

and safety in the operation of potable hot water supply systems.
(Ord. 118396 § 70, 1996; Ord. 103095 § 7(a), 1974.)

21.08.230 **Unscheduled inspections.**

Unscheduled inspections may be held whenever and as often as the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities deem appropriate to protect the public health. The inspections include inspection of equipment, examination of pipes, and the taking of chemical samples from, or making of tests with, water from taps used by consumers.

(Ord. 118396 § 71, 1996; Ord. 103095 § 7(b), 1974.)

21.08.240 **Right of entry.**

The Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities, and their authorized representatives, may enter any building or premises to perform their duties under this chapter at any reasonable time with the consent of the occupant, of the permit holder, or of the licensed steam engineer responsible for maintaining the anticorrosion chemical feeding equipment; or without such consent pursuant to a warrant issued therefor, or in response to a hazard to health or safety requiring emergency action.

(Ord. 118396 § 72, 1996; Ord. 103095 § 7(c), 1974.)

21.08.250 **Enforcement authority.**

To enforce this chapter and the rules and regulations implementing it, the Director of the Seattle-King County Department of Public Health and/or the Director of Seattle Public Utilities may, among other remedial actions, issue notices, directives, and stop orders as provided in Sections 21.08.260, 21.08.270 and 21.08.280; and the Director of the Seattle-King County Department of Public Health, at the request of the Director of Seattle Public Utilities or without such request, may if he deems appropriate, suspend permits issued or revoke the same, as provided in Sections 21.08.290 through 21.08.330. Such remedial actions may be taken independently of or concurrently with each other, unless clearly inconsistent.
(Ord. 118396 § 73, 1996; Ord. 103095 § 8(a), 1974.)

21.08.260 **Notice of violation and/or corrective action.**

A notice describing a violation and/or corrective action required, shall be issued whenever an inspection shows a violation of this chapter or the rules and regulations implementing it, or a need to discontinue a practice or take corrective action in order to prevent or arrest development of an unhealthy condition. Notices shall be served on the permit holder or the licensed steam engineer responsible for maintenance and a reasonable time shall be allowed for compliance therewith.

(Ord. 103095 § 8(b), 1974.)

21.08.270 **Directive for correction of violation.**

The Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities may issue a directive for immediate correction whenever a violation or violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit, have created or threaten to create an unsanitary or hazardous condition requiring immediate correction. The directive shall set forth the violation or violations found, or conditions deemed unsanitary or hazardous; specify the corrective action to be taken; set a time by which the action must be taken or the violations corrected; inform the permit holder that a hearing and review will be provided thereon should a request therefor be filed within five (5) days; and give notice that noncompliance may result in issuance of a stop order and/or suspension or revocation of the permit. Directives shall be served on the permit holder or the licensed steam engineer responsible for maintenance of the anticorrosion chemical feeding equipment and shall be posted on the premises.

(Ord. 118396 § 74, 1996; Ord. 103095 § 8(c), 1974.)

21.08.280 **Stop orders.**

When upon discovery of an unsanitary or hazardous condition, the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities reasonably believes that continuation of chemical treatment or further use of the hot water supply may have harmful effects upon users or subject users to risk of harm, the Director of the Seattle-King County Department of Public Health

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and/or Director of Seattle Public Utilities may, with or without notice, issue a stop order requiring cessation of use of the anticorrosion chemical feeding equipment, or of anticorrosion chemicals, and/or suspending water service to the premises. Stop orders shall be served on the permit holder as soon as practicable and shall be posted on the premises.

(Ord. 118396 § 75, 1996; Ord. 103095 § 8(d), 1974.)

21.08.290 Permit—Reasons for suspension.

Permits may be suspended by the Director of the Seattle-King County Department of Public Health for any of the following reasons:

A. Failure to comply with or violation of:

1. This chapter,
2. The rules and regulations implementing it,
3. The terms and conditions of the permit,
4. A notice to correct a condition. take an action, follow a procedure, or discontinue a practice, which has been issued pursuant to Section 21.08.260 and a reasonable time for compliance has elapsed,

5. A directive or stop order, issued as provided in Sections 21.08.270 or 21.08.280;

B. Any cause for which a permit may be revoked;

C. Maintenance of incomplete or inaccurate records;

D. Denial of entry to conduct an inspection; and/or

E. To protect users of the potable hot water supply from harm through unsanitary or hazardous conditions then existing.

(Ord. 118396 § 76, 1996; Ord. 103095 § 9(a), 1974.)

21.08.300 Permit suspension—Notice.

A permit may be suspended effective immediately when accompanied by a stop order or preceded by a directive that has not been complied with; otherwise, the permit holder shall be given ten (10) days' notice that a suspension is contemplated, and the reasons therefor, and informed that an opportunity for review and hearing will be afforded as provided in Sections 21.08.340, 21.08.350 and 21.08.360.

(Ord. 103095 § 9(b), 1974.)

21.08.310 Permit suspension—Effect.

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Upon suspension of the permit use of the anticorrosion chemical feeding equipment shall cease, and no anticorrosion chemicals may thereupon be introduced into the potable hot water supply.

(Ord. 103095 § 9(c), 1974.)

21.08.320 Reinstatement of permit.

Any person whose permit to operate has been suspended may apply in writing for reinstatement of the permit after correcting the condition or removing the cause for the suspension. The Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities, or their authorized representatives, shall inspect the anticorrosion chemical feeding equipment, appurtenances, and connection described in the permit within five (5) days thereafter. Unless permit revocation proceedings are in progress, the permit shall be reinstated if the inspection shows a compliance with the provisions of this chapter, the rules and regulations implementing it, and of the permit, and that the conditions or causes for suspension of the permit have been corrected.

(Ord. 118396 § 77, 1996; Ord. 103095 § 9(d), 1974.)

21.08.330 Revocation of permits.

Permits may be revoked by the Director of the Seattle-King County Department of Public Health upon any of the following grounds:

A. Serious or repeated violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit;

B. Interference with the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities in the performance of their duties;

C. Failure to comply with any lawful order of the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities; or

D. Operation or use of anticorrosion chemical feeding equipment during a period when the permit is suspended.

(Ord. 118396 § 78, 1996; Ord. 103095 § 10, 1974.)

21.08.340 Request for review of notice, directive, stop order or suspension.

A party feeling aggrieved by any notice, directive, stop order, suspension or threatened suspension of a permit may seek review by filing a written request with the Director of the Seattle-King County Department of Public Health within ten (10) days after service or posting, whichever is later.

(Ord. 118396 § 79, 1996; Ord. 103095 § 11(a), 1974.)

21.08.350 Department review.

When the action of the Director of the Seattle-King County Department of Public Health or Director of Seattle Public Utilities under review allows use of the anticorrosion chemical feeding equipment to continue or would permit its resumption of use upon correction of specified conditions, discontinuance of specified actions, or compliance with specified directions, the Director of the Seattle-King County Department of Public Health shall assume jurisdiction, set a hearing thereon within five (5) days unless the parties mutually agree upon a delay thereof, and if not hearing the matter personally, appoint as the presiding officer an official, who has no prior involvement in the matter under review. The presiding officer may provide for interim relief pending the hearing; shall conduct the hearing in a manner allowing the parties to present evidence, to cross-examine witnesses, and to make argument, and may personally inspect the equipment and premises and on the evidence presented, may affirm, dissolve, or modify the action under review.

(Ord. 118396 § 80, 1996; Ord. 103095 § 11(b), 1974.)

21.08.360 Hearing for revocation of permit.

Notice shall be given and hearings for revocation of permits shall be conducted in the manner provided for contested cases in the Administrative Code (Ordinance 102228)¹ by the Director of the Seattle-King County Department of Public Health or by a Hearing Examiner appointed by him to make a recommended decision.

(Ord. 118396 § 81, 1996; Ord. 103095 § 11(c), 1974.)

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

21.08.370 Applicability of chapter.

This chapter shall apply to all installation, and operation and maintenance of anticorrosion chemical feeding equipment and to introduction of anticorrosion chemicals into the hot water supply, provided it shall not make unlawful any heretofore lawful anticorrosion chemical feeding equipment, which is maintained and operated in compliance with this chapter, unless the Director of the Seattle-King County Department of Public Health shall find that such equipment or system is dangerous or insanitary or its continued use may cause harm to users.

(Ord. 118396 § 82, 1996; Ord. 103095 § 12, 1974.)

1. Editor's Note: Ord. 103095 became effective on March 27, 1974.

21.08.380 Violation—Penalty.

Anyone violating or failing to comply with any of the provisions of this chapter upon conviction thereof shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment, and each day that anyone shall continue to so violate or fail to comply shall be considered a separate offense.

(Ord. 103095 § 13, 1974.)

Chapter 21.12**MISCELLANEOUS PROVISIONS****Sections:**

21.12.010 Notice of cut-off of water supply—To Chief of Fire Department.

21.12.020 Notice of cut-off of water supply—Publication in official newspaper.

21.12.040 Rates for certain water consumers in Newhalem community.

21.12.050 Tolt River South Fork Watershed—City jurisdiction—Permit for use.

21.12.060 Cedar River Watershed—Designated—Permit for use.

21.12.010 UTILITIES

21.12.070 Surcharge for water customers in Richmond Beach Area.

21.12.080 Surcharge for water customers in Water District No. 61, King County.

21.12.010 Notice of cut-off of water supply—To Chief of Fire Department.

Whenever the water supply in any portion of the City is about to be cut off, the Director of Seattle Public Utilities shall cause notice to be given to the Chief of the Fire Department of the same, designating the portions of the City from which the water is so cut off together with a statement of the probable length of time during which such cut-off will continue, and when the same shall be again turned on.

(Ord. 118396 § 83, 1996: Ord.2532 § 2, 1893.)

21.12.020 Notice of cut-off of water supply—Publication in official newspaper.

Before allowing the water supply to be cut off from any portion of the City, the Director of Seattle Public Utilities shall give at least twenty-four (24) hours' notice of the intended cutting off by publishing notice thereof in the City official newspapers, designating the portions of the City affected by such cutting off and the probable length of time that the same will continue, and no cutting off of water shall be made except after such notice; provided, that in case of accident or emergency which will not permit such notice, the water may be cut off immediately without notice, that if the same is not turned on within twenty-four (24) hours, a notice shall be published in the City official newspapers stating the portions of the City affected by such cutting off and the probable length of time that the same will continue.

(Ord. 118396 § 84, 1996: Ord. 2532 § 3, 1893.)

21.12.040 Rates for certain water consumers in Newhalem community.¹

The schedule of rates to all water consumers from the City's system in the Newhalem community other than Lighting Department facilities or employees, shall be as follows:

Service Size	Monthly Volume Base	Monthly Minimum Charge
3/4 inch	300 cu. ft.	\$ 2.25
1 inch	600 cu. ft.	2.90
1 1/2 inch	1200 cu. ft.	4.25
2 inch	2000 cu. ft.	6.00
3 inch	3400 cu. ft.	9.20
4 inch	4900 cu. ft.	12.60
6 inch	7100 cu. ft.	17.55

Each 100 cu. ft. over volume base to 30,000 cu. ft. at

Each 100 cu. ft. after 30,000 cu. ft. \$0.15.

(Ord. 101870 § 2, 1973.)

1.Editor's Note: Revenues collected pursuant to this section are deposited in the Lighting Fund.

21.12.050 Tolt River South Fork Watershed—City jurisdiction—Permit for use.

A. To protect that portion of the City's water supply to be derived from the Tolt River South Fork Watershed from contamination, the City exercises authority and jurisdiction over the drainage area of said watershed more particularly described as follows:

North 1/2 of Sections 1, 2 and 3, Township 25 North, Range 9 East, W. M.;

NE 1/4 of the NE 1/4; W 1/2 of the NE 1/4; and the NW 1/4, all in Section 4, Township 25 North, Range 9 East, W. M.;

NE 1/4 and the E 1/2 of the NW 1/4, all in Section 5, Township 25 North, Range 9 East, W.M.;

Gov. Lots 2 thru 4, both inclusive, Section 4, Township 25 North, Range 10 East, W. M.;

Gov. Lots 1 thru 4, both inclusive, Section 5, Township 25 North, Range 10 East, W. M.;

Gov. Lots 1 thru 5, both inclusive and Gov. Lot 12; E 1/2 of the NW 1/4; W 1/2 of the NE 1/4; NE 1/4 of the NE 1/4, all in Section 6, Township 25 North, Range 10 East, W. M.;

S 1/2 of the S 1/2 of Section 20, Township 26 North, Range 9 East, W. M.;

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NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; S $\frac{1}{2}$ of the SW $\frac{1}{4}$; S $\frac{1}{2}$ of SE $\frac{1}{4}$, all in Section 21, Township 26 North, Range 9 East, W. M.;

S $\frac{1}{2}$ of the SW $\frac{1}{4}$; S $\frac{1}{2}$ of the SE $\frac{1}{4}$; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 22, Township 26 North, Range 9 East, W. M.;

S $\frac{1}{2}$ of Section 23, Township 26 North, Range 9 East, W. M.;

S $\frac{1}{2}$ of Section 24, Township 26 North, Range 9 East, W. M.;

Sections 25, 26, 27 and 29, all in Township 26 North, Range 9 East, W. M.;

E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 30, Township 26 North, Range 9 East, W. M.;

SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 31, Township 26 North, Range 9 East, W. M.;

Sections 32, 33, 34, 35 and 36, all in Township 26 North, Range 9 East, W. M.;

S $\frac{1}{2}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$, all in Section 28, Township 26 North, Range 10 East, W.M.;

S $\frac{1}{2}$ of the N $\frac{1}{2}$; S $\frac{1}{2}$, all in Section 29, Township 26 North, Range 10 East, W. M.;

S $\frac{1}{2}$ of the N $\frac{1}{2}$; S $\frac{1}{2}$, all in Section 30, Township 26 North, Range 10 East, W. M.;

Sections 31 and 32, all in Township 26 North, Range 10 East, W. M.;

Section 33, except the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Township 26 North, Range 10 East, W.M.;

SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 28, Township 26 North, Range 8 East, W.M.;

N 330 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; N 330 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; N 990 feet of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; N 990 feet of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; N 750 feet of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 33, Township 26 North, Range 8 East, W. M.;

including all of the property occupied by the works, rivers, systems, springs, branches and pipes and all lakes, rivers, springs, streams, creeks or tributaries therein and all the property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries, as contemplated by the laws of the state and the rules and regulations of the State Board of Health.

B. To further the purposes of subsection A, no one shall enter the Tolt River South Fork Watershed as described in subsection A without first having obtained a written permit from the Director of Seattle Public Utilities of the City, which permit shall state the terms and conditions upon which it is issued and shall state all activities, if any, which may be engaged in within the watershed by the permittee. All such permits shall be issued subject to the laws of the state and the rules and regulations relating to the protection of sources of public water supply from contamination as may be adopted by the State Board of Health, and upon the breach of any of the terms or conditions, or upon misuse or unlawful use of the permit, the same may be revoked by the Director of Seattle Public Utilities.

(Ord. 118396 § 85, 1996: Ord. 90169 §§ 1 and 2, 1961.)

21.12.060 Cedar River

Watershed—Designated—Permit for use.

A. For the protection and security of the municipal water supply system, the following area is declared to be “The Cedar River Watershed”:

CEDAR RIVER AREA

The north half and southeast quarter of Section One, and northeast quarter of northeast quarter of Section Twelve, in Township Twenty-one North, Range Seven East W. M.

North half of northeast quarter and northwest quarter of Section One; north half and southwest quarter of Section Two; all of Section Four except south half of southeast quarter; north half and northeast quarter of southwest quarter and southeast quarter of Section Seven; north half and southwest quarter of Section Eight; northwest quarter of northwest quarter of Section Nine; north half of north half of Section Ten; northwest quarter of northwest quarter of Section Eleven; all of Sections Three, Five and

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Six, in Township Twenty-one North, Range Eight East W.M.

North half of Section Seven; north half and southeast quarter of Section Eight; north half and southeast quarter of Section Fifteen; north half of Section Sixteen; northeast quarter and east half of northwest quarter of Section Twenty-two; north half, and northeast quarter of southwest quarter, and northwest quarter of southeast quarter, of Section Twenty-three; northwest quarter of Section Twenty-four; all of Sections One, Two, Three, Four, Five, Six, Nine, Ten, Eleven, Twelve, Thirteen, and Fourteen, Township Twenty-one North, Range Nine East W. M.

Northeast quarter and northeast quarter of northwest quarter of Section Nineteen; north half and southeast quarter of Section Twenty; north half of north half and southeast quarter of northeast quarter, of Section Twenty-six; north half of north half of Section Twenty-seven; north half of north half of Section Twenty-eight; north half of north half of Section Thirty-six; all of Sections One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty-one, Twenty-two, Twenty-three, Twenty-four and Twenty-five, in Township Twenty-one North, Range Ten East W. M.

West half of northwest quarter and southwest quarter of Section Five; west half of Section Eight; northwest quarter of northwest quarter of Section Seventeen; west half and west half of southeast quarter of Section Nineteen; northwest quarter of northeast quarter, northwest quarter, and west half of southwest quarter, of Section Thirty; all of Sections Six, Seven, and Eighteen, in Township Twenty-one North, Range Eleven East W.M.

North half of northeast quarter and southeast quarter of Section Four; east half, southeast quarter of northwest quarter, and northeast quarter of southwest quarter of Section Eight; south half of northeast quarter, east half of southwest quarter, and southeast quarter of Section Eighteen; northeast quarter, east half of northwest quarter, and southeast quarter of Section Nineteen; north half and southeast quarter of Section Twenty-nine; northeast quarter and northeast quarter of northwest quarter of Section Thirty-three; north half and north half of southeast quarter of Section

Thirty-four; all of Section Thirty-five except the southwest quarter of the southwest quarter thereof; all of Sections One, Two, Three, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Thirty-six, in Township Twenty-two North, Range Seven East W. M.

Northeast quarter and south half of Section One, south half of south half of Section Two; south half of Section Three; all of Section Four except the north half of northeast quarter thereof; all of Section Thirty except west half of west half thereof; all of Section Thirty-one except west half of west half thereof; all of Sections Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty-two, Thirty-three, Thirty-four, Thirty-five and Thirty-six, in Township Twenty-two North, Range Eight East W. M.

Southwest quarter of southeast quarter and southwest quarter of Section Five; south half of Section Nine; south half of south half of Section Ten; southwest quarter of southwest quarter of Section Eleven; west half and southwest quarter of southeast quarter of Section Fourteen; west half of northwest quarter and south half of Section Twenty-four; all of Sections Six, Seven, Eight, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five and Thirty-six, in Township Twenty-two North, Range Nine East W. M.

South half of south half of Section Nineteen; south half of southwest quarter, southwest quarter of southeast quarter of Section Twenty-seven; southwest quarter and south half of southeast quarter of Section Twenty-eight; south half of north half and south half of Section Twenty-nine; all of Section Thirty-five except north half of north half thereof; all of Sections Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four and Thirty-six, in

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Township Twenty-two North, Range Ten East W. M.
 Southwest quarter of Section Thirty-one, Township Twenty-two North, Range Eleven East W. M.
 South half and south half of north half of Section Twenty-seven; south half of northeast quarter and southeast quarter of Section Twenty-eight; east half Section Thirty-three; all of Section Thirty-five except northeast quarter of northeast quarter thereof; south half of southwest quarter of Section Thirty-six; all of Section Thirty-four, in Township Twenty-three North, Range Seven East W. M.
 Southeast quarter of northeast quarter and southeast quarter of Section Thirty-one; all of Section Thirty-two, except northwest quarter of northwest quarter thereof; west half of Section Thirty-three, in Township Twenty-three North, Range Eight East W. M.
 South half of south half of Section Thirty-one, Township Twenty-three North, Range Nine East W. M.

LAKE YOUNGS AREA

The south half of Section Thirty-five; the west half of the southwest quarter and the west half of the southeast quarter of the southwest quarter of Section Thirty-six; all in Township Twenty-three North, Range Five East W. M.
 Lots Three, Four, Five, Six, Seven, Eight and Nine; the southwest quarter of northeast quarter; the west half of the southeast quarter of the northeast quarter; and the east half of the southeast quarter of Section One; all of Section Two; Lots One, Two, Three, Four, Five, Six and Seven; the west half of the northwest quarter of Section Eleven; and the southeast quarter of the northwest quarter of Section Eleven; the north half of the northeast quarter; the west half of the southwest quarter, the southeast quarter of the northwest quarter; the northeast quarter of the southwest quarter; and Lots One and Two in Section Twelve, all in Township Twenty-two North, Range Five East W. M.
 Lots Six and Seven, in Section Six, and Lot One, in Section Seven, Township Twenty-two North, Range Six East W. M.

including all the property occupied by the works, rivers, systems, springs, branches and pipes and

all the lakes, rivers, springs, streams, creeks or tributaries therein and all property within the areas draining into such lakes, rivers, springs, streams, creeks or tributaries.

B. The Director of Seattle Public Utilities shall in connection with the supervision, management and control of the municipal water supply system and for the protection of the purity of the water supply, exercise exclusive control of all access to and activities within the Cedar River Watershed and the issuance of permits therefor in his discretion, subject to such rules and regulations as may be promulgated by the Director of the Seattle-King County Department of Public Health or the Director of Health of the state. Any such permit may be revoked by the Director of Seattle Public Utilities for violation of any condition thereof or of any such rules or regulations. (Ord. 118396 § 86, 1996; Ord. 73528 §§ 1 and 2, 1944.)

21.12.070 Surcharge for water customers in Richmond Beach Area.

In connection with the acquisition and improvement by the City of the properties and assets of the Richmond Beach Water Company in the Richmond Beach area as generally contemplated in C.F. 267198 and in order to pay for the cost of such acquisition and for the cost of improvements, the following schedule of surcharges:

Meter Size	Monthly Surcharge
¾ inch	\$ 3.50
1 inch	3.50
1½ inch	8.00
2 inch	14.00
3 inch	31.50
4 inch	56.00
6 inch	126.00

in addition to the rates and charges otherwise applicable to all customers in the following described area:

Those portions of Sections 1 and 2, Township 26 North, Range 3 East, W. M., described as follows:

Beginning at the intersection of the centerline of NW 205th St., being the north line of Sec. 2, T 26 N, R 3 E, W. M., and the west margin of 15th Ave., NW, thence south along said west

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margin to the north line of the NE 1/4 of the SE 1/4 of said Sec. 2; thence east along said north line and continuing east along the north line of the NW 1/4 of the SW 1/4 of Sec. 1, T 26 N, R 3 E, W. M. to the northeast corner of said NW 1/4 of the SW 1/4; thence south along the east line of said NW 1/4 of the SW 1/4 to the southeast corner of said NW 1/4 of the SW 1/4; thence west along the south line of said NW 1/4 of the SW 1/4 and continuing west along the south line of the north 1/2 of the south 1/2 of Sec. 2, T 26 N, R 3 E, W. M., to the east shore of Puget Sound; thence northerly along said east shore to the north line of said Sec. 2; thence east along said north line to the west margin of 15th Ave. NW, and the point of beginning.

The W 1/2 of the NW 1/4 of the NW 1/4, Section 1, Twp. 26N, R 3 E, W. M. except the plat of Michele Park No. 2 (Vol. 78 of Plats, P. 38) and except any portion of the plats of Michele Park No. 3 (Vol. 79 of Plats, P. 52) and of Crestmont North (Vol. 84 of Plats, P. 90) lying within said W 1/2.

The SW 1/4 of the NW 1/4, Section 1, Twp. 26N, R 3 E, W. M. except the east 350 ft. thereof, and except any portions of the plats of Crestmont North (Vol. 84 of Plats, P. 90) and of Olympic North (Vol. 93 of Plats, P. 75) lying within said SW 1/4.

is imposed as of the effective date of the acquisition of the properties and assets of the Richmond Beach Water Company by the City, but not later than September 15, 1970, and such surcharges shall continue in effect for as long as necessary to reimburse the Seattle Public Utilities for the cost of such acquisition and for the cost of improvements as contemplated in said C.F.; provided, that in computing the meter size in connection with the imposition of any such surcharge, any additional sizing required for purposes of fire protection shall be disregarded, and that any such surcharge shall not apply to services used solely for fire protection purposes. (Ord. 101620 § 1, 1972; Ord. 100413 § 1, 1971; Ord. 99127 § 1, 1970.)

21.12.080 Surcharge for water customers in Water District No. 61, King County.

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In connection with the acquisition and improvement by the City of the properties and assets of Water District No. 61, King County, as generally contemplated in C. F. 286131, and in order to pay for the cost of improvements to water facilities within the area served by Water District No. 61 to bring the facilities to an acceptable level of compliance with the City's system, the following schedule of surcharges:

Meter Size	Monthly Surcharge
3/4 inch	\$ 1.25
1 inch	1.25
1 1/2 inch	2.75
2 inch	5.00
3 inch	11.25
4 inch	20.00
6 inch	45.00

in addition to the rates and charges otherwise applicable to all customers in the following area:

Section 1, Township 23 North, Range 3 East, W. M.; all except the west half of the west half;

Section 6, Township 23 North, Range 4 East, W. M.; northwest quarter except the south three quarters of the southeast quarter of said northwest quarter;

Section 6, Township 23 North, Range 4 East, W. M.; southwest quarter of the southeast quarter;

Section 6, Township 23 North, Range 4 East, W. M.; southwest quarter except the northeast quarter of the southwest quarter;

Section 12, Township 23 North, Range 3 East, W. M.; that portion lying easterly of 30th Avenue Southeast and Seola Beach Drive and easterly of Puget Sound;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter of northeast quarter and southwest quarter of the southwest quarter of the northeast quarter;

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter of the northwest quarter of the southeast quarter;

For current SMC, contact the Office of the City Clerk

Section 7, Township 23 North, Range 4 East, W. M.; northwest quarter of the northwest quarter of the southwest quarter and Blocks 3, 4, 5, 6, 11, 12 also Lots 2 through 5 inclusive in Blocks 2, 7, and 10 in Jordan's Acre Gardens located in the southwest quarter;

Section 13, Township 23 North, Range 3 East, W. M.; that portion of section lying easterly of Puget Sound except the southeast quarter of southwest quarter of southeast quarter and except the southeast quarter of southwest quarter of southwest quarter of southeast quarter;

Section 18, Township 23 North, Range 4 East, W. M.; the west half of the northwest quarter except the north half of the north half of northwest quarter of said northwest quarter;

Section 18, Township 23 North, Range 4 East, W. M.; the west 530 feet of the north 1550 feet of the southwest quarter;

is hereby imposed as of the effective date of the acquisition of the properties and assets of Water District No. 61, King County, and such surcharges shall continue in effect for as long as necessary to pay the cost of improvements including the interest on the declining balance, all as contemplated in said C. F., and shall be credited to a special "Water District No. 61 Area Improvement Account" in the Water Fund.
(Ord. 107250 § 1, 1978.)

Subtitle II Sewers¹

1. Editor's Note: As used in this subtitle, the term "City Engineer" means "Director of Engineering."

**Chapter 21.16
SIDE SEWERS**

Sections:

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- 21.16.020** Chapter provisions as minimum standards.
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- 21.16.040** Connection or abandonment of side sewers.
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21.16.010 UTILITIES

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21.16.390 Liability for injury or damage.

Severability: If any section or portion of this chapter is adjudged to be invalid, such adjudication shall not affect the validity of the remaining portions.

(Ord. 97016 § 39, 1968.)

21.16.010 Chapter purpose.

This chapter is declared to be an exercise of the police power of the state and of the City to promote the public health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.

(Ord. 97016 § 1, 1968.)

21.16.020 Chapter provisions as minimum standards.

The requirements of this chapter are declared to be minimum standards and shall not be construed to prevent the enforcement of more stringent standards imposed by other ordinances, or by or under the authority of state law. Unless specifically stated to the contrary, all provisions herein apply to both service drains and to side sewers located within The City of Seattle's sewer service area.

(Ord. 114298 § 1, 1988; Ord. 97016 § 40, 1968.)

21.16.030 Definitions.

Words and phrases used in this chapter, unless the same shall be contrary to or inconsistent with the context, shall mean as follows:

1. "City" means The City of Seattle.
2. "Comprehensive plans" means plans which are large in scope and intended to provide for the ultimate development of the drainage basins served by the sewers and drains, as determined by the Director of Seattle Public Utilities at the time the plan was proposed.
3. "Cover" means the depth of material between the top of the side sewer or service drain pipe and the finished grade immediately above it.
4. "Director of Health" means the Director of Public Health or employees of the Seattle-King County Department of Public Health.
19. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure

5. "Director of Construction and Land Use" means the Director or employees of The City of Seattle Department of Construction and Land Use.

6. "Director of Seattle Public Utilities" means the Director of Seattle Public Utilities, or his or her designee, or employees of Seattle Public Utilities.

7. "Downspout" means a pipe which conducts water from a roof of a building.

8. "Footing drain" means an open joint or perforated pipe located near the foundation of a building, intended to intercept and carry groundwater.

9. "Garbage" means putrescible waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

10. "Garbage, properly shredded" means garbage that has been shredded to such a degree that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers, with no particle larger than three-eighths inch ($\frac{3}{8}$ ") in any dimension.

11. "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade or research, including the development, recovering or processing of natural resources and including garbage, but distinguished from sanitary sewage or storm drainage.

12. "Main sewer" means a pipe which is part of the public sewer system and to which a side sewer is connected.

13. "Metro" means King County.

14. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other body of surface water.

15. "Owner or occupant" means the owner of real property or the agent or lessee of the owner.

16. "Permit card" means a card issued in conjunction with a permit (or a carbon copy of the permit) which shall be posted on the premises of the work being accomplished.

17. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

18. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance, which carries the wastewater from sanitary facilities and plumbing fixtures, and which is not

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primarily designed to carry stormwater or unpolluted water.

20. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which carries stormwater or unpolluted water.

21. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the Director of Seattle Public Utilities.

22. "Public place," "public area" or "street area" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles and rights-of-way dedicated for the use of the public, and the space above or beneath the surface of the same.

23. "Registered side sewer contractor" means a person approved and registered by the Director of Seattle Public Utilities to construct or repair side sewers.

24. "Public sewer system" means the sewer or storm drainage facilities owned and maintained by the City, Rainier Vista Sewer District, Southwest Suburban Sewer District or Metro, or any sewage facilities acquired, constructed or maintained by such agencies.

25. "Service drain" means a privately owned and maintained drainage system which carries only stormwater runoff, surface water, foundation drainage and/or other unpolluted waters and which discharges at an approved outlet as defined by the Director of Seattle Public Utilities. Service drains include, but are not limited to, conveyance pipes, catchbasin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet. Service drains do not include groundwater collection systems upstream from the point of connection to a service drain.

26. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

27. "Sewage treatment plant" means an arrangement of devices, structures and equipment for treating wastewater.

28. "Sewer, combined" means a publicly owned and maintained sewerage system which carries surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and water from foundation drains.

29. "Sewer, sanitary" means a publicly owned and maintained sewage system which carries wastewater, and is not designed to carry stormwater or unpolluted water.

30. "Side sewer" means a privately owned and maintained pipe system which is designed to carry sewage and/or stormwater runoff, surface water, foundation drainage, and other unpolluted water leading from a plumbing outlet, drain or other facilities to the public sewer system or approved outlet.

31. "Sidewalk" means the walkway in a public area lying generally parallel to the roadway.

32. "Standard Plans and Specifications" means the standard plans and specifications in effect on the date of issuance of the permit.

33. "Storm drain" means a publicly owned and maintained drainage system which carries stormwater runoff, surface water, foundation drainage, and other unpolluted water.

34. "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.

35. "Unpolluted water" means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director of Health or the Director of Seattle Public Utilities has the authority to determine which waters are unpolluted waters.

36. "Use" means and includes use or occupancy of a public place pursuant to Chapter 15.02 of the Seattle Municipal Code for the purpose of doing work, disturbing the surface, or erecting any structure under, along or over the public place.

37. "Wastewater" is a comprehensive term including industrial waste, sewage, and other unpolluted waters, as determined by the Director of Health or Director of Seattle Public Utilities.

38. "Watercourse" means a channel in which a natural flow of stormwater and/or groundwater occurs either continuously or intermittently. (Ord. 118396 § 87, 1996; Ord. 117432 § 2, 1994; Ord. 114298 § 2, 1988; Ord. 111650 § 1, 1984; Ord. 97016 § 2, 1968.)

21.16.040 Connection or abandonment of side sewers.

21.16.040 UTILITIES

A. Wastewater Side Sewer Connections. The owner or occupant of any lands, premises or habitable structures shall connect all buildings, habitable structures, sanitary plumbing outlets, and other sources of polluted water located thereon, unless exempt under subsection C of this section, with the nearest accessible sanitary sewer or combined sewer, whenever such sewer is located within three hundred feet (300') of the closest point of the building, habitable structure, sanitary plumbing outlet, or source of polluted water. Except in conjunction with activity requiring a development permit, the Director of Seattle Public Utilities shall determine whether a sanitary sewer or combined sewer is accessible and whether the connection shall be made by a side sewer or by an extension of the public sewer system. In conjunction with activity requiring a development permit, the Director of Construction and Land Use, after consulting with the Director of Seattle Public Utilities, shall make such determination.

B. Service Drain Connections. Connections of service drains to combined sewers or storm drains shall be as specified in Chapters 22.800 and 22.802 of the Seattle Municipal Code.

C. Exemptions from Connection. In conjunction with activity requiring a development permit, the Director of Construction and Land Use, after consulting with the Director of Seattle Public Utilities, may exempt any otherwise accessible developed property from connecting to the public sewer system; and except in conjunction with activity requiring a development permit the Director of Seattle Public Utilities may exempt any otherwise accessible developed property from connecting to the public sewer system; provided, in all cases, that the following conditions are met:

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to the charge that would be made for sewer service if the property were connected to the sewer system, which amount shall be paid and collected at the times and in the manner provided by ordinance for the payment and collection of sewer service charges; and

2. The Director of Health has waived the requirement as provided in subsection A of this section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must connect to that sewer; and

3. The property has a currently functioning on-site sewage disposal system as determined by the Director of Health. The exemption will remain in effect until the on-site sewer system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay the charges referred to in subsection C1, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection A herein.

D. Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or occupant shall cap the side sewer. (Ord. 118396 § 88, 1996; Ord. 117432 § 3, 1994; Ord. 114298 § 3, 1988; Ord. 111442 §§ 1, 2, 1983; Ord. 97016 § 3, 1968.)

21.16.050 Connection—Notice to owner or occupant.

A. Whenever any land, buildings, or premises are required to be connected with the public sewer system as provided in Section 21.16.040, the Director of Health, upon notice from the Director of Seattle Public Utilities that a connection is accessible, shall serve upon the owner or occupant of the lands, buildings, premises or habitable structures, a notice in writing specifying the time within which such connection must be made, which time shall not be more than sixty (60) days from the date of delivery of such notice.

B. If such owner or occupant shall fail or neglect to connect the land, buildings, premises or habitable structures to the public sewer system within the time specified, the Director of Health shall notify the Director of Seattle Public Utilities, whereupon the Director of Seattle Public Utilities may make such connection and the connection cost plus fifteen percent (15%) thereof, for engineering design and administrative costs, shall be charged to the owner or occupant, and a bill showing the amount thereof shall be mailed or delivered to the owner or occupant, or posted upon the premises, whereupon the amount shall immediately be paid to the City Finance Director. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

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(Ord. 118396 § 89, 1996; Ord. 116368 § 277, 1992; Ord. 114298 § 4, 1988; Ord. 106158 § 3, 1977; Ord. 97016 § 4, 1968.)

21.16.060 Registered side sewer contractor—Qualification—

Insurance—Bond.

A. To obtain registration from the City as a side sewer contractor, an applicant must:

1. Pay to the City Finance Director an examination fee of Sixty Dollars (\$60.00) for each individual who takes the examination required by this subsection;

2. Successfully complete or employ an individual who has successfully completed an oral and written examination administered by the Director of Seattle Public Utilities;

3. Possess a current Washington State Contractor's license;

4. Possess a current City Business and Occupation license;

5. File with the Director of Seattle Public Utilities a certificate of insurance as prescribed by subsection B; and

6. Post a bond as prescribed by subsection C of this section.

B. Each registered side sewer contractor shall file with the Director of Seattle Public Utilities a certificate of insurance and maintain in full force and effect a policy of insurance from an insurance company licensed to do business in The State of Washington. The certificate shall state that the contractor carries comprehensive general liability insurance with bodily injury limits of not less than Three Hundred Thousand Dollars (\$300,000.00) for any one (1) person killed or injured in any one (1) accident or occurrence, and One Million Dollars (\$1,000,000.00) for more than one (1) person killed or injured in any one (1) accident or occurrence and with property damage liability limits of at least One Hundred Thousand Dollars (\$100,000.00) for all damages arising out of injury to or destruction of property. Such policy shall contain an endorsement naming the City as an additional insured and providing for not less than ten (10) days' notice to the City of any change, cancellation or expiration of such policy. The Director of Seattle Public Utilities shall, upon notice, cancel the contractor's registration if such insurance shall cease to be of full force and effect.

C. Each registered side sewer contractor shall post with the City Clerk and maintain in full force

and effect a bond in the sum of Fifteen Thousand Dollars (\$15,000.00) conditioned that the applicant shall indemnify and save harmless the City from all claims, actions, or damages of every kind or description which may accrue to or be suffered by any person by reason of any opening in any street, alley, avenue or other public place made by the contractor or those in the contractor's employ, in making any connection with any public or private sewer, or for any other purpose or object whatever, and that the contractor shall also replace and restore such street, alley, avenue or other public place to as good a state and condition as at the time of commencement of said work, and maintain the same in good order, and that the contractor shall comply with all of the provisions of this subtitle and any other ordinance of the City, relating to the business of side sewer contracting.

(Ord. 118396 § 90, 1996; Ord. 116368 § 278, 1992; Ord. 114298 § 5, 1988; Ord. 111650 § 2, 1984; Ord. 110318 § 1, 1981; Ord. 97016 § 5, 1968.)

21.16.065 Cancellation, suspension or denial of registration.

A. In addition to other penalties provided by law, the Director of Seattle Public Utilities may cancel or suspend the registration of a registered side sewer contractor, or may deny an application for registration, for any of the following causes:

1. Failure to successfully complete the examination or to employ an individual who has successfully completed the examination required by Section 21.16.060;

2. Failure to maintain the comprehensive general liability insurance or bond required by Section 21.16.060;

3. Failure to comply with this title of the Seattle Municipal Code or the rules and regulations issued by the Director of Seattle Public Utilities governing the construction and laying of side sewers;

4. Fraud or misrepresentation in registering as a side sewer contractor;

5. Failure to pay for labor or material used in the construction of a side sewer;

6. Fraud or misrepresentation to the owner or occupant of a building for the purpose of obtaining a contract for the construction of a side sewer;

21.16.065 UTILITIES

7. Nonpayment for work performed by the City for which the side sewer contractor is liable; or

8. Construction or other performance showing dissatisfactory work by the side sewer contractor.

B. Upon information and belief that a registered side sewer contractor's registration should be suspended or cancelled, or an application for registration denied, for any of the causes enumerated in subsection A of this section, the Director of Seattle Public Utilities shall send notice by certified mail to the contractor that the contractor's registration as a side sewer contractor may be suspended or cancelled or an application for registration may be denied in not less than ten (10) days from the date of the notice. The notice shall contain a statement of the basis for the suspension or cancellation, or for denial of application for registration.

C. If the contractor wishes to appeal the action, the contractor must file with the Director of Seattle Public Utilities a request for a hearing before the Hearing Examiner within ten (10) days of the date of service or mailing of such notice. The contractor shall submit the Hearing Examiner's filing fee with such request.

D. If a timely request for a hearing is filed by the contractor or applicant, a hearing shall be scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner according to his/her rules for contested cases.

E. When a hearing has been requested by a contractor in connection with a suspension or cancellation of the contractor's registration, the registration shall remain in effect pending the determination made as a result of such hearing; provided, that in cases involving a substantial threat to the public health, safety or welfare, the registration may be summarily suspended.

F. If a timely appeal is not filed by the contractor or applicant, the order of the Director of Seattle Public Utilities denying, suspending or revoking the registration shall be final; provided, that the Hearing Examiner may waive the ten (10) day requirement upon satisfaction that failure to receive notice of the order was beyond the control of the person requesting the hearing.

G. The Director of Seattle Public Utilities' decisions shall be reversed only if the Hearing Examiner finds that the decision was arbitrary and capricious.

H. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

I. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director of Seattle Public Utilities' decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director of Seattle Public Utilities and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

J. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice.

K. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner's decision specifically states that the Hearing Examiner retains jurisdiction.

L. Within fifteen (15) calendar days from the date of issuance of the Hearing Examiner's decision, a party of record may appeal the decision to the King County Superior Court through application for a writ of review.

M. Whenever a registration is denied, no reapplication for registration will be considered by the Director of Seattle Public Utilities until correction of the disability on which the denial was based.

N. Whenever a registration is revoked, no new application for registration that has been revoked will be considered by the Director of Seattle Public Utilities for a period of one (1) year, commencing on the date the order to revoke becomes final.

O. The period of suspension shall be a period as stated in the order to suspend, and may be for any period up to one (1) year, commencing on the date the order to suspend becomes final.

(Ord. 118396 § 91, 1996; Ord. 114298 § 6, 1988; Ord. 111650 § 7, 1984.)

21.16.070 Permit required.

A. A side sewer permit is required for any work on a side sewer including, but not limited to, construction, alteration, repair, removal, and capping.

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B. When an existing structure is removed from a site and a new structure is constructed, a side sewer permit is required to connect the new structure to the public sewer system or approved outlet.

C. Unless an emergency exists, as determined by the Director of Seattle Public Utilities, a side sewer permit must be obtained from the Director of Seattle Public Utilities before any work may be started on a side sewer located within the City's sewer service area, either on private property or within a public place.

D. No permit shall be altered and no work shall be performed on a side sewer other than that provided for in the permit. If additional work is necessary, the Director of Seattle Public Utilities may require an additional permit and/or fees.

(Ord. 118396 § 92, 1996; Ord. 117432 § 4, 1994; Ord. 114298 § 7, 1988; Ord. 111650 § 3, 1984; Ord. 97016 § 6, 1968.)

21.16.080 Permit—Application—Director of Seattle Public Utilities' authority.

A. For work in a public place, a permit shall only be issued to an individual who has successfully completed the examination prescribed in Section 21.16.060 of the Seattle Municipal Code and who is a duly authorized representative of a registered side sewer contractor.

B. For work in other than a public place, a permit may be issued to the owner or occupant of the property or agent thereof.

C. Whenever a registered side sewer contractor applies for a permit, a permit shall be issued only to an individual who has successfully completed the examination prescribed in Section 21.16.060 of the Seattle Municipal Code and who is a duly authorized representative of the contractor.

D. Application for the permit required by this chapter shall be filed with the Director of Seattle Public Utilities with the following:

1. The name, address and telephone number of the applicant;
2. Name, mailing address, and telephone number of the property owner;
3. Legal description and address of property to be served;
4. A scale drawing showing the location of all structures on the property, dimensions of the

structures, and the location of all existing and proposed side sewers;

5. Purposes for which all structures are to be used;

6. Proof that all necessary permits have been obtained in conjunction with or prior to issuance of the side sewer permit;

7. Proof that all necessary easements, releases, and/or permissions to connect have been obtained and recorded with the King County Department of Records and Elections;

8. Proof of payment of all permit fees and other charges required by Chapter 21.24 of the Seattle Municipal Code.

E. The Director of Seattle Public Utilities may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer, and determine whether or not a permit shall be granted. The Director of Seattle Public Utilities may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in The State of Washington. The Director of Seattle Public Utilities shall keep such records as he/she deems necessary of all side sewer permits and inspection reports.

F. Notwithstanding any other provisions of this chapter, the Director of Seattle Public Utilities may refuse, until the condition is corrected, to issue a permit to a registered side sewer contractor for any of the following conditions:

1. Failure to pay within sixty (60) days any bill for work performed by the City and for which the contractor is liable;

2. Failure to maintain the comprehensive general liability insurance or the bond required by Section 21.16.060 of the Seattle Municipal Code; or

3. Failure to comply with a notice posted pursuant to Section 21.16.360 of the Seattle Municipal Code.

(Ord. 118396 § 93, 1996; Ord. 114298 § 8, 1988; Ord. 97016 § 7, 1968.)

21.16.090 Permits—Period of validity—Restrictions—Posting.

A. Unless authorized by the Director of Seattle Public Utilities, no permit shall be issued for side sewer connection before the public or private main sewer system has met requirements set by the Director of Seattle Public Utilities.

21.16.090 UTILITIES

B. Side sewer permits are not transferable.

C. All side sewer permits shall expire ninety (90) days after issuance unless extended by the Director of Seattle Public Utilities prior to the date of expiration. Expired permits are not subject to refunds pursuant to Section 21.24.090 of the Seattle Municipal Code.

D. One (1) copy of the permit shall be posted at the work site in a conspicuous place which is readily and safely accessible to the Director of Seattle Public Utilities.

(Ord. 118396 § 94, 1996; Ord. 114298 § 9, 1988; Ord. 97016 § 8, 1968.)

21.16.100 Police officer's authority.

It shall be the duty of any police officer and of the Director of Health, finding any person breaking ground for the purpose of making connection with a public or private sewer system, to ascertain if such person has a permit therefor and if not to immediately report the fact to the Director of Seattle Public Utilities.

(Ord. 118396 § 95, 1996; Ord. 114298 § 10, 1988; Ord. 97016 § 9, 1968.)

21.16.110 Permit for temporary connection.

The Director of Seattle Public Utilities may, upon receiving an application containing such information as is required by this chapter, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the Director of Seattle Public Utilities at any time upon sixty (60) days' notice posted upon the premises and directed to the owner or occupant of the premises; and in the event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director of Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the owner or occupant. Such charges shall be immediately payable to the City Finance Director following a written notice of the amount thereof given to such owner or occupant or posted on the premises. The amount of said costs or any portion thereof which becomes delinquent shall

immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. The Director of Seattle Public Utilities may require that the applicant record with the King County Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the City harmless from all damage or claims resulting to the City by reason of such temporary connection or disconnection, and exhibit to the Director of Seattle Public Utilities the recording number of said instrument.

(Ord. 118396 § 96, 1996; Ord. 116368 § 279, 1992; Ord. 114298 § 11, 1988; Ord. 97016 § 10, 1968.)

21.16.120 Reserved.

(Ord. 114298 § 12, 1988.)

21.16.130 Permit fees.

Fees for side sewer permits shall be as prescribed by Chapter 21.24 of the Seattle Municipal Code.

(Ord. 114298 § 13, 1988; Ord. 97016 § 12, 1968.)

21.16.140 Inspections.

A. Any person performing work pursuant to the provisions of this chapter shall notify the Director of Seattle Public Utilities when the work will be ready for inspection, and shall specify in such notification the location of the premises by address and the file number of the permit.

B. The Director of Seattle Public Utilities shall schedule inspection times. On any call for inspection forty-eight (48) hours' notice plus Saturday, Sunday and holidays may be required by the Director of Seattle Public Utilities.

C. If the Director of Seattle Public Utilities finds the work performed or materials used not in accordance with this chapter and rules and regulations and/or the City "Standard Plans and Specifications" for side sewer construction, he/she shall notify the person doing the work and the owner or occupant of the premises by posting a notice on or near the permit card. Such posted notice shall be all the notice that is required to be given of the defects in the work or materials found in such inspection.

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D. The inspection shall include a test in the presence of the Director of Seattle Public Utilities to determine that the side sewer is of tight construction and does not allow infiltration or exfiltration of water. Specifications for such a test shall be included in the rules and regulations referred to in Section 21.16.350 of the Code.

E. If the permittee is a registered side sewer contractor, either the contractor or a competent representative shall be on the premises, whenever so directed to meet the inspector. A property owner shall also meet the inspector at a mutually convenient time during the regular hours of business when requested.

(Ord. 118396 § 97, 1996; Ord. 114298 § 14, 1988; Ord. 111650 § 4, 1984; Ord. 97016 § 13, 1968.)

21.16.150 Trenches and excavations.

A. Trenches and excavations shall be subject to the requirements established by the Director of Seattle Public Utilities. No excavation shall be made in any public area except at the times and in the manner prescribed by the Director of Seattle Public Utilities.

B. No trench shall be filled nor any sewer or drain covered until the work shall have been inspected and approved by the Director of Seattle Public Utilities, with said approval noted on the card posted on the job site.

C. All trenches or excavations within four feet (4') of any public place and all obstructions or encroachments upon a public place shall be barricaded as required by the Street Use Ordinance (Title 15 of the Seattle Municipal Code). The lateral support of any public place shall be maintained while constructing, altering or repairing any side sewer. All trenches or excavations within four feet (4') of any public place shall be safely covered during hours of inactivity of work on the side sewer.

D. All work in public places shall conform to the requirements of the current edition of The City of Seattle Traffic Control Manual for In-street Work.

(Ord. 118396 § 98, 1996; Ord. 117432 § 5, 1994; Ord. 114298 § 15, 1988; Ord. 97016 § 14, 1968.)

21.16.160 Filling of excavations.

A. For side sewers in King County, all excavations in any public area by a registered side sewer contractor shall be filled and/or covered in such a manner that no significant settlement shall occur for a period of two (2) years.

B. Work within the limits of any public area shall be prosecuted to completion with due diligence, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the Director of Seattle Public Utilities may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the Director of Seattle Public Utilities in such work plus fifteen percent (15%) for administrative costs shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the City Finance Director by the contractor upon written notification of the amount thereof given to the contractor or posted on the premises.

(Ord. 118396 § 99, 1996; Ord. 116368 § 280, 1992; Ord. 114298 § 16, 1988; Ord. 97016 § 15, 1968.)

21.16.170 Failure to complete work—Completion by City.

If any work performed on a side sewer is not completed in accordance with the provisions of this chapter and the plans and specifications as approved by the Director of Seattle Public Utilities, and if the contractor or person doing the work shall refuse to properly construct and complete such work, notice of such failure or refusal shall be posted on the premises where the work is being done, and the Director of Seattle Public Utilities may cause the work to be completed and the sewer connected in the proper manner, and the cost of such work and any materials necessary therefor plus fifteen percent (15%) for administrative costs shall be charged to the owner or contractor and be payable by the owner or contractor immediately upon the Director of Seattle Public Utilities giving written notice of the amount thereof or posting a notice thereof on the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

(Ord. 118396 § 100, 1996; Ord. 114298 § 17, 1988; Ord. 97016 § 16, 1968.)

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21.16.180 Repair of inoperative or inadequate sewer or drain.

Where it is determined by the Director of Health or the Director of Seattle Public Utilities that a side sewer, drain, ditch, or natural watercourse is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director of Health and/or the Director of Seattle Public Utilities may give notice to the owner of the side sewer and, if different than the owner of the property in which such condition exists. The owner or occupant shall correct such condition within the time specified in the written notice. If the owner or occupant shall fail to correct such condition within the time specified in such notice, the Director of Seattle Public Utilities may perform such work as may be necessary to comply with this chapter. The cost of such work done by the Director of Seattle Public Utilities, plus fifteen percent (15%) for administrative costs, shall be charged to the property owner or occupant and shall become immediately payable to the City Finance Director upon written notice of such amount being given to the property owner or occupant or posted upon the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law.

(Ord. 118396 § 101, 1996; Ord. 116368 § 281, 1992; Ord. 114298 § 18, 1988; Ord. 97016 § 17, 1968.)

21.16.190 Ownership of side sewers.

Side sewers, whether located in a public or private place, shall be owned, installed, operated, and maintained by the owner or occupant of the premises served.

(Ord. 114298 § 19, 1988; Ord. 97016 § 18, 1968.)

21.16.200 Use of existing sewer for new building.

Where a new or converted building or new installation replaces an old one, the use of an existing side sewer will be permitted when approved by the Director of Construction and Land Use as conforming to all requirements of this chapter.

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(Ord. 117432 § 6, 1994; Ord. 114298 § 20, 1988; Ord. 97016 § 19, 1968.)

21.16.210 Mechanical lifting or backwater sewage valves.

A. In any building, structure or premises in which the plumbing outlets or other drainage facilities are too low in elevation as determined by the Director of Seattle Public Utilities to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer.

B. Whenever a situation exists involving danger of backups of sewage or drainage from the public sewer system, the Director of Seattle Public Utilities may prescribe a minimum elevation at which the plumbing outlet or side sewer may be discharged to the public sewer system. Wastewater from drains or side sewers below such minimum elevations shall be lifted mechanically to an elevation determined by the Director of Seattle Public Utilities, or if approved by the Director of Seattle Public Utilities, a backwater sewage valve may be installed provided the property owner shall record with the King County Department of Records and Elections an instrument as described in Section 21.16.260 of the Seattle Municipal Code. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the side sewer.

(Ord. 118396 § 102, 1996; Ord. 114298 § 21, 1988; Ord. 97016 § 20, 1968.)

21.16.220 Drainage of hard-surfaced or graded areas.

Hard-surfaced or graded areas such as parking lots, service station yards and storage yards shall be drained in such manner as will protect adjacent public and private property from damage and such drainage shall enter the public sewer system or other outlet approved by the Director of Seattle Public Utilities and as required by Chapters 22.800 and 22.802 of the Seattle Municipal Code. Such storm drainage shall not be connected to or enter a sanitary sewer.

(Ord. 118396 § 103, 1996; Ord. 114298 § 22, 1988; Ord. 97016 § 21, 1968.)

21.16.230 Reserved.

(Ord. 114298 § 23, 1988.)

21.16.240Reserved.
(Ord. 114298 § 24, 1988.)

21.16.250Easements and agreements.

A. Before a side sewer may be located on a building site other than the site being served by the side sewer, and before the Director of Seattle Public Utilities shall issue a side sewer permit, the owner of the side sewer shall secure a written easement from the owner of the property to be crossed. The easement shall be duly acknowledged, and shall grant the right to occupy the property for side sewer or utility purposes. The easement shall be recorded in the office of the King County Department of Records and Elections, by the owner of the side sewer, and the recording number shall be exhibited to the Director of Seattle Public Utilities.

B. When two (2) or more structures are allowed to connect to one (1) side sewer, an instrument(s) which identifies all affected properties and which shall save harmless and indemnify the City from any damage or injury resulting from the installation, operation and maintenance of said side sewer must be executed by all affected property owners and recorded with the King County Department of Records and Elections for each affected property. The instrument(s) shall be upon a form approved by the Director of Seattle Public Utilities. Recording fees shall be paid by the owner or owners of the affected properties. (Ord. 118396 § 104, 1996; Ord. 114298 § 25, 1988; Ord. 97016 § 24, 1968.)

21.16.260Installation when compliance is impractical—Conditional permit.

If, in the opinion of the Director of Construction and Land Use, after consulting with the Director of Seattle Public Utilities, physical conditions make compliance with the provisions of this chapter impracticable, the Director of Seattle Public Utilities, may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the King County Department of Records and Elections an instrument acceptable to the Director of Seattle Public Utilities agreeing to save harmless and indemnify the City from any damage or injury resulting from the installation, operation and

maintenance of said side sewer. Such instrument shall be upon a form approved by the Director of Seattle Public Utilities. This section is not intended to be used to allow storm drainage connections to a sanitary sewer.

(Ord. 118396 § 105, 1996; Ord. 117432 § 7, 1994; Ord. 114298 § 26, 1988; Ord. 97016 § 25, 1968.)

21.16.270Construction requirements and specifications.

A. Materials and workmanship in connection with the installation of any side sewer or service drain shall be as required by the Standard Plans and Specifications of the City, and Chapters 22.800 and 22.802 of the Seattle Municipal Code, and as designated by the Director of Seattle Public Utilities. If any requirements or standards conflict, or if special circumstances exist, the Director of Seattle Public Utilities will determine which requirements or standards will be applicable.

B. Unless authorized by the Director of Seattle Public Utilities, an owner or occupant who is required, or wishes, to connect to a public sewer shall be required to build a main sewer line extension if a public sewer is not accessible within an abutting public area, or if the building, habitable structure, plumbing outlet or source of polluted water is more than two hundred (200) feet from the public sewer. In the case of certain housing development or redevelopment projects for households with aggregate annual incomes no higher than fifty (50) percent of median income, the Director shall, prior to December 31, 1999, in accordance with SMC Section 21.04.280, fund a portion of the costs of construction of a main sewer line extension.

C. Unless authorized by the Director of Seattle Public Utilities, no more than one (1) building shall be connected to a side sewer. Where a dual connection of two (2) single-family dwellings, or a multiple dwelling or commercial building connected with a single-family dwelling, is permitted by the Director of Seattle Public Utilities, the pipe below the point of dual connection shall be not less than six (6) inches in diameter.

D. All multiple dwellings and industrial and commercial buildings shall be connected with not less than six (6) inch diameter pipe on private property; provided, with the permission of the Director of Seattle Public Utilities, no more than three (3) two (2) inch downspouts, or one (1)

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motel unit, may be connected with four (4) inch diameter pipe on private property.

E. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall be constructed with not less than two (2) percent grade and not more than one hundred (100) percent grade.

F. Unless authorized by the Director of Seattle Public Utilities, all side sewers shall have not less than sixty (60) inches of cover at the curblin e or in a public alley, thirty (30) inches of cover at the property line, and eighteen (18) inches of cover on private property.

G. All side sewers serving one (1) dwelling unit shall have minimum pipe size of four (4) inches in private property and six (6) inches in public areas.

H. Ductile or cast iron pipe shall be used for all side sewers crossing over water mains for a distance of at least five (5) feet measured perpendicular from the center of the water main. Side sewer lines must be laid at least six (6) inches below and one (1) foot away from any water service line or water main, unless ductile or cast iron pipe is used for the side sewer.

I. Whenever a side sewer is to be abandoned, said sewer shall be capped as close to the property line as possible without interrupting service to any other building.

(Ord. 118605 § 3, 1997; Ord. 118396 § 106, 1996; Ord. 114298 § 27, 1988; Ord. 97016 § 26, 1968.)

21.16.280 Restoration of streets and other public areas.

Streets, sidewalks, planting strips, and other public areas except as mentioned in Section 21.16.270, disturbed or altered in the course of any side sewer or drainage work, shall be restored by the side sewer contractor to the original surface condition as approved by the Director of Seattle Public Utilities; and in event of the failure of the contractor to so restore the area the Director of Seattle Public Utilities may make such restoration and charge the cost thereof to the side sewer contractor who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area make immediate payment thereof to the City Finance Director.

(Ord. 118396 § 107, 1996; Ord. 116368 § 282, 1992; Ord. 111650 § 5, 1984; Ord. 97016 § 27, 1968.)

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21.16.290 Liability to City for expense, loss or damage.

A person who violates or fails to comply with any of the provisions of this chapter shall, in addition to or instead of any penalties provided for such violation, be liable for any expense, loss or damage occasioned thereby to the City. Liability pursuant to this section shall be joint and several. (Ord. 119192 § 1, 1998; Ord. 97016 § 28, 1968.)

21.16.300 Prohibited discharge of certain substances.

A. Unless approved in writing by the Director of Seattle Public Utilities it shall be a violation of this chapter for any person to discharge or to cause to be discharged or allow to be discharged any of the following substances in the public sewer system or any drain, ditch or natural outlet:

1. Liquid or vapor having temperature higher than one hundred fifty (150) degrees Fahrenheit;
2. Wastewater which contains more than one hundred (100) parts per million by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;
3. Flammables capable of causing explosion or supporting combustion in the public sewer system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent, kerosene, fuel oil, crankcase oil, and acetylene generation sludge;
4. Garbage that has not been properly shredded;
5. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the public sewer system;
6. Wastewater having a pH lower than five and five-tenths (5.5) or having the capacity to cause damage to structures or equipment or which is hazardous to personnel of the public sewer system;

7. Wastewater containing a toxic or poisonous substance including chlorinated hydrocarbons in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or fowl, or create any hazard in the receiving waters or in the sewage treatment plant;

8. Wastewater containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in a main sewer, at a sewage treatment plant, or a pumping station; or

9. Noxious or malodorous gas or substance capable of creating a public nuisance.

B. Every owner or operator of any property served by a side sewer shall be in violation of this chapter if there exists in such side sewer a visually evident accumulation of fat, oil or grease of animal, vegetable, or mineral petroleum origin originating from the owner's or operator's property and which either alone or in combination with other wastes is reasonably likely to be capable of obstructing flow or interfering with the operations or performance of any part of the sewer system.

(Ord. 119192 § 2, 1998: Ord. 118396 § 108, 1996: Ord. 114298 § 28, 1988: Ord. 97016 § 29, 1968.)

21.16.310 Pretreatment facilities.

A. Grease, oil, sand, and liquid waste containing grease or flammable material or other harmful ingredients shall be intercepted prior to being discharged to the public sewer system by the installation and operation of pretreatment facilities which shall be of a type and capacity sufficient to meet the requirements of this chapter and shall be so located as to be readily accessible for maintenance and inspection.

B. When pretreatment facilities are installed for private use, they shall be maintained by the owner or occupant at his or her expense in continuously efficient operation at all times. The Director of Seattle Public Utilities has the option to determine whether such equipment shall be allowed or required to be installed, and whether the effluent produced is satisfactory, and has the option to issue an order regarding the installation and/or maintenance of any such facility.

C. The Director of Seattle Public Utilities has the option to issue an order that plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities be submitted for approval of the Director of Seattle

Public Utilities; and has the option to issue an order that construction of such facilities shall not begin until such approval is noted on the plan.

D. In determining appropriate action under subsection B or C of this Section 21.16.310 with respect to a location, the Director of Seattle Public Utilities will consider the existing or planned uses which discharge or will discharge to the public sewer system, any current pretreatment capacity, and, if applicable, the history of noncompliance, sewer blockage or backup, and attempts to comply.

E. The Director of Seattle Public Utilities shall serve an order pursuant to this Section 21.16.310 on the owner and/or other person responsible for the condition. The order shall identify the condition to be corrected and the Director's requirements for corrective action and shall specify a time for compliance. The time for compliance shall be determined by the Director who shall consider: the type of violations or conditions found, the past history of attempts to comply, the complexities of compliance, and other relevant factors known to the Director. The order shall be served upon the person responsible for the condition by personal service, or certified mail with return receipt requested, at the person's last known address. Service by certified mail shall be effective on the date of mailing. If the whereabouts of the person responsible is unknown and cannot be ascertained in the exercise of reasonable diligence, and the Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two (2) consecutive weeks in the City official newspaper. If the order is directed to a person responsible for the condition other than the owner, a copy shall be sent via first class mail to the owner. If no request for informal review is made pursuant to Section 21.16.310, the order shall immediately become final.

F. Any failure to comply with a final order of the Director shall be a violation of this Code.

G. Any party affected by an order of the Director of Seattle Public Utilities pursuant to this Section 21.16.310 may obtain an informal review of the order by requesting such review in writing to the Director within ten (10) days after service of the order. When the last day of the period is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. The director shall notify the person

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requesting review, all persons served with the order, and all other persons who have requested notice of review, of the date, time and place of the informal review. The review will consist of an informal review meeting held at Seattle Public Utilities. A representative of the Director who is familiar with the case and the applicable ordinances will attend. The Director's representative shall explain the reasons for the issuance of the notice of violation and will consider any information presented by the persons attending. At or within a reasonable time after the review, the Director shall issue a decision in writing that sustains or withdraws the order, amends the order, or continues the review to a future date to allow further consideration. The decision shall be served in the manner provided in this Section 21.16.310 for service of an order. Upon service of a decision sustaining an order, the order shall immediately become final. Upon service of a decision amending an order, the order shall immediately become final as amended by the decision.

(Ord. 119192 § 3, 1998; Ord. 118396 § 109, 1996; Ord. 114298 § 29, 1988; Ord. 97016 § 30, 1968.)

21.16.320Reserved.

(Ord. 114298 § 30, 1988.)

21.16.330Standards for measurements and analyses.

Measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this chapter shall be determined in accordance with the standards prescribed by "Standard Methods for the Examination of Water and Sewage," filed in the City Clerk's office under Clerk's File No. 260956. In any property served by a side sewer carrying industrial wastes, the owner or occupant shall install a manhole in the side sewer to facilitate observation, sampling and measurement of the wastes, when required by the Director of Seattle Public Utilities. Such manhole shall be accessible, safely located, and shall be constructed and installed in accordance with plans approved by the Director of Seattle Public Utilities. Such manhole shall be installed and maintained by the owner or occupant at his or her expense.

(Ord. 118396 § 110, 1996; Ord. 117242 § 22, 1994; Ord. 114298 § 31, 1988; Ord. 97016 § 32, 1968.)

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21.16.340Right of entry for inspection.

The Director of Seattle Public Utilities or other City officials or employees of the City, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any and all premises at all reasonable times, or during an emergency at any time, for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.

(Ord. 118396 § 111, 1996; Ord. 114298 § 32, 1988; Ord. 97016 § 34, 1968.)

21.16.350Authority to make rules and regulations.

The Director of Seattle Public Utilities and the Director of Construction and Land Use may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this chapter, as he or she or they shall deem necessary and convenient to carry out the provisions of this chapter.

(Ord. 118396 § 112, 1996; Ord. 117432 § 8, 1994; Ord. 114298 § 33, 1988; Ord. 97016 § 35, 1968.)

21.16.360Authority to post notices.

The Director of Health or the Director of Seattle Public Utilities is authorized to post notice on private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with, and the notice may require work to cease if necessary.

(Ord. 118396 § 113, 1996; Ord. 114298 § 34, 1988; Ord. 97016 § 37, 1968.)

21.16.370Unlawful destruction of notices.

It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by the Director of Health or the Director of Seattle Public Utilities pursuant to the provisions of this chapter.

(Ord. 118396 § 114, 1996; Ord. 114298 § 35, 1988; Ord. 97016 § 38, 1968.)

21.16.380 Violation—Penalty.

A. A person who violates or fails to comply with any provision of this chapter or any rule, regulation or order of the Director is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be proved.

B. Each day of violation or failure to comply shall constitute a separate violation.
(Ord. 119192 § 4, 1998; Ord. 97016 § 36, 1968.)

21.16.390 Liability for injury or damage.

Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a side sewer to conform to the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized, issued or done or failure to act in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.
(Ord. 114298 § 36, 1988.)

**Chapter 21.20
SEWER CONNECTIONS OUTSIDE
CITY LIMITS¹**

Sections:**21.20.010 Connections authorized.****21.20.020 Specifications of agreement.**

1. Cross-reference: For provisions regarding refunds of special sewer connection charges, see Section 21.24.100 of this Code.

21.20.010 Connections authorized.

Pursuant to authority granted by RCW 35.67.310 the Director of Seattle Public Utilities is authorized to enter into agreements for and on behalf of the City with the owners of property beyond the City limits permitting connection of such property with the City's sewers upon the terms, conditions and subject to the payments

prescribed in this chapter when, in the judgment of the Director of Seattle Public Utilities, such connections will not overload or imperil the City's sewer system.

(Ord. 118396 § 115, 1996; Ord. 85317 § 1, 1956.)

21.20.020 Specifications of agreement.

A. Such agreement shall specify the property to be connected with the City sewer system; shall grant permission for connection upon payment of prescribed fees and charges therefor; shall require the property owners to construct such connection in accordance with City plans and specifications and under the supervision of the Director of Seattle Public Utilities, without cost or expense to the City; shall provide that the property owner shall not allow any additional property to be served by such connection until the owner of such additional property has executed a similar agreement, except that two (2) or more property owners may join in one (1) connection agreement; shall require such property owner to pay any sewerage utility charge fixed by ordinance and also an amount equivalent to side sewer permit fees and special connection charges fixed by ordinance for like property within the City, which special connection charge shall be paid in cash or in installments with interest at the same rate as the effective annual interest rate of the most recent Seattle Local Improvement District Bond Issue computed annually on unpaid balances; shall agree that the City in the event the terms and conditions of said agreement are not faithfully kept and performed may disconnect the sewer serving the property from the City's system and for that purpose shall authorize the Director of Seattle Public Utilities to enter upon the premises of such property owner; and shall provide that in such event the payment made for such connection shall be forfeited to the City and no credit shall be allowed therefor if such property is later reconnected to the City sewer system upon approval of a new application therefor and shall further provide that such agreement shall be filed for record in the office of the Director of Records and Elections of King County, Washington, and shall constitute a covenant running with the land binding upon the property owner, his heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in said property.

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B. In the event that such agreement provides for payment of the special connection charge in installments, such agreement shall further provide for a down payment of five (5) percent of the

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

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total connection charge, payable upon execution of such agreement and for payment of the balance in forty (40) quarterly installments payable on each January 1st, April 1st, July 1st, and October 1st, and shall further provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable.
 (Ord. 118396 § 116, 1996; Ord. 110216 § 1, 1981; Ord. 106313 § 1, 1977; Ord. 103037 § 1, 1974; Ord. 85317 § 2, 1956.)

ica, the state, and any political subdivisions thereof.
 (Ord. 118396 § 117, 1996; Ord. 82583 § 1, 1953.)

21.24.021 Permits application and fee.

The permit application for a sewer or drain connection, repair, alteration or addition shall be made by the owner of such property or premises or by a registered side sewer contractor representing the owner, and the Director of Seattle Public Utilities shall determine whether the permit application conforms to the requirements of this chapter and other ordinances of the City regulating side sewers and compute the amount of the fee in accordance with the following schedule:

A. Sanitary Sewers.

1. Sanitary Sewer Connection, Relocation, or Alteration.

a. Single-family.

.....

 More than one (1) connection to main, each

 Inspection time in excess of one (1) hour will be billed separately.

b. Multiple-family. Connection per Building.

.....
 Plus each additional

 Maximum permit

 More than one (1) connection to main,

Inspection time in excess of one (1) hour will be billed separately.

c. Commercial Structures and Additions.

Connection, each

 Minimum fee 250.00
 Maximum permit fee \$1,000.00

Chapter 21.24 PERMIT FEES AND CONNECTION CHARGES

Sections:

- 21.24.010 Permit and fee—Required for connection and repairs.**
- 21.24.021 Permit application and fee.**
- 21.24.030 Special connection charge—Imposed.**
- 21.24.040 Special connection charge—Computation.**
- 21.24.050 Special connection charge—Credit to Local Improvement District Fund.**
- 21.24.070 Fee payment.**
- 21.24.080 Violation of Sections 21.24.010 through 21.24.070.**
- 21.24.090 Refund of sewer permit fees.**
- 21.24.100 Refund of special sewer connection charge.**

Severability: If any portion of Sections 21.24.010 through 21.24.080 shall be declared invalid, this shall not affect the validity of the remaining portions.
 (Ord. 82583 § 5 1953.)

21.24.010 Permit and fee—Required for connection and repairs.

It is unlawful to connect any property or premises with a public sewer, as defined by the ordinances of the City, pertaining to sewers and drains, or to make repairs, alterations or additions to any side sewer or drain connecting thereto, without first applying for and securing a permit therefor from the Director of Seattle Public Utilities and without paying the fee prescribed in this chapter. This requirement shall apply to all property, including that of the United States of Amer-

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Inspection time in excess of one (1) hour will be billed separately.

Inspection time in excess of one (1) hour will be billed separately.

d. Combination Commercial and Residential.

B. Repairs.

Connection.

1. Repairs to Side Sewers.

Each square foot

All Structures.

commercial \$ 0.04
Plus each

Repairs on

unit 30.00

residential

Repairs in street

250.00

Pump 45.00
Minimum fee

Inspection time in excess of one (1) hour will be billed separately.

1,000.00

Maximum fee

C. Capping.

More than one (1)

1. Cap Existing Side Sewers.

connection to main,

All Structures.

each additional

250.00

Inspection time in excess of one (1) hour will be billed separately.

plus

Guarantee deposit per line to be

2. Additional Connections to Existing Side Sewers.

Inspection time in excess of one (1) hour will be billed separately.

All Structures.

D. Storm Drainage.

One-half (1/2) of the rate for initial connection

1. Drainage Systems Connecting Directly to Storm Drains or Discharging Directly to Receiving Waters.

but not less than

\$70.00

Inspection time in excess of one (1) hour will be billed separately.

a. Single-family (Less than Nine Thousand (9,000) Square Feet of Developmental Coverage).

3. Additional Direct Connections to Main Sewer.

Inspection time in excess of one (1) hour will be billed separately.

All Structures.

Same as initial connection

but not less than

\$135.00

Inspection time in excess of one (1) hour will be billed separately.

b. Multifamily or Commercial with less than Nine Thousand (9,000) Square Feet of Developmental Coverage.

4. Reconnection to Sanitary Sewer—Structures Moved From Another Location.

Inspection time in excess of two (2) hours will be billed separately.

All Structures.

Same as initial fee but

not less than \$135.00

c. All Developments with Greater than Nine Thousand (9,000) Square Feet of Developmental Coverage.

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plus \$285.00
Inspection time in excess of two (2) hours will be billed separately.

2. Drainage Systems with Detention Required.

a. Single-family (Less than Nine Thousand (9,000) Square Feet of Developmental Coverage).

Connection fee..... \$245.00
Inspection time in excess of one (1) hour will be billed separately.

b. Multifamily or Commercial with Less than Nine Thousand (9,000) Square Feet of Developmental Coverage.

Connection fee..... \$400.00
Inspection time in excess of two (2) hours will be billed separately.

c. All Developments with Greater than Nine Thousand (9,000) Square Feet of Developmental Coverage.

Connection fee \$0.02 per square foot plus \$350.00
Inspection time in excess of two (2) hours will be billed separately.

E. Additional Fees Levied. When side sewer or drainage work, as regulated by Seattle Municipal Code Chapter 21.16 (Ordinance 97016) is without the required permit, the fee shall be double the fee fixed by this chapter, except that the double-fee charge shall not apply in cases where, in the discretion of the Director of Seattle Public Utilities, an emergency has arisen at a time other than business hours and a permit is secured before noon (12:00 noon) of the first business day following an emergency.

F. Legal Document Fee.
For each document prepared by the City \$65.00

G. Inspection Fee.
For the purpose of this section inspection time in excess of the base fee will be charged per hour..... \$90.00

In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the Director of Seattle Public Utilities shall be final and conclusive. (Ord. 118396 § 118, 1996; Ord. 117432 § 9, 1994; Ord. 116421 § 1, 1992.)

21.24.030 Special connection charge—Imposed.

A. In addition to sewer connection permit fees required by ordinance, there is imposed upon, and the owners of properties which have not been assessed or charged or borne an equitable share of the cost of the City's sewerage system shall pay prior to connection to a City sewer, a special connection charge in an amount to be computed under Section 21.24.040.

B. The special connection charge shall be paid in cash or under installment contract with interest thereon at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year connection is made with the City sewer, computed annually on unpaid balances. Such contract shall provide for a down payment of five percent (5%) of the total connection charge, payable upon execution of such contract and for payment of the balance in forty (40) quarterly installments payable on each January 1st, April 1st, July 1st and October 1st. Such installment contract shall provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable, shall describe the property served by the sewer, shall be acknowledged by the property owner and shall be recorded by the Director of Seattle Public Utilities in the office of the King County Records and Elections Division at the expense of the property owner. Delinquent payments under such installment contract shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280; and as an

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additional and concurrent method of enforcing the lien, the water service to such property may be cut off in accordance with RCW 35.67.290 until the delinquent installments are paid. Upon full payment of the contract, the Director of Seattle Public Utilities on behalf of the City shall execute and deliver to the property owner a release of such lien.

(Ord. 118396 § 119, 1996; Ord. 114158 § 1, 1988; Ord. 109747 § 1, 1981; Ord. 102678 § 1, 1973; Ord. 99444 § 1, 1970; Ord. 94213 § 1, 1965; Ord. 90233 § 1, 1961; Ord. 89902 § 1(part), 1960; Ord. 82583 § 2-A, 1953.)

Cases: Under RCW 35.92.025, a city is not permitted to base its charge for connection to the city sewer system on what it would cost today to reconstruct the system. *Boe v. Seattle*, 66 Wn.2d 152, 401 P. 2d 648 (1965).

21.24.040 Special connection charge—Computation.

A. The special connection charge imposed by Section 21.24.030 shall be paid into the Drainage and Wastewater Fund and, in order that property owners bear their equitable share of the cost of the sewer system, shall be computed as follows:

1. For Lateral Sewers. The number of units of property frontage to be served by the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining “assessable units of frontage” or by such other method or combination of methods of computing assessments which may be deemed to more fairly reflect the special benefits to the property being assessed as authorized by RCW 35.44.047, shall be multiplied by the average local improvement assessment per unit of frontage for lateral sewers in Seattle for the year in which the sewer to which the property is to be connected was constructed and accepted as completed, provided that, for all sewers that are connected more than one (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection until the connection is made, but excluding both the year of completion of construction and the year connection is made; except that for connection to sewers constructed prior to 1953, interest shall be

added thereto at the one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10) years.

2. For Trunk Sewers. The number of square feet of property area to be served by the sewer shall be multiplied by the average local improvement assessment per square foot for trunk sewers in Seattle for the year in which the trunk sewer to which the lateral sewers serving the property are connected was constructed and accepted, provided that, for all sewers that are connected more than one (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection until the connection is made, but excluding both the year of completion of construction and the year connection is made, except that, for connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10) years.

B. The Director of Seattle Public Utilities is authorized to annually compute and establish the average local improvement assessment paid by property owners for lateral and trunk sewers completed and accepted by the City during the previous calendar year which average assessment shall be used by him or her in computing the special connection charge imposed in Section 21.24.030 as to sewer improvements completed in 1965 and thereafter. A copy of such computation shall be delivered to the City Clerk not later than February 1st of each such year to be filed by him in C.F. 253991.

C. The Director shall file with the City Clerk in C.F. 253991 the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin, or otherwise available from the Federal Reserve Bank for each calendar year commencing with 1953. Such information shall be

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delivered to the City Clerk not later than April 1st for each preceding year.

D. The collection of the special connection charge to serve a residence may be deferred at the request of a person responsible for its payment who is economically disadvantaged, as defined in Section 20.12.020 B of the Seattle Municipal Code and both owns and occupies the residence which will be connected to the City system. Interest on deferred charges shall be computed at the same rate as provided in subsection A of Section 21.24.030 as if payment were being made in a timely manner under an installment contract. A request for deferral must be made thirty (30) days prior to levy of the special connection charge. All charges, including interest, so deferred, shall become due and payable in full at the time of sale or transfer of the property.

E. Such special connection charge for property abutting on a street in which a sewer can be constructed or extended to serve such property, shall be computed as if the sewer were so constructed or extended; and the special connection charge for property located back from the margin of the street in which the sewer exists and outside of the assessment district created therefor shall be made giving consideration to the distance of the property from the street margin. In no case shall credit be allowed for the cost of extra length of side sewer required for connection to the City's sewerage system; provided, that in cases where application of the foregoing formula to a particular property results in a charge which because of unusual conditions is in excess of charges to similar properties, the Director of Seattle Public Utilities is authorized to reduce the special connection charge to the amount charged to properties similarly situated.

F. For connection to side sewers constructed by the City, the property owner for whose benefit connection is made shall pay the cost of the side sewer. The cost shall be computed as follows: The actual cost to the City of the side sewer, plus fifteen (15) percent for City design and administrative costs, plus interest at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection and applied until the connection is made, but exclud-

ing both the year of completion of construction and the year connection is made.

(Ord. 118396 § 120, 1996: Ord. 114158 § 2, 1988: Ord. 111793 § 1, 1984: Ord. 111443 § 1, 1983: Ord. 110212 § 1, 1981: Ord. 106546 § 1, 1977: Ord. 99444 § 2, 1970: Ord. 94880 § 1, 1966: Ord. 94213 § 2, 1965: Ord. 93836 § 1, 1965: Ord. 90233 § 2, 1961: Ord. 89902 § 1(part), 1960: Ord. 82583 § 2-B, 1953.)

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21.24.050 Special connection charge—Credit to Local Improvement District Fund.

If property for which a special connection charge has been paid is subsequently included in a local improvement district for the construction of a sewer of similar nature, the amount so paid shall be credited to the assessment against such property and such amount shall be paid from the Sewer Fund to such Local Improvement District Fund.

(Ord. 90233 § 3, 1961; Ord. 82583 § 2-D, 1953.)

21.24.070 Fee payment.

The fee shall be paid to the City Finance Director before the permit is issued and the amount of the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in the office of the City Director of Seattle Public Utilities.

(Ord. 118396 § 121, 1996; Ord. 116368 § 283, 1992; Ord. 91436 § 3, 1962; Ord. 82583 § 4, 1953.)

21.24.080 Violation of Sections 21.24.010 through 21.24.070.

Any violation of or failure to comply with the provisions of Sections 21.24.010 through 21.24.070 shall be punishable by a fine not exceeding Three Hundred Dollars (\$300) or by imprisonment for a period not exceeding ninety (90) days, or both.

(Ord. 82583 § 7, 1953.)

21.24.090 Refund of sewer permit fees.

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Director of Seattle Public Utilities shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate, the City Finance Director is authorized to draw and to pay a warrant on the General Fund in the amount of such refund and the necessary appropriations are hereby made from any surplus in the fund.

(Ord. 118396 § 122, 1996; Ord. 116368 § 284, 1992; Ord. 84704 § 1, 1955.)

21.24.100 Refund of special sewer connection charge.

Whenever pursuant to Ordinance 82583, as amended,¹ a special sewer connection charge shall have been paid on behalf of a property within the City limits, or pursuant to Ordinance 85317, as amended,² a special sewer connection charge shall have been paid on behalf of property outside the City limits, and such charge shall have been incorrectly computed, duplicate a previous charge imposed and collected pursuant to the authority of either such ordinance, or be otherwise erroneous and an application is made for a refund, the Director of Seattle Public Utilities may authorize the same, such authorization to be in writing and accompanied by a statement of the facts justifying such refund and the amount approved.

(Ord. 118396 § 123, 1996; Ord. 106167 § 1, 1977.)

1.Editor's Note: Ord. 82583 is codified in Sections 21.24.010 through 21.24.080 of this chapter.

2.Editor's Note: Ord. 85317 is codified in Chapter 21.20 of this Code.

Chapter 21.28

WASTEWATER RATES AND CHARGES

Sections:

21.28.005 Definitions.

21.28.010 Sewerage system a public utility.

21.28.020 Administration of utility.

21.28.030 Rates and charges—Purpose.

21.28.040 Wastewater volume charge.

21.28.080 Calculation of residential wastewater volume charge.

21.28.090 Calculation of commercial wastewater volume charge.

21.28.100 Adjustments to wastewater volume charge.

21.28.200 Wastes which would damage or overburden system.

21.28.220 High Strength Industrial Wastewater (HSIW) charges.

21.28.250 Wastewater charges—When payable.

21.28.260 Billing and collection of wastewater charges.

21.28.270 Contracting with other sewer districts.

21.28.280 Drainage and Wastewater Fund.

21.28.290 Review of rates and charges.

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21.28.350 Refunds of wastewater charges.

21.28.400 Severability.

21.28.005 Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

A. "Average winter water consumption" means the average of measured water used during a consecutive four month period, after October 31st and before May 1st, with the consumption measured entirely within that period.

B. "CCF" means one hundred (100) cubic feet, equivalent to seven hundred forty-eight (748) gallons.

C. "Commercial" means customers with two (2) or more residential dwelling units, or municipal, institutional, commercial, or industrial properties.

D. "Customer" means an owner or operator of a property receiving wastewater charges from the Seattle Public Utilities on a Combined Utility Billing Statement (CUBS) or by direct invoice.

E. "Drainage and Wastewater Fund" means the special fund to be used for the operation of the drainage and wastewater functions of the Seattle Public Utilities, which fund was renamed in Ordinance 116455 from the Sewer Fund, which had been established under Ordinance 84390.

F. "Duplex" means a two (2) unit residential dwelling with one (1) water meter.

G. "High strength industrial waste or HSIW" means a surcharge determined by King County on high strength wastes generated by industries, primarily food, beverage and laundry industries, and is computed on the basis of biochemical oxygen demand.

H. "Irrigation" means water used exclusively for watering lawns and gardens.

I. "Metered water consumption" means water measured through public utility meters or meters owned and installed by the customer and approved by the Director of Seattle Public Utilities.

J. "Seasonal customers" means residential customers who leave their Seattle homes vacant during a significant portion of the four (4) month period used to calculate the average winter water consumption.