. The charge shall be billed to the permittee or deducted from the permittee's indemnity deposit or escrow account.

(Ord. 117569 § 74(part), 1995; Ord. 90047 § 27, 1961.)

**15.26.030** Quality of backfill material.

The authorizing official shall require the permit holder to use a select backfill material approved by the Director of Transportation that achieves a level of subgrade support for all temporary and permanent street restorations that

prevents settling of the base in relation to the surrounding street area.  
(Ord. 118751 § 1, 1997.)

**Chapter 15.28  
BUILDING AND EQUIPMENT MOVING**

**Sections:**

- 15.28.010** Permit required.
- 15.28.020** Bond and insurance.
- 15.28.030** Application for permit.
- 15.28.040** Removal or trimming of trees or shrubbery.
- 15.28.050** Wires and cables—Relocation and costs; trees in boulevards or parks.
- 15.28.060** Determination of probable interference.
- 15.28.070** Grantee to bear expenses.
- 15.28.080** Authority to make rules and regulations.

**15.28.010** Permit required.

It is unlawful to move a building or equipment which requires relocation of utility wires or cables along or across any public place without a permit to do so from the Director of Transportation. When the move is along or across a park drive or boulevard, the Director shall coordinate with the Superintendent of Parks and Recreation and the permit is subject to the Superintendent's concurrence.

(Ord. 118409 § 72, 1996; Ord. 117569 § 76, 1995; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(A), 1961.)

**15.28.020** Bond and insurance.

A. Bond. The applicant shall furnish to the Director of Transportation, for filing with the City Clerk, a surety bond approved as to form by the City Attorney in an amount determined in accordance with Section 15.04.040, or have deposited a like amount into an escrow account under Section 15.04.042. If the Director elects to forego making an individual determination as to a particular application, the amount shall be Ten Thousand Dollars (\$10,000), and conditioned upon the requirements of Sections 15.04.040 through 15.04.044, subject to RCW 19.72.107. The bond shall be further conditioned to pay all

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costs and expenses contemplated by Sections 15.28.040 through 15.28.070, including the making of any necessary repairs to public places or facilities caused by reason of the permittee's operations in moving a building or equipment on or along any public place.

B. Insurance. In addition to the bond, the applicant shall furnish to the Director of Transportation a certificate stating that the City is included as an additional insured on his or her protective public liability insurance. The amount and coverage shall be determined in accordance with Section 15.04.045, but, in lieu of making an individual determination as to the particular application, the Director may stipulate that the insurance shall provide for a limit of not less than One Million Dollars (\$1,000,000) for all damages arising out of bodily injuries to, or death of any persons in any one (1) accident; and shall also provide property damage liability insurance providing for a limit of not less than One Hundred Fifty Thousand Dollars (\$150,000) for all damages arising out of injury to or destruction of property in any one (1) accident. The insurance shall state that the Director of Transportation shall be given ten (10) days' notice of any change, cancellation or expiration of such insurance policy.

C. Revocation. The Director of Transportation may revoke a permit at any time upon a failure to comply with any of the terms of the permit or this chapter or upon the conditions in Section 15.04.070.

(Ord. 118409 § 73, 1996; Ord. 117569 § 77, 1995; Ord. 116368 § 221, 1992; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(B), 1961.)

### 15.28.030 Application for permit.

Every application for a permit to move a building or equipment which requires relocation of utility wires or cable through or across a public place of the City shall be made to the Director of Transportation on a form provided by the Director. Every such application shall state the location of the building to be moved, its dimensions and principal materials, and shall describe the route over which the building is to be moved, the length of time that will be required to move it, and the proposed new location thereof. Before any permit to move a building to a site within the City is issued, specific written approval must be obtained from the Department of Construction and Land Use. The concurrence of the Superintendent of

Parks and Recreation is necessary if the building or such equipment will be moved along or across a park drive or boulevard; and the approval of all utilities is also necessary, if those utilities are to be disturbed.

(Ord. 118409 § 74, 1996; Ord. 117569 § 78, 1995; Ord. 115994 § 25, 1991; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(C), 1961.)

### 15.28.040 Removal or trimming of trees or shrubbery.

Where the removal or trimming of any trees or other shrubbery is necessary, the building or equipment mover is required to obtain from the owner thereof a written release for any damages, holding the City free of any liability or damages whatsoever. If the building or equipment is to be moved along or across any boulevard or other public place controlled by the Parks and Recreation Department, the building or equipment mover is also required to have written approval from the Superintendent of Parks and Recreation. (Ord. 117569 § 79, 1995; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(D), 1961.)

### 15.28.050 Wires and cables—Relocation and costs; trees in boulevards or parks.

A person who maintains wires, cable or appurtenances in or over a public place shall move or disconnect them in order to accommodate a move authorized by permit as contemplated by Section 15.32.110. When the wires are below minimum vertical clearances above the roadway surface set by state statute, City ordinance, or rules of the authorizing official, and timely notice has been given, and no adjustment or disconnection would be necessary had the minimum vertical clearance been maintained, the cost of moving the wires or cables shall be borne by the person maintaining the wires or cables; otherwise the cost shall be assessed to the grantee of the permit to move the building or equipment.

The Director of Transportation shall determine the probable injury and cost which the moving of a building or equipment will cause to owners of wires and cables that are at or above minimum vertical clearances over the surface of the public place, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities. The Superintendent shall determine the probable

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injury and cost of restoration or loss which the moving of a building or equipment along or across a park drive or boulevard or a street abutting a park will cause to the department's trees and shrubbery. Such findings shall be endorsed upon the application for permit.

(Ord. 118409 § 75, 1996; Ord. 117569 § 80, 1995; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(E), 1961.)

**15.28.060 Determination of probable interference.**

A. Investigation. The Director of Transportation shall ascertain the probable interference with the rights of the public that such moving will cause, and any other facts which may aid in determining whether or not such permit should be granted. The Director of Transportation shall also prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations such official may deem necessary for public safety and convenience. The determinations of the Director shall be subject to the concurrence of the Superintendent with respect to movement along or across a park drive or boulevard.

B. Opportunity for Hearing. If the Director of Transportation finds the injury and inconvenience to the public, to owners of private property, and to public utilities is minor, or that the affected parties consent to the move, and the Superintendent concurs in authorizing the movement planned along or across a park drive or boulevard, the Director may grant the permit without a hearing. If the Director of Transportation finds that there would be substantial injury or inconvenience to the public, to public utilities or to owners of private property and there are unresolved objections to the move, the Director shall notify the applicant that the permit may only be granted through a public hearing process; and, if the applicant so requests, the Director shall designate a hearing officer and schedule a hearing.

C. Hearings. If a hearing is scheduled, the Director shall notify the applicant and the owners or agents of the properties that may be affected of the date, time, and place of the public hearing regarding such application. At this hearing, all persons interested may appear and offer their opinion regarding whether or not such permit should be granted.

D. Cost of Advertising. Whenever the Director of Transportation determines that a public hearing must be held to determine whether or not a permit to move a building or equipment should be granted, the applicant shall pay the cost to the City for advertising the hearing.

E. Decision. Based upon the findings of the hearing officer with respect to such application and the testimony received during the public hearing on such application, the Director shall determine whether or not such permit shall be granted.

(Ord. 118409 § 76, 1996; Ord. 118369 § 10, 1996; Ord. 117569 § 81, 1995; Ord. 115994 § 26, 1991; Ord. 108382 § 2(part) 1979; Ord 90047 § 28-A(F), 1961.)

**15.28.070 Grantee to bear expenses.**

The grantee of a permit to move a building or equipment which requires relocating utility wires or cable along or across any public place shall bear any and all expenses to the Parks, Seattle Transportation and Police Departments that may be occasioned by such moving; provided, that nothing contained in this chapter shall be construed as repealing any of the provisions of any franchise ordinance.

(Ord. 118409 § 77, 1996; Ord. 117569 § 82, 1995; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(G), 1961.)

**15.28.080 Authority to make rules and regulations.**

The Director of Transportation may make rules and regulations pursuant to the Administrative Code of the City (Ordinance 102228)<sup>1</sup> and governing the moving of buildings along or across public places. Violation of those rules and regulations constitutes a violation of this subtitle.

(Ord. 118409 § 78, 1996; Ord. 108382 § 2(part), 1979; Ord. 90047 § 28-A(H), 1961.)

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

**Chapter 15.32  
FRANCHISE AND PUBLIC UTILITY  
PERMITS AND REGULATIONS**

**Sections:**

**15.32.010 Permit—Required.**

**15.32.020 Terms of use and occupancy.**

**15.32.030 Application.**

**15.32.040 Review.**

**15.32.050 Coordination of projects and  
deferment of construction.**

**15.32.060 Payment of fees.**

**15.32.070 Additional ducts or conduits.**

**15.32.080 Joint use poles.**

**15.32.090 City use for governmental  
communication.**

**15.32.100 Painting poles.**

**15.32.110 Accommodating moving of  
building and equipment.**

**15.32.120 Displacement for public use.**

**15.32.130 Undergrounding overhead wiring.**

**15.32.140 Removal.**

**15.32.150 Indemnity.**

**15.32.160 Street restoration**

**requirements.**

**15.32.300 Attachments to City-owned poles.**

1. Cross-reference: For provisions regarding underground utility districts, see Chapter 21.68 of this Code.

2. Editor's Note: Sections 1 and 2 of Ord. 116247, passed by the City Council on July 6, 1992, concerning permit issuance restrictions, read as follows:

"Section 1. Until such time the City adopts a comprehensive pole attachment policy or until April 1, 1993, whichever occurs first, the City shall not grant any new pole attachment agreements not previously entered into by the City Light department or any other City department that has ownership of poles. In addition, the City shall not grant any street uses permits pursuant to Seattle Municipal Code Chapter 15.32 for attachment to poles or for the erection of new poles, other than for the continuation of existing services as provided in Section 2 of this Ordinance, and any specific exemptions authorized by Council Resolution pursuant to Section 3 of this Ordinance."

"Section 2. Street use permits may continue to be issued under Seattle Municipal Code Chapter 15.32 for the continuation and maintenance of existing services already on poles including telephone, electric, Metro, streetlight, railroad signals, cable television within specific franchise areas, and private installations between buildings of the same ownership which do not utilize City poles or facilities."

3. Editor's Note: Sections 1 and 2 of Ordinance 116620, passed by the City Council on March 31, 1993, read as follows:

"Section 1. The moratorium on pole attachments put in place by Ordinance 116247 is hereby extended under the same terms and conditions until April 12, 1993."

"Section 2. This ordinance extending the pole attachment moratorium shall be implemented on April 1, 1993. All applications pending at the time of adoption of Ordinance 116247 (adopting a moratorium on pole attachments) and any subsequent applications for pole attachment shall be considered in accordance with the terms of the City's comprehensive pole attachment policy at such time as the policy is adopted."

**15.32.010 Permit—Required.**

It is unlawful for anyone to construct, maintain and operate on, under or over the streets, alleys or public places of the City, any railroad or streetcar tracks, pipes, ducts, utility tunnels, vaults, maintenance holes, poles, fixtures, wires or any other appurtenants necessary for the purpose of conducting any lawful business, either public or private, or to go upon any such public place to perform any work therein which will disturb the surface of the street, planting strip or sidewalk, or to occupy area upon the surface or beneath the surface of the street, planting strip or sidewalk, without complying with all the provisions of any ordinance in relation thereto and obtaining and having a permit from the Director of Transportation for such purpose, or as to park drives and boulevards, a permit from the Superintendent of Parks and Recreation. This prohibition includes everyone, whether an individual or a corporation or association; whether acting as an individual or as employee or agent of another; and whether or not the person has a right under the Charter, any ordinance or franchise, or any other authority of law to conduct business within a public place.

(Ord. 118409 § 79, 1996; Ord. 117569 § 86, 1995; Ord. 115994 § 31, 1991; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

**15.32.020 Terms of use and occupancy.**

The terms and conditions of the use and occupancy of public streets and alleys in the City by anyone constructing or operating under authority of this chapter and ordinances amendatory thereto shall be provided in Sections 15.32.020 through 15.32.130.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

**15.32.030 Application.**

Anyone desiring to place or maintain in any public place any of the authorized facilities mentioned in Section 15.32.010 shall, prior to the commencement of any construction work, file an application for a permit therefor with the Director of Transportation, or in the case of a park drive or boulevard, with the Superintendent of Parks and Recreation (collectively herein the "authorizing

official"). The application shall be on a form furnished by the authorizing official. The authorizing official may require that the application be accompanied by a plat drawn to an accurate scale, conforming to such reasonable rules and regulations as such official may prescribe, and showing the exact location, character, position, dimension, depth and height of the work proposed to be done.

(Ord. 118409 § 80, 1996; Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.040 Review.**

Prior to the granting of any permit, the authorizing official may require such modifications or changes to the proposed work as such official deems necessary to properly protect the public in the use of the public place, and shall in the permit, if the same be granted, fix the time or times within and during which such work shall be done. The authorizing official shall have the power to regulate the construction and enforce permit and ordinance requirements. The authorizing official shall keep a record of the permit and the work done thereunder.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.050 Coordination of projects and deferment of construction.**

A. The authorizing official may, in such official's reasonable discretion, defer construction or other activity under any permit provided for in this chapter, until such time as such official deems proper in all cases where the public place on which the work is desired to be done is occupied or about to be occupied in any work by the City, or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time, and in granting such permit, may so regulate the manner of doing such work in order to cause the least inconvenience to the public in the use of such public place; and in all cases any work of the City or its contractors or employees for municipal purposes shall have precedence over all work of every other kind.

B. Beginning by November 1, 1997, and by October 1st of each succeeding year, the Director of Transportation shall provide to all utilities a list of street and other improvements planned for the following three (3) years. All agencies, utilities, franchisees, and City departments planning work in a street, alley, or other public place that will require a permit under this chapter shall submit a list of proposed projects and locations to the Director of Transportation by December 31st of each year. This list shall cover planned projects for the following three (3) years. These lists of planned projects shall be entered into the City's Geographic Information System and integrated with other information on street condition and use. The Director of Transportation and the Superintendent of Parks and Recreation shall deny agencies that fail to provide this information permits for construction or other activity under this chapter unless that agency was not timely provided a list of planned street improvements for that year.

C. The Director of Transportation shall establish a Utility Coordinating Committee for the purpose of coordinating street and utility projects to minimize the frequency of street openings and disruption to neighborhoods. This committee shall consist of one (1) management representative each from Seattle Transportation, Seattle Public Utilities, and Seattle City Light. The Director of Transportation shall invite one (1) representative each from companies that applied in the previous calendar year for a permit under this chapter to serve in an advisory capacity to this committee. The committee shall meet at least twice a year to review and coordinate street and utility projects for the next three (3) years. The committee shall decide which of the submitted projects will be scheduled for the next twelve (12) months, taking into consideration maximizing efficiencies, reducing inconvenience to the public, and avoiding work conflicts in the street rights-of-way; and shall not allow pavement cuts

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within three (3) years after resurfacing or reconstruction. By March 1, 1998, and by February 1st of each succeeding year, the committee shall develop and publish a Street and Utility Improvement Plan that lists projects it has scheduled for the next twelve (12) months and shall make information available to affected residents, property owners, neighborhood organizations, and businesses about these projects. The committee shall also annually review and comment on the City's Pavement Opening Policies and associated fees, charges, inspection costs, and street restoration costs. The Director of Transportation shall propose to the City Council legislation to establish fees and charges by ordinance.

D. Except for activities included in the current Street and Utility Improvement Plan, no permit shall be issued under this chapter for construction or other activity that will commence in the street, alley, or other public place; except, that this prohibition shall not apply to:

1. Emergency repairs that could not have been anticipated or are necessary for the protection of the public's health and safety;

2. New or revised service connections that have been requested by a utility's customer;

3. Construction or other activity that will commence in the street, alley, or other public place that does not affect or conflict with other projects in the Street and Utility Improvement Plan or other work anticipated by the City or other permit holders over the next three (3) years; or

4. Work for which the City's denial of a permit would violate federal law.

E. No permit shall be issued under this chapter for work that requires cutting or disturbing the paved surface of any street, alley, or other public place for a period of three (3) years from the completion of resurfacing or reconstruction of that public place; except that this prohibition shall not apply to:

1. Emergency repairs that could not have been anticipated and are necessary for the protection of the public's health and safety;

2. New or revised service connections that have been requested by a utility's customer; or

3. Work for which the City's denial of a permit would violate federal law.

F. An applicant denied a permit under the provisions of this section may appeal to the Director of Transportation, whose decision in such matter shall be final.

(Ord. 118751 § 2, 1997; Ord. 117569 § 84, 1995; Ord. 115994 § 30, 1991; Ord. 9004 § 29(part), 1961.)

### 15.32.060 Payment of fees.

Anyone doing construction work under permit pursuant to this chapter shall, in addition to the permit fee authorized in Section 15.04.074, pay to the City for deposit into the Transportation Fund or in the case of park drives and boulevards, the Park and Recreation Fund such amounts as, in the judgment of the authorizing official, are reasonably necessary to investigate and process the application for construction work, inspect such work, secure proper field notes for location, plat such locations on the permanent records of the Department, and inspect or reinspect as to maintenance, during the progress of or after the repair of, any construction placed under permits previously issued.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

### 15.32.070 Additional ducts or conduits.

Anyone constructing under authority of this chapter and ordinances amendatory thereof any underground ducts or conduits, shall:

A. When the number of main line ducts or conduits exceeds two (2), reserve free of cost to the City for the exclusive use of governmental communication, traffic signal, and other governmental signal purposes, additional ducts in the proportion of one (1) duct for every five (5) or less constructed; provided, the authorizing official may, in such official's reasonable discretion, limit the number of ducts to be reserved; and

B. Upon request, provide the City with additional duct or conduit space over and above the duct or conduits planned to be constructed for the entity holding the permit or provided free to the City pursuant to subsection A above. Such additional ducts or conduits shall be of a size and configuration specified by the City and shall be dedicated to the City. The City shall have the right to use the ducts and conduit for any purpose, including but not limited to leasing them to other entities. The incremental costs of adding the specified ducts and conduits for the City shall be borne by the City.

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(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.080 Joint use poles.**

A. Attachments to City-owned poles shall be governed by this chapter and policies adopted by the City in accordance with this chapter. See particularly Section 15.32.300.

B. Anyone erecting or maintaining any privately owned pole installed under the authority of this chapter shall permit joint use of such pole to another who is authorized to construct and maintain such a pole or attachments thereto if directed to do so by the authorizing official and shall obey any order issued by the authorizing official relative to the joint use of such pole.

C. Other than the City, anyone who pursuant to subsection B makes a joint use of a privately owned pole or set of poles of another shall pay to the owner a reasonable proportion of the cost of installing and maintaining the pole or set of poles, respectively, provided, by mutual agreement the affected parties may adopt an alternative arrangement for compensation. Section 15.32.090 denies compensation for use of a privately owned pole by the City for government communication. (Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.090 City use for governmental communication.**

Anyone erecting or maintaining poles under authority of this section shall allow the City the right, free of charge, to attach, maintain and operate its governmental communication and signal wires and/or fixtures, on crossarms, or on the poles erected and so maintained.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.100 Painting poles.**

Anyone erecting or maintaining poles under authority of this chapter shall, upon order of the authorizing official, paint or repaint its poles to such height and in such colors and at such times as said official may direct.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.110 Accommodating moving of building and equipment.**

Anyone maintaining wires, cables, or appurtenances in a public place whether under authority of a franchise from the City, or as a utility under permit without a franchise, upon seven (7) days' notice from the authorizing official, shall disconnect or move his, her or its wires, cables or appurtenances to allow for the moving of buildings or equipment across or along any such street, alley, or other public place; provided, that the advance notice may be reduced to twenty-four (24) hours if the wires, cables or appurtenances are below the minimum clearance set by law or regulation and in the case of an emergency. The cost to the franchise holders of moving the wire, cable or appurtenance shall be borne as follows: (a) by the franchise holder if the wires, cables or appurtenances are below the minimum vertical clearance required by state statutes, City ordinance, or rules of the authorizing official, above the surface of the public place, and no adjustment would be necessary if the minimum clearance had been maintained, and (b) by the person desiring to move the building or equipment under other circumstances.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### **15.32.120 Displacement for public use.**

Anyone upon order of the authorizing official shall upon ten (10) days' notice, at his, her or its own cost and expense, move any underground, surface or overhead facilities which interfere with any local improvement district work or with any construction for street or transportation purposes authorized or ordered by the City.

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(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### 15.32.130 Undergrounding overhead wiring.

Anyone maintaining over any street, alley or other public place, any overhead construction, either poles or wires, shall place the same underground upon being directed to do so by the City by ordinance; provided, that all other public utility companies maintaining overhead construction shall be subject to such ordinance.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### 15.32.140 Removal.

Anyone accepting permits under the terms of this chapter for the installation of any pipe, duct, utility tunnel, vault, maintenance hole, pole, wire or any other appurtenance shall remove such installation when it is no longer required or used, and the authorizing official orders its removal.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### 15.32.150 Indemnity.

A. Anyone accepting permits under the terms of this chapter shall, in addition to the provisions provided for in this title, indemnify and save the City free and harmless from any liability, loss, cost, damage, trouble, or expense due to casualty, accident or damages either to person or property which may at any time arise or occur by reason of the construction, maintenance, operation or use of conduits, pipes, ducts, utility tunnels, vaults, maintenance holes, poles, wires or any other appurtenances of any character placed under authority of this chapter. Such indemnity is required until the conduits, pipes, ducts, utility tunnels, vaults, maintenance holes, poles, wires or any other appurtenances are removed from the public place, or, until the City furnishes a written release of the requirement to the owner.

B. In addition the City may require that anyone accepting such a permit provide the City with additional indemnification, such as an indemnification from a parent company, and/or the

City may require that the permittee provide proof of insurance acceptable to the City which covers potential exposure to the City.

C. The indemnification does not apply to injuries to persons or damage to property caused by or resulting from the sole negligence of the City, its agents or employees.

(Ord. 117569 § 87(part), 1995; Ord. 116633 § 1, 1993; Ord. 115994 § 32, 1991; Ord. 110258 § 2, 1981; Ord. 96598 § 1(part), 1968; Ord. 90047 § 30(part), 1961.)

#### 15.32.160 Street restoration requirements.

A. Anyone issued a permit for construction or other activity under this chapter shall temporarily restore the street, alley, or other public place in a manner approved by the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, within twenty-four (24) hours after completion of the work for which the permit was issued. This requirement of a temporary restoration shall be waived if a permanent restoration is completed in a manner approved by the Director of Transportation as described in subsections C, D, and E of this section within twenty-four (24) hours after completion of the work for which the permit was issued.

B. All permanent repairs of a temporary restoration shall be completed within one (1) year after completion of the work for which the permit was issued. If the permittee fails to complete the permanent restoration within this time period and in a manner approved by the Director of Transportation as described in subsections C, D, and E of this section, the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, may restore the street, alley, or other public place and bill the permittee for the repair as set forth in Section 15.26.020. The permittee may, at the time the permit is issued, if the Director of Transportation agrees, contract with the Director of Transportation for completion of the permanent restoration.

C. Permanent restoration of a concrete street, alley, or other public place shall be completed in a



manner approved by the Director of Transportation. Permanent restoration shall include, at a minimum, the following, unless the Director of Transportation determines that the permittee can otherwise make an equivalent restoration of the street, alley, or other public place:

1. For any concrete surface fifteen (15) years old or less or in excellent condition as determined by the Director of Transportation, entire replacement of any concrete panel affected by the construction or other activity is required, except that in the case of a large concrete panel, the Director of Transportation may authorize the panel to be saw cut and require only the affected portion of the panel be replaced.

2. For any concrete surface where forty (40) percent or more of a concrete panel is affected by the construction or other activity, entire replacement of any concrete panel so affected by the construction or other activity is required, except that in the case of a large concrete panel, the Director of Transportation may authorize the panel to be saw cut and require only the affected portion of the panel be replaced.

3. For any other concrete surface, restoration of the area of the panel affected is required.

D. Permanent restoration of an asphalt or asphalt overlay street, alley or other public place shall be completed in a manner acceptable to the Director of Transportation. Permanent restoration shall include, at a minimum, the following, unless the Director of Transportation determines that the permittee can otherwise make an equivalent restoration of the street, alley, or other public place:

1. For any asphalt surface three (3) years old or less, new asphalt for the length of the cut and width of all lanes affected by the construction or other activity is required.

2. For any asphalt surface where thirty (30) percent or more of the width of any lane is affected by the construction or other activity, new asphalt for the length of the cut and width of all lanes affected is required.

3. For any other asphalt surface, new asphalt for the length and width of the affected area is required.

E. Permittees shall be responsible for any necessary repair of a temporary restoration of a street, alley, or other public place until the permanent restoration is completed. Permittees shall be responsible for any necessary repair of a permanent restoration until the street, alley, or other public place has exceeded its useful life or has been repaved or reconstructed, unless the permittee contracted with the Director of Transportation for the permanent restoration. If the permittee who is responsible fails to complete any necessary

### 15.32.300 STREET AND SIDEWALK USE

repair of a failed temporary restoration within three (3) calendar days or a permanent restoration within thirty (30) calendar days of being notified to do so by the City, the Director of Transportation may complete the repair and bill the permittee for the costs of such repair as set forth in Section 15.26.020.

F. In those cases where the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, has determined that the permittee has not restored the street, alley, or other public place to its condition prior to the commencement of activity under the permit, the permittee shall pay to the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, a standard charge from a schedule adopted by ordinance reflecting the Director of Transportation's estimate of the loss in useful life of the street, alley, or other public place as a result of the construction or other activity. Such charge shall be based on the size of the area affected and the types of surface (concrete, asphalt, or other) and subgrade material of the street, alley, or other public place prior to the commencement of activity under the permit. This charge shall be paid regardless of whether the permanent street restoration is completed by the permittee or by the Director of Transportation. All funds collected from this charge shall be deposited in the Transportation Fund, or as to park drives and boulevards, the Parks and Recreation Fund, and used only for pavement replacement, repair, and maintenance, and not for any other purpose.

(Ord. 118751 § 3, 1997.)

#### **15.32.300 Attachments to City-owned poles.**

The terms and conditions for attaching to City-owned poles by entities other than co-owners of the poles shall be as follows:

A. Definitions. The following words, used in this section, have the following meanings:

1. "Pole" means City-owned poles including electrical distribution poles and other poles owned or installed by the City, but excluding facilities for electrical transmission purposes.

2. "Communication space" means that portion of a pole above the minimum ground clearance for communication conductors and below the maximum height allowed by the separation between communication and power con-

ductors required by applicable national, state and local electrical safety codes.

3. "Transmission poles/towers" means structures whose primary purpose is to support electrical transmission conductors, distinguished from distribution conductors by exceeding 34.5 kV.

4. "Special attachment, Class I" means attachments that can be accommodated on existing poles without disruption to current users or use of a communication space and without significant visual impact.

5. "Special attachment, Class II" means attachments:

a. That extend above the electrical facilities, above the top of an existing pole or require the replacement of an existing pole with a taller pole to achieve adequate height for the applicant's purposes; or

b. That have significant visual impacts.

B. The City shall reserve one (1) communication space on City-owned poles for its own use.

C. If additional communication space is available on City-owned poles, after reserving one (1) space for the City and after accounting for the space occupied by existing services already on the poles, the City may permit additional attachments in communication space under the following conditions:

1. The needs of the City are paramount. The City shall be the determinant regarding any question of right to attach, construction compliance or contract interpretation regarding attachment to poles. Permission to make attachments to the City's poles may be withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof of required permits, by governmental directive or for any reason associated with the City's requirements for the use of its poles or public right-of-way. The City may direct the immediate removal of attachments at the owner's expense, if attachments fail to conform to codes or the City's requirements, or if attachments interfere with City operations.

2. All attachments shall be made in accordance with all applicable codes as well as City electrical standards, guidelines and practices.

3. All attachments, including co-lashing, shall be subject to prior approval of the Executive Services Department, Seattle Transportation and the City Light Department in accordance with the

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following principles, requirements and procedures:

a. Providing for the safety of the public, City employees, private contractors, and other users of poles is a fundamental principle which must be observed.

b. The primary function of the City's poles is to support the City's electrical lines and equipment.

c. The City shall neither replace existing poles with taller poles nor add crossarms to existing poles to create more communication space on the poles, except as described in subsection C4 below.

d. Any new attachments must accommodate any prior agreements between the City and other entities regarding use of space on the poles.

e. The City shall not relinquish the one (1) communication space reserved for its own use on every pole. At the request of the applicant, however, the City shall consider creating additional space for communication uses on the poles by taking such actions as removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy wires and other attachments to the poles and by providing for co-lashing. Any actions undertaken to create more communication space shall be considered make-ready work, and any such costs shall be borne by the applicant.

f. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and viewsheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the Superintendent of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant.

g. All make-ready costs such as costs for any permits, environmental review, adjustment of other equipment on the pole, tree replacement and tree trimming, shall be paid by the applicant prior to making any attachments to the poles.

h. As a condition of securing the City's permission to use its poles for attachment of cable, all applicants shall be required to permit co-lashing to their own cable of up to two (2) other cables, which may be owned and operated

by other entities. All cable attachments that initially occupy a space on a City-owned pole shall be required to provide an external or internal support ("messenger") wire that is capable of supporting two (2) other cables in addition to the initial cable installed by the applicant. Owners of cable subsequently co-lashed to the initial cable shall pay the owner of the initial cable a proportionate share of the cost of the messenger wire. All entities co-lashing together shall be required to provide one another with reciprocal indemnity provisions equivalent to those which must be granted to the City by each of them pursuant to Section 15.32.150. Co-lashing shall not be required of any applicant until all other spaces on the pole, other than the City's reserved space, have been utilized. The City Light Department shall issue a Department Policy and Procedure for providing co-lashing space based on costs, operational convenience, cable size, and other criteria which are developed in the course of producing such Department Policy and Procedure.

**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**

i. In addition to the indemnification required by Section 15.32.150, the City may require that the applicant provide the City and entities permitted to co-lash with additional indemnification, such as indemnification from a parent company, and/or require that the applicant provide proof of specific insurance provisions acceptable to the City which cover potential exposure of both the applicant and the City.

j. As a further condition of securing the City's permission to use its poles for attachment of cable, all applicants upon request shall be required to provide the City with capacity on the applicant's cable over and above the capacity specifications submitted by the applicant. Such additional capacity may be in the form of dedicated fiber or dedicated space on the same cable being installed by the applicant or in the form of separate cable, as specified by the Executive Services Department, and shall be dedicated to the City for as long as the cable is attached to the City's poles. The City shall have the right to use that capacity for any governmental purpose and the right to lease that capacity to any public or nonprofit entities. The incremental costs of adding the specified amount of capacity for the City shall be borne by the City.

k. Applications for attachment to City-owned poles shall be submitted to the City Light Department. The City Light Department shall then coordinate that request with Seattle Transportation and the Executive Services Department. Approval of all three (3) departments shall be required prior to the issuance of a permit to attach to the poles.

l. All applications for pole attachment shall be considered on a first-come, first-serve basis, provided that where space is limited, attachment permits shall be given first to public entities, second to entities which are common carriers, third to entities which request attachment to six (6) poles or less for their own private communication needs, and fourth to others.

m. If no space can be created on the poles requested, the applicant may seek an exception to any of the requirements set forth in this section by submitting a written request to a three (3) person review committee comprised of one (1) representative each from the Executive Services Department, Seattle Transportation and the City Light Department. The committee shall review the

request with reference to considerations which may warrant making an exception including, but not limited to reduced environmental effects, the lack of alternatives for achieving equivalent service available to the applicant, the lack of alternative routing which can be made available and the feasibility of undergrounding all or part of the cable. After engaging in a review of the application, the committee shall forward a recommendation to the Mayor and City Council. Exceptions will not be recommended where the City Light Department believes the safety will be compromised by the granting of an exception. Any exceptions to the requirements of this section must be approved by ordinance.

n. All entities that are provided attachments to City-owned poles, other than Class II attachments, including attachments by means of co-lashing, shall pay a rental fee for each such attachment at a rate established by ordinance. All income from such pole rental rates shall be paid into the Light Fund.

4. Provisions for Special Attachments.

a. Class II attachments shall be limited to situations where: (i) make-ready costs are paid by the provider; (ii) pole/equipment, installation, operation, and maintenance costs are paid by the provider; and (iii) visual impacts of antennas and other attachments are reduced to a degree acceptable to the Superintendent.

b. Class II attachment requests are subject to public notice and comment. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the Superintendent of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria in Seattle, the applicant shall apply to DCLU and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The DCLU recommendation shall be advisory to the Superintendent:

<b>Zoning</b>	<b>Pole</b>
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Zone	Street Type	Height Limit	Height Request-
SF, L-1, NC-1	Nonarterial	<40	<60
SF, L-1, NC-1	Arterial	<40	>60
L-2, L-3, L-4, NC-2	Either	<40	>60
NC-3, C, I, MI	Either	<40	>60

c. Where the request is for a location outside Seattle, the applicant shall comply with all applicable requirements of the local jurisdiction where the property is located.

d. Class II attachments shall be permitted substantially in the form of the site agreements authorized by Ordinance 118737,<sup>1</sup> together with special terms and conditions within the site agreement.

e. Class II rental rates shall be established at fair market value as determined by the City Light Department and set forth in the special terms and conditions within the site agreement. All income from such Class II rental rates shall be paid into the Light Fund.

(Ord. 119395 § 1, 1999; Ord. 118409 § 81, 1996; Ord. 118397 § 102, 1996; Ord. 117569 §§ 88, 89, 1995; Ord. 116633 § 2, 1993.)

1.Editor's Note: Ordinance 118737 is on file in the City Clerk's office.

**Chapter 15.35  
FILMING**

**Sections:**

**15.35.010Permits for filming.**

**15.35.020Terms and conditions.**

**15.35.010Permits for filming.**

To accommodate filming motion pictures and videotaping productions, and pursuant to a master filming permit, the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, may close public places for a duration consistent with preserving necessary access to adjacent properties; authorize temporary changes in the appearance thereof; relocate street signs and other fixtures; permit erection of temporary structures and parking of vehicles in designated areas longer than

twenty-four (24) hours or parking meter limits; and provide other appropriate services.

Applications for a master filming permit shall be made to the Director of the Office of Economic Development who shall coordinate component applications with each appropriate permitting authority. After each component permit is approved by the applicable permitting authority, the permit shall be issued in the nature of a master filming permit for the activities described, covering uses contemplated by Seattle Municipal Code Sections 11.23.120, 15.04.074, 21.04.530, 22.602.040 C and 22.901Q.010 and Chapters 15.08 through 15.46, inclusive. Each permit component shall be subject to all of the terms and conditions contained in the authorizing section of the Seattle Municipal Code except the individual permit fee.

(Ord. 118409 § 82, 1996; Ord. 118238 § 4, 1996; Ord. 117569 § 90, 1995; Ord. 115942 § 1(part), 1991.)

**15.35.020Terms and conditions.**

A filming permit may be conditioned upon restoration of the public place and reimbursement of City expenses for the filming, including, among other expenditures, coordination with abutting owners, site consultations with traffic engineers, traffic control, site presence, removal and reinstallation of street fixtures; providing barricades, meter-hooding, and like activities as required; and upon compensation for lost parking meter revenues at the site.

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(Ord. 115942 § 1(part), 1991.)

**Chapter 15.36  
LIFTING HEAVY EQUIPMENT**

**Sections:**

**15.36.010 Permits—Authority.**

**15.36.010 Permits—Authority.**

The Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation, may grant permits to raise and/or lower safes, machinery or any other heavy articles into and from buildings and to occupy in so doing such portion of the public place as the authorizing official may deem necessary and subject to such conditions and regulations as may be prescribed for the safety and convenience of the public.

(Ord. 118409 § 83, 1996; Ord. 117569 § 91, 1995; Ord. 90047 § 32, 1961.)

**Chapter 15.38  
IMPOUNDING**

**Sections:**

**15.38.010 Procedure generally.**

**15.38.020 Storage, notice, fees.**

**15.38.030 Sale of impounded property.**

**15.38.040 Seizure and summary disposal.**

**15.38.050 Motor vehicles; boats; animals; newsstands.**

**15.38.060 Evictions; evacuations; emergencies.**

**15.38.070 Presumption.**

**15.38.010 Procedure generally.**

A. Seizure. The Director of Transportation, and as to park drives and boulevards, the Superintendent of Parks and Recreation (collectively, the “authorizing official”) may take custody of any personal property which is in a public place without a permit as follows:

1. Immediately with respect to property which constitutes a hazard to public safety or obstructs travel or transportation;

2. Immediately with respect to property identified in Section 15.38.040 or Sections 15.48-.100—15.48.110;

3. In accordance with the statute or section cited as to property within Section 15.38-.050;

4. After twenty-four (24) hours of continuous occupancy, when a permit is required for the occupancy; and/or

5. After a reasonable time, when the location of the property reflects circumstances described in Section 15.38.060.

B. Persons Authorized. The authorizing official may remove and dispose of the property, in accordance with the section of this chapter which is most nearly applicable under the circumstances. The impounding may be made under the direction of the authorizing official by any City employee, or by any police officer, by a contractor, or by an authorized volunteer.

C. Order to Remove. As an alternative to taking custody, the City may decline to accept the property and require the owner or the last person in possession of the property to remove the property from a public place; or, if the owner is known, relocate the property to the owner's premises.

D. Disposition. Upon taking custody, the City's remedies include, among other alternatives, retaining the property for City use, selling it and depositing the funds, donating it for charitable purposes in accordance with RCW 63.24.160, and/or disposing of it as solid waste, each as indicated in the following sections.

(Ord. 118409 § 84, 1996; Ord. 117569 § 92(part), 1995; Ord. 108020 § 5, 1979; Ord. 90047 § 33, 1961.)

**15.38.020 Storage, notice, fees.**

A. Impounding. Upon taking custody, the authorizing official shall take the personal property to any City storage yard or building unless any of Sections 15.38.030 through 15.38.050 or Sections 15.48.110—15.48.120 shall apply.

B. Notice of Owner. If the owner or custodian of the impounded property is known, the authorizing official shall give notice to the owner or custodian of the impounding and storage; the charge for the impound and the rate for storage; and the manner of making claim for the property; and, if the owner or custodian fails to make claim within sixty (60) days, the authorizing official may sell or otherwise dispose of the property as unclaimed. Notice of property with a value of

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Twenty-five Dollars (\$25) or less may be given orally at the time of seizure or by telephone.

C. Notice When Owner Unknown. If the property has a value of One Hundred Dollars (\$100) or more and the owner or custodian is not known, then the authorizing official shall publish notice of its impounding in the City's official newspaper; and, if the property is not claimed within sixty (60) days after the date of publication, the authorizing official may sell or otherwise dispose of the property as unclaimed. If the property has a value less than One Hundred Dollars (\$100) but more than Twenty-five Dollars (\$25) and the owner or custodian is unknown, notice shall be posted at the site if practical, and if not practical, the seizure itself shall be deemed sufficient notice, and the property may be disposed of after sixty (60) days unless sooner claimed.

D. Fees. Upon release of impounded property to an owner or custodian, the authorizing official shall charge and collect a fee for the City's taking of custody, transportation, and storage (including a daily storage rate) contained in a fee schedule adopted by ordinance. Fees shall be deemed waived as to stolen property that was found if the owner has reported to the police the property as stolen and agrees to assist in a prosecution of the party responsible.

(Ord. 117569 § 92(part), 1995: Ord. 108020 § 5, 1979: Ord. 90047 § 33, 1961.)



**15.38.030 Sale of impounded property.**

A. If, at the expiration of the time set forth in Section 15.38.020 the property has not been released to the owner, the property is surplus to the City's needs, and has a sufficient value for sale, the authorizing official may arrange for its sale at public auction or through the City's Executive Services Director in conjunction with the sale of surplus City property.

B. Upon sale of the property, the authorizing official shall deposit the proceeds into the City Treasury.

C. At any time within six (6) months from and after the date of the sale, the former owner, upon proper application to the authorizing official, and upon presentation of satisfactory proof that he or she was the owner of the property sold, shall receive the residue of the proceeds of such sale, after deducting the expenses of seizure, impounding, advertising and sale and charges under the fee schedule. The right to the proceeds conferred under this subsection expires if at the end of six (6) months the former owner shall not have applied to the City therefor.

(Ord. 118397 § 103, 1996; Ord. 117569 § 92(part), 1995; Ord. 108020 § 5, 1979; Ord. 90047 § 33, 1961.)

**15.38.040 Seizure and summary disposal.**

The Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation (the "authorizing official") may take custody of and dispose of without notice any of the following objects or articles within a public place:

A. Debris, spilled loads, or obstructions, as contemplated by Chapter 15.46; and any solid waste accumulated in violation of Sections 21.36.400 through 21.36.440;

B. Personal property that the owner disclaims or authorizes the City to take; and property that appears to be abandoned and is valued at Twenty-five Dollars (\$25.00) or less, unless the property is of a character to be of interest to the Chief of Police;

C. Any contraband or other property which it is unlawful to produce or possess; any object declared a nuisance by statute or City ordinance where summary abatement is authorized; and, unless authorized by permit from the Fire Chief, any explosives or other substances that may present a danger to public safety;

D. Any unauthorized sign, signal or marking as defined in RCW 46.61.075 or Seattle Municipal Code Sections 11.50.520 through 11.50.560; and

E. Any advertising sign or notice affixed without City permission to a traffic control device, a utility pole, a City structure, other than a poster board or kiosk designated for handbills, or a City-owned tree or shrub.

If the property is of a character that it appears to be of interest to the Chief of Police, the authorizing official shall allow the Chief an opportunity to take possession as contemplated by RCW 63.21.050—63.21.060 and RCW Chapter 63.32, and if the Chief declines to take custody, the authorizing official may dispose of it.

Each authorizing official may authorize any person or association to assist in removing litter, solid waste, debris, disclaimed or abandoned property, and unauthorized signs or notices from a public place and may arrange for disposal of material so collected.

(Ord. 118409 § 85, 1996; Ord. 117569 § 93(part), 1995.)

**15.38.050 Motor vehicles; boats; animals; newsstands.**

The impoundment and disposition of abandoned and/or unauthorized vehicles is regulated by Seattle Municipal Code Chapter 11.30 and RCW 46.55.080 through 46.55.115, and as to a vehicle, watercraft, camper, or component part thereof whose manufacturer's serial or distinguishing number or mark has been removed or altered by RCW 46.12.310—46.12.340. The Director of Transportation and the Superintendent are authorized to assist the Chief of Police and the Director of Licenses and Consumer Affairs in arranging for the removal thereof from public places.

The impounding of animals is regulated by Seattle Municipal Code Chapter 9.25.

The impounding of newsstands is regulated by Seattle Municipal Code Section 15.14.070.

(Ord. 118409 § 86, 1996; Ord. 117569 § 93(part), 1995.)

**15.38.060 Evictions; evacuations; emergencies.**

A. Reasonable Opportunity. An authorizing official shall allow the owner or custodian a reasonable opportunity to remove his or her personal property from a public place or make

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other disposition whenever privately owned property is placed into the sidewalk or planting strip pursuant to: (a) an eviction ordered by the Superior Court; (b) an evacuation of premises pursuant to an order of the Fire Chief; (c) activities of firefighters in the course of extinguishing a fire or explosion; or (d) a storm, slide, disaster or other catastrophe.

B. Determining the Duration. The opportunity allowed for removal may be as short as twenty-four (24) hours or as long as seven (7) days, but may be extended if good cause is shown by issuing a permit for use of a public place. In establishing a deadline for removal, the Director or Superintendent may consider the following factors: (a) the public's use made of the public place and its need for clear access; (b) the time that an owner, proceeding diligently, would need to relocate his or her possessions, including, if services of a commercial transportation company are needed, whether arrangements therefor are in process; (c) the impact of allowing the accumulation on the sidewalk or planting strip to continue, including the risk of accident, the attraction to vermin, and its appearance; (d) weather conditions; and, (e) if applicable, the risk that if prompt action is not taken, removal may ultimately become more burdensome to the City.

C. Notice to Remove. The authorizing official shall provide written notice to the owner or custodian at his or her address, if known; if the owner or custodian or either's address is not known, or the owner or custodian is not available at the site, the authorizing official may post notice to remove property on the sidewalk or planting strip. The notice shall direct the owner or custodian to remove his or her property, set a time for completion of removal; and inform the owner that if the property is not so removed, the City will take possession and remove the same at the owner's or custodian's costs and expense.

D. Warnings. The authorizing official may require the owner to place safe and adequate guidance to pedestrian and vehicular traffic moving past the site as contemplated by Chapter 15.40.

E. Impounding and/or Disposition. Upon expiration of the deadline for removal, the authorizing official may impound the property remaining in the public place; and as to those items within the criteria of Section 15.38.040, make summary

disposition and as to the remainder, make disposition in accordance with Section 15.38.040. (Ord. 117569 § 93(part), 1995.)

### 15.38.070 Presumption.

Personal property in a public place is presumed to be abandoned by the owner or custodian so as to permit an authorizing official to take custody whenever:

A. The property is placed out for collection in conjunction with solid waste or recyclable material on the scheduled date for City collection, or it is placed there on a date contemporaneous with a community collection or clean-up;

B. A reasonable person would not allow the property to be there unattended for the length of time the property has been there, taking into account the location of the property in the sidewalk or roadway, the type of property, the danger of theft, and the risk of damage from weather;

C. No name appears on the property and the occupant or owner of the adjacent real property on inquiry disclaims ownership, and there is no permit for such a use of the public place; or

D. The property (other than a newsstand or recreational equipment) is unattended, without a permit, on a sidewalk or planting strip adjoining a park or in a park drive or boulevard.

Whenever the presumption applies, a claimant has the burden of establishing his or her ownership or right to custody in seeking a release of the property impounded.

(Ord. 117569 § 93(part), 1995.)

## Chapter 15.40

### WARNING LIGHTS AND BARRICADES

#### Sections:

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

**15.40.030 Placement by City—Payment.**

**15.40.040 Finality of determination.**

**15.40.050 Unlawful acts designated.**

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

It is unlawful for anyone, in any manner, to obstruct, excavate or tear up any public place, without providing safe and adequate guidance to

pedestrian and vehicle traffic moving past the site. Such guidance shall consist of signs, barricades and/or warning lights. The design and location of such devices shall conform to the City's Traffic Control Manual for In-Street Work, and as to park drives and boulevards, standards set by the Superintendent of Parks and Recreation. These devices shall be removed at the completion of the work or the removal of obstructions in public places, providing the surface has been restored to the satisfaction of the City.

(Ord. 117569 § 94, 1995; Ord. 111017 § 1, 1983; Ord. 103891 § 1(part), 1974; Ord. 92405 § 1(part), 1963; Ord. 92252 § 1(part), 1963; Ord. 90047 § 34(A), 1961.)

#### **15.40.030 Placement by City—Payment.**

The Director of Transportation or, as to park drives and boulevards, the Superintendent of Parks and Recreation (collectively the “authorizing official”) is authorized to place barricades and warning lights at unguarded or inadequately guarded excavations, obstructions, or other dangerous conditions existing in any public place and anyone causing or permitting such condition shall pay the cost of barricading and lighting by the City according to a fee schedule established by ordinance.

(Ord. 118409 § 87, 1996; Ord. 117569 § 95, 1995; Ord. 103891 § 1(part), 1974; Ord. 92405 § 1(part), 1963; Ord. 92252 § 1(part), 1963; Ord. 90047 § 34(C), 1961.)

#### **15.40.040 Finality of determination.**

The judgment of the authorizing official shall be final as to the number and adequacy of lights and barricades at all obstructions and excavations.

(Ord. 117569 § 96, 1995; Ord. 103891 § 1(part), 1974; Ord. 92405 § 1(part), 1963; Ord. 92252 § 1(part), 1963; Ord. 90047 § 34(D), 1961.)

#### **15.40.050 Unlawful acts designated.**

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

(Ord. 117569 § 97, 1995; Ord. 103891 § 1(part), 1974; Ord. 92405 § 1(part), 1963; Ord. 92252 § 1(part), 1963; Ord. 90047 § 34(E), 1961.)

### **Chapter 15.42 PLANTING TREES AND SHRUBS**

#### **Sections:**

**15.42.010 General provisions—Trees.**

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

**15.42.020 Overhanging trees and shrubs.**

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

**15.42.040 Obstruction of intersection prohibited.**

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

**15.42.060 Removal of hazards.**

#### **15.42.010 General provisions—Trees.**

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

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

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

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

(Ord. 109969 § 2, 1981.)

15.42.030 STREET AND SIDEWALK USE

**15.42.020Overhanging trees and shrubs.**

No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the sidewalk or roadway, or street maintenance activity, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet (8') above the same, and fourteen feet (14') above a roadway. (Ord. 90047 § 35(B), 1961.)

Changes from those standards may not be granted without approval of the Director of Transportation.

(Ord. 118409 § 89, 1996; Ord. 115994 § 35, 1991; Ord. 90047 § 35(E), 1961.)

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

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

(Ord. 118409 § 88, 1996; Ord. 115994 § 34, 1991; Ord. 90047 § 35(C), 1961.)

**15.42.040Obstruction of intersection prohibited.**

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

(Ord. 90047 § 35(D), 1961.)

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

Tree planting shall conform to the Street Planting Standards of the City of Seattle adopted by the Board of Public Works and continued in effect pursuant to this subtitle or as later modified by the Director of Transportation, insofar as practical.

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**15.42.060 Removal of hazards.**

If any such trees or shrubs are or become a hazard, the Director of Transportation may order the same removed as provided by this subtitle. (Ord. 118409 § 90, 1996; Ord. 115994 § 36, 1991; Ord. 90047 § 35(F), 1961.)

maintenance; activities of City contractors in performing public works contracts in accordance with the plans and specifications of an authorizing official; gardening activities for the care of planting strips and unimproved streets as contemplated by Section 15.02.048; and tree planting in unimproved areas in conformance with Chapter 15.42.

**Chapter 15.44  
EXCAVATIONS AND FILLS**

**Sections:**

**Subchapter I Excavations and Fills  
in Public Places**

- 15.44.003 Permit—Required.**  
**15.44.006 Permit procedures.**

**Subchapter II Excavations and Fills  
Beside Public Places**

- 15.44.010 Barricades and warning devices.**  
**15.44.020 Excavation and fill near public places—Permit.**  
**15.44.030 Permit—Security.**  
**15.44.040 Permit—Liability insurance.**  
**15.44.050 Permit—Indemnity.**  
**15.44.060 Entry and inspection.**  
**15.44.070 Special plans.**  
**15.44.080 Permit fees.**  
**15.44.090 Permit procedures.**  
**15.44.100 Compliance.**  
**15.44.110 Permit—Suspension, revocation.**  
**15.44.120 Protection of public.**  
**15.44.130 Collection of charges.**  
**15.44.140 Appeal.**  
**15.44.150 Form of notice of appeal.**  
**15.44.160 Indemnity agreement—Shoring materials in public places.**  
**15.44.170 Restriction on encroachments by shoring.**

**Subchapter I Excavations and Fills  
in Public Places**

**15.44.003 Permit—Required.**

It is unlawful to make any excavation or fill in or upon any public place without a permit from the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation (collectively called the “authorizing official”). This section shall not apply to activities of the City for the purpose of street or boulevard

## 15.44.030 STREET AND SIDEWALK USE

(Ord. 118409 § 91, 1996; Ord. 117569 § 99(part), 1995.)

### 15.44.006 Permit procedures.

An application to make an excavation or fill in or upon any public place shall be processed in the manner contemplated by Sections 15.44.030 through 15.44.170.

(Ord. 117569 § 99(part), 1995.)

### Subchapter II Excavations and Fills Beside Public Places

#### 15.44.010 Barricades and warning devices.

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

(Ord. 117569 § 100, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(a), 1961.)

#### 15.44.020 Excavation and fill near public places—Permit.

It is unlawful to excavate or fill in excess of three feet (3'), measured vertically, on private property within any area between the vertical prolongation of the margin of a public place, and a one hundred percent (100%) slope line (forty-five degrees (45°) from a horizontal line) from the existing elevation of the margin of a public place to the proposed elevation of the private property, without first obtaining a permit from the Director of Construction and Land Use to do so, and no work shall commence toward such excavation or fill until a permit therefor has been issued.

(Ord. 117569 § 101, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(b), 1961.)

#### 15.44.030 Permit—Security.

A. An applicant for the permit required by Sections 15.44.003 or 15.44.020 shall post or cause the owner or contractor to post security with the City in an amount determined by the authorizing official to be sufficient to cover the following:

1. All charges and payments due under this title;

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

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

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

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

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

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

C. The party posting the security may elect whether the security will be in the form of a cash indemnity deposit or a surety bond approved as to surety and form by the City Attorney, or a combination of a cash indemnity deposit and a surety bond.

(Ord. 117569 § 102, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(c), 1961.)

#### 15.44.040 Permit—Liability insurance.

An applicant for the permit required by Sections 15.44.003 or 15.44.020 shall maintain in full force and effect public liability insurance in an amount sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the excavation or fill covered by any such permit or the operation of equipment used in connection with such excavation or fill and naming the City as an additional insured, or in lieu thereof, cause the owner or contractor to maintain the same. The authorizing official may require that such insurance be provided prior to issuance of the permit, and with the concurrence of the City's risk

manager, may waive the same for neighborhood improvement or beautification projects.

(Ord. 117569 § 103, 1995: Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(d), 1961.)

#### **15.44.050 Permit—Indemnity.**

An applicant for the permit required by Sections 15.44.003 or 15.44.020 shall agree to at all times protect and save harmless the City from all claims, actions, suits, losses, and expenses of every kind and description which may accrue to or be suffered by any person or persons or property or by the City by reason of any excavation or fill for which a permit has been issued pursuant to Section 15.44.020 and/or by reason of soldier piles and other shoring materials placed or left situated within a public place and shall agree to compensate the City for damages to the public place and the utilities therein, and for costs of repair, reconstruction, and restoration of the public place, including but not limited to the expenses of such repair, reconstruction or restoration, construction of temporary facilities and bypasses, traffic redirection, barricades, fences and other measures taken to protect the public, the public place, and utilities therein, and for the extraction of soldier piles and other materials that are situated within a public place for shoring purposes and will be removed as part of and prior to completion of a construction project for which the permit is sought.

(Ord. 117569 § 104, 1995: Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(e), 1961.)

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

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

(Ord. 117569 § 105, 1995: Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 §

1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(f), 1961.)

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

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

B. Approval of the plans shall not relieve the contractor and/or owner making such excavation or fill of responsibility for damages, expenses or costs which may result from the excavation or fill, the failure of shoring, or the method of operation. (Ord. 117569 § 106, 1995: Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(g), 1961.)

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

Fees for the permit required by Sections 15.44.003 or 15.44.020 shall be established as provided in Section 15.04.074.

(Ord. 117569 § 107, 1995: Ord. 109507 § 1(part), 1980: Ord. 106078 § 1(part), 1976: Ord. 103060 § 1(part), 1974: Ord. 101351 § 2, 1972: Ord. 98197 § 1(part), 1969: Ord. 94436 § 1(part), 1965: Ord. 90047 § 41(h), 1961.)

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

## 15.44.110 STREET AND SIDEWALK USE

The following procedures and criteria shall be used in processing an application for the permit required by Section 15.44.003 or Section 15.44.020:

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

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

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

D. Allowable stresses, including allowances for short term loading, for timber, steel or concrete shall be based on the Seattle Building and Construction Code (Title 22).

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

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

G. When the plans presented show an encroachment upon the property interest of an abutting owner or of a franchise holder in a public place, the authorizing official may require that the consent of the person so affected be obtained as a

condition of the issuance of the permit provided for in Section 15.44.020.

H. If in the opinion of the Director of Transportation or Director of Construction and Land Use the design of any excavation or fill, whether shored or not, does not adequately protect the public place, the authorizing official may require a third party review of the design. Third party review requires the applicant's geotechnical and/or additional technical studies to be reviewed by an independent third party, paid for by the applicant but hired by the authorizing official. Third party review shall be conducted by a qualified engineering consultant.

I. Backfilling and restoring of excavations or cave-ins in public places is regulated by Chapter 15.26.

(Ord. 118409 § 92, 1996; Ord. 117569 § 108, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(i), 1961.)

### 15.44.100 Compliance.

All excavations and fills described in Sections 15.44.003 and 15.44.020 shall be made in accordance with the plans approved by the authorizing official or as modified with his or her approval, and unless the permit shall provide otherwise, all soldier piles and other material used for shoring purposes shall be removed from public places as part of and prior to completion of the construction project for which an excavation or fill was made.

(Ord. 117569 § 109, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(j), 1961.)

### 15.44.110 Permit—Suspension, revocation.

A. The authorizing official may revoke or suspend the permit required by Sections 15.44.003 or 15.44.020 whenever:

1. The permittee requests such revocation or suspension;

2. The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this title, the Seattle Building and Construction Code (Title 22), or other City ordinances and the Washington Industrial Safety and Health Act (RCW Chapter 49.17), and their implementing regulations;



3. Entry upon the property for the purposes of investigation and inspection has been denied;

4. The permittee has made a misrepresentation of a material fact in applying for the permit;

5. The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, utilities in the public place, or the excavation or fill endangers or will endanger the public, the adjoining property, public place, or utilities in the public place;

6. The permit has not been acted upon within one (1) year of the time allowed by the permit or extensions;

7. The related building permit has expired without renewal, or has been revoked or canceled.

B. Upon suspension or revocation of the permit, all work thereupon shall cease, except as authorized or directed by the authorizing official. (Ord. 117569 § 110, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(k), 1961.)

#### **15.44.120 Protection of public.**

A. Where excavations are to be made in any area adjacent to a public place, the owner, agent, or contractor making such excavation shall maintain the lateral support of the public place. Where fills are to be made in any area adjacent to a public place, the owner, agent or contractor shall prevent any overflow, slide or other trespass upon the public place. Where excavations or fills are to be made in a public place, itself, the owner, agent or contractor shall maintain the lateral support of the remainder of the public place and any utilities therein, and shall prevent any overflow, slides, or damage from fills to areas outside the scope of the permit.

B. Whenever an excavation has been made in a public place, a cave-in or slide of earth has occurred extending into a public place, or an excavation or fill has caused or contributed to a condition that appears to substantially impair the lateral support of the adjacent public place, or endangers the public, an adjoining public place, utilities in a public place, or City property, the authorizing official may require that the contractor making such excavation or fill and/or the owner of the property upon which such excavation or fill is

being made, at his or her own expense, take actions to protect the public, adjacent public places, City property, and utilities, including compliance within a prescribed time.

C. In the event that the owner or contractor fails or refuses to take the actions directed promptly, or fails to fully comply with such directions given by the authorizing official, or if emergency conditions exist requiring immediate action, the authorizing official may enter upon the property and take such actions as he or she deems necessary to protect the public, the adjacent public places, or utilities in the public places, or to maintain the lateral support thereof, including placing of temporary shoring, backfilling, alteration of drainage patterns and any other actions reasonably necessary to decrease the possibility or extent of earth movement, or regarded as necessary safety precautions; and the owner, agent and/or contractor shall be jointly and severally liable to the City for the costs thereof together with a charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses.

D. The determinations of City officials as to whether, when and how to take remedial action, if any, are discretionary judgments; this enabling authority in this section and in Section 15.22.090 does not impose any duty to take action to protect the public, utilities in the public place or adjacent properties.

(Ord. 117569 § 111, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(l), 1961.)

#### **15.44.130 Collection of charges.**

A. The holder of any permit required by SMC Section 15.44.003 or 15.44.020, or contractor making the excavation or fill described in SMC Section 15.44.003 or 15.44.020, or the owner of the property upon which such excavation or fill is being made shall pay all charges assessed pursuant to this title on or before thirty (30) days after mailing of a statement of charges by the authorizing official. In event of an appeal pursuant to SMC Sections 15.44.140 and 15.44.150, the Director may extend the time for payment pending determination of the appeal and for a reasonable time thereafter.

## 15.44.150 STREET AND SIDEWALK USE

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

(Ord. 118409 § 93, 1996; Ord. 118369 § 11, 1996; Ord. 117569 § 112, 1995; Ord. 115994 § 37, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98147 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(m), 1961.)

### 15.44.140 Appeal.

A. An applicant for the permit required by SMC Section 15.44.003, feeling aggrieved by any of the following actions, charges or determinations of the Director of Transportation may within ten (10) days thereof appeal the same to the Director personally, or the Director's designated hearing officer by filing a written notice of appeal with the Director:

1. The denial of a permit to excavate or fill required by SMC Section 15.44.003;

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

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

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

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

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

B. A holder of the permit required by SMC Section 15.44.003 or 15.44.020, feeling aggrieved by any of the following actions, charges or determinations of the Director of Transportation may within three (3) days thereof (exclusive of Saturdays, Sundays, and holidays) appeal the same to the Director personally or the Director's design-

ated hearing officer by filing a written notice of appeal with the Director:

1. A directive by the Director of Transportation to increase the security required pursuant to SMC Section 15.44.030;

2. The amount of charges for actions taken pursuant to SMC Section 15.44.120 or 15.22.080 to protect the public;

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

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

D. The Director may delegate to a designated hearing officer the conduct of a hearing and may, after opportunity for a hearing, sustain, modify or reverse any such action, charge or determination. The decision of the Director of Transportation shall be final.

(Ord. 118409 § 94, 1996; Ord. 117569 § 113, 1995; Ord. 115994 § 38, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(n), 1961.)

### 15.44.150 Form of notice of appeal.

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

(Ord. 118409 § 95, 1996; Ord. 115994 § 39, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(o), 1961.)

## Chapter 15.46

## DEBRIS IN PUBLIC PLACES

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

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

(Ord. 117569 § 114, 1995; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(p), 1961.)

**15.44.170 Restriction on encroachments by shoring.**

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

(Ord. 117569 § 115, 1995; Ord. 115994 § 40, 1991; Ord. 109507 § 1(part), 1980; Ord. 106078 § 1(part), 1976; Ord. 103060 § 1(part), 1974; Ord. 98197 § 1(part), 1969; Ord. 94436 § 1(part), 1965; Ord. 90047 § 41(q), 1961.)

**Sections:****15.46.010 Removal of obstructions or nuisances.****15.46.020 Spilled loads.****15.46.030 Deposits in street or gutter.****15.46.040 Owner's and contractor's responsibility.****15.46.050 Rebuttable presumption.****15.46.010 Removal of obstructions or nuisances.**

Whenever it furthers the safety or convenience of the public, the Director of Transportation, and, as to park drives and boulevards, the Superintendent of Parks and Recreation, may remove obstructions, hazards or nuisances from public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same and cleaning the public place together with a charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses.

(Ord. 118409 § 96, 1996; Ord. 117569 § 117, 1995; Ord. 90047 § 36, 1961.)

**15.46.020 Spilled loads.**

The owner or operator of any vehicle which has spilled, dropped, dumped, or in any manner deposited any matter upon a public place shall cause the public place to be cleaned when notified so to do by the Director of Transportation, or as to park drives and boulevards, by the Superintendent of Parks and Recreation.

(Ord. 118409 § 97, 1996; Ord. 117569 § 118, 1995; Ord. 90047 § 37, 1961.)

**15.46.030 Deposits in street or gutter.**

It is unlawful to wash or sweep or otherwise deposit any matter in any street or gutter.

(Ord. 117569 § 119, 1995; Ord. 90047 § 38, 1961.)

15.44.150 STREET AND SIDEWALK USE

**15.46.040 Owner's and contractor's responsibility.**

The owner or lessee of the property who contracts for construction, an excavation or fill, or a demolition, and any general contractor responsible for the work, are responsible for preventing dumping, spillage, washing or overflow, tracking, or windblow of materials from or for the premises onto an adjoining public place. This responsibility includes activities of subcontractors and transportation of materials to or from the premises. The responsibility is joint and several.

If a dumping, spillage, washing or overflow, tracking or windblow of materials should occur, the owner and/or contractor shall promptly cause the same to be removed and the public place cleaned. If the material should flow or be washed into City storm drains, the Director of Transportation shall be notified. If the owner or contractor should fail to remove the material and restore the public place, the owner and/or the contractor shall be liable to the City for the costs thereof together with a charge equal to fifteen percent (15%) of the City's cost to cover administrative expenses.

(Ord. 118396 § 14, 1996; Ord. 117569 § 116(part), 1995.)

**15.46.050 Rebuttable presumption.**

For the purposes of this chapter, there is a rebuttable presumption that:

A. Earth or construction materials found dumped, spilled, tracked, or windblown in a public place within one hundred feet (100') of a construction site and similar to earth or materials on the construction site came from the construction site;

B. If there are no other apparent sources in the immediate vicinity, earth, debris, spillage, and other liquids collected in a storm drain or a gutter in the natural flow of drainage from a construction site came from the construction site;

C. Earth, debris or other spillage linked by tire trackage or other trails to a construction site result from transportation to or from the construction site; and

D. The written statement of the authorizing official of the costs and expenses incurred by the City in removing materials and restoring a public place is a true and accurate record of the work done by the City and of the charges incurred.

(Ord. 117569 § 116(part), 1995.)

(Seattle 6-99)

**Chapter 15.48  
MISCELLANEOUS ACTS**

**Sections:**

**15.48.010 Snow and ice removal.**

**15.48.020 Barbed wire or electric fence.**

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

**15.48.050 Civil infraction.**

**15.48.100 Unlawful posting of signs.**

**15.48.110 Removal authorized.**

**15.48.120 Responsibility for costs of removal.**

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

**15.48.010 Snow and ice removal.**

It is the responsibility of the owner or occupant of private property to remove snow and ice on the sidewalks abutting his or her property in a timely manner and, if practical, prevent its becoming or remaining in an icy, ridged, uneven or humped condition or in a condition which is potentially hazardous to users of the public sidewalks.

(Ord. 117569 § 121, 1995; Ord. 90047 § 39, 1961.)

**15.48.020 Barbed wire or electric fence.**

It is unlawful to place, or maintain, or allow to be placed, or maintained, any barbed wire or electric fence abutting upon the marginal line of any public place in a manner that may be hazardous to a pedestrian in the public place.

(Ord. 117569 § 122, 1995; Ord. 90047 § 40, 1961.)

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **15.48.050 Civil infraction.**

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

B. As contemplated by RCW 7.80.160, a person who fails to sign a notice of civil infraction

or who wilfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction.

(Ord. 116885 § 1(part), 1993.)

#### **15.48.100 Unlawful posting of signs.**

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

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

(Ord. 117066 § 1(part), 1994.)

#### **15.48.110 Removal authorized.**

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

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

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

C. Whenever a pole or other facility is subject to joint use by the City and a franchisee, any officer or employee of the franchisee.

(Ord. 117066 § 1(part), 1994.)

#### **15.48.120 Responsibility for costs of removal.**

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

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

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

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

(Ord. 118409 § 98, 1996; Ord. 117066 § 1(part), 1994.)

### 15.48.130 Presumptions for assessing cost of removal.

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

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

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

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

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

handbill, sign or poster advertising the commercial activity or event;

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

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

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

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

(Ord. 117066 § 1(part) 1994.)

## Chapter 15.50 ENFORCEMENT

### Sections:

**15.50.010** Notice calling for compliance.

**15.50.020** Removing or destroying notices prohibited.

**15.50.023** Stop Order—Activity in a public place.

**15.50.025** Stop Orders—Adjacent property.

**15.50.028** Violation of stop Order.

**15.50.040** Criminal offenses—Penalty.

**15.50.045** Each day and occurrence separate violation.

**15.50.050** Civil fine.

**15.50.060** Civil infractions.

**15.50.070** Assignment of civil liability only.

**15.50.080** Citation, prosecution, and civil actions.

**15.50.090** Failure to respond.

**15.50.010** Notice calling for compliance.

The Director of Transportation, and, as to park drives and boulevards, the Superintendent of Parks and Recreation, is authorized to post notice

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on private property at or abutting the scene of any violation of this title, calling for the terms of this title to be complied with.

(Ord. 118409 § 99, 1996: Ord. 117569 § 125, 1995: Ord. 115994 § 41, 1991: Ord. 90047 § 44, 1961.)

**15.50.020 Removing or destroying notices prohibited.**

It is unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by a City official pursuant to the provisions of this title.

(Ord. 117569 § 126, 1995: Ord. 90047 § 45, 1961.)

**15.50.023 Stop Order—Activity in a public place.**

A. Order; Effect. Whenever the Director of Transportation or Superintendent of Parks and Recreation as to park drives and boulevards (collectively called “the authorizing official”) shall post a Stop Order at a site in a public place and serve a copy upon a person doing or responsible for the work, all work in the public place shall cease except that authorized in the Stop Order.

B. Basis for Order. A Stop Order directed to activity in a public place may issue for any of the following reasons:

1. The order is ancillary to or to implement an order authorized in Sections 15.44.100—15.44.110;
2. The order is authorized by Sections 15.76.050—15.76.060 with respect to a bridge, trestle, viaduct, retaining wall or other structure;
3. No permit has been issued for the activity in the public place; the permit issued to the permittee does not authorize the work being stopped; or the permit has expired;
4. A violation of this title is occurring that would be grounds for suspending or revoking the permit;
5. There is a hazard that creates a substantial risk of injury to the public, the utilities in the public place, or damage to the public place, itself; or
6. If required, the public liability insurance to be furnished by the permittee is no longer in force.

C. Contents. The Stop Order shall state the work being stopped and state the basis of the

order. The Stop Order shall permit work to continue for the purpose of correcting the violation or hazard that prompted the order.

D. Review. A Stop Order of the Director of Transportation directed to activity in a public place may be reviewed pursuant to SMC Section 15.04.112. Unless the Director provides otherwise, the Stop Order shall remain in effect pending the hearing. The decision of the Director on review shall be final. A person aggrieved by a Stop Order of the Superintendent may request the Superintendent to reconsider the matter and shall be granted a hearing to present evidence and make objections; the decision of the Superintendent upon reconsidering the matter is final.

(Ord. 118409 § 100, 1996: Ord. 118369 § 12, 1996: Ord. 117569 § 124(part), 1995.)

**15.50.025 Stop Orders—Adjacent property.**

A. Authorization. When activity in a public place is related to activity upon adjacent property, and the Director of Transportation or the Superintendent of Parks and Recreation as to park drives and boulevards (collectively called the “authorizing official”) has issued, or is about to issue, a Stop Order as to activity in a public place, the authorizing official may issue a Stop Order for the activity on the adjacent property that would supplement the Stop Order issued, or about to be issued, as to the public place if he or she, upon inspection, determines that one (1) of the following circumstances exists:

1. There is a hazard that, unless corrected promptly, creates a substantial risk of injury to the public in the public place or damage to the public place or utilities in a public place; or there is a substantial risk that the work, if allowed to continue in its current course, will create such a hazard unless the City intervenes;
2. The order is authorized by Sections 15.44.100—15.44.110 with respect to excavations or fills;
3. The order is authorized by Sections 15.76.050—15.76.060 with respect to bridges, trestles, viaducts, and other structures;

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4. A material violation of Title 15 is occurring and stopping the work on the adjacent property is germane to and an appropriate method of correcting the violation; or

5. The authorizing official has served notice upon the permittee to correct the violation, a reasonable time has elapsed and the violation remains uncorrected, the delay is without satisfactory excuse, and the public need for getting the violation corrected justifies the remedy requested by the authorizing official.

B. Posting; Effect. The Stop Order shall be posted conspicuously on the premises and a copy served upon a person doing or responsible for the work. Upon such posting or service, all work except that authorized in the Stop Order shall cease.

C. Contents. The Stop Order shall identify the work to be stopped and the violation or hazard to be corrected. The Stop Order shall permit work to continue for the purpose of correcting the violation or hazard that prompted the Stop Order.

D. Review. A Stop Order as to property adjoining a public place shall be subject to review pursuant to SMC Section 15.04.112. The decision of the Director on review shall be final. A person aggrieved by a Stop Order of the Superintendent may request the Superintendent to reconsider the matter and shall be granted a hearing to present evidence and make objections; the decision of the Superintendent upon reconsidering the matter is final.

(Ord. 118409 § 101, 1996; Ord. 118369 § 13, 1996; Ord. 117569 § 124(part), 1995.)

**15.50.028 Violation of Stop Order.**

A. It is unlawful for anyone to engage in or cause any further work to be done in a public place when a stop Order has been posted at or upon the premises, except as authorized by the order or a written authorization from the Director of Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation.

B. It is unlawful for anyone to engage in or cause any further work to be done upon any premises adjacent to a public place when a Stop Order has been posted at or upon the premises, except as authorized by the Order or a written authorization from the issuing official.

C. The term "work" includes, but is not limited to, construction, demolition, repair, transportation of materials or equipment to or from the

premises, installation or testing of equipment, excavation or fill, and connection of utility service.

(Ord. 118409 § 102, 1996; Ord. 117569 § 124(part), 1995.)

**15.50.040 Criminal offenses—Penalty.**

Anyone who shall violate or fail to comply with any of the following provisions of this title, shall upon conviction be punished by a fine in a sum not exceeding Three Thousand Dollars (\$3,000.00) or by imprisonment for a term not exceeding thirty (30) days or by both such fine and imprisonment:

- 15.04.010 "Use and Occupation Permits," Permit — Required
- 15.16.010 "Sidewalk Cafes," Permit — Required
- 15.17.005 "Vending," Vending and display in public places
- 15.17.010 "Vending," Areas where mobile vending is restricted
- 15.17.050 "Vending," Street vending near the Kingdome
- 15.20.010 "Building Cleaning or Painting," Permit — Required
- 15.22.010 "Building Construction/ Demolition," Compliance required (mixing of mortar or concrete)
- 15.28.010 "Building and Equipment Moving," Permit required
- 15.32.010 "Franchise and Public Utility Permits and Regulations," Permit — Required
- 15.40.010 "Warning Lights and Barricades," Lights and barricades required — Posting on obstructions in streets
- 15.40.050 "Warning Lights and Barricades," Unlawful acts designated
- 15.44.003 "Excavations and Fills," Permit — Required
- 15.44.010 "Excavations and Fills," Barricades and warning devices
- 15.44.020 "Excavations and Fills," Excavation and fill near public place — Permit

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15.46.030 "Debris in Public Places,"

Deposits in street or gutter

15.48.020 "Miscellaneous Acts," Barbed wire or electric fence

15.50.020 "Enforcement," Removing or destroying notices prohibited

(Quotation marks above enclose chapter headings.)

B. The fine and the limitation on the amount of the fine excludes such amounts, if any, as may be imposed for restitution. Sums imposed as restitution shall be in addition to the fine.

C. In the event a violation or failure to comply falls within Section 18.12.070, then Section 18.12.070 applies rather than this section.

(Ord. 117569 § 127(part), 1995; Ord. 115994 § 43, 1991; Ord. 90047 § 47, 1961.)

**15.50.045 Each day and occurrence separate violation.**

Each day any person shall continue to violate or fail to comply with the provisions of this title and each occurrence of a prohibited activity shall be deemed and considered a separate offense or infraction.

(Ord. 117569 § 127(part), 1995; Ord. 115994 § 43, 1991; Ord. 90047 § 47, 1961.)

**15.50.050 Civil fine.**

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

The penalty for a civil infraction is in addition to the civil liability of the person responsible for the posting to the City for the cost of removal under Sections 15.48.120 and 15.48.130.

(Ord. 117066 § 2, 1994.)

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

**15.50.060 Civil infractions.**

A. Except as otherwise provided in Section 15.50.040, failure to perform any act required or the performance of any act prohibited by this title or the failure to remove any obstruction or discontinue a use or occupancy of a public place

when ordered to do so by an authorized City official is designated a civil infraction as and shall be processed as contemplated by RCW Chapter 7.80.

B. All civil infractions under this title shall be subject to a monetary penalty as a Class 1 civil infraction under RCW 7.80.120 of not more than Two Hundred Fifty Dollars (\$250.00), not including statutory assessments, except those identified in subsection C and in Section 15.48.050.

C. Violation of the following sections shall be subject to a monetary penalty as a Class 4 civil infraction under RCW 7.20.120 of not more than Twenty-five Dollars (\$25.00), not including statutory assessments, and a default amount of Twenty-five Dollars (\$25.00):

15.12.040 "Signs, Banners and Street Clocks," Street clocks

15.14.030 "Newsstands," Requirements

15.14.040 "Newsstands," When permit required — Issuance

15.14.050 "Newsstands," Congestion control

15.14.070 "Newsstands," Authority of Director of Transportation (and violation of a rule promulgated pursuant thereto)

(Quotation marks above enclose chapter headings.)

D. The civil penalty is separate from, and does not limit, any amounts that may be imposed as restitution.

(Ord. 118409 § 103, 1996; Ord. 117569 § 124(part), 1995.)

**15.50.070 Assignment of civil liability only.**

The following sections set standards, assign civil liability for a condition or action, but do not establish criminal offenses or civil infractions:

15.05.030B "Constitutional Liberties," General restrictions

15.05.040 "Constitutional Liberties," Vending by nonprofit organizations

15.16.040B "Sidewalk Cafes," Terms and conditions (of permits).

15.28.040 "Building and Equipment Moving," Removal or trimming of trees or shrubbery

15.50.040 STREET AND SIDEWALK USE

15.32.070 "Franchise and Public Utility Permits and Regulations," Additional ducts or conduits

15.32.080 "Franchise and Public Utility Permits and Regulations," Joint use poles

15.32.090 "Franchise and Public Utility Permits and Regulations," City use for governmental communication

15.38 "Impounding"

15.42.015 "Planting Trees and Shrubs," Tree-root damage — Liability

15.42.030 "Planting Trees and Shrubs," Contact with telephone or electric wires

15.46.040 "Debris in Public Places," Owner's and contractor's responsibility

15.48.010 "Miscellaneous Acts," Snow and ice removal

(Quotation marks above enclose chapter headings.)

(Ord. 117569 § 124(part), 1995.)

**15.50.080 Citation, prosecution, and civil actions.**

A. A prosecution for a criminal offense identified in Section 15.50.040 may be initiated by an arrest or by citation and notice on the manner authorized by the criminal rules for courts of limited jurisdiction promulgated by the Washington Supreme Court.

B. An action for a penalty for a civil infraction may be initiated by the issuance, service, and filing of a notice of civil infraction as contemplated by RCW 7.80.050 and the infraction Rules for Courts of Limited Jurisdiction (IRLJ). For purposes of RCW 7.80.040, the "enforcement officer" authorized to enforce the provisions of this title are: (1) as to park drives and boulevards, the Superintendent of Parks and Recreation, and as to other public places, the Director of Transportation; (2) authorized representatives or assistants of either of them; and (3) a commissioned officer of the Seattle Police Department and a person issued a Special Police Officer Commission by the Chief of Police with authority to enforce this title.

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

D. The City Attorney is authorized for and on behalf of The City of Seattle to bring a prosecution for a criminal and civil penalty in order to enforce this title as needed, appropriate and bring a civil action for damages and/or injunctive relief. (Ord. 118409 § 104, 1996; Ord. 117569 § 124(part), 1995.)

**15.50.090 Failure to respond.**

A. No person shall fail to respond to a notice of a violation or civil infraction of this title, regardless of the disposition of the notice of infraction.

B. No person shall fail to appear at a requested hearing of the Seattle Municipal Court or of the Seattle District Justice Court, regardless of the disposition of the notice of infraction.

C. No person shall fail to pay a monetary penalty imposed by the court.

D. There shall be a maximum penalty and a default amount of Twenty-five Dollars (\$25.00) plus statutory assessments for anyone who shall (1) as contemplated by RCW 7.80.000(1) and 7.80.070(2)(K), fail to respond to a notice of a violation of a civil infraction of this title; (2) as contemplated by RCW 7.80.160(2) and 7.80.070(2)(K), fail to appear at a requested hearing of the Seattle Municipal Court or of the Seattle District Justice Court; and/or (3) as contemplated by RCW 7.80.160(3) fail to pay a monetary penalty imposed by the court, provided, as contemplated by RCW 7.80.160, a person who fails to sign a notice of civil infraction or who will- fully violates his or her written and signed promise to appear in court, or his or her written and signed promise to respond to a notice of civil infraction, is guilty of a misdemeanor, subject to the provisions of Chapters 12A.02 and 12A.04, regardless of the disposition of the notice of civil infraction.

(Ord. 117569 § 124(part), 1995.)

**Chapter 15.52  
CROWD CONTROL EVENTS**

**Sections:**

**15.52.010 Special Events Committee.**

**15.52.020 Committee membership.**

**15.52.030 Powers of Special Events Committee.**

**15.52.040 Special event permits required.**

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**15.52.050** Conditions authorized.**15.52.060** Processing, denial, revocation of permit.**15.52.070** Fees.**15.52.080** Exemptions from fees.**15.52.090** Exclusions.**15.52.010** Special Events Committee.

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

(Ord. 115982 § 1(part), 1991.)

**15.52.020** Committee membership.

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

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

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

C. Three (3) citizens and one (1) alternate appointed by the Mayor, subject to confirmation by the City Council; an alternate may vote when the appointee is absent. One (1) of the citizens shall have experience in organizing special events with attendance over ten thousand (10,000) people; another shall have experience organizing smaller events. Members shall serve without compensation, by reason of their committee membership. Citizen members and alternates may be reimbursed for expenses incurred in attending committee meetings and performing committee duties. The Mayor shall appoint the chair of the Committee, who shall serve for a term of two (2) years and may be reappointed. The incumbent chair shall hold over at the expiration of his or her term until a successor is appointed and qualifies. The chair shall provide for maintaining committee records, arranging meeting times and places, sending statements, and issuing permits on behalf of the Committee.

(Ord. 118409 § 105, 1996; Ord. 117169 § 134, 1994; Ord. 115982 § 1(part), 1991.)

**15.52.030** Powers of Special Events Committee.

The Special Events Committee shall have the power:

A. To interpret and administer this chapter;

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

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

D. To issue special event permits for special events; determine appropriate terms and conditions as contemplated by Section 15.52.040; require, review and approve crowd or traffic control plans; identify the appropriate fee or, if applicable, apply an exemption in Section 15.52.080 or an exclusion in Section 15.52.090; accept a bond, escrow account or letter of credit from a financial institution in lieu of an advance deposit of a fee; work with the applicant and the Police Department to provide security under an approved security plan, and as authorized by Section 15.50.070 E, grant a refund of a fee paid;

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

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

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

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

**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**

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

**15.52.040 Special event permits required.**

A. A special event permit or authorization from the Special Events Committee is required for any event in a park or public place that is reasonably anticipated to require police personnel in order to provide crowd or traffic control. Such special event permit shall be in addition to any street or park use, or other regular permits as may be required by ordinance.

B. To avoid duplication, when a special event permit covers the subject matter to their satisfaction, the Director of Transportation and/or as to parks, park drives, and boulevards, the Superintendent of Parks and Recreation, respectively, may waive issuing a separate use permit or park use permit.

C. When a special event permit is required, no street use permit shall issue under this title, nor shall a park use permit issue pursuant to Title 18 for such an event until the Special Events Committee has issued its special event permit therefor or otherwise authorized the issuance of the departmental permits, unless pursuant to subsection B the Director and/or the Superintendent waive issuance of separate permits.

D. When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberties of applicants and the public.

(Ord. 118409 § 106, 1996; Ord. 117569 § 128, 1995; Ord. 115982 § 1(part), 1991.)

**15.52.050 Conditions authorized.**

The Special Events Committee may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; the implementation of a plan presented by the applicant and approved by the Committee for crowd control; compliance with health and sanitary regulations as explicated by the Seattle-King County Health Department for the event; coordination with the Fire

Department or medical personnel for emergency treatment and evacuation of people who may need immediate care, cardio-pulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways; and, where traffic congestion may be anticipated, encouraging the use of transit and car pooling.

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

(Ord. 115982 § 1(part), 1991.)

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

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

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

1. The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms or conditions contained in the proposed permit;

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

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

In the event subsection 2 or 3, above, applies, the Special Events Committee shall offer the applicant the opportunity to submit an alter-

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native date or place for the proposed event before denying the application.

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

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

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

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

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

(Ord. 115982 § 1(part), 1991.)

**15.52.070 Fees.**

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

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

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

3. The base fee applicable to events in 1993 and each year thereafter shall be revised by the Special Events Committee annually based on changes in the purchasing power of the dollar

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

4. The base fee schedule applies for each day of the event. If any event extends over two (2) or more days and its anticipated attendance varies from day to day, the fee will be calculated

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

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

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

B. Base Fee Schedule per Day of Event.

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

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

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

15.52.070

STREET AND SIDEWALK USE

**Seattle Municipal Code  
July 1999 code update file**

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C. Explanations of Base Fee Schedule.

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

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

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

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

“Public place” is defined in Section 15.02.040.

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

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

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

(Ord. 115982 § 1(part), 1991.)

**15.52.080 Exemptions from fees.**

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

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

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

(Ord. 115982 § 1(part), 1991.)

**15.52.090 Exclusions.**

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

(Ord. 115982 § 1(part), 1991.)

15.52.070

STREET AND SIDEWALK USE

**Seattle Municipal Code**

**July 1999 code update file**

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**Subtitle II Miscellaneous Street Use  
Regulations**

**Chapter 15.60  
CLASSIFICATION OF ROADS AND  
STREETS**

**Sections:**

**15.60.015 Street classification system.**

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

**15.60.015 Street classification system.**

The classification of streets contemplated by RCW 35.78.010 and RCW 47.28.180, adopted by Ordinance 113194 and amended from time to time, and the "Seattle Comprehensive Transportation Program — Street Classification Guidelines" adopted by Resolution 27152, as revised from time to time, are available for inspection and copying at Seattle Transportation, and at the office of the City Clerk, Seattle Municipal Building. (Ord. 118409 § 107, 1996; Ord. 117569 § 129, 1995.)

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

**Sections:**

**15.62.010 Statement of purpose.**

**15.62.020 Petition for vacation.**

**15.62.030 Petition fees.**

**15.62.040 Notice of hearing.**

**15.62.050 Protest.**

**15.62.060 Hearing.**

**15.62.070 Easements for utilities and  
services.**

**15.62.080 Vacation of waterfront streets.**

**15.62.090 Compensation for vacation.**

**15.62.100 Appraisals.**

**15.62.110 Payment of compensation or  
conveyance.**

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

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

**CROWD CONTROL EVENTS 15.52.070**

**15.62.010 Statement of purpose.**

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

(Ord. 109740 § 1(part), 1981.)

**15.62.020 Petition for vacation.**

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

(Ord. 109740 § 1 (part), 1981.)

**15.62.030 Petition fees.**

Every petition for the vacation of any street, alley or public place, or any part thereof, shall be accompanied by an initial payment to the City of a pre-hearing fee of Four Hundred Fifty Dollars (\$450.00) to defray a portion of the administrative costs incurred in processing such vacation petitions. Subsequent fees for post-hearing activities shall be One Hundred Fifty Dollars (\$150.00) for single-family residential zoned land, and Three Hundred Dollars (\$300.00) for all other street vacation petitions. Such fees shall not be refunded under any circumstances. In addition, at the time the City Council, or a committee thereof, recommends granting a vacation petition for single-family residential zoned land, the petitioner shall deposit Six Hundred Dollars (\$600.00) with the Director of Transportation to be applied to the cost of an appraisal. If the land is zoned other than single-family residential or multiple parcels of

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## 15.62.030 STREET AND SIDEWALK USE

land are involved in the vacation, the petitioner shall deposit an amount determined by the Director of Transportation to be the Director's best estimate of the cost of an appraisal of the land. In the event an appraisal cost is less than the amount deposited, the vacation compensation payable to the City shall be reduced by the difference between the deposit and the actual cost or, in the alternative, such difference shall be refunded. In the event an appraisal cost is more than the amount deposited, the vacation compensation payable to the City shall be increased by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be separately billed and paid prior to final approval of the vacation.

(Ord. 118409 § 108, 1996; Ord. 116469 § 1, 1992; Ord. 111436 § 1, 1983; Ord. 110879 § 1, 1982; Ord. 109740 § 1(part), 1981.)

### 15.62.040 Notice of hearing.

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

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

Directory or its successor publications shall be used;

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

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

### 15.62.050 Protest.

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

(Ord. 109740 § 1(part), 1981.)

### 15.62.060 Hearing.

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

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

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

### 15.62.070 Easements for utilities and services.

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

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

### 15.62.080 Vacation of waterfront streets.

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

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

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

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

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

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

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

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

4. Include in its written decision a finding that the street, alley or public place sought to be vacated is not suitable for any of the purposes listed under subsection B2 of this section, and that the vacation is in the public interest.

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

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

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

**15.62.090 Compensation for vacation.**

A. Ordinances vacating any street or alley or part thereof shall not be passed by the City Council until a sum equal to one-half (1/2) of the appraised value of the area vacated is paid to the City, provided that where the area vacated was acquired at public expense, the sum to be paid to the City shall be equal to the full appraised value of the area vacated. State and federal agencies shall be exempt from such payment, but shall pay to the City all costs incurred by the City in processing the vacation request. As contemplated by RCW 35.79.035(3), the full market value shall be paid upon vacation of streets abutting upon bodies of water.

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

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

(Ord. 117569 § 130, 1995; Ord. 113022 § 3, 1986.)

**15.62.100 Appraisals.**

The Director of Transportation is authorized to obtain appraisals from either qualified, independent appraisers or qualified City of Seattle personnel in the discretion of the Engineer of such streets or alleys as are recommended for vacation after hearing by the City Council or a committee thereof, and is further authorized to obtain ap-

## 15.62.100 STREET AND SIDEWALK USE

praisals from either qualified independent real estate appraisers or qualified City of Seattle personnel, in the discretion of the Director of Transportation of the fair market value of the alternate right-of-way of land proposed to be granted or dedicated to the City for street or alley purposes in lieu of a cash payment in the manner contemplated by Section 15.62.090 and in such instance an additional appraisal deposit fee shall be paid for the appraisal of such parcel or parcels, and according to the fee and time schedule provided for in Section 15.62.030. Where qualified City of Seattle personnel are used to make the required appraisals, a reasonable hourly rate of compensation, as determined from time to time by the Director of Transportation shall be charged against the appraisal deposit fee. (Ord. 118409 § 109, 1996: Ord. 109740 § 1(part), 1981.)

### 15.62.110 Payment of compensation or conveyance.

Upon securing an appraisal of the value of the street or alley area to be vacated as provided in this chapter, the Director of Transportation shall notify the petitioner of the amount of compensation, deducting therefrom any remaining appraisal fee deposit not previously refunded to petitioner. The payment shall be delivered to the Director of Transportation who, upon receipt of any such payment shall forthwith transmit the same to the City Finance Director for deposit in the Cumulative Reserve Fund and shall make a written report of such payment to the City Council. In the event that the petitioner has received approval of delivery of an instrument granting or dedicating to the City a parcel or parcels of land in lieu of a cash payment as contemplated by Section 15.62.090, the Director of Transportation, in his or her discretion, at the applicant's expense shall obtain either a policy of title insurance insuring title thereto in the City, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate shall transmit the same to the City Council for inclusion in the appropriate file. (Ord. 118409 § 110, 1996: Ord. 117627 § 3, 1995: Ord. 117242 § 19, 1994: Ord. 113022 § 4, 1986: Ord. 109740 § 1(part), 1981.)

C. The construction of a skybridge for private use or purposes over or above a park drive or boulevard is contrary to City policy.

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

Posting and mailing of the notices provided for in this chapter shall be the responsibility of the City Clerk, who shall have the discretion to permit the Director of Transportation or his/her designee to post and mail the notices under the supervision of the City Clerk. As required by RCW 35.79.030, a certified copy of the ordinance vacating a street, alley or public place, or part thereof, shall be recorded by the City Clerk and in the office of the King County Comptroller. (Ord. 118409 § 111, 1996: Ord. 109740 § 1(part), 1981.)

## Chapter 15.64 SKYBRIDGE PERMITS

### Sections:

15.64.010 Purpose and intent statement.

15.64.020 Petition for skybridge permit.

15.64.030 Director's recommendation.

15.64.040 Preliminary application.

15.64.050 Circulation of preliminary application.

15.64.060 Preliminary conceptual approval.

15.64.065 Council conceptual approval.

15.64.070 Submission of construction plans.

15.64.080 Council consideration of petition.

15.64.090 Conditions imposed on grant of permit.

15.64.100 Inspection; maintenance.

### 15.64.010 Purpose and intent statement.

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

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

(Ord. 117569 § 131, 1995: Ord. 110422 § 1(part), 1982.)

**15.64.020 Petition for skybridge permit.**

Any owner of an interest in real property abutting any street, alley or other public place, as defined in Section 15.02.030 of the Seattle Municipal Code, who desires to construct a pedestrian skybridge over and above the street, alley or other public place, may petition the City Council to grant a special permit for construction, maintenance, and operation of a pedestrian skybridge. The petition shall be filed with the City Clerk. (Ord. 110422 § 1(part), 1982.)

**15.64.030 Director's recommendation.**

The City Council shall refer each application for a skybridge permit to the Director of Transportation for a recommendation. Thereafter, the Director and the City Council shall follow the procedures set forth in SMC Sections 15.64.040, et seq., of this chapter. (Ord. 118369 § 15, 1996: Ord. 115994 § 44, 1991: Ord. 110422 § 1(part), 1982.)

**15.64.040 Preliminary application.**

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

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

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

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

D. Photographs of the location and immediately surrounding area;

E. An environmental checklist as defined by WAC 197-11-742 and WAC 197-11-960 and adopted by SMC Sections 25.05.315 and 25.05.960;

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

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

(Ord. 118409 § 112, 1996: Ord. 117569 § 132, 1995: Ord. 115994 § 45, 1991: Ord. 110422 § 1(part), 1982.)

**15.64.050 Circulation of preliminary application.**

A. The Director of Transportation shall circulate the preliminary application and conceptual

drawings to the Seattle Design Commission, the various interested City departments, and public and private utilities affected by the proposed skybridge for review, comment and recommendation.

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

1. That horizontal and vertical clearance is adequate;

2. That structural adequacy is insured;

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

4. View blockage;

5. Interruption or interference with existing streetscape;

6. Reduction of natural light;

7. Reduction of pedestrian activity at street level;

8. The number of pedestrians projected to use the skybridges;

9. Effect on commerce and enjoyment of neighboring land use;

10. Availability of reasonable alternatives;

11. Effect on traffic and pedestrian safety;

and

12. Accessibility for elderly and handicapped.

(Ord. 118409 § 113, 1996: Ord. 110422 § 1(part), 1982.)

**15.64.060 Preliminary conceptual approval.**

The Director of Transportation shall compile the comments and recommendations of the Seattle Design Commission, the various City departments, Executive Department offices, and utilities and submit them, along with the preliminary application, conceptual drawings and environmental documents, and with the Director's recommendation to approve, deny, or modify the application, to the City Council or a committee thereof, for conceptual approval.

(Ord. 118409 § 114, 1996: Ord. 118369 § 16, 1996: Ord. 115994 § 46, 1991: Ord. 110422 § 1(part), 1982.)

**15.64.065 Council conceptual approval.**

A. The City Council or a committee thereof shall consider the recommendation of the Director and shall include in its consideration those elements set out in SMC Section 15.64.050 B. Upon

#### 15.64.060 STREET AND SIDEWALK USE

completion of consideration of the recommendation of the Director, the City Council shall by resolution approve, deny, or approve with requirements or conditions, the application for conceptual approval of the skybridge.

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

C. No Master Use Permit under Chapter 23.76 of the Seattle Municipal Code shall be issued for a development that includes a proposal for a skybridge or skybridges until the City Council has granted conceptual approval for all proposed skybridges included in the proposed development. (Ord. 118369 § 17, 1996; Ord. 117569 § 133, 1995; Ord. 115994 § 47, 1991; Ord. 110422 § 1(part), 1982.)

#### 15.64.070 Submission of construction plans.

If conceptual approval of the preliminary application is obtained from the City Council, the applicant shall submit construction plans to the Director of Transportation, the Director of Construction and Land Use, and the Seattle Design Commission, for their final review and recommendation to the City Council.

(Ord. 118409 § 115, 1996; Ord. 118369 § 18, 1996; Ord. 115994 § 48, 1991; Ord. 110422 § 1(part), 1982.)

#### 15.64.080 Council consideration of petition.

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

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

C. Approval of a petition for a skybridge and permit shall be granted only by ordinance. (Ord. 118409 § 116, 1996; Ord. 117569 § 134, 1995; Ord. 110422 § 1(part), 1982.)

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

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

(Ord. 110422 § 1(part), 1982.)

#### 15.64.100 Inspection; maintenance.

Skybridges are subject to Chapter 15.76 unless the franchise or authorizing ordinance specifically states otherwise or provides an alternate provision for inspection and protection of the public with the City's costs reimbursed from the permittee.

(Ord. 117569 § 135, 1995.)



**Chapter 15.70  
SIDEWALK CONSTRUCTION**

**Sections:**

**15.70.010 Purpose.**

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

**15.70.030 Notification to construct or reconstruct—When work to be done by Seattle Transportation.**

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

**15.70.010 Purpose.**

This chapter is enacted in order to enable the City to exercise the powers and authority granted by RCW Chapter 35.69 and to provide for the application and enforcement of said Act in this City.

(Ord. 108992 § 3, 1980; Ord. 65482 § 3, 1935.)

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

Whenever a portion, not longer than one (1) block in length, of any street (the word “street” as used in this chapter, includes any boulevard, avenue, street, alley, way, lane, square or place) is not improved by the construction of a sidewalk thereon (the word “sidewalk,” as used in this chapter includes any and all structures or forms of street improvement included in the space between the street margin and the roadway), or the sidewalk thereon has become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion is so improved and in good repair, and the City Council by resolution finds that the improvement of such portion by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion (which term “property directly abutting” or “abutting property,” as used in this chapter, shall be deemed to be all property having a frontage upon the sides or margins of any such portion); provided, that such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of

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fifty percent (50%) of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purpose of general taxation. (Ord. 108992 § 1, 1980; Ord. 65482 § 1, 1935.)

**15.70.030 Notification to construct or reconstruct—When work to be done by Seattle Transportation.**

Whenever the City Council has adopted such resolution, it shall cause a notice to be served on the owner of the property directly abutting on such portion of such street instructing said owner to construct or reconstruct a sidewalk on such portion in accordance with plans and specifications which shall be attached to such notice. Such notice shall be served by delivering it in person to the owner or leaving at his home with a person of suitable age and discretion then resident therein, or with an agent of such owner, authorized to collect rentals on such property, or, if the owner is a nonresident of the state, by mailing a copy to his last known address, or, if the owner is unknown or if his address is unknown, then by posting a copy in a conspicuous place on such portion of said street where such improvement is to be made. Such notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the same within such time, the City will proceed to make the same through Seattle Transportation and at a subsequent date, to be definitely stated in the notice, said department will report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such improvement, the name of the owner, if known, and that the City Council at the time stated in the notice or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the City may proceed to perform the work and shall, within the time fixed in said notice, report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if known. The City Council shall, at the time in such notice designated, or at an

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15.70.030 STREET AND SIDEWALK USE

adjourned time or times, assess the cost of such improvement against the property and shall fix the time and manner for payment thereof, which assessment shall become a lien upon the property and shall be collected in the manner provided by law for collection of local improvements assessments under Title 35 of the Revised Code of Washington.

(Ord. 118409 § 117, 1996; Ord. 108992 § 2, 1980; Ord. 65482 § 2, 1935.)

**Chapter 15.72  
SIDEWALK MAINTENANCE**

**Sections:**

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

**15.72.020 Notice—Information.**

**15.72.030 Notice—Delivery.**

**15.72.040 Work done by Seattle  
Transportation—Report to  
Council.**

**15.72.050 Assessment of costs.**

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

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

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

(Ord. 118409 § 118, 1996; Ord. 115994 § 50, 1991; Ord. 45712 § 1, 1923.)

**15.72.020 Notice—Information.**

The notice provided for in SMC Section 15.72.010 shall specify a reasonable time, to be stated therein, within which such clearing, cleaning, repair or renewal shall be done, and shall state that in case the owner shall fail to do such clearing or cleaning or to make such repairs or renewals within the time therein specified, Seattle Transportation will clear or clean the walk or

make such repairs or renewal forthwith, and will report to the City Council at its next regular meeting, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair, and the name of the owner if known; and that the Council will hear any or all protests against the proposed assessment.

(Ord. 118409 § 119, 1996; Ord. 115994 § 51, 1991; Ord. 45712 § 2, 1923.)

**15.72.030 Notice—Delivery.**

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

(Ord. 45712 § 3, 1923.)

**15.72.040 Work done by Seattle  
Transportation—Report to  
Council.**

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

(Ord. 118409 § 120, 1996; Ord. 115994 § 52, 1991; Ord. 45712 § 4, 1923.)

**15.72.050 Assessment of costs.**

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

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property and shall be collected in the manner provided by law or ordinance for the collection of local improvement assessments.  
(Ord. 45712 § 5, 1923.)

**Chapter 15.76  
INSPECTION OF CERTAIN STRUCTURES  
IN PUBLIC PLACES**

**Sections:**

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

**15.76.020** Inspection costs.

**15.76.030** Chapter not applicable when.

**15.76.050** Barricading of hazards authorized.

**15.76.060** Other protective action.

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

The Director of Transportation may annually, or as often as deemed necessary for the protection of the public safety, inspect or cause to be inspected all bridges, trestles, viaducts, tunnels, grade crossings, skybridges and other structures which have been or may be constructed or installed in, along, over, or across the public places of the City pursuant to ordinance granting any franchise or special permit and required by such ordinance to be maintained by the grantee of any such franchise or special permit. Pursuant to agreement with the Superintendent of Parks and Recreation, the Director of Transportation may also inspect or cause to be inspected such structures in, along, over, or across park drives and boulevards.

(Ord. 118409 § 121, 1996: Ord. 117569 § 138, 1995: Ord. 96715 § 1, 1968.)

**15.76.020** Inspection costs.

The cost of such inspection shall be paid by the grantee of any such franchise or special permit. The Director of Transportation, and/or as to park drives and boulevards, the Superintendent of Parks and Recreation, is authorized to bill for and collect fees in such amounts as are commensurate with the reasonable cost of such inspections.

(Ord. 118409 § 122, 1996: Ord. 117569 § 139, 1995: Ord. 96715 § 2, 1968.)

**15.76.030** Chapter not applicable when.

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

(Ord. 96715 § 3, 1968.)

**15.76.050** Barricading of hazards authorized.

If the inspection authorized in Section 15.76.010 should disclose that there is a hazard to the public safety, health or welfare, then the Director of Transportation, and as to park drives and boulevards, the Superintendent of Parks and Recreation may order that the grantee of the franchise immediately close the structure and set up barricades, warnings, and/or lights to the extent necessary, so as to prevent public access to the area of the hazard in the interest of public safety. If the City incurs an expense in erecting or maintaining barricades, warnings, lights, and/or detours of traffic, the authorizing official shall bill the owner or occupant the cost thereof together with an amount equal to fifteen percent (15%) of such costs to cover administrative charges.

(Ord. 118409 § 123, 1996: Ord. 117569 § 137(part), 1995.)

**15.76.060** Other protective action.

A. If the inspection authorized in Section 15.76.010 should disclose that the structure is not being maintained in accordance with approved plans and specifications, the Director of Transportation, and as to park drives and boulevards, the Superintendent of Parks and Recreation (the "authorizing official") may require that the grantee within ten (10) days present a plan for making the necessary repairs or improvements to bring the structure into as good or better condition than contemplated by the approved plans and specifications; that the plan include time tables for completion of the work, and that the grantee adopt a plan of regular maintenance and repair.

15.76.060 STREET AND SIDEWALK USE

B. If the inspection should disclose that the structure endangers persons in the public place (whether through a collapse, dropping of materials, channelizing water or debris, or subsidence of the surface of the public place) or that the structure does not meet applicable standards of the Building and Construction Code (Title 23), the authorizing official may direct that the grantee at his or her expense make immediate repairs to correct the hazard to the public place and to bring the structure into conformity with applicable City codes. The authorizing official, in consultation with the Director of Construction and Land Use, may set a reasonable deadline for the grantee to complete the necessary repairs or removal of the structure.

C. Should the grantee fail to make satisfactory progress toward remedying a hazard to the public health, safety, or welfare or a reasonable time elapse after notice to the grantee to make such repairs, the Director of Transportation or the Superintendent of Parks and Recreation, as to park drives and boulevards, may enter upon the property and take such actions as deemed necessary to protect the public from the hazard; and the owner or grantee shall be liable to the City for the costs thereof together with an amount equal to fifteen percent (15%) of such costs to cover the City's administrative expenses.

D. In the event a franchise ordinance provides an alternative procedure for remedying a hazard to the public health, safety or welfare, from such structures, the procedure in the franchise ordinance shall be followed.

(Ord. 118409 § 124, 1996; Ord. 117569 § 137(part), 1995.)

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INSPECTION OF CERTAIN STRUCTURES IN PUBLIC PLACES

15.76.060

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Appendix I to Title 15

Description of Park Drives and Boulevards

(Developed roadways across park property are shown in brackets.)

Editor's Note: This appendix is set out in an attachment to Ordinance 117569.

**ALASKAN WAY** — The westerly 20 feet of **Alaskan Way** from the northerly margin of University Street to a point approximately 136 feet south of Vacated Virginia Street.

**BALLARD PARKWAY** — Beginning at the intersection of 2nd Avenue Northwest and Northwest 56th Street; thence east along **Northwest 56th Street** to Palatine Place North; thence northeasterly along **Palatine Place North** to Northeast 57th Street; thence easterly along **North 57th Street** to Phinney Avenue North.

**CHEASTY BOULEVARD** — Beginning at Beacon Avenue South north of South Alaska Street; thence northeasterly along **Cheasty Boulevard South**, bordering Jefferson Park to 24th Place South; thence northerly along **Cheasty Boulevard South** to South Winthrop Street; thence east along **South Winthrop Street** to Martin Luther King Jr. Way South.

**CONDON WAY WEST** — From West Blaine Street to West McGraw Street (Median and triangle only).

**EAST DENNY BLAINE PLACE** - A circular roadway east of Lake Washington Boulevard East within Denny-Blaine Park.

**SOUTH HORTON STREET (AKA HORTON HILL CORRIDOR)** — **South Horton Street** from 36th Avenue South to 37th Place South.

**HUNTER BOULEVARD** — Beginning at the intersection of South Spokane Street and 38th Avenue South; thence north along **Hunter Boulevard South** to South Hanford Street (median only).

**LAKE WASHINGTON BOULEVARD** — Northerly along **Lake Washington Boulevard South**, beginning at the east end of South Juneau

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Street (at the entrance of Seward Park) and continuing to the south margin of South College Street;

[thence across Colman Park];

thence northerly along **Lake Washington Boulevard South** from Colman Park (180 feet south of South Massachusetts Street) to Frink Park (100 feet north of South Lane Street);

[thence across Frink and Leschi Parks to East Yesler Street];

thence northeasterly along **Lake Washington Boulevard** from East Yesler Street to Lakeside Avenue and continuing northerly along **Lake Washington Boulevard** to East Olive Street;

thence northerly along **Lake Washington Boulevard** from East Olive Street to East Howell Street; thence northerly along **Lake Washington Boulevard East** from East Howell Street to McGilvra Boulevard East;

[thence northwesterly across Lake View Park from McGilvra Boulevard East to East Harrison Street];

thence northwesterly along **Lake Washington Boulevard East** from East Harrison Street to East Madison Street;

thence across Washington Park to 26th Avenue East;

thence northerly along **Lake Washington Boulevard East** (the extension of 26th Avenue East) to East Lake Washington Boulevard;

thence westerly along **East Lake Washington Boulevard** to East Montlake Place.

**LAKESIDE AVENUE SOUTH** — From the north margin of South Main Street to the north line of Leschi park (AKA the production east of the north margin of South Yesler Street).

**LYNN STREET-END PARK (AKA LYNN STREET PARK)** — **East Lynn Street** west of Fairview Avenue East.

**MAGNOLIA BOULEVARD** — Beginning at West Emerson Street and Magnolia Boulevard West;

thence southwesterly and southerly along **Magnolia Boulevard West** from West Emerson Street to West Montfort Place;

thence southerly along **Magnolia Boulevard West** from West Montfort Place to 34th Court West and continuing northerly to the west end of the West Howe Street;

thence easterly along **West Howe Street** to Clise Place West (except bridge structure);

[thence southerly across Magnolia Park property from West Howe Street to 29th Avenue West];

thence west along **West Galer Street** from 29th Avenue West to Magnolia Way West;

thence northerly along **Magnolia Way West** and across Park property to Thorndyke Avenue West at West Howe Street.

**MCGILVRA BOULEVARD** — **McGilvra Boulevard East** from 38th Avenue East to East Prospect Street (median only).

**MONTLAKE BOULEVARD** — **Montlake Boulevard East** from East Shelby Street to SR-520 Freeway (median only).

**MOUNT BAKER BOULEVARD** — East and northeasterly along **South Mount Baker Boulevard** from Rainier Avenue South to South McClellan Street.

**NEWTON STREET-END PARK (AKA TERRY PETTUS PARK)** — **East Newton Street** west of Fairview Avenue East.

**PUGET BOULEVARD** — **Puget Boulevard Southwest** from the alley west of 26th Avenue Southwest to 16th Avenue Southwest, except the street crossings for 21st Avenue Southwest, Delridge Way Southwest, and 26th Avenue Southwest.

**QUEEN ANNE BOULEVARD** (A continuous path comprised of the following streets.) — Beginning at Bigelow Avenue North and Prospect Street;

thence northeasterly and northerly along **Bigelow Avenue North** from Prospect Street to Wheeler Street;

thence west along **Wheeler Street** from Bigelow Avenue North to Nob Hill Avenue North;

thence south along **Nob Hill Avenue North** from Wheeler Street to McGraw Street;

thence west along **McGraw Street** from Nob Hill Avenue North to 2nd Avenue North (except bridge structure);

thence northwest along **McGraw Place** from 2nd Avenue North to Warren Avenue North;

thence west along **Smith Street** from Warren Avenue North to Queen Anne Avenue North;

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thence west along **West Smith Street** from Queen Anne Avenue North to West McGraw Place; thence southwesterly along **West McGraw Place** to West McGraw Street; thence west along **West McGraw Street** from 2nd Avenue West to 3rd Avenue West (West McGraw Place); thence northwest along **West McGraw Place** from 3rd Avenue West to 5th Avenue West; thence north along **5th Avenue West** from West McGraw Place to West Raye Street; thence west along **West Raye Street** from 5th Avenue West to 8th Avenue West; thence north along **8th Avenue West** from West Raye Street to West Fulton Street; thence west along **West Fulton Street** from 8th Avenue West to 10th Avenue West; thence south along **10th Avenue West** from West Fulton Street to West Wheeler Street; thence east along **West Wheeler Street** from 10th Avenue West to 8th Avenue West; thence south along **8th Avenue West** from West Wheeler Street to West McGraw Street; thence east along **West McGraw Street** from 8th Avenue West to 7th Avenue West; thence south along **7th Avenue West** from West McGraw Street to West Blaine Street; thence west along the upper roadway of **West Blaine Street** from 7th Avenue West to 8th Avenue West; thence south along the upper roadway of **8th Avenue West** from West Blaine Street to West Galer Street and continuing south and southeasterly along the upper roadway of **8th Place West** to West Highland Drive; and **West Highland Drive** from 8th Place West to 7th Avenue West.

**RAVENNA BOULEVARD** — **Northeast Ravenna Boulevard** from East Green Lake Way North to Ravenna Avenue Northeast (median only).

**ROANOKE STREET-END PARK (AKA ROANOKE STREET PARK)** — **East Roanoke Street** west of Fairview Avenue East.

**SCHMITZ BOULEVARD** — **Southwest Stevens Street** from beneath the Admiral Way Southwest bridge (Schmitz Park) to 58th Avenue Southwest (Alki Playfield).

**SOUND VIEW TERRACE** — The landscaped portion of **11th Avenue West** at West Wheeler Street.

**TILIKUM PLACE** — The landscaped portion of **Cedar Street** bounded by the southeasterly margin thereof, the east curb line of 5th Avenue North extended south and southwesterly the curb line of 5th Avenue.

**VOLUNTEER PARKWAY** — **14th Avenue East** from East Prospect Street to approximately 100 feet south of Roy Street;

**East Roy Street** from 14th Avenue East to approximately 90 feet east thereof;

**East Valley Street** from 14th Avenue East to approximately 90 feet east thereof;

**East Aloha Street** from 14th Avenue East to approximately 90 feet east thereof and 120 feet west thereof;

**East Ward Street** from 14th Avenue East to approximately 90 feet east thereof; and

**East Prospect Street** from 14th Avenue East to approximately 90 feet east and 100 feet west thereof.

**3RD AVENUE WEST STREET-END PARK (AKA EWING STREET PARK)** — 3rd Avenue West north of West Ewing Street.

**17TH AVENUE NORTHEAST** — from **Northeast 45th Street to Northeast Ravenna Boulevard** (median only).

**\* NAMED AND UN-NAMED ROADWAYS, STREETS, WALKS, ETC. WITHIN PARK PROPERTY.** Streets and roadways within City parks are under the jurisdiction of the Department of Parks and Recreation as provided under Seattle Municipal Code Ch. 18.12 and Ordinance 106615. Examples of such streets are as follows but not limited to: Interlaken Boulevard in Interlaken Park, portions of Lake Washington Boulevard within Washington Park, Lake Washington Boulevard within Madrona Park, Lake Washington Boulevard, Lake Washington Boulevard South, South Frink Place within Leschi Park and Frink Park, Lake Washington Boulevard South within Colman Park, Puget Boulevard within Puget Park, 43rd Avenue East within Madison Park, Schmitz Boulevard and Southwest Stevens Street with Schmitz Park, Lakeside Ave-

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nue South in Leschi Park, Northwest Carkeek Park Drive within Carkeek Park and various streets, walks, etc. within Golden Gardens Park, Discovery Park, Viretta Park and other City parks.

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**Appendix II to Title 15**

**Corresponding Maps of  
Park Drives and Boulevards**

Editor's Note: This appendix is set out in an attachment to Ordinance 117569.

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ALASKAN WAY

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**BALLARD PARKWAY**

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**CHEASTY BOULEVARD**

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CONDON WAY WEST  
(median and triangle only)

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EAST DENNY BLAINE PLACE

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HORTON HILL CORRIDOR

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HUNTER BOULEVARD  
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**LAKE WASHINGTON BOULEVARD, Sht. 1**

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**LAKE WASHINGTON BOULEVARD, Sht. 2**

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**LAKE WASHINGTON BOULEVARD, Sht. 3**

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**LAKE WASHINGTON BOULEVARD, Sht. 4**

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LAKESIDE AVENUE SOUTH

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LYNN STREET-END PARK

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**MAGNOLIA BOULEVARD**

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MCGILVRA BOULEVARD

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MONTLAKE BOULEVARD

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MOUNT BAKER BOULEVARD

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NEWTON STREET-END PARK

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**PUGET BOULEVARD**

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**QUEEN ANNE BOULEVARD**

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RAVENNA BOULEVARD  
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**ROANOKE STREET-END PARK**

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SCHMITZ BOULEVARD

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SOUND VIEW TERRACE

(Seattle 9-95)

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15-108

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TILIKUM PLACE  
(AKA TILLICUM PLACE AND CHIEF SEATTLE PARK)

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15-109

(Seattle 9-95)

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VIRETTA RIGHT-OF-WAY

(Seattle 9-95)

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15-110

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VOLUNTEER PARKWAY

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15-111

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17TH AVENUE NORTHEAST  
(median only)

Print quality of this map is the best available at time of publication.

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(Seattle 9-95)

15-112