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Chapter 22.900D

FEES FOR NEW AND ALTERED BUILDINGS AND EQUIPMENT

Sections:

22.900D.010 Development permit fees.
22.900D.020 Development fees for environmentally critical areas.
22.900D.030 Concrete mix design approval.
22.900D.040 Grading fees.
22.900D.050 Fees for drainage review.
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22.900D.080 Demolitions and relocations.
22.900D.090 Permit fees for mechanical equipment and systems, other than boilers and pressure vessels and refrigeration systems.
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22.900D.010 Development permit fees.

A. General. The development fee shall cover the application, review and inspection process associated with new construction, additions, alterations, and repairs to existing buildings and establishment of use. The development fee shall consist of a permit fee and, where plans are routed for review, a separate plan review fee. The permit fee and plan review fee shall be determined based on valuation, except as provided below.

B. Time of Payment of Fees. Fees collected at the time of application will be based on Department estimates of the total fees due at the time of permit issuance. The final Department fees will be recalculated during review, and any additional amount due shall be collected prior to the issuance of the permit, approval, denial, decision or recommendation, provided that hourly fees may be collected earlier, as described in Section 22.900B.010 D. Any fee in excess of the final calculated fee shall be refunded pursuant to Section 22.900B.050.

If, during the initial review, the previously-collected fee is determined to be less than ninety (90) percent of the estimated fee, the review work subsequent to the initial review will not proceed until the discrepancy is paid to the Department.

1. Amounts Due Prior to Application. The following amounts are due prior to application:

a. Fees for building preapplication conference shall be paid prior to the conference. See Section 22.900D.010 H for building preapplication conference fees.

b. A fee equal to one (1) times the base fee shall be collected at the time a request to establish a computer contact number is filed. If the application is not filed within twelve (12) months, the compute contact number shall be canceled and a new fee required to establish another computer contact number for the project.

2. Amounts Due at Time of Application. The following amounts are due at the time of application:

a. Applications for building and/or mechanical permits without plan review shall pay a fee for subject-to-field inspection (STFI) permits equal to the permit fee specified in Table D-2.

b. Applications for building and/or mechanical permits with plan review shall pay the plan review fee plus one-half (½) the permit fee as specified in Table D-2.

c. For other applications, the minimum fee shall be collected at the time of application.

C. Determination of Value.

1. The Director shall determine the value of construction for which the permit is issued (the estimated current value of all labor and materials, whether actually paid or not, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, automatic sprinkler systems, other mechanical systems, retaining walls, rockeries and any other permanent work or per-

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manent equipment, but not including furnishings). The building valuation data from the International Conference of Building Officials (ICBO) as published in "Building Standards" and other valuation criteria approved by the Director will be used to determine the value of construction.

2. The gross area, used in conjunction with the ICBO building valuation and other data to determine the valuation of a building project, means the total area of all floors, measured from the exterior face, outside dimensions or exterior column line of a building, including basements, cellars and balconies, but not including unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, the exterior wall of the open side or sides, for purposes of calculating gross area, is the edge of the roof, including gutters.

3. The valuation for uncovered structures such as roof parking areas, plazas, piers, platforms, commercial decks and similar uncovered usable structures shall be computed on one-half (½) the gross area.

4. Dish or Panel Antennae. The fee for processing applications for installation of a dish or panel antenna shall be charged on the value of the foundation and supports constructed for the installation. The value of the dish or panel antenna shall not be included in the determination of value.

5. The development fee for parks and playgrounds shall be based on the project value, including the value of improvements for structures incidental to the park or playground such as retaining walls, rockeries and restrooms, but shall not include the value of playground equipment.

6. The valuation shall be based on the highest type of construction to which a proposed structure most nearly conforms, as determined by the Director.

D. Phased Permits.

1. When a new building project is proposed to be built in phases and the Director determines that separate development permits may be issued for portions of the project, the development fee for initial permits shall be based on the estimated value of the work under that permit according to Table D-2, except excavating permits shall be based on Section 22.900D.040. The fee for the final permit shall be the fee based on the total value of the new building project minus the sum of the fees for the initial permits, with no credit for an excavation permit fee.

2. Where an applicant requests division of an already-submitted permit application into separate applications, an additional fee of one (1) times the base fee shall be charged for each separate application (including the original application which results from the division).

E. Calculation of Development Fees. The development fee for a permit shall be calculated as described in this section: Table D-1 establishes the development fee index for value-based development fees. Except as specified in Section 22.900D.010 F below, Table D-2 establishes the permit fee and plan review fee, calculated as a percentage of the development fee index where determined by value. If two (2) or more buildings are allowed under one (1) permit, they shall be assessed fees as separate buildings under Table D-2. The individual fees shall then be added to determine the total development fee for the permit.

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Table D-1 — CALCULATION OF THE DEVELOPMENT FEE INDEX

Total Valuation	Development Fee Index
$0 to $1,000	$95 for the first $1,000 or fraction thereof
$1,001 to $50,000	$95 for the first $1,000 plus $1 for each additional $100 or fraction thereof
$50,001 to $100,000	$585 for the first $50,000 plus $.75 for each additional $100 or fraction thereof
$100,001 to $250,000	$960 for the first $100,000 plus $5 for each additional $1,000 or fraction thereof
$250,001 to $500,000	$1,710 for the first $250,000 plus $4.75 for each additional $1,000 or fraction thereof
$500,001 to $750,000	$2,898 for the first $500,000 plus $4.50 for each additional $,1000 or fraction thereof
$750,001 to $1,000,000	$4,023 for the first $750,000 plus $4.25 for each additional $1,000 or fraction thereof
$1,000,001 to $2,000,000	$5,086 for the first $1,000,000 plus $4 for each additional $1,000 or fraction thereof
$2,000,001 to $3,000,000	$9,086 for the first $2,000,000 plus $3.75 for each additional $1,000 or fraction thereof
$3,000,001 to $4,000,000	$12,836 for the first $3,000,000 plus $3.50 for each additional $1,000 or fraction thereof
$4,000,001 to $5,000,000	$16,336 for the first $4,000,000 plus $3.25 for each additional $1,000 or fraction thereof
$5,000,001 to $50,000,000	$19,586 for the first $5,000,000 plus $3 for each additional $1,000 or fraction thereof
$50,000,001 to $100,000,000	$154,586 for the first $50,000,000 plus $2.50 for each additional $1,000 or fraction thereof
$100,000,001 to $200,000,000	$279,586 for the first $100,000,000 plus $2 for each additional $1,000 or fraction thereof
$200,000,001 and up	$479,586 for the first $200,000,000 plus $1 for each additional $1,000 or fraction thereof

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Table D-2 — CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
Type of Development	**Percent of Development Fee Index (DFI) Calculated from Project Value as Specified in Table D-1**[1]	
	Permit Fee	**Plan Review Fee**
1.Building, with or without mechanical, with or without use[2]	100% of DFI	100% of DFI
2.STFI (Subject to field inspection — building and/or mechanical without plan review)	100% of DFI	none
3.Mechanical permit separate from, but associated with, active building permit (see also Section 22.900D.090)	25% of DFI	25% of DFI
4.Mechanical permit not associated with active building permit (see also Section 22.900D.090)	100% of DFI	100% of DFI
5.Blanket permit review fees:		
a. Initial tenant alterations within three (3) years of first tenant permit within a building where the area of work is more than fifty thousand (50,000) square feet	\$1.50 per 100 square feet[1]	\$1.70 per 100 square feet[1]
b. Initial tenant alterations after three (3) years of first tenant permit, and other tenant alterations	100% of DFI	40% of DFI
6.Initial tenant alterations within eighteen (18) months of first tenant permit (nonblanket permit initial tenant improvements to shell and core)[3]	25% of DFI based on new building value of shell and core	25% of DFI based on new building value of shell and core
7.Standard plans:		
a. Establishment of standard plan (for swimming pools, see Item 16 below)	100% of DFI	100% of DFI
b. Establishment of already permitted plan as standard plan	100% of DFI	
c. Subsequent reviews of standard plan	100% of DFI	40% of DFI
8.Factory-built housing and commercial structures	\$110	\$110

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Table D-2 — CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
Special Development Fees		
Type of Development	**Permit Fee**	**Permit Review Fee**
9. Establishing Use For the Record.		
a. Applications with no construction	Base fee × 1.5	
b. Applications with construction	100% of DFI	100% of DFI
10. ECA plan review[4]	NA	23% of DFI
11. Noise survey reviews	None	$110 per hour
12. Parking facilities		
a. Outside a building	See Section 22.900D.060	
b. Within or on a building	See Section 22.900D.010 C	
13. Renewal fees		
a. Development permits where original plans will be changed	$110 per hour	$110 per hour
b. Development permits other than separate mechanical where no change will be made to original plans	Base fee × 1.5	
c. For separate mechanical	Base fee × 1	
14. Residential oil storage tanks	See Table D-8	
15. Special inspection	Base fee × 1	
16. Swimming pools[5]		
a. Unenclosed pools accessory to Group R-3 occupancy	Base fee × 4	$110 per hour
b. Unenclosed pools accessory to occupancies other than Group R-3	Base fee × 6	

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Table D-2 — CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
Special Development Fees		
Type of Development	**Permit Fee**	**Permit Review Fee**
c. Principal use unenclosed pools	Base fee × 6	
d. Future construction of an unenclosed swimming pool	Base fee × 1	
e. Initial approval of standard plan for swimming pool accessory to Group R-3 occupancy	Base fee × 5	
f. Subsequent review of application based on approved swimming pool standard plan	Base fee × 1.5	
17.Temporary structures, such as commercial coaches; renewal of permits for temporary structures[6]	Base fee × 2 per structure	
18.Temporary tents, off-site construction offices and similar facilities	Base fee × 2 plus $500 refundable deposit per site[7]	
19.Temporary use permits		
a. for 4 weeks or less[8]	Base fee × 1.5	
b. for more than 4 weeks[8]	Base fee × 2	

Notes to Table D-2:

1. The minimum permit fee or plan review fee is $95.
2. The minimum fee for accessory dwelling units is $180.

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3. This fee is applicable only to those initial tenants that reflect the use and occupancy established in the shell and core permit. The value used shall be the new construction value used in calculating value for the core and shell permit.
4. See Section 22.900D.020 to determine when the ECA fee is applied and to determine the fee for third-party geotechnical review.
5. When a swimming pool is located within an enclosed building and is included in the building plans for that building, a separate fee shall not be charged for the swimming pool. The swimming pool area will be considered as floor area of the principal occupancy of the building.
6. This fee shall not apply to any on-site, temporary construction office where a valid building permit is in force.
7. All costs to the city for site cleanup shall be deducted from the deposit before the deposit is refunded.
8. Master Use Permit and zoning review fees for such temporary uses shall be charged according to Table C-1.

F. Blanket Permits.

1. The application fee for a blanket permit to cover initial nonstructural tenant alterations within the first three (3) years of the first tenant alteration permit shall be charged at the rate of Three Dollars and Twenty Cents ($3.20) per one hundred (100) square feet of space to be improved within the life of the permit. A deposit based on the estimated value of the work to be completed during the life of the permit shall be collected at the time of application. As individual tenant spaces are reviewed, the amount of the fee equivalent to the floor space examined shall be deducted from the deposit per Table D-2.

2. The application fee for a blanket permit to cover nonstructural tenant alterations in previously-occupied space, or to cover initial nonstructural tenant alterations after three (3) years of the first tenant alteration permit, is Ninety-five Dollars ($95). A deposit based on the estimated value of the proposed work within eighteen (18) months shall be collected at the time of application. As individual tenant spaces are reviewed, the fee for the work to be done shall be calculated according to Table D-2 and deducted from the deposit.

3. When the estimated blanket fee deposit is used up in less time than the life of the permit and work remains to be done, an additional deposit shall be paid based on the estimated floor area remaining to be improved during the remaining life of the permit. When a portion of the deposit is unused at the end of the life of the permit and work remains to be done, credit for the balance of the deposit may be transferred from the expiring permit to a new blanket permit. To minimize additional accounting costs associated with blanket permits, where more than two (2) deposits are made during the life of the blanket permit, the minimum amount of each subsequent deposit shall be Two Thousand Dollars ($2,000).

G. Certificate of Occupancy. The issuance of a certificate of occupancy for existing buildings, either where no certificate of occupancy has previously been issued or where a change of occupancy is requested, requires a building permit. When there is no construction valuation (there is no work which would require a building permit), the minimum building permit fee shall be assessed. In addition to the minimum building permit fee, where records research, plan examination or inspection is required, charges shall be assessed at the rate of One Hundred Ten Dollars ($110) per hour. Where work is being done as authorized by a permit, the permanent certificate of occupancy fee is not assessed in addition to the building permit fee. The fee for a temporary certificate of occupancy shall be charged at the rate of one-half (½) of the base fee. The fee for the duplication of a certificate of occupancy is Sixteen Dollars ($16) unless records research, plan examination or inspection is required, in which case charges shall be assessed at the rate of One Hundred Ten Dollars ($110) per hour.

H. Building Preapplication Conferences.

1. Required Building Preapplication Conferences. When there is a requirement for a preapplication or predesign conference, such as buildings subject to the Seattle Building Code special provisions for atria (Section 402), or highrise buildings (Section 403), thirty-five (35) percent of the estimated plan review fee for the structure shall be charged and paid as specified in Section 22.900D.010 B, and applied toward the development permit fee. (See Table C-1 for land use preapplication conference fees.)

2. Other Building Preapplication Conferences. When a preapplication conference is requested by the applicant but is not required by

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Code, a fee equal to one and one-half (1½) times the base fee shall be paid no later than the time of the conference. Such fee is required for each meeting held on a project, and will be applied toward the future permit application fee provided:

a. The project is identified by the proper address at the time of the preapplication conference; and

b. The permit application is made within six (6) months of the date of the preapplication conference.

I. Correction Penalty Fee. After written notice to the applicant, a penalty fee of Two Hundred Fifty Dollars ($250) will be charged for each additional correction cycle required due to lack of adequate response from the applicant.

J. Refunds. Refunds of development permit fees shall be calculated as specified in Table D-3. See also Section 22.900B.050.

Table D-3 — CALCULATING REFUNDS of DEVELOPMENT PERMIT FEES[1]

Stage in Review Process	Permit Fee Amount Eligible for Refund Based on Total Permit Fee Calculation	Plan Review Fee Amount Eligible for Refund Based on Total Plan Review Fee Calculation
Application filed, review not started		
Permit only (no plan review)	50%	0% (Not applicable, no fee paid)
Permit with plan review	50%	100%
Plans routed, but initial reviews/processing not completed		
Permit only (no plan review)	50%	0% (Not applicable, no fee paid)
Permit with plan review	50%	50%
Initial review completed		
Permit only (no plan review)	50%	0% (Not applicable, no fee paid)
Permit with plan review	50%	10%
Permit ready to issue		
Permit only (no plan review)	25%	0% (Not applicable, no fee paid)
Permit with plan review	40%	0% (No refund allowed)
Permit is issued; no work started		
Permit only (no plan review)	25%	0% (Not applicable, no fee paid)
Permit with plan review	40%	0% (No refund allowed)
Permit is issued; work started		
Permit only (no plan review)	0% (No permit fee refunded)	0% (Not applicable, no fee paid)
Permit with plan review	0% (No permit fee refunded)	0% (No refund allowed)

Note to Table D-3:

1.Refunds will be based upon the calculations of the total application and permit fee.

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K. Renewals. Fees for renewal of permits shall be charged according to Table D-2.

L. Reestablishment. The following fee shall be charged for reestablishment of development permits:

1. One and one-half (1½) times the base fee; plus

2. If plan review had been required for the original permit, an additional amount of One Dollar and Fifty Cents ($1.50) per One Thousand Dollars ($1,000) of value of work that was not completed and inspected under the expired permit shall be charged; plus

3. If changes are made to the original plans, an additional fee shall be charged for inspection and/or plan examination at One Hundred Ten Dollars ($110) per hour.

The maximum fee for reestablishment is ten (10) times the base fee.

When the fee for a new permit would be less than one and one-half (1½) times the base fee, then the fee to reestablish the permit shall be the same as for a new permit.

(Ord. 119255 § 2 (part), 1998.)

22.900D.020 Development fees for environmentally critical areas.

A. Foundation Systems and Retaining Walls. A fee as determined by Table D-2 shall be charged for work that includes ground disturbance such as that required for foundation systems, retaining walls, and rockeries when the work is located in the following environmentally critical areas: geologic hazard, riparian corridor, abandoned landfill, or wetland areas. The fee will not be charged for work that is exempt from environmentally critical areas regulations.

B. Third Party Geotechnical Review. The fee for third party review as specified in critical areas regulations, Seattle Municipal Code Section 25.09.080 C, is the contract cost to the Department for the review plus an amount equal to fifteen (15) percent of the contract amount for administration and review of the third party geotechnical report and recommendations. Seventy-five (75) percent of the estimated contract amount shall be paid prior to the contract award.

(Ord. 119255 § 2 (part), 1998.)

22.900D.030 Concrete mix design approval.

The fee for the evaluation of a concrete design mix is one-half (½) times the base fee, paid in advance of the evaluation decision being rendered.

(Ord. 119255 § 2 (part), 1998.)

22.900D.040 Grading fees.

A. Table D-4 establishes fees for grading permits for normal excavation and fill, and for sites or proposals with complex or unusual soils conditions, as determined by the Director. Fees for grading permits shall be paid at the time of application.

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Table D-4 — GRADING PERMIT FEES				
Cubic Yards:				
	0—500	**501—2,500**	**2,501—12,500**	**12,501 and Up**
With building permit	$275	$375	$660	$1,320 plus $16/1,000 cu yards over 12,500
Without building permit	$385	$485	$770	$1,430 plus $16/1,000 cu yards over 12,500
Grading located in environmentally critical area	$550	$660	$1,210	$2,530 plus $16/1,000 cu yards over 12,500

B. The fee to renew a grading permit is one and five-tenths (1.5) times the base fee if the original plans are not changed. If the plans are changed, the fee is One Hundred Ten Dollars ($110) per hour for all inspection and plan examination performed.

C. The fee to reestablish a grading permit is one and five-tenths (1.5) times the base fee.

(Ord. 119255 § 2 (part), 1998.)

22.900D.050 Fees for drainage review.

A. Fees for drainage review shall be charged according to Table D-5. The minimum fee shall be charged at the rate of one (1) times the base fee, except as noted below. The review fee shall be paid at the time of application, except that a fee of one-half (½) the base fee shall be paid for drainage review for grading-only permits.

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Table D-5 — DRAINAGE REVIEW FEES

Type	Review Fee
1.Drainage review for grading only	$110 per hour with ½-hour minimum
2.Drainage systems connecting directly to storm drains[1]	
a. Single-family less than 9,000 square feet	
b. Multifamily or commercial less than 9,000 square feet	Base fee × ½
c. All developments with greater than 9,000 square feet of development coverage	Base fee × 1
	$540.00 plus $0.06 per square foot over 9,000 square feet up to a maximum of $4,000
3.Drainage systems with detention required[1]	
a. Single-family less than 9,000 square feet	
b. Multifamily or commercial less than 9,000 square feet	
c. All developments with greater than 9,000 square feet of developmental coverage	Base fee × 1 Base fee × 2.73 ($300)
4.Drainage (temporary) and erosion control systems over 9,000 square feet of developmental coverage	$540 plus $0.06 per square foot over 9,000 square feet up to a maximum of $4,000
	Base fee × 1.64 ($180)

Notes to Table D-5:

1.Sewer and drain connections, and repairs, alterations, or additions to side sewers also require sewer or drainage connection permits from the Seattle Public Utility and the payment of associated fees. See Chapter 21.24.

B. Refunds. Refunds of drainage review fees shall be calculated as specified in Table D-6.

Table D-6 — CALCULATING REFUNDS OF DRAINAGE REVIEW FEES

Stage in Review Process	Amount Eligible for Refund
Plans identified for routing to drainage but no routing has occurred	100% of collected fee
Plans routed to drainage fee for review but no review started	50% of collected fee
Initial drainage review started but application is not approved or report is not complete	0% (No refund allowed)
Application is ready to issue	0% (No refund allowed)
Application is issued	0% (No refund allowed)

(Ord. 119255 § 2 (part), 1998.)

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22.900D.060 Fees for parking facilities outside of buildings.

A. A fee for parking facilities outside of buildings shall be charged for the review of plans to regrade and resurface existing parking facilities, to reconfigure existing parking facilities (rearrange parking spaces and aisles), to establish parking facilities on existing paved areas, and to establish and construct new parking facilities, whether the principal use of a lot or accessory to another use, as provided in Table D-7. (Parking facilities within buildings shall be charged fees in accordance with Section 22.900D.010.)

B. In determining the area of the parking facility, all aisles and landscape areas internal to the parking facility shall be included. Driveways to the parking facility and landscape areas on the periphery of the parking facility shall not be included.

C. These fees shall not apply to any parking facility which is underground and within a structure or on the roof of a structure, or to any extension of a parking facility which is primarily under a building, provided that the uncovered extension is no more than four (4) feet beyond the footprint of the building. The fees for these parking facilities shall be charged in accordance with Section 22.900D.010.

Table D-7 — PARKING FACILITIES FEES

Parking Lot Size (Square Feet of Gross Parking Area[1])	Fee Without Associated Building or Use Permit[2]	Fee With Associated Building or Use Permit[2]
Over 4,000	$326	$264
2,000 — 4,000	$264	$163
Less than 2,000	$110	No fee

Notes to Table D-7:
1. Where an existing parking facility is being reconfigured, gross parking area shall be the area being reconfigured.
2. Associated building or use permits are permits that have not expired (or are still going through the review process).

D. The fee for renewal of a permit for a parking facility is one and one-half (1½) times the base fee where there are no changes in the plans. If changes are made to the original plans, an additional fee shall be charged for inspection and/or plan examination at One Hundred Ten Dollars ($110) per hour.
(Ord. 119255 § 2 (part), 1998.)

22.900D.070 Floodplain development approval or license fee.

The fee for processing and review of applications for floodplain development approvals shall be charged at the rate of one and one-half (1½) times the base fee, except that the fee for processing and review of applications for a floodplain

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development license shall be charged at the rate of one (1) times the base fee.
(Ord. 119255 § 2 (part), 1998.)

22.900D.080 Demolitions and relocations.

A. Demolition.

1. The fee for demolition permits is One Hundred Sixty-five Dollars ($165) for demolitions not directly associated with a building permit and when a separate permit is issued for the demolition. No fee is charged for demolition that is a component of a building permit for construction of a new building or addition to an existing building.

2. A demolition fee is charged regardless of whether the demolition permit is requested separately or in conjunction with a building and/or Master Use Permit, except that no demolition fee shall be charged where a building permit is issued in conjunction with a demolition permit.

B. Relocation Other Than Floating Homes.

1. The fee to relocate a building from within the City to a location outside of the City is the same as the fee for demolition.

2. The fee to relocate a building from outside the City to within the City limits is calculated according to Table D-2 as if the building were new construction plus a preapplication inspection fee charged in the amount of one (1) times the base fee.

3. The fee to relocate a building within the city is calculated according to Table D-2 as if the building were new construction, plus applicable demolition fee for the site from which the building is moved, plus a preapplication inspection fee charged in the amount of one (1) times the base fee to inspect the building prior to application.

4. Relocation permits require a deposit or bond of Ten Thousand Dollars ($10,000), refundable upon the completion and approval of the foundation and framing.

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5. A preapplication inspection fee of one (1) times the base fee shall be paid prior to the inspection.

C. Floating Home Relocation. The fee to relocate a floating home within the same moorage shall be charged at the rate of one and one-half (1½) times the base fee. If the floating home is being relocated to a different moorage, the fee shall be charged at the rate of two and one-half (2½) times the base fee to include a preapplication site inspection.

(Ord. 119255 § 2 (part), 1998.)

22.900D.090 Permit fees for mechanical equipment and systems, other than boilers and pressure vessels and refrigeration systems.

A. Mechanical permit fees for the installation, replacement or major alteration of heating equipment, domestic oil storage tanks, incinerators and other miscellaneous heat-producing appliances shall be charged as set in Table D-8. Fees shall be charged for each furnace when it is applied for without plans. No separate fee shall be charged for a furnace when it is included in plans for a mechanical air-handling system submitted for a mechanical permit.

B. Mechanical permits are considered part of a building permit, with no additional fee, when mechanical plans are submitted at the same time as structural and architectural plans for the same building project. The fees for a separate mechanical permit for installation, alteration or repair of mechanical air-handling systems, including ducts attached thereto, associated nonresidential heating and cooling equipment, and mechanical exhaust hoods, including ducts attached thereto, are charged per Table D-2.

C. Mechanical Permits Subject to Energy Code. The fees for Energy Code review are included in the fees in Tables D-2 and D-8.

D. Simply Mechanical Permits. The fee for work which the Director determines qualifies for a simply mechanical permit is Six Hundred Fifty Dollars ($650) for five (5) permits, each having a value of One Hundred Thirty Dollars ($130). Each One Hundred Thirty Dollar ($130) permit may be applied to work with a value up to Seven Thousand Dollars ($7,000).

E. The fee to renew a mechanical permit when no changes are made to the original permit is the lesser of the base fee and the original permit fee. The fee to renew a mechanical permit when changes are made to the original permit is One Hundred Ten Dollars ($110) per hour for inspections and plan examination performed.

The fee to renew a furnace permit is one-half (½) the base fee.

F. The fee to reestablish a wood stove or furnace permit is one-half (½) the base fee.

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Table D-8 — PERMIT FEES FOR MECHANICAL EQUIPMENT[1]

Type of Installation	Fee
Forced air, gravity-type, or floor furnace,[1] gas or oil suspended heater, heat pump, recessed wall heater or floor-mounted space heater, wall furnace, circulating heater or woodstove/fireplace insert, including ducts and burners attached thereto	$80 per unit[3]
New gas or oil burners and newly installed used gas or oil burners[2]	$80 per unit[3]
Appliance vents Class A, B, BW or L when installed separately	$64 per unit[3]
Residential oil storage tanks	$64 per unit[3]
Mechanical air-handling systems, See Table D-2	
Appliances or equipment or other work not classed in other categories, or for which no other fee is listed	Hourly at $110 per hour. Minimum of one-half (½) times the base fee.

Notes to Table D-8:

1. Renewal of a furnace permit shall be charged at the rate of one-half (½) times the base fee.
2. See Table D-12 for rates for burners installed in boilers.
3. Fees shall be charged for furnaces when they are applied for without plans. No fee shall be charged for furnaces when they are included in plans for a mechanical air-handling system submitted for a mechanical permit.

G. Refunds. Refunds of mechanical permit fees shall be calculated as specified in Table D-9.

Table D-9 — CALCULATING REFUNDS OF MECHANICAL FEES

MECHANICAL EQUIPMENT

Stage in Review Process	Amount Eligible for Refund
Permit is issued; no work started.	25%
Permit is issued; work started.	0% (No refund allowed)

(Ord. 119255 § 2 (part), 1998.)

22.900D.100 Refrigeration equipment and systems.

A. Fees for the installation, addition, repair, replacement and alteration of refrigeration equipment and systems shall be charged as set in Table D-10.

B. Temporary installations of ten (10) days' duration or less, made for the purposes of exhibition, display or demonstration shall be charged a fee of Twenty-nine Dollars ($29) for each installation.

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Table D-10 — REFRIGERATION PERMIT FEES[1]

Type or Size of System/Equipment	Fee
Basic fee	$29
Additional installation fee per compressor	
0—5 HP	$ 29
6—25 HP	59
26—100 HP	119
101—500 HP	156
Over 500 HP	193
Repair and alteration (value of work)	
$0 — $1,000	$29
$1,001 — $5,000	$44
Over $5,000	$74 plus $29/each $5,000 of valuation above $10,000

Notes to Table D-10:

1. Where the application for permit shows cooling tonnage rather than horsepower, the fees of this table shall apply at a rate of one (1) horsepower equals one (1) ton of cooling capacity.

C. Refunds. Refunds of refrigeration permit fees shall be calculated as specified in Table D-11.

Table D-11 — CALCULATING REFUNDS OF REFRIGERATION FEES

MECHANICAL EQUIPMENT

Stage in Review Process	Amount Eligible for Refund
Permit is issued; no work started.	25%
Permit is issued; work started.	0% (No refund allowed)

(Ord. 119255 § 2 (part), 1998.)

22.900D.110 New installations and alterations of boilers and pressure vessels.

A. Fees for the installation of boilers and pressure vessels shall be charged as set in Table D-12. The fee for alteration or repair of boilers when an inspection is required is a minimum fee of one-half (½) times the base fee and a fee for inspection time beyond the first one-half (½) hour of One Hundred Ten Dollars ($110) per hour.

B. Boiler Permits Subject to Energy Code. The Energy Code fee for boiler permits is Seventeen Dollars ($17).

C. The fee to reestablish a boiler permit is one-half (½) the base fee.

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Table D-12 — INSTALLATION PERMIT FEES FOR BOILERS AND PRESSURE VESSELS

Heated by Combustion Products

Type of Installation	Heating—Surface (In Square Feet)	Electric Power Input (In KW)	Installation Fee
Boilers	0—250 251—500 501—750 751—1,000 Over 1,000	0—200 201—400 401—600 601—800 Over 800	$110 162 219 316 397
Pressure Vessels[1]	0—15 16—30 31—50 51—100 Over 100	(Length times diameter in square feet)	$ 74 97 138 178 219
Burners[2] and/or automatic certification Monitoring system	0—12,500,000 Btu/hr Over 12,500,000 Btu/hr Per boiler		$110 (each fuel) $171 (each fuel) $203
All types above			Renewal fee $55

Notes to Table D-12:

1. Rating size is the product of the two (2) greatest dimensions of the vessel; diameter × overall length for the cylindrical vessels; maximum width × maximum length for rectangular vessels.
2. When a burner is installed in conjunction with a boiler, a separate fee shall not be charged for the burner.

(Ord. 119255 § 2 (part), 1998.)

22.900D.120 Boiler and pressure vessel plan approval.

The fee for processing boiler and pressure vessel plans shall be charged at the same rate as the installation fee, provided that a minimum fee shall be charged at the rate of one-half (½) times the base fee.
(Ord. 119255 § 2 (part), 1998.)

22.900D.130 Shop and field assembly inspections.

A. The Director may, upon written request of any manufacturer or assembler licensed to do business in The City of Seattle who has an appropriate American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Symbol and holds a valid certificate of authorization from the ASME, make shop and field assembly inspection of boilers, boiler piping and unfired pressure vessels and provide for certification of manufacturers' data reports of such inspections as may be required by the ASME Boiler and Pressure Vessel Code rules. This service shall be provided only when the equipment is to be installed within The City of Seattle, and only when the applicant is unable to obtain inspections from private inspection agencies or other governmental authorities.

B. Fees for shop and field assembly inspection of boilers and pressure vessels shall be charged at the same rate as the installation fees for the equipment or at an hourly rate of One Hundred

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Ten Dollars ($110) per hour, with a minimum fee charged at the rate of one (1) times the base fee for any one (1) inspection.

C. Fees for inspection requested for other than shop and field assembly inspection shall be charged at an hourly rate of One Hundred Ten Dollars ($110) per hour, with a minimum fee charged at the rate of one (1) times the base fee for any one (1) inspection.

D. No fee shall be charged for the emergency inspection of a boiler or pressure vessel which has burst, burned or suffered other accidental damage, provided the boiler or pressure vessel is covered by a current valid certificate of inspection.
(Ord. 119255 § 2 (part), 1998.)

22.900D.140 New installations and alterations of elevators.

A. Permit fees for new installations and relocations of passenger or freight elevators, automo-

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bile parking elevators, escalators, moving walks, material lifts, dumbwaiters, lifts, and private residence elevators shall be charged as set forth in Table D-13.

B. The permit fee for alterations and repairs to existing elevators, escalators, lifts, moving walks, dumbwaiters, and other conveyances shall be charged on a valuation basis as set forth in Table D-13, provided that in no case shall the fee for alteration or repair exceed the fee if the same were a new installation.

C. The fee for a temporary, sixty (60) day operating permit is one (1) times the base fee.

D. The fee to reestablish an elevator permit is one-half (½) the base fee.

Table D-13 — ELEVATOR PERMIT FEES[1,2,3,4]

Type of Conveyance	Fee
New Installations and Relocations	
Hydraulic elevators	$345 plus $30 per hoistway opening
Cabled geared and gearless elevators	$660 plus $50 per hoistway opening
Residential elevators	$260
Dumbwaiters, manual doors	$125 plus $15 per hoistway opening
Dumbwaiters, power doors	$125 plus $35 per hoistway opening
Escalators and moving walks	$980 plus the following (width in inches + run in feet + vertical rise in feet) × $3
Handicap lifts (vertical and inclined)	$200
Material lifts	$240

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Table D-13 — ELEVATOR PERMIT FEES[1,2,3,4]
(Continued)

Type of Conveyance	Fee
Alterations and Repairs	
Handicap lifts (vertical and inclined)	$100 plus $15 for each $1,000 of construction value or fraction thereof
Other elevators, escalators, walks, dumbwaiters and lifts	$125 plus $20 for each $1,000 of construction value or fraction thereof
Elevator cosmetic alterations only:	
Weight differential less than or equal to 5%	$125 plus $20 for each $1,000 of construction value or fraction thereof, to a maximum fee of $250
Weight differential greater than 5%	$125 plus $20 for each $1,000 of construction value or fraction thereof
Alteration or replacement of a door opening device	$145

Notes to Table D-13:
1. Each separately-powered unit is considered a separate conveyance. Applications and permits shall be issued accordingly. (See Seattle Building Code Section 3006.1.)
2. Installation fees include charges for electrical equipment installed in connection with any conveyance and such equipment shall not be subject to a separate electrical permit and fee.
3. Each of these fees includes a nonrefundable portion in the amount of one (1) times the base fee.
4. The fee for alteration and repair shall not exceed the fee for the same device if installed as new.

(Ord. 119255 § 2 (part), 1998.)

22.900D.150 Electrical permit fees.

A. Permit Fees When Plans and Specifications Are Required.

1. Permit fees for electrical installations for which plans and specifications are required under the provisions of the Seattle Electrical Code shall be charged on a valuation basis as set forth in Table D-14.

2. When approved by the Director to submit plans for advance plan examination, fifty (50) percent of the estimated permit fee shall be collected at the time of the permit application and plan submittal.

3. The Director shall determine the value of the construction, which is the value to the vendee of all labor, material, fittings, apparatus and the like, whether actually paid for or not, supplied by the permit holder and/or installed by the permit holder as a part of, or in connection with, a complete electrical system, but which does not include the cost of utilizing equipment connected to the electrical system. The Director may require verification of the stated cost of any work subject to these fees.

When the cost of any proposed installation is unknown, an estimate of the cost shall be made and used to compute the permit fee.

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The permit fee specified in Table D-14 is due at the time of application. Upon completion of the installation, a fee adjustment may be made in favor of the City or the permit holder, if requested by either party.

4. In addition, for those electrical permits subject to the Energy Code, the Energy Code fee set in Section 22.900D.150 E shall be charged.

5. When plans which have been examined and corrected are altered and resubmitted, hourly charges for reexamination shall be assessed at One Hundred Ten Dollars ($110) per hour.

6. When a duplicate set of approved plans is submitted for examination and approval at any time after a permit has been issued on the original approved plans, hourly charges for Departmental work shall be assessed.

B. Blanket Permits for Electrical Work.

1. A blanket permit to cover electrical work shall be charged at the rate specified in Table D-14 for the value of the work to be done within one (1) year.

2. When the initial deposit for one (1) year is used up in less than one (1) year and work remains to be done, an additional deposit shall be paid based on the fee from Table D-14 for the estimated value of work remaining to be done in that year. When a portion of the deposit remains unused at the end of one (1) year and work remains to be done, credit for the balance of the deposit may be transferred from the expiring permit to a new blanket permit for electrical work.

C. Permit Fees When Plans and Specifications Are Not Required.

1. Permit fees for electrical installations, additions and alterations for which plans and specifications are not required shall be as set forth in Table D-15. The permit fee specified in Table D-15 is due at the time of application.

2. Permit fees for temporary electrical installations shall be charged for services only at the rate set forth in Table D-15.

3. In addition, for those electrical permits subject to the Energy Code, an Energy Code fee, as set forth in Section 22.900D.150 E shall be charged.

D. Phased Permits.

1. When an electrical project is proposed to be installed in phases and the Director determines that separate electrical permits may be issued for portions of the project, the permit fee for the initial permits shall be based on the estimated value of the work under that permit according to Table D-14. The fee for the final permit shall be the fee based on the total value of the electrical installations minus the sum of the values of the initial permits.

2. Where an applicant requests that an application for a permit be divided into separate applications subsequent to the initial submittal of a unified application, an additional fee shall be charged at the rate of one (1) times the base fee for each separate application which results from the division.

E. Electrical Permits Subject to the Energy Code. When an electrical permit includes work subject to the Energy Code, an Energy Code fee of five (5) percent of the electrical permit fee, as determined by Table D-14 or D-15, with a minimum of Seventeen Dollars ($17) shall be charged, except that when a heat-loss analysis has been submitted in conjunction with a construction permit for a single-family residence, the Energy Code fee determined by this section shall not be charged.

F. Permit Fee for the Combined Single-family Dwelling Alteration Permit. Permit fees for the electrical component of a combined building and electrical single-family alteration permit shall be calculated as shown in Table D-15.

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Table D-14 — ELECTRICAL PERMIT FEES
(when plans are required)

Value of Construction	Fee
$ 0 to $1,000	$90 (minimum fee)
$1,001 to $5,000	$90 plus 5.7% of excess over $1,000
$5,001 to $10,000	$308 plus 3.89% of excess over $5,000
$10,001 to $25,000	$503 plus 1.94% of excess over $10,000
$25,001 to $500,000	$794 plus 1.46% of excess over $25,000
$500,001 and up	$7,729 plus 1.27% of excess over $500,000

Table D-15 — ELECTRICAL PERMIT FEES
(when plans are not required)

Combined Single-family Alteration Permit Electrical Component	Fee
No service change	$55.00 plus outlet fee[1]
Service change	$112 plus outlet fee[1]

Installations
A charge[2] of $35.00 plus the following shall be charged:

Type of Installation	Size	Fee
Services (installation, relocation and temporary installations; size based on conductor ampacity)	1 — 125A	$ 43.00
	126 — 200A	71.00
	201 — 300A	99.00
	301 — 400A	142.00
	401 — 500A	170.00
	501 — 599A	207.00

Feeders[3]	Size	120V only	240V — <480V and 3 Phase	>480V
	15 — 20A	$ 6.80	$ 8.60	$ 8.60
	30 — 40A	8.60	15.40	15.70
	50 — 70A	13.60	22.50	29.30
	90 — 100A		29.30	36.80
	125 — 225A		42.90	53.60
	250 — 400A		73.00	89.00
	450 — 600A		110.00	141.00

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Table D-15 — ELECTRICAL PERMIT FEES (Continued)

Type of Installation	Size	Fee
Connections		
Light outlet, switches, plugs, fixtures,[4] residential-type fan	Each	$ .90
Track lighting or multi-outlet assembly	Per 2 feet of track	.90
Devices		
Dimmer (commercial 2,000 watt or over)	Each	$ 8.60
Nonelectrical furnace[5]	Each	7.00
Appliances and utilization equipment (cord and plug or direct wired)		
(15 — 25A)	Each	7.00
(30 — 50A)	Each	15.00
Range	Each	15.00
Water heater (220 volt)	Each	15.00
Floodlight[6]	Each	13.60

A charge[2] of $35.00 plus the following shall be charged:

Type of Installation	Size	Fee
Sign	Each	$ 19.00
Motors:		
Up to 1/3 HP		$ 3.20
Up to 3/4 HP		7.00
Up to 3 HP		10.70
Up to 5 HP		13.60
Up to 10 HP		17.00
Up to 20 HP		25.00
Up to 50 HP		43.20
Up to 100 HP		59.30
Up to 200 HP		121.90
Over 200 HP		133.70
Electric furnaces and heaters:		
Up to 2 KW		$ 3.20
Up to 5 KW		7.00
Up to 15 KW		9.60

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Up to 30 KW	18.90
Up to 50 KW	40.80
Up to 100 KW	66.50
Up to 200 KW	162.00
Over 200 KW	270.00

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Table D-15 — ELECTRICAL PERMIT FEES (Continued)

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Type of Installation	Size	Fee

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Temporary construction power for single-	Any	$ 43.00

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family residence

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Low-voltage systems[7] (all types except	Requires separate permit

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communication systems)	for each system

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Control unit	Each	$ 2.65

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Device (actuating, horn, alarm, etc.)	Each	.65

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Control systems (>100 volts) shall be based

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on the feeder schedule

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0 — 1,000′	No permit required*

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1,001 — 2,000′	$ 46.00

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2,001 — 5,000′	94.00

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5,001 — 10,000′	142.00

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10,001 — 30,000′	187.00

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Over 30,000′	235.00

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Inspections for which not other fee is listed	Each	$110.00 per hour

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Minimum $55.00 per hour

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*See Electrical Code for permit exemptions

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1.The outlet fee is equal to Four Dollars and Fifty Cents ($4.50) times the number of rooms with electrical alteration.

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2. Additions, exclusive of service changes or heat circuits, with a total fee of twenty-five (25) percent or less of the fee of the permit may be added to an existing permit at the rates in this chart plus Fourteen Dollars ($14).

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3.Feeders will be charged only for a subpanel, distribution panel and branch circuits of sixty (60) amperes or over.

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4.Fixtures will be charged only for replacement, reinstallation or installation separate from light outlet wiring.

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5.For furnaces where service exceeds twenty-five (25) amperes, provided an additional feeder fee shall not be charged. For furnaces where service is twenty-five (25) amperes or less, the furnace fee shall not apply provided a feeder fee is charged.

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6.Outdoor area lighting (parking lots, streets, etc.).

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7.Low-voltage systems include, but are not limited to, systems listed in Chapter 7 and Chapter 8 of the National Electrical Code.

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G. Renewals. The fee to renew an electrical permit when no changes are made to the original plan is one and one-half (1½) times the base fee. The fee to renew an electrical permit when changes are made to the original plans is One Hundred Ten Dollars ($110) per hour for inspections and plan examination performed.

H. Reestablishment. The following fee shall be charged for reestablishment of electrical permits:

1. One and one-half (1½) times the base fee; plus

2. If plan review had been required for the original permit, an additional amount of One Dollar and Fifty Cents ($1.50) per One Thousand Dollars ($1,000) of value of work that was not completed and inspected under the expired permit shall be charged; plus

3. If changes are made to the original plans, an additional fee shall be charged for inspection and/or plan examination at the hourly rate.

The maximum fee for reestablishment is ten (10) times the base fee. When the fee for a new permit would be less than one and one-half (1½) times the base fee, then the fee to reestablish the permit shall be the same as for a new permit.

I. Refunds. Refunds of electrical fees shall be calculated as specified in Table D-16. See also Section 22.900B.050.

Table D-16 — CALCULATING REFUNDS of ELECTRICAL FEES

Electrical: For Plan Review or Over-the-Counter (OTC) Permits

Stage in Review/Inspection Process	**Amount Eligible for Refund**
Permit filed, plan review required but not started	100% minus one-half (½) hour processing fee
Plan review started or completed, no inspections	100% minus the sum of the following: any accrued hourly charges for plan review + energy fee
Plan review completed/permit issued and inspection(s) made, permit not finaled	100% minus the sum of the following: any accrued hourly charges for plan review + one-half (½) hour charge for each inspection made + energy fee
Advance plan review process completed but permit not issued	100% of fee paid minus the sum of the following: any hourly charges for plan review + energy fee

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Permit issued (OTC) (no plan review required) no inspection(s) requested	100% minus the sum of the following: $45 + one-half (½) hour charge for one (1) inspection
Permit issued (OTC) (no plan review required) Inspection(s) made, permit not finaled	100% minus the sum of the following: $45 + one-half (½) hour charge for each inspection made + energy fee
Sign permit filed, plan review required, no inspections made	100% minus one-half (½) hour processing fee
Sign permit filed, plan review required, inspections made, permit not finaled	100% minus the sum of the following: one-half (½) hour processing fee + one-half (½) hour charge for each inspection made
Any permit finaled	No refund

(Ord. 119255 § 2 (part), 1998.)

22.900D.160 Sign, billboard, awning and canopy permit fees.

A. Permanent Signs. For permanent signs, a permit fee of Eighty Dollars ($80) shall be charged for the first one hundred (100) square feet or less of the total display area of the sign plus an additional charge of Six Dollars and Fifty Cents ($6.50) for each ten (10) square feet or fraction thereof of total display area in excess of one hundred (100) square feet. Each sign or group of signs for a single business entity installed simultaneously on a single structure shall be charged a separate permit fee per business entity. The addition of a sign or group of signs for one (1) business entity to the structure requires a separate permit.

B. Sign Measurements. All signs erected or painted simultaneously for a single business entity, provided they are on a single structure, shall be measured together and assessed a fee as if a single sign. Directional ground signs between five (5) and seven (7) square feet may be measured together and assessed a fee as if a single sign.

C. Sign Area. For the purpose of this section, sign area shall be measured in accordance with Section 23.86.004 of the Land Use Code.

D. Painted Wall Signs. The maximum fee for an on-premises sign painted directly on the building wall is Three Hundred Five Dollars ($305).

E. Awnings and Canopies. A separate permit fee is required for the installation of awnings and canopies. The fee assessed for the installation is based on the valuation of the awning or canopy and is one hundred (100) percent of the development fee index as calculated according to Table D-1. This fee is separate from the fee for any sign on the awning or canopy.

F. Signs on Awnings and Canopies. A permit fee separate from the awning permit fee is required for a sign installed or painted on an awning or canopy. Signs for separate business entities are assessed a separate fee whether or not on a separate awning or canopy. All signs for each business entity installed concurrently on an awning or canopy shall be measured to determine the total square footage and shall be assessed a fee as though one (1) sign. The subsequent addition or a sign or group of signs for one (1) business entity requires a separate permit.

G. Time of Payment. Permit fees for signs, awnings and canopies shall be paid at the time of application.

H. Renewal. The fee to renew a sign, awning or canopy permit is Forty-three Dollars ($43).

I. Reestablishment. The fee to reestablish a sign, awning, or canopy permit is one-half (½) the base fee.

(Ord. 119255 § 2 (part), 1998.)

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22.900D.170 Design Commission fees.

A. City Capital Improvement Projects, as Defined in SMC Section 3.58.020. Design Commission fees shall be assessed at a rate of three-tenths of one (0.3) percent of the construction cost for City capital improvement projects for which billing will commence on or before December 31, 1998, except as specified in subsections B and D of this section. Billing will occur at the time of contract award by the Executive Services Department, who will forward the bills to the Department for distribution to appropriate City departments. Payment will be made through a fund transfer to the Department Operating Fund.

B. Major City Capital Improvement Projects. Except as specified in subsection D of this section, Design Commission fees shall be assessed at a rate of up to three-tenths of one (0.3) percent of the construction cost for major City capital improvement projects (greater than Ten Million Dollars ($10,000,000) construction budget) for which billing will commence on or before December 31, 1998. The fee shall be set through negotiations with the Budget Director and the Design Commission. Billing shall occur in accordance with a schedule agreed upon by the Budget Director and the Design Commission.

C. 1. For City capital improvement projects, as defined in Section 3.58.020, for which no billing commenced under subsection A or B on or before December 31, 1998, and that do not fall within an exception in subsection D of this section, the Budget Director, the Design Commission, and each affected City department will attempt to agree on that department's projects, that are expected to be assessed by the Design Commission in the following year. If no agreement is reached by a date established by the Budget Director, the Budget Director will establish the list of such projects. The Budget Director may establish the assessable appropriation of a City capital improvement below the actual appropriation in order that the project not be assessed an unduly high fee relative to the cost of the anticipated Design Commission review.

2. The Budget Director will assess a uniform fee of up to one (1) percent of the total of all departments' capital improvement project appropriations for those projects assessable for Design Commission fees. Such fee shall be set so as to be sufficient, when combined with other funding sources, to support the anticipated costs of the Design Commission for the following year, but in no case shall the fee exceed one (1) percent.

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3. The Director of Design, Construction and Land Use shall bill each department in the amount determined by the Budget Director, and that amount shall be paid by fund transfer to the Department Operating Fund.

4. If a capital improvement project's appropriation has been included in a fee assessed under this section, but Design Commission review of that project is delayed into a future year, that appropriation amount shall not be counted again in the calculation of the fee for any future year. If review of a project on which a fee has been assessed under this subsection C is canceled, or if review commences on a project that, but for timeliness, would have been included but was not included in the calculation of a fee under this subsection C, the Budget Director shall adjust the department's total assessable appropriation downwards or upwards, respectively, when establishing the subsequent year's fee.

D. Special Exceptions. The Commission will bill the following projects at the hourly rate of One Hundred Dollars ($100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars ($700) per hour for full Commission review, except that fees may be waived, in whole or in part, at the discretion of the Commission with the concurrence of the Budget Director in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment of the project for the following types of projects: art-works, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and small capital improvements;

2. For low-income and special needs housing projects subject to Design Commission review.

E. Street Use Permit Reviews. Street use permit reviews, which are required before issuance of a street use permit for improvements within the public right-of-way, will be billed at the hourly rate of One Hundred Dollars ($100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars ($700) per hour for full Commission review. Billing will be sent to Seattle Transportation for inclusion into the plan review costs charged to the applicant, or be billed directly by the Department. For those projects billed through Seattle Transportation, payment will be made by a fund transfer from the Seattle Transportation Operating Fund to the Department Operating Fund from funds paid by the applicant.

F. Early Master Use Permit Stage or Projects Outside City Contract Process. For design review at an early Master Use Permit stage or for projects outside The City of Seattle contract award process, Design Commission fees will be billed by the Department at an hourly rate of One Hundred Dollars ($100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars ($700) per hour for full Commission review.
(Ord. 119274 § 1, 1998: Ord. 119255 § 2 (part), 1998.)

Chapter 22.900E

FEES FOR CERTIFICATES AND REGISTRATIONS

Sections:

22.900E.010 Off-premises advertising sign (billboard) registration fees.
22.900E.020 Boiler and pressure vessel certificates of operation.
22.900E.030 Fees for elevator certificates of inspection.
22.900E.040 Refrigeration systems annual operating permit fee.
22.900E.050 Boiler and refrigeration licenses and examinations.

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22.900E.060 Registration of special inspectors.

22.900E.070 Certification of fabrication plants.

22.900E.080 Revisions to current special inspection authorizations.

22.900E.010 Off-premises advertising sign (billboard) registration fees.

Registration fees for off-premises advertising signs (billboards) are waived for the period of January 1, 1999 through December 31, 2000. Registration of such signs on or before July 1st of each year is required, but no fee shall be charged. (Ord. 119255 § 2 (part), 1998.)

22.900E.020 Boiler and pressure vessel certificates of operation.

The fee for certificates of operation for boilers and pressure vessels shall be charged in accordance with Table E-1. Where the inspection is performed by the City, the certificate fee includes the certificate of operation, the inspection and one (1) reinspection, if necessary.

Table E-1 — FEES FOR CERTIFICATES OF OPERATION FOR BOILERS AND PRESSURE VESSELS

Type of Installation	Heating by Combustion Products	Heated by Electricity	Reinspection and Certificate fee[1]
	Heating Surface (In Square Feet)	Electric Power Input (In KW)	
Boilers[3]	0 — 250 251 — 500 501 — 750 751 — 1,000 Over 1,000	0 — 200 201 — 400 401 — 600 601 — 800 Over 800	$ 65 122 178 275 340
Controls and limit devices for automatic boilers (Charged in addition to those fees listed above)	Automatic Boilers (input) 0 — 12,500,000 Btu Over 12,500,000		Annual $65 $81
Monitoring systems for automatic boiler (Charged in addition to those fees listed above)			Annual $162
Unfired pressure vessels[1,2,3]		Rating Size 0 — 15 16 — 30 31 — 50 51 — 100 Over 100	Biennial $ 37 65 106 138 203
Domestic water heaters located in Group A, E or I occupancy			Biennial $25

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Notes to Table E-1:

1. Fees for boiler and pressure vessels which are inspected by authorized insurance company inspectors are fifty (50) percent of those set forth in Table E-1; provided, that the fifty (50) percent rate shall not apply to the charges for controls and limit devices for automatic boilers specified in Table E-1, and further provided that no fee shall be less than the minimum.
2. Rating size is the product of two (2) greatest dimensions of the vessel: diameter × overall length for the cylindrical vessels; maximum width × maximum length for rectangular vessels.
3. Fees for low-pressure hot water supply boilers installed prior to January 1, 1989, consisting of tanks whose contents are heated by electric elements shall be charged at the same rates that apply to unfired vessels of the same size.
4. When a burner is installed in conjunction with a boiler, a separate fee shall not be charged for the burner.

(Ord. 119255 § 2 (part), 1998.)

22.900E.030 Fees for elevator certificates of inspection.

A. Certificates of inspection for elevators will be issued upon acceptance inspection and for each subsequent annual reinspection after payment of the fee set in Table E-2.

B. The fee for renewal of a certificate of inspection to operate any conveyance is as set in Table E-2.

Table E-2 — FEES FOR ELEVATOR CERTIFICATE OF INSPECTION

Type of Conveyance	Fee for Each Conveyance
Hydraulic elevators	$110
Cable elevators[2]	$150 plus $11 for each hoistway opening in excess of two (2)
Sidewalk elevators	$100
Hand-powered elevators	$100
Dumbwaiters	$100
Escalators and moving walks	$150
Handicap lifts (vertical and inclined)	$ 95
Material lifts	$100
Fire emergency systems, Phase I or both Phase I and Phase 11	$ 50

Notes to Table E-2:

1. Each separately-powered unit is considered a separate conveyance. Separate applications and permits are required for each conveyance.
2. Elevators having a continuous hoistway wall of one hundred (100) feet or more without openings shall be charged a fee of Two Hundred Forty-five Dollars ($245) plus Eleven Dollars ($11) for each hoistway opening in excess of two (2).

(Ord. 119255 § 2 (part), 1998.)

22.900E.040 Refrigeration systems annual operating permit fee.

The annual operating permit fee for any refrigeration system is calculated according to Table E-3. The fee for multiple systems on a single premises is based upon the total motor horsepower at the premises.

Table E-3 — REFRIGERATION SYSTEMS ANNUAL OPERATING FEES

Size of Equipment	Fee
0 — 50 HP	$ 59
51 — 100 HP	$ 90
Over 100 HP	$126
Over 100 HP (Type 2 refrigerant)	$185

(Ord. 119255 § 2 (part), 1998.)

22.900E.050 Boiler and refrigeration licenses and examinations.

Fees for boiler and refrigeration examination and annual license fees, payable in advance, shall be charged as set in Table E-4.

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Table E-4 — FEES FOR BOILER AND REFRIGERATION LICENSES AND EXAMINATIONS

License Fees[1]	
Refrigeration contractor	
Class A	$100
Class B	100
Class C	160
Air-conditioning contractor	100
Refrigeration service shop	45
Journeyman refrigeration mechanic	45
Refrigeration service shop mechanic	45
Industrial refrigeration engineer	45
Refrigeration operating engineer	45
Steam engineers and boiler firemen (all grades)	45
Boiler supervisor, all grades	75
Examination fees — all licenses	20

Note to Table E-4:

1. When a license is issued that will expire in less than six (6) months from the date of issuance, the fee is one-half (½) the annual fee.

(Ord. 119255 § 2 (part), 1998.)

22.900E.060 Registration of special inspectors.

A. The fee for the initial examination of an applicant for registration as a registered special inspector, including the special inspector certificate of registration, shall be charged at the rate of one and one-half (1½) times the base fee.

B. Special inspectors who wish to be registered for additional categories shall take an examination for each new category. The fee for each additional examination shall be charged at the rate of one (1) times the base fee.

C. The fee for renewal of a special inspector certificate of registration covering one (1) or more types of inspection for which the registrant has been qualified is Twenty-five Dollars ($25).

D. The fee for a special inspector to repeat an examination shall be charged at the rate of one (1) times the base fee.

(Ord. 119255 § 2 (part), 1998.)

22.900E.070 Certification of fabrication plants.

A fee of three (3) times the base fee shall be charged for certification of an approved fabri-cator's manufacturing plant at the time of initial application for approval. The fee to renew an approved fabricator's manufacturing plant certification is one and one-half (1½) times the base fee.

(Ord. 119255 § 2 (part), 1998.)

22.900E.080 Revisions to current special inspection authorizations.

When changes to the authorized special inspections or inspectors are requested, separate from a permit revision, a fee shall be charged for each additional change, after the first such change. The fee is one-half (½) times the base fee for any changes that occur at one (1) time for a single permit. All fees shall be paid prior to final Department approval of the special inspections.

(Ord. 119255 § 2 (part), 1998.)

Chapter 22.900F

COMPLIANCE AND OTHER INSPECTIONS

Sections:

22.900F.010 Monitoring vacant buildings.
22.900F.020 Noise fees.
22.900F.030 Research and inspection on notices of violation.
22.900F.040 Advisory Housing and Building Maintenance Code and condominium conversion inspection.
22.900F.050 House barge licenses.

22.900F.010 Monitoring vacant buildings.

A. A quarterly reinspection fee shall be charged as set forth in Table F-1 for rein-spections of buildings closed pursuant to or in response to the requirements of the Housing and Building Maintenance Code. Building and premises shall be maintained per the standards of the Housing and Building Maintenance Code, Land Use Code, Solid Waste Code and Weeds and Vegetation Ordinance.

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Table F-1 — MONITORING VACANT BUILDINGS

Condition of Premises	Fee
Building is closed to entry and premises are in compliance with applicable codes	Base fee × 1.5
Building is closed to entry and premises are not in compliance with applicable codes	Base fee × 2.5
Building is not closed to entry regardless of compliance with applicable codes	Base fee × 3

B. The Department shall send a bill to the taxpayer and/or owner of record of each property inspected.
(Ord. 119255 § 2 (part), 1998.)

22.900F.020 Noise fees.

A. Certain construction and land use proposals require noise survey reviews. Project review shall be charged according to Table F-2. Any hourly fees owned shall be paid prior to the publication of a decision on the application and prior to issuance of the permit. The actual charges and fees paid shall be reconciled and all outstanding balances shall be due and payable on demand. In cases where no published decision is required, hourly fees owed shall be paid prior to issuance of the permit, or issuance of a letter.

B. Applications for noise variances shall be charged according to Table F-2, except for applications for temporary noise variances as components of a master filming permit issued pursuant to SMC Section 15.35.010 which shall be charged as part of the single fee for the master filming permit. Renewal of noise variances shall be assessed at the same rate.

Table F-2 — NOISE FEES

Type	Permit Fee	Project Review Fee
Temporary noise variance (No separate fee when issued as part of a master filming permit)	$100	None
Economic/technical variance in residential zones	$100 (2-hour deposit)	$110 per hour (2-hour deposit)
Economic/technical variance in commercial/ industrial zones	$250	$110 per hour (2-hour deposit)
Noise survey reviews	See Table D-2	See Table D-2

(Ord. 119255 § 2 (part), 1998.)

22.900F.030 Research and inspection on notices of violation.

The fee to conduct research to issue a certificate to clear the title records of a property cited with a notice of violation shall be charged at the rate of one-half (½) times the base fee. If an inspection in the field is also performed an additional fee at the rate of one (1) times the base fee shall be charged.
(Ord. 119255 § 2 (part), 1998.)

22.900F.040 Advisory Housing and Building Maintenance Code and condominium conversion inspection.

A. The fee for advisory inspections requested pursuant to the Housing and Building Maintenance Code or inspections required by the Condominium Conversion Ordinance shall be charged at the rate of two and one-half (2½) times the base fee for inspecting a building and one (1) housing unit plus a charge at the rate of one-half (½) times

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the base fee for inspecting each additional housing unit in the same building. No additional fee shall be charged for one (1) follow-up inspection, if requested.

B. Additional reinspections requested or required after the first reinspection shall be charged a fee at the rate of one (1) times the base fee for each building and one (1) housing unit plus one-fourth (¼) times the base fee for each additional housing unit in the same building.

C. Refunds. Refunds of housing fees shall be calculated as specified in Table F-3.

Table F-3 — CALCULATING REFUNDS of HOUSING FEES (Advisory housing and required condominium conversion inspections)

Stage in Review Process	Inspection Fee Amount Eligible for Refund
Written request received by DCLU; but initial file setup not started	100%
File set up, but inspection not undertaken	100% minus (2 × base fee and .5 × base fee for each unit in excess of 1 unit)
Inspection has been made and the building is found to be in compliance at initial inspection	0% (No refund allowed)

(Ord. 119255 § 2 (part), 1998.)

22.900F.050 House barge licenses.

The fee for a house barge license is Three Hundred Thirty Dollars ($330). The fee to renew a house barge license is One Hundred Sixty-five Dollars ($165).
(Ord. 119255 § 2 (part), 1998.)

Chapter 22.900G FEES COLLECTED FOR OTHER DEPARTMENTS

Sections:

22.900G.010 Fees for Department of Neighborhoods review.
22.900G.020 Fees for review by the Seattle Transportation Department and the Seattle Public Utility.
22.900G.030 Fees for review by the Seattle-King County Department of Public Health.
22.900G.040 Fees for review by the Seattle Arts Commission.

22.900G.010 Fees for Department of Neighborhoods review.

The following fees shall be collected by the Director of the Department of Neighborhoods and deposited in the General Fund.

A. Certificate of Approval Fees. There is a charge for a certificate of approval as required by all applicable ordinances for the construction or alteration of property in a designated special review district, Landmark, Landmark District, or historic district of Ten Dollars ($10) for construction costs of One Thousand Five Hundred Dollars ($1,500) or less, plus Ten Dollars ($10) for each additional Five Thousand Dollars ($5,000) of construction costs up to a maximum fee of One Thousand Dollars ($1,000) except that when an applicant applies for a certificate of approval for the preliminary design of a project and later applies for a certificate of approval for a subsequent phase or phases of the same project, a fee shall only be charged for the first application. There is an additional charge of Ten Dollars ($10) for a certificate of use approval in the Pioneer Square Preservation District, the Pike Place Market Historical District and the International Special Review District.

B. Special Valuation Program for Historic Properties. There is a charge of Two Hundred Fifty Dollars ($250) for review by the Seattle Landmarks Preservation Board of applications for special tax valuation for historic properties pursuant to the Historic Property Act (RCW Chapter 84.26). A fee for Board review of proposed alterations to historic properties shall be charged

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according to the schedule of fees set forth in Section 22.900G.010 A (Certificate of Approval Fees).
(Ord. 119255 § 2 (part), 1998.)

22.900G.020 Fees for review by the Seattle Transportation Department and the Seattle Public Utility.

The fees shown in Table G-1 shall be collected by the Department for transfer to the Seattle Transportation Department (SeaTran) or the Seattle Public Utility (SPU).

Table G-1 — SEATTLE TRANSPORTATION DEPARTMENT and SEATTLE PUBLIC UTILITY FEES

Work for Which Fee is Charged	Amount of Fee	Department
1. Building grade sheet	$220	SPU
2. School use and school development advisory committee reviews	$110 per hour	SeaTran
3. Major Institution master plans	$110 per hour	SeaTran
4. Processing of right-of-way dedications	$110 per hour	SPU
5. Shoring and excavation review[1]	$110 per hour	SeaTran

Note to Table G-1:

1. A separate street use permit must be obtained from SeaTran under Title 15 if excavation or shoring will occur in the public right-of-way. This fee is collected for SeaTran for shoring projects adjacent to the public right-of-way; it is for the review of utility conflicts, bonding, and temporary use of the right-of-way, and for a deposit to pay for inspections during construction.

(Ord. 119255 § 2 (part), 1998.)

22.900G.030 Fees for review by the Seattle-King County Department of Public Health.

A. Fees for fuel gas piping shall be collected by the Director of Public Health. The basic fee for gas piping installations is Seventy-five Dollars ($75) for one (1) through four (4) outlets, and Ten Dollars ($10) for each additional outlet. A minimum of Seventy-five Dollars ($75) is nonrefundable.

B. The fee shall not apply to the installation of any domestic hot-water heaters or any other domestic gas-fired appliance connected to a plumbing system whenever such appliance or heater is included in a plumbing installation for which a basic plumbing permit has been issued.

C. A reinspection fee for fuel gas piping of Forty Dollars ($40) may be assessed for each inspection where such portion of work for which inspection is called for is not complete or when corrections called for are not made. This is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspection or reinspection.

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Reinspection fees may be assessed when the permit is not properly posted on the work site, the work to be inspected is not under test, and for failure to make required corrections. To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with this Code. In instances in which reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
(Ord. 119255 § 2 (part), 1998.)

22.900G.040 Fees for review by the Seattle Arts Commission.

The fee for services furnished by the Seattle Arts Commission is Fifty Dollars ($50) per hour. The minimum charge is Two Hundred Dollars ($200).
(Ord. 119255 § 2 (part), 1998.)

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(Ord. 109125 § 19(part), 1980: Ord. 107707 (part), 1978.)

Subtitle X Miscellaneous Rules and Regulations

Chapter 22.902 COOPERATIVE CONVERSION

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Severability: If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such decision shall not affect the validity of the remaining portions thereof.

22.902.010Short title.

This chapter may be cited as the "Cooperative Conversion Ordinance."

(Ord. 115105 § 1, 1990: Ord. 107707 § 1.1, 1978.)

22.902.020Definitions.

The following words and phrases used in this chapter shall have the meanings set forth in this section:

A. "Acceptance of offer of sale" means a written commitment for the purchase of an interest in a cooperative at a specific price and on specific terms.

B. "Agent" means any person, firm, partnership, association, joint venture, corporation or any other entity or combination of entities who represents or acts for or on behalf of a developer in selling or offering to sell any cooperative unit or interest in a cooperative.

C. "Building" means any existing structure containing one (1) or more housing units and any grouping of such structures which as rental units were operated under a single name.

D. "Conversions of cooperatives" means the execution of a lease agreement by a member of a cooperative association.

E. "Converted building" means any cooperative which formerly contained rental housing units.

F. "Cooperative" means any existing structure, including surrounding land and improvements, which contains one (1) or more housing units and which:

1. Is owned by an association organized pursuant to the Cooperative Association Act (RCW Chapter 23.86); or

2. Is owned by an association with resident shareholders who are granted renewable leasehold interests in housing units in the building.

G. "Cooperative unit" means any housing unit in a cooperative.

H. "Developer" means any person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who undertake to convert rental units to cooperative units or sell cooperative shares in an existing building which contains housing units or lease units to a cooperative association's shareholders. The term "developer"

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shall include the developer's agent and any other person acting on behalf of the developer.

I. "Eviction" means any effort by a developer to remove a tenant from the premises or terminate a tenancy by lawful or unlawful means.

J. "Housing Code" means the Seattle Housing and Building Maintenance Code as codified in Ordinance No. 113545 as amended.[1]

K. "Offer for sale to public" means any advertisement, inducement, solicitation, or attempt by a developer to encourage any person other than a tenant to purchase a cooperative unit.

L. "Offer of sale to tenant" means a written offer to sell a cooperative unit to the tenant in possession of that unit at a specific price and on specific terms.

M. "Owners' association" means the association formed by owners of units in a cooperative for the purpose of managing the cooperative.

N. "Person" means any individual, corporation, partnership, association, trustee or other legal entity.

O. "Rental unit" means any housing unit, other than a single-family dwelling or units in a single-family dwelling, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a cooperative unit on the effective date of the ordinance codified in this chapter.[2] A housing unit in a converted building for which there has been no acceptance of sale on the effective date of the ordinance codified in this chapter shall be considered a rental unit.

P. "Tenant" means any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement whether oral or written, express or implied.

(Ord. 115105 § 2, 1990: Ord. 107707 § 1.2, 1978.)

1.Editor's Note: The Housing and Building Maintenance Code is codified in Subtitle II of this title.

2.Editor's Note: Ord. 107707 became effective on November 3, 1978; amending Ord. 115105 became effective July 1, 1990.

22.902.030 Application to conversion of cooperatives.

This chapter shall apply only to the conversion and sale of rental units that have not yet been converted to cooperative units, and to those units in converted buildings that are not subject to a binding purchase commitment or have not been sold on the effective date of the ordinance codified in this chapter.[1] This chapter shall not apply to cooperative units that are vacant on October 2, 1978 and which have been offered for sale prior to that date; provided, that any tenant who takes possession of the unit after October 2, 1978

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shall be provided the disclosures required by Section 22.902.040 and shall be entitled to the benefits of that section if the required disclosures are not given.
(Ord. 115105 § 3, 1990: Ord. 107707 § 2.1, 1978.)

1.Editor's Note: Ord. 107707 became effective on November 3, 1978; amending Ord. 115105 became effective July 1, 1990.

22.902.040Application to tenants.

This chapter shall apply only to those tenants and subtenants who occupy rental units in converted buildings at the time the notices, offers, and disclosures provided by this chapter are required to be delivered. This chapter shall not apply to tenants who take possession of a unit vacated by a tenant who has received the notices and other benefits provided by this chapter; provided, that developers shall disclose in writing to all tenants who take possession after service of the notice required by Section 22.902.060, that the unit has been sold or will be offered for sale as a cooperative. This disclosure shall be made prior to the execution of any written rental agreement or prior to the tenant's taking possession whichever occurs earlier. A developer's failure to disclose, within the time specified above, that the unit has been sold, or offered for sale shall entitle the tenant to all the protections and benefits of this chapter.
(Ord. 115105 § 4, 1990: Ord. 107707 § 2.2, 1978.)

22.902.060Notice to all tenants prior to offering any unit for sale to the public as a cooperative unit.

At least one hundred twenty (120) days prior to offering any rental unit or units for sale to the public as a cooperative unit, the developer shall deliver to each tenant in the building written notice of his or her intention to sell the unit or units. The notice shall specify the individual units to be sold and the sale price of each unit. This notice shall be in addition to and not in lieu of the notices required for eviction by RCW Chapters 59.12 and 59.18, and shall be delivered as provided in Section 22.902.210. With the notice the developer shall also deliver to the tenant a statement, in a format to be provided by the

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Director of Construction and Land Use, of the tenant's rights.
(Ord. 115105 § 6, 1990: Ord. 109125 § 19(part), 1980: Ord. 107707 § 3.2, 1978.)

22.902.070 Purchase rights of tenant in possession.

With the notice provided in Section 22.902.060, the developer shall deliver to each tenant whose unit is to be offered for sale, a firm offer of sale of the unit that the tenant occupies. In the event that more than one (1) tenant occupies a single unit, the developer shall deliver the offer to all tenants jointly or separately. For sixty (60) days from the date of delivery of the offer the tenant shall have the exclusive right to purchase his or her unit. For a period of one (1) year following the rejection of an offer by the tenant in possession, the developer shall not offer the unit for sale to any other person on terms in any respect more favorable than those offered the tenant.
(Ord. 107707 § 3.3, 1978.)

22.902.080 Purchase rights of tenants whose units are offered for sale prior to effective date.

Tenants of rental units which were offered for sale as cooperative units prior to the effective date of the ordinance codified in this chapter[1] but for which offers there have been no acceptances, shall be entitled to the rights and benefits of this chapter except that those rights provided by Section 22.902.100 shall terminate sixty (60) days from the offer of sale of the unit to the tenant.
(Ord. 115105 § 7, 1990: Ord. 107707 § 3.4, 1978.)

1.Editor's Note: Ord. 107707 became effective on November 3, 1978; amending Ord. 115105 became effective July 1, 1990.

22.902.090 Subtenants' purchase rights.

Should a tenant reject an offer of sale, the subtenant in possession at the time the notice provided in Section 22.902.060 is delivered, shall be offered the unit on the same terms as those offered the tenant. For thirty (30) days following the offer or until the expiration of the tenants' sixty (60) day purchase period as provided in Section 22.902.070, whichever occurs later, the subtenant shall have the exclusive right to purchase the unit.
(Ord. 107707 § 3.5, 1978.)

22.902.100 Rights of tenants in converted buildings to purchase other units in the building.

Should both the tenant and subtenant reject the offer of sale or vacate, the unit shall be made

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available to other tenants and subtenants in the building. The tenants' and subtenants' right to purchase another unit in the building shall extend to the end of the one-hundred-twenty (120) day notice period provided the tenant in possession of that unit; provided, that tenants and subtenants shall not have the right to purchase more than one (1) unit in the building. Whenever all tenants and subtenants in a building have indicated in writing their intention not to purchase a unit and that unit is or becomes vacant then the developer may offer for sale and sell the unit to the public.
(Ord. 107707 § 3.6, 1978.)

22.902.110 Tenant's right to rescind.

A tenant may rescind an earnest money agreement or any other acceptance of an offer of sale by delivering to the developer or his agent, by registered or certified mail, written notice of revocation within fifteen (15) days of acceptance of the offer. Upon receipt of a timely revocation the developer shall immediately refund any deposit, earnest money, or other funds and the parties shall have no further rights or liabilities under the purchase agreement. Developers shall include in their sales contracts a clause informing purchasers of their rights under this section. The clause shall be located either immediately above the purchaser's signature or under a separate conspicuous caption entitled "Purchaser's Right To Cancel." In addition each binding sale agreement shall provide that the prevailing party in any action to enforce rights under the agreement shall be entitled to reasonable attorney's fees.
(Ord. 107707 § 3.7, 1978.)

22.902.120 Evictions only for good cause during notice period.

A developer shall not evict tenants or force tenants to vacate their rental units for the purposes of avoiding application of this chapter. No cooperative unit shall be sold or offered for sale if, in the one-hundred-fifty (150) day period immediately preceding the sale or offer for sale, any tenant has been evicted without good cause. For one hundred twenty (120) days prior to offering a rental unit for sale to the public, the tenant of that unit shall be evicted only for good cause. For the purposes of this chapter "good cause" shall mean:

A. Failure to pay rent after service of a three (3) day notice to pay rent or vacate as provided in RCW 59.12.030(3);

B. Failure to comply with a term or terms of the tenancy after service of a ten (10) day notice to comply or vacate as provided in RCW 59.12.030(4); and

C. The commission or permission of a waste or the maintenance of a nuisance on the premises and failure to vacate after service of a three (3) day notice as provided in RCW 59.12.030(5).
(Ord. 115105 § 8, 1990: Ord. 107707 § 3.8, 1978.)

22.902.130 Relocation assistance.

Relocation assistance of Five Hundred Dollars ($500.00) per unit shall be paid to tenants and subtenants who vacate the building either voluntarily or involuntarily after receiving the notice of intention to sell as provided in Section 22.902.060. In unfurnished sublet units the subtenant shall be entitled to the benefits of this provision. Otherwise, the tenant shall be entitled to the benefit; provided, that the developer shall not be obligated to determine tenant from subtenant and shall have fulfilled his obligation under this section by delivering the relocation benefit to either the tenant or the subtenant. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled.
(Ord. 115105 § 9, 1990: Ord. 107707 § 3.9, 1978.)

22.902.140 Tenant's right to vacate.

Tenants who receive one-hundred-twenty (120) day notices of sale may terminate their tenancies at any time in the manner provided by RCW 59.18.200 and RCW 59.18.220.
(Ord. 107707 § 3.11, 1978.)

22.902.150 Mandatory Housing Code inspection and repair—Notice to buyers and tenants.

Prior to delivery of the one-hundred-twenty (120) day notice described in Section 22.902.060, developers shall, at their expense, request a Housing Code[1] inspection of the entire building by the Seattle Department of Construction and Land Use.

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The inspection shall be completed within forty-five (45) days of a developer's request. The inspection for compliance shall be completed within seven (7) days of a developer's request unless the developer fails to provide or refuses access to Department of Construction and Land Use personnel. All violations of the Housing Code revealed by the inspection must be corrected at least seven (7) days prior to the closing of the sale of the first unit or by the compliance date on the inspection report, whichever is sooner. A copy of the Department of Construction and Land Use's inspection report and certification of repairs shall be provided by the developer to each prospective purchaser at least seven (7) days before the signing of any earnest money agreement or other binding purchase commitment. Copies of the inspection report shall be delivered to tenants in the converted building by the developer with the notice of sale as provided in Section 22.902.060.
(Ord. 109125 § 19(part), 1980: Ord. 107707 § 4.1, 1978.)

1.Editor's Note: The Housing Code is codified in Subtitle II of this title.

22.902.160 Department of Construction and Land Use certification of repairs.

For the protection of the general public, the Department of Construction and Land Use shall inspect the repairs of defective conditions identified in the inspection report and certify that the violations have been corrected. The certification shall state that only those defects discovered by the Housing Code[1] inspection and listed on the inspection report have been corrected and that the certification does not guarantee that all Housing Code violations have been corrected. Prior to closing any sale the developer shall deliver a copy of the certificate to the purchaser. No developer, however, shall use the Department of Construction and Land Use's certification in any advertising or indicate to anyone, in any fashion, for the purpose of inducing a person to purchase a cooperative unit, that the City or any of its departments has "approved" the building or any unit for sale because the City has certified the building or any unit to be in any particular condition.
(Ord. 115105 § 10, 1990: Ord. 109125 § 19(part), 1980: Ord. 107707 § 4.2, 1978.)

1.Editor's Note: The Housing Code is codified in Subtitle II of this title.

22.902.170 Disclosure requirements.

In addition to the disclosures required by previous sections of this chapter, developers shall make available the following information to prospective purchasers at least seven (7) days before any purchase commitment is signed, or, in the case of existing tenants, with the one-hundred-twenty (120) day notice provided in Section 22.902.060: (A) an itemization of the specific repairs and improvements made to the entire building during the six (6) months immediately preceding the offer for sale; (B) an itemization of the repairs and improvements to be completed before the close of sale; (C) a statement of the services and expenses which are being paid for by the developer but which will in the future be terminated, or transferred to the purchaser, or transferred to the owners' association; (D) an accurate estimate of the useful life of the building's major components and mechanical systems (foundation, exterior walls, exterior wall coverings other than paint or similar protective coating, exterior stairs, floors and floor supports, carpeting in common areas, roof cover, chimneys, plumbing system, heating system, water heating appliances, mechanical ventilation system, and elevator equipment) and an estimate of the cost of repairing any component whose useful life will terminate in less than five (5) years from the date of this disclosure. For each system and component whose expected life cannot be accurately estimated, the developer shall provide a detailed description of its present condition and an explanation of why no estimate is possible. In addition, the developer shall provide an itemized statement in budget form of the monthly costs of owning the unit that the purchaser intends to buy. The itemization shall include but shall not be limited to: (1) payments on purchase loan; (2) taxes; (3) insurance; (4) utilities (which shall be listed individually); (5) homeowner's assessments; (6) the projected monthly assessment needed for replacing building components and systems whose life expectancy is less than five (5) years; and (7) a statement of the budget assumptions concerning occupancy and inflation factors.
(Ord. 115105 § 11, 1990: Ord. 107707 § 4.3, 1978.)

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22.902.180 Warranty of repairs—Fund set aside for repairs.

Each developer shall warrant for one (1) year from the date of completion all improvements and repairs disclosed pursuant to Section 22.902.170. In addition, the developer shall establish within thirty (30) days after sale of the first unit, in a bank or other financial institution of his or her choosing, an escrow fund in an amount equal to ten percent (10%) of the cost of all repairs and improvements warranted. The location of the fund shall be made known to all cooperative unit owners and to the owners' association and shall be available for making repairs to warranted improvements and repairs; provided, that no money shall be withdrawn from the fund unless the developer has been advised in writing of the need for the specific repair and has failed to complete the repairs within a reasonable period of time. Depletion of the escrow fund prior to expiration of the warranty period shall not relieve the developer of the obligation of making all repairs warranted. Any money remaining in the fund at the end of the one (1) year period shall be returned to the developer. The owners' association's claim to any money in the escrow fund shall be prior to any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such funds are commingled.
(Ord. 115105 § 12, 1990: Ord. 107707 § 4.4, 1978.)

22.902.190 Unlawful representations.

It shall be unlawful for any developer, agent, or person to make or cause to be made in any disclosure or other document required by this chapter any statement or representation that is knowingly false or misleading. It shall also be unlawful for any developer, agent, or other person to make, or cause to be made, to any prospective purchaser, including a tenant, any oral representation which differs from the statements made in the disclosures and other documents required to be provided tenants and purchasers by this chapter.
(Ord. 107707 § 4.5, 1978.)

22.902.200 Purchaser's right to rescind.

Any purchaser who does not receive the notices, disclosures, and documents required by this chapter may, at any time prior to closing of the sale, rescind, in writing, any binding purchase agreement without any liability on the purchaser's part and the purchaser shall thereupon be entitled to the return of any deposits made on account of the agreement.
(Ord. 107707 § 4.6, 1978.)

22.902.210 Delivery of notice and other documents.

A. Unless otherwise provided, all notices, contracts, disclosures, documents and other writings required by this chapter shall be delivered by registered or certified mail. The refusal of registered or certified mail by the addressee shall be considered adequate delivery. All documents shall be delivered to tenants at the address specified on the lease or rental agreement between the tenant and the developer or landlord. If there is no written lease or rental agreement then documents shall be delivered to the tenants' address at the converted building. In any sublet unit all documents shall be delivered to the tenant at his current address if known, and to the subtenant in possession. If the tenant's current address is unknown, then two (2) copies of all documents shall be delivered to the subtenant, one (1) addressed to the tenant and the other addressed to the subtenant.

B. The one-hundred-twenty (120) day notice of intention to sell required by Section 22.902.060, the developer's offer to sell, and all disclosure documents shall be delivered to the tenants in a converted building at a meeting between the developer and the tenants. The meeting shall be arranged by the developer at a time and place convenient to the tenants. At the meeting the developer shall discuss with the tenants the effect that the conversion will have upon the tenants. Should any tenant refuse to acknowledge acceptance of the notice, offer and disclosures the developer shall deliver the documents in the manner prescribed in subsection A of this section.
(Ord. 107707 § 4.7, 1978.)

22.902.220 Acceptance of offers.

Acceptance by tenants or other beneficiaries of offers provided pursuant to this chapter, shall be in writing and delivered to the developer by registered or certified mail postmarked on or before the expiration date of the offer.

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(Ord. 107707 § 4.8, 1978.)

22.902.230 Filing of complaint.

Any person subjected to any unlawful practice as set forth in this chapter may file a com plaint in writing with the Director of Construction and Land Use. The City Director of Construction and Land Use is authorized and directed to receive complaints and conduct such investigations as are deemed necessary. Whenever it is determined that there has been a violation of this chapter the City Director of Construction and Land Use is authorized, at the Director's discretion, to follow one (1) or more of the following procedures:

A. Attempt to conciliate the matter by conference or otherwise and secure a written conciliation agreement;

B. Refer the matter to the City Attorney for criminal prosecution.

(Ord. 109125 § 19(part), 1980: Ord. 107707 § 5.1, 1978.)

22.902.240 Penalties.

Any person who violates any provision of this chapter, fails to comply with the provisions of this chapter or who deliberately attempts to avoid the application of this chapter shall, upon conviction thereof, be fined a sum not to exceed Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

(Ord. 109125 § 19(part), 1980: Ord. 107707 § 5.2, 1978.)

22.902.250 Authority to make rules.

The Director of Construction and Land Use is authorized and directed to adopt, promulgate, amend and rescind in accordance with the Administrative Code of the City,[1] administrative rules consistent with the provisions of this chapter and necessary to carry out the duties of the Director under this chapter.

(Ord. 109125 § 19(part), 1980: Ord. 107707 Part VII, 1978.)

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

Chapter 22.903
CONDOMINIUM CONVERSION

Sections:

22.903.010 Short title.
22.903.020 Definitions.
22.903.030 Relocation assistance.
22.903.040 Mandatory Code inspection and repair.
22.903.050 Certification of repairs.
22.903.060 Warranty of repairs—Escrow fund.
22.903.070 Violations.
22.903.080 Filing of complaint.
22.903.090 Civil penalty.
22.903.100 Criminal penalty.
22.903.110 Authority to make rules.

22.903.010 Short title.

This chapter may be cited as the "Condominium Conversion Ordinance."

(Ord. 115103 § 1(part), 1990.)

22.903.020 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth in this section:

A. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to the Horizontal Property Regimes Act (RCW Chapter 64.32) or the Condominium Act (RCW Chapter 64.34).

B. "Condominium conversion notice" means the notice required by the Condominium Act (RCW Chapter 64.34, Section 64.34.440) to be given to residential tenants and subtenants in real property to be converted to condominium ownership.

C. "Conversion condominium" means a condominium (1) that, at any time before creation of the condominium, was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, or (2) that, at any time before the conveyance of, or acceptance of an agreement to convey, any unit therein other than

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to a declarant or any affiliate of a declarant, was lawfully occupied by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before the effective date of the ordinance codified herein,[1] any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

D. "Declarant" means any person or group of persons acting in concert who:

1. Executes as declarant the document, however denominated, that creates a condominium by setting forth the information required by the Condominium Act (RCW 64.34); or

2. Reserves or succeeds to any special declarant rights under such a document.

E. "Developer" means any person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who undertake to convert, sell, or offer for sale units in a condominium. The term "developer" shall include the developer's agent and any other person acting on behalf of the developer.

F. "Director" means the Director of the Seattle Department of Construction and Land Use or the Director's designee.

G. "Housing and Building Maintenance Code" means the Seattle Housing and Building Maintenance Code,[2] as codified in Ordinance No. 113454 as amended.

H. "Owners' association" means the association formed by owners of units in a condominium for the purpose of managing the condominium.

I. "Person" means any individual, corporation, partnership, association, trustee or other legal entity.

J. "Tenant" means any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.

K. "Unit" means a physical portion of a condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d).

(Ord. 115103 § 1(part), 1990.)

1.Editor's Note: Ordinance 115103 was passed by the Council on May 29, 1990 and became effective on July 1, 1990.

2.Editor's Note: The Housing and Building Maintenance Code is codified in Subtitle II of this title.

22.903.030 Relocation assistance.

A. Relocation assistance of Five Hundred Dollars ($500.00) per unit shall be paid to tenants and subtenants of units who elect not to purchase a unit in a conversion condominium and who are in lawful occupancy for residential purposes of a unit on the date of the condominium conversion notice and whose monthly household income from all sources, on the date of the condominium conversion notice, was less than an amount equal to eighty percent (80%) of the monthly median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area, as defined and established by the United States Department of Housing and Urban Development.

B. The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit on the date of the condominium conversion notice.

C. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance.

D. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates the unit and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.

(Ord. 115103 § 1(part), 1990.)

22.903.040 Mandatory Code inspection and repair.

A. Prior to the delivery of any public offering statement or condominium conversion notice, a developer shall, at his or her expense, request a Housing and Building Maintenance Code[1] inspection of the entire premises subject to conversion by the Seattle Department of Construction and Land Use. The inspection shall be completed within forty-five (45) days of a developer's request, and the written report shall be issued within fourteen (14) days of the completion of the inspection.

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B. All violations of the Housing and Building Maintentance Code[1] revealed by the inspection shall be corrected by the developer prior to the closing of the sale of the first condominium unit or by the compliance date on the inspection report, whichever is sooner. The inspection for compliance shall be completed within seven (7) days of a developer's request unless the developer fails to provide or refuses access to Department of Construction and Land Use personnel. The certification of repairs shall be issued only if the necessary corrections are made and shall be issued within seven (7) days of the reinspection confirming compliance.

C. The public offering statement and the condominium conversion notice shall contain a copy of the written inspection report of the Department of Construction and Land Use. A copy of the Department of Construction and Land Use inspection report shall be provided by the developer to each prospective purchaser before the signing of any earnest money agreement or other binding purchase commitment. Prior to closing any sale, the developer shall deliver a copy of the certification of repairs to the purchaser.

(Ord. 115103 § 1(part), 1990.)

1.Editor's Note: The Housing and Building Maintenance Code is codified in Subtitle II of this title.

22.903.050 Certification of repairs.

For the protection of the general public, the Department of Construction and Land Use shall inspect the repairs of defective conditions identified in the inspection report and certify that the violations have been corrected. The certification shall state that only those defects discovered by the Housing and Building Maintenance Code inspection and listed on the inspection report have been corrected and that the certification does not guarantee that all Housing and Building Maintenance Code violations have been corrected. No developer shall use the Department of Construction and Land Use's certificate in any advertising or indicate to anyone, in any fashion, for the purpose of inducing a person to purchase a condominium unit, that the City or any of its departments has "approved" the premises or any unit for sale because the City has certified the premises or any unit to be in any particular condition.

(Ord. 115103 § 1(part), 1990.)

22.903.060 Warranty of repairs—Escrow fund.

A. Each developer shall warrant for one (1) year from the date of completion all improvements and repairs required to be made pursuant to Section 22.903.040.

B. The developer shall establish within thirty (30) days after sale of the first unit, in a bank or other financial institution of his or her choosing, a separate escrow account, with terms and conditions approved by the Director, containing funds in an amount equal to ten percent (10%) of the actual cost of all repairs and improvements warranted. The location of the fund shall be made known to all condominium unit owners and to the owners' association and shall be available for making repairs to warranted improvements and repairs; provided, that no money shall be withdrawn from the fund unless the developer has been advised in writing of the need for the specific repair and has failed to complete the repair within a reasonable period of time.

C. Depletion of the escrow fund prior to expiration of the warranty period shall not relieve the developer of the obligation of making all repairs warranted.

D. Any money remaining in the fund at the end of the one (1) year period shall be returned to the developer. The owners' association's claim to any money in the escrow fund shall be prior to any creditor of the developer.

(Ord. 115103 § 1(part), 1990.)

22.903.070 Violations.

It shall be a violation of this chapter for any person to fail or refuse to comply with the provisions of this chapter.

(Ord. 115103 § 1(part), 1990.)

22.903.080 Filing of complaint.

A. Any person subjected to any violation of the provisions of this chapter may file a complaint with the Director. The Director is authorized and directed to receive complaints and conduct such investigations as are deemed necessary.

B. Whenever it is determined that there has been a violation of this chapter, the Director is

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authorized, at the Director's discretion, to follow one (1) or more of the following procedures:

1. Attempt to mediate the matter by conference or otherwise and secure a written mediation agreement;

2. Refer the matter to the City Attorney for civil prosecution; or

3. Refer the matter to the City Attorney for criminal prosecution.

(Ord. 115103 § 1(part), 1990.)

22.903.090 Civil penalty.

A. Any person who fails or refuses to comply with the provisions or requirements of this chapter shall be subject to a cumulative civil penalty in the amount of One Hundred Dollars ($100.00) per day from the date the violation begins until the person complies with the requirements of this chapter.

B. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

(Ord. 115103 § 1(part), 1990.)

22.903.100 Criminal penalty.

Any person who violates any provision of this chapter, fails to comply with the provisions of this chapter or who deliberately attempts to avoid the application of this chapter and who has had a prior civil judgment entered against him or her pursuant to Section 22.903.090 shall, upon conviction of the violation, be fined a sum not to exceed Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

(Ord. 115103 § 1(part), 1990.)

22.903.110 Authority to make rules.

The Director is authorized to adopt, promulgate, amend and rescind in accordance with the Administrative Code of the City[1] administrative rules consistent with the provisions of this chapter and necessary to carry out the duties of the Director under this chapter.

(Ord. 115103 § 1(part), 1990.)

1. Editor's Note: The Adminstrative Code is set out at Chapter 3.02 of this Code.

Chapter 22.904
MOBILE HOMES AND MOBILE HOME PARKS

Sections:

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22.904.020 Enforcement authority.
22.904.030 Existing mobile home parks.
22.904.040 Mobile home park license—Fee and expiration.
22.904.050 License—Late renewal fee.
22.904.060 License applications.
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22.904.080 Filing of site plan.
22.904.090 Site plan requirements.
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22.904.440 Notice of provisions.
22.904.450 Administration.
22.904.460 Penalties—Sections 22.904.400 through 22.904.470.
22.904.470 Construction of language.

Severability: Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.
(Ord. 89715 § 7.030, 1960.)

Section 3 of Ordinance 115183 reads as follows:
Severability. The provisions of this ordinance [Sections 22.904.400 through 22.904.470] are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person, owner or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons, owners or circumstances.

22.904.010 Definitions.

For the purpose of this chapter certain words, terms and phrases are defined and shall be construed as follows:

A. "Accessory building" means a building on a mobile home lot used in conjunction with a mobile home.

B. "Certificate of completion" means the Director of the Department of Construction and Land Use's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation report and plan, has complied with eviction notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.020, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

C. "Eviction notice" means the minimum twelve (12) month notice by the owner of a mobile home park to the mobile home park tenants to vacate a mobile home park, conforming to state law and this chapter.

D. "Mobile home" means, for purposes of Sections 22.904.030 through 22.904.390, a vehicle equipped as a dwelling place. "Mobile home" or "manufactured home," for purposes of Sections 22.904.400 through 22.904.470, means a factory-assembled structure that requires a separate highway movement permit for highway travel, is built on a permanent chassis, and is designed for use as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. "Mobile home" or "manufactured home," for purposes of Sections 22.904.400 through 22.904.470, includes recreational vehicles that, before December 22, 1988, have been used as permanent residences in the same location (one hundred eighty (180) days or longer), have been structurally modified so they are no longer mobile, and have been connected to the required utilities in a mobile home park.

E. "Mobile home, dependent" means a mobile home dependent upon toilet facilities provided in a service building.

F. "Mobile home, independent" means a mobile home independent of toilet facilities provided in a service building.

G. "Mobile home lot" means a plot of ground within a mobile home park designated to accommodate one (1) mobile home.

H. "Mobile home park" means, for purposes of Sections 22.904.030 through 22.904.390, a tract of land upon which two (2) or more mobile homes occupied as dwellings may be located. "Mobile home park" or "manufactured home park" means, for purposes of Sections 22.904.400 through 22.904.470, a residential use in which a tract of land is rented or held out for rent to others for the use of two (2) or more mobile homes occupied as a dwelling unit, except where such land is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.

I. "Mobile home park owner" or "manufactured home park owner" means any person, firm, partnership, association, joint venture, partnership, corporation or other legal entity or combination of entities who owns a mobile home park within The City of Seattle.

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J. "Mobile home park tenant" or "manufactured home tenant" means the head of a household who either rents a mobile home in a mobile home park or who owns a mobile home and rents a mobile home lot in a mobile home park for thirty (30) days or more and who uses the mobile home lot for the site of his or her permanent residence.

K. "Recreational vehicle" means a vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use, with or without motive power, being of such size or weight as not to require a special highway movement permit. The term "recreational vehicle" includes, without limitation, camping trailers, travel trailers, motor homes and truck campers, and any other type of temporary easily movable vehicle/residence. The term "recreational vehicle" does not include any vehicle falling within this chapter's definition of "mobile home" or "manufactured home."

L. "Service building" means a building in a mobile home park housing community toilet, bathing or laundry facilities.

M. "Storage locker" means a minor structure on a mobile home lot used for storage purposes.

(Ord. 115183 § 1, 1990: Ord. 89715 § 1.010, 1960.)

22.904.020 Enforcement authority.

Unless otherwise provided in this chapter the Director of Public Health shall be responsible for the enforcement of this chapter and is authorized to adopt rules and regulations consistent with this chapter for the purpose of carrying out the provisions hereof.

(Ord. 89715 § 1.020, 1960.)

22.904.030 Existing mobile home parks.

Nothing in this chapter shall be construed to require physical alteration of any mobile home park now legally operating.[1]

(Ord. 89715 § 1.030, 1960.)

1.Editor's Note: Ord. 89715 was passed by the City Council on October 31, 1960, and became effective on December 1, 1960.

22.904.040 Mobile home park license—Fee and expiration.

It is unlawful to operate a mobile home park without a valid and subsisting mobile home park license which shall be posted in a conspicuous place in the office thereof at all times. The fee for such license shall be Fifty-five Dollars ($55.00), plus Twelve Dollars and Fifty Cents ($12.50) per year for each mobile home lot therein in excess of ten (10). The fee for any such license issued during the last six (6) months of the license year shall be one-half (1/2) the annual fee. Mobile home park licenses shall expire at midnight July 31st of each year, and applications for renewal shall be made at least thirty (30) days prior to expiration.

(Ord. 118395 § 21, 1996: Ord. 116467 § 1, 1992: Ord. 113183 § 1, 1986: Ord. 110892 § 1, 1982: Ord. 106063 § 17, 1976: Ord. 99749 § 1, 1971: Ord. 89715 § 2.010, 1960.)

22.904.050 License—Late renewal fee.

A. Any person who has held a license in the previous license year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

1. If the renewal application is received after the date of expiration of the previous license but before the end of thirty (30) days into the new license year: ten percent (10%) of the annual license fee or Ten Dollars ($10.00), whichever is greater;

2. If the renewal application is received after thirty (30) days into the new license year: twenty percent (20%) or Twenty-five Dollars ($25.00), whichever is greater.

B. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.

(Ord. 106025 § 5, 1976: Ord. 89715 § 2.015, 1960.)

22.904.060 License applications.

Applications for mobile home park licenses and renewals thereof shall be made to the Finance Director upon forms provided by him/her and shall set forth the name and residence address of the applicant, the location of the mobile home park, and the number of mobile home lots to which such license applies. The Finance Director

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thereupon shall request the Director of Public Health, the Director of Construction and Land Use and the Fire Chief to inspect the premises therein described and the fixtures and facilities to be used. If the Director of Public Health, Director of Construction and Land Use and Fire Chief find, upon inspection, that such premises, fixtures and facilities are constructed, installed, operated and maintained in compliance with this chapter and other applicable ordinances, they shall approve the application and so notify the Finance Director, who shall issue the license. If the Director of Public Health, Director of Construction and Land Use or Fire Chief shall find that the premises, fixtures or facilities are not constructed, installed, operated or maintained in compliance with this chapter or any other applicable ordinance, he/she shall forthwith disapprove the application and so notify the applicant and the Finance Director, citing the reason therefor. If, after thirty (30) days from date of application for a new license, or, in the case of renewal, upon expiration of an existing license, approval of the Director of Public Health, Director of Construction and Land Use and Fire Chief are not forthcoming, the Finance Director thereupon shall deny the license.
(Ord. 117169 § 136, 1994: Ord. 109125 § 2, 1980: Ord. 107158 § 8, 1978: Ord. 102629 § 1, 1973: Ord. 89715 § 2.020, 1960.)

22.904.070 License revocation.

Any mobile home park license may be revoked by the Finance Director in the manner and subject to the procedure provided in the License Code[1] upon the filing with him by the Director of Public Health, the Director of Construction and Land Use or the Fire Chief of a written notice stating the premises licensed or any fixtures or facilities used therein have become or are unsafe or unsanitary, or that otherwise they are not being operated or maintained in compliance with the provisions of this chapter or any other applicable ordinance.
(Ord. 117169 § 137, 1994: Ord. 109125 § 3, 1980: Ord. 102629 § 2, 1973: Ord. 89715 § 2.030, 1960.)

1.Editor's Note: The License Code provisions regarding revocation of licenses are codified in Chapter 6.02 of this Code.

22.904.080 Filing of site plan.

It is unlawful to construct a mobile home park without first placing on file with the Director of Construction and Land Use three (3) complete copies of a site plan therefor, approved as provided in this chapter. Such plan shall be drawn to scale and completely dimensioned, shall be prepared by a licensed professional architect or engi-

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neer or by an owner capable of producing drawings equivalent to the conventional drawings of architects and engineers, and shall set forth the address and legal description of the mobile home park site, and the name and address of the applicant.
(Ord. 109125 § 4 (part), 1980: Ord. 89715 § 3.010, 1960.)

22.904.090 Site plan requirements.
The site plan required in this chapter shall show:
A. The dimensions of the mobile home park site;
B. The location, dimensions and number of independent and dependent mobile home lots;
C. The location, dimensions and number of automobile parking accommodations other than mobile home lots;
D. The location and width of entrances, exits, driveways and walkways;
E. The location and dimensions of service buildings, accessory buildings, storage lockers and other structures;
F. The water system;
G. The drainage system;
H. The sewer system;
I. The electrical system.
(Ord. 89715 § 3.020, 1960.)

22.904.100 Approval of site and building plans.
Site and building plans and specifications shall be examined by the Director of Construction and Land Use, and by the Fire Chief and the Director of Public Health, to whom the Director of Construction and Land Use shall supply copies. Upon approval of the Fire Chief and the Director of Public Health, and, upon being himself satisfied that the plans conform to the requirements of this chapter and other applicable ordinances, the Director of Construction and Land Use shall approve the same. One (1) copy of approved plans shall be retained in the office of the Director of Construction and Land Use, one (1) copy in the office of the Director of Public Health, and one (1) copy, which shall be maintained in the mobile home park office, shall be returned to the applicant.
(Ord. 109125 § 4 (part), 1980: Ord. 89715 § 3.030, 1960.)

22.904.110 Issuance of building permit.
No building permit shall be issued for any construction in mobile home parks except for such structures at such locations as are provided

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for in a site plan approved pursuant to this chapter.
(Ord. 89715 § 4.010, 1960.)

22.904.120 Mobile home lot boundaries—Placement of mobile homes.

The boundaries of mobile home lots shall be plainly marked, and such lots shall have a minimum area of seven hundred fifty (750) square feet; provided, that mobile homes shall be placed on mobile home lots so as to provide a minimum of ten feet; provided, that mobile homes shall be placed on mobile home lots so as to provide a minimum of ten feet (10′) between adjacent mobile homes and between any mobile home and an adjacent building, and a minimum of three fet (3′) between a mobile home and a mobile home accessory building.
(Ord. 102926 § 1, 1973: Ord. 89715 § 4.020, 1960.)

22.904.130 Areas for independent and dependent mobile homes—Driveways and walksways.

Mobile home parks shall have segregated areas for dependent and independent mobile homes, if both are to be accommodated; there shall be surfaced and lighted driveways to each mobile home lot, with a minimum width of twenty-five feet (25′); and there shall be surfaced and lighted walkways to all service buildings.
(Ord. 89715 § 4.030, 1960.)

22.904.140 Service buildings.

Mobile home parks shall have one (1) or more service buildings located at least eight feet (8′) away from any mobile home lot, but within two hundred feet (200′) of any dependent mobile home lot, and within five hundred feet (500′) of any independent mobile home lot. Such service buldings shall be provided with heating equipment capable of maintaining a room temperature of seventy degrees Fahrenheit (70° F.) at an atmospheric temperature of twenty degrees Fahrenheit (20° F.) and shall be adequately ventilated; shall have smoothly finished, light colored water-resistant interior walls and ceilings,a dn floors shall be constructed of concrete or similar impervious material and sloped to floor drains.
(Ord. 89715 § 4.040, 1960.)

22.904.150 Toilet facilities.

Mobile home parks shall have toilet facilities

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located in service buildings and separate facilities, appropriate marked, shall be provided for males and females in accordance with the following:

A. For dependent mobile homes, toilet facilities shall be provided in the following minimum ratios:

Males

No. Mobile	Urinals	Water Closets	Lavatories	Showers
2—20	1	1	2	1
21—30	1	2	3	2
31—40	1	3	4	2
41—50	1	4	5	4
61—70	1	6	7	5

Over 70 Add one additional water closet and lavatory for each additional ten (10) mobile home lots or fraction thereof. (Urinals may be substituted for up to one-third 1/3) of the additional water closets required.)

Add one (1) additional shower for each additional twenty (20) mobile home lots or fraction thereof.

Females

No. Mobile Home Lots	Water Closets	Lavatories	Showers
2—20	2	2	1
21—30	3	3	2
31—40	4	4	2
41—50	5	5	4
51—60	6	6	4
61—70	7	7	5

Over 70 Add one additional water closet and lavatory for each additional ten (10) mobile home lots or fraction thereof.

Add one (1) additional shower for each additional twenty (20) mobile home lots or fraction thereof.

B. For independent mobile homes, a minimum of one (1) water closet, one (1) lavatory and one (1) shower, for males and females respectively, shall be provided.

C. Water closets, lavatories and showers required for independent mobile homes may be housed in service buildings for dependent mobile homes.

D. Water closets shall be located in separated stalls at least three feet (3′) wide in the smallest dimension. Water closets and urinals shall be flush-type fixtures.

E. Showers shall be located in separated stalls, at least three (3′) feet wide in the smallest dimension, nd equipped with a waterproof draw curtain or door. Suitable dressing areas shall be provided.
(Ord. 89715 § 4.050, 1960.)

22.904.160 Laundry facilities.

Mobile home parks shall have laundry facilities, together with laundry drying facilities and no less than one (1) double laundry tray or automatic washing machine shall be provided for each twenty 820) mobile home lots. Such laundry facilities may be in separate service buildings, or in service buildings in rooms separate from toilet facilities, but such separate rooms shall have an exterior door.
(Ord. 89715 § 4.060, 1960.)

22.904.170 Accessory buildings.

One (1) accessory building, the floor area of which shall not exceed three hundrd (300) square feet, may be located on a mobile home lot, provided that the spaces on the mobile home lot and on adjoining mobile home lots, reserved exclusively for the occupancy of mobile homes, are clearly shown on the site plan, or an amendment thereto; and provided that the accessory building shall be no less than eight fee (8′) from any space reserved for a mobile home on an adjacent mobile home lot, or another accessory building shall be no less than eight feet (8′) from any space reserved for a mobile home on an adjacent mobile home lot, or another accessory building on an adjacent mobile home lot, and no less than five feet (5′) from any external boundary of a mobile home lot which does not abut on another mobile home lot.
(Ord. 89715 § 4.070, 1960.)

22.904.180 Storage lockers.

One (1) storage locker, the capacity of which shall not exceed one hundred fifty (150) cubic feet, may be located on a mobile home lot.
(Ord. 89715 § 4.080, 1960.)

22.904.190 Water supply.

A supply of safe and potable water, meeting the standards of the State Board of Health for quality, and sufficient in quantity, shall be provided to all plumbing fixtures in mobile home parks and to individual water connections which shall be provided at each mobile home lot.
(Ord. 89715 § 4.090, 1960.)

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22.904.200Water connections.

Water connections, located on the same side as the sewer lateral, shall be provided at each mobile home lot, and shall consist of a riser terminating at least four inches (4") above the ground with two (2) three-quarter-inch (3 /4″) valved outlets threaded for scre-on connections. If water connections are equipped with a shutoff valve, it shall not be a stop and waste cock. Water connections shall be protected from freezing and from damage from mobile home wheels and shall have the ground surface around the riser pipe graded to divert surface drainage away from the connections.
(Ord. 89715 § 4.100, 1960.)

22.904.210Surface water drainage.

Each mobile home park shall have a system for surface water drainage.
(Ord. 89715 § 4.110, 1960.)

22.904.220Sewage and waste water disposal.

All sewage and waste water from toilets, urinals, slop sinks, bathtubs, showers, lavatories, laundries, and all other sanitary fixtures in a mobile home park, shall be drained to a sewage collection system and discharged to a public sewer, or where no public sewer is available, to a lawful private sewage disposal system.
(Ord. 89715 § 4.120, 1960.)

22.904.230Sewer laterals.

Sewer laterals shall be provided to each mobile home lot. Such laterals shall be trapped and vented, terminate above grade on the same side of the lot as the water connection, be at least four inches (4″) in diameter and be equipped with adequate leak- and fly-proof devices for coupling to mobile home drainage systems. Each connection to such a lateral shall be protected at its terminal with a concrete collar at least three inches (3″) thick and extending from the connection in all directions.
(Ord. 89715 § 4.130, 1960.)

22.904.240Sewer line venting.

Sewer lines in mobile home parks shall be vented in such a manner that odor nuisances will not result.
(Ord. 89715 § 4.140. 1960.)

22.904.250Outside lighting.

An electrical system for outside lighting and including service outlets to each mobile home lot shall be provided.
(Ord. 89715 § 4.150, 1960.)

22.904.260Sanitation.

Mobile home parks shall be maintained in a safe and sanitary condition, free from rodents, vermin, trash and litter.
(Ord. 89715 § 5.010, 1960.)

22.904.270Lighting.

Mobile home parks and service buildings shall be well lighted.
(Ord. 89715 § 5.020, 1960.)

22.904.280Heating equipment in service buildings.

Heating equipment in service building shall be maintained in safe and good working condition.
(Ord. 89715 § 5.030, 1960.)

22.904.290Hot water supply.

Hot water in adequate quantities shall be supplied to all service building bathing fixtures, lavatories and clothes-washing equipment.
(Ord. 89715 § 5.040, 1960.)

22.904.300Sanitation of toilet facilities.

In mobile home parks individual toilet facilities shall be maintained in sanitary and good working condition, shower stalls and dressing areas shall be kept clean and all floors in toilet, shower and lavatory rooms which are in daily use shall be cleaned and disinfected daily, or oftener if necessary to maintain in a sanitary condition.
(Ord. 89715 § 5.050, 1960.)

22.904.310Garbage containers.

All garbage and other refuse from mobile home parks shall be deposited in tightly covered refuse containers of not less than twenty (20), nor more than thirty (30) gallons capacity, or equivalent approved by the Director of Public Health, which shall be in sufficient number to provide at least one (1) container for each two (2) mobile home lots. Such containers shall be located not more than two hundred feet (200′) from any mobile home lot, and installed so as to prevent tipping, minimize spillage and container deterioration, facilitate cleaning and prevent rodent harborage.
(Ord. 89715 § 5.060, 1960.)

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22.904.320 Capping of sewer connections.

Sewer connections at mobile home lots, when not in use, shall be capped or plugged with a gastight device.
(Ord. 89715 § 5.070, 1960.)

22.904.330 Mobile home maintenance.

Mobile homes shall be maintained in a safe and sanitary condition.
(Ord. 89715 § 6.010, 1960.)

22.904.340 Mobile home dwellings to be in mobile home park.

Mobile homes shall not be occupied as dwellings except when in a mobile home park.
(Ord. 89715 § 6.020, 1960.)

22.904.350 Location of mobile home on lot.

Mobile homes occupied as dwellings in mobile home parks shall be parked only on mobile home lots, no less than eight feet (8′) from any service building, or mobile home or accessory building on an adjacent mobile home lot, and no less than five feet (5′) from any exterior boundary of the mobile home park.
(Ord. 89715 § 6.030, 1960.)

22.904.360 Permanent attachment—Awnings.

Mobile homes shall not be permanently attached to any building, or to the ground, nor shall they be made stationary by removal of the wheels or otherwise. Mobile home awnings shall be noncombustible, and shall be open on at least two (2) sides.
(Ord. 89715 § 6.040, 1960.)

22.904.370 Plumbing maintenance.

Plumbing in mobile homes shall be maintained in sanitary and good working condition, free from defects, leaks, and obstructions.
(Ord. 89715 § 6.050, 1960.)

22.904.380 Insanitary or unsafe mobile homes.

Mobile homes designated as insanitary by the Director of Public Health or as unsafe by the Fire Chief shall not be permitted to remain in a mobile home park.
(Ord. 89715 § 6.060, 1960.)

22.904.390 Violation—Penalty.

Anyone violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine in a sum not exceeding Three Hundred Dollars ($300.00), or by imprisonment in the City Jail for a term not exceeding 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. 89715 § 7.020, 1960.)

22.904.400 Reservation of mobile home lots.

All mobile home park lots shall be reserved for use by mobile homes. No recreational vehicle may displace or replace a mobile home in any mobile home lot; provided, that nothing in this chapter shall be construed to require displacement of any recreational vehicle occupying a mobile home lot on the effective date of the ordinance codified herein;[1] and further provided, that when a mobile home lot becomes vacant for any reason, it may not be occupied by a recreational vehicle unless the vacant mobile home lot, because of its size, irregular configuration, or inadequate utilities or facilities, cannot accommodate a mobile home.
(Ord. 115183 § 2(part), 1990.)

1.Editor's Note: Ordinance 115183 was passed by the City Council on July 9, 1990.

22.904.410 Eviction notices for change of use or closure of a mobile home park.

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under RCW Chapter 59.21, the mobile home park owner must first submit to the Department of Construction and Land Use a relocation report and plan that meets the requirements of Section 22.904.420. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with the master use permit application. Once the Director of Construction and Land Use determines that the relocation report and plan meets the requirements of Section 22.904.420, the Director shall stamp his or her approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the

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Director of Construction and Land Use determines that the relocation report and plan does not meet the requirements of Section 22.904.420, the Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this chapter before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the twelve (12) month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030. No mobile home park tenant who rents the mobile home in which he or she resides may be evicted until the twelve (12) month notice period expires, except for good cause as defined in SMC Section 22.206.160. No mobile home owner who rents a mobile home lot may be evicted until the twelve (12) month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, RCW Chapter 59.20. (Ord. 115183 § 2(part), 1990.)

22.904.420 Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with RCW Chapters 59.20 and 59.21, relating to mobile home relocation assistance, and with Sections 22.904.400 through 22.904.480 of this chapter. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;

2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;

3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;

4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;

5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;

6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;

7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap and Pierce Counties;

8. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;

9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and

10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.

B. The Director of Construction and Land Use may require the mobile home park owner to designate a Relocation Coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants and the Department of Construction and Land Use and other City and State offices to ensure compliance with the relocation report and plan and with state laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Once the Director of Construction and Land Use approves the relocation report and plan, a copy of

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the approved relocation report and plan shall be delivered to each mobile home park tenant with the required twelve (12) month eviction notice.

D. The mobile home park owner shall update the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.
(Ord. 115183 § 2(part), 1990.)

22.904.430 Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park or establish a change of use of a mobile home park until the mobile home park owner obtains a certificate of completion from the Department of Construction and Land Use. The Director of Construction and Land Use shall issue a certificate of compliance only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, with eviction notice requirements of RCW 59.20.080 and 59.21.030, with relocation assistance requirements of RCW 59.21.020, and any additional requirements imposed in connection with a master use permit application.
(Ord. 115183 § 2(part), 1990.)

22.904.440 Notice of provisions.

It is unlawful to sell, lease or rent any mobile home or mobile home park rental space without advising the prospective purchaser, lessee, or renter, in writing, of the provisions of Sections 22.904.400 through 22.904.460 of this chapter.
(Ord. 115183 § 2(part), 1990.)

22.904.450 Administration.

The Director of Construction and Land Use shall administer and enforce Sections 22.904.400 through 22.904.460 of this chapter and is authorized to adopt rules and regulations consistent with and necessary to carry out these sections. Whenever an owner or an owner's agent fails to comply with the provisions of Sections 22.904.400 through 22.904.470, the Director of Construction and Land Use may deny or revoke a master use permit and/or other permits or approvals, or may, in his or her discretion, condition any permit upon the owner's successful completion of remedial actions that the Director of Construction and Land Use deems necessary to carry out the purposes of Sections 22.904.400 through 22.904.460.
(Ord. 115183 § 2(part), 1990.)

22.904.460 Penalties—Sections 22.904.400 through 22.904.470.

In addition to any other sanction or remedial measure imposed under this chapter, any person who fails to comply with any provision of Sections 22.904.400 through 22.904.470 or any notice, decision or order issued by the Director of Construction and Land Use pursuant to Sections 22.904.400 through 22.904.470, shall be subject to a cumulative civil penalty in the amount of Five Hundred Dollars ($500.00) per day for each day of noncompliance, measured from the date set for compliance until the person complies with the notice, decision or order, as determined by the Director of Construction and Land Use. The Director of Construction and Land Use shall notify the City Attorney in writing of the name of any person subject to the penalty, and shall assist the City Attorney to collect the penalty.
(Ord. 115183 § 2(part), 1990.)

22.904.470 Construction of language.

For purposes of this chapter, the singular shall include the plural and vice versa, "or" shall include "and" and vice versa, and the masculine gender shall include the feminine and neutral genders.
(Ord. 115183 § 2(part), 1990.)

Chapter 22.910
MAINTENANCE OF HEALTHFUL TEMPERATURES

Sections:

22.910.010 Exercise of police power.
22.910.020 Definitions.
22.910.030 Aiding or abetting violation.
22.910.040 Landlord to install and maintain sufficient heating system.
22.910.050 Certain temperatures to be maintained.
22.910.060 Right of entry.
22.910.070 Exceptions.
22.910.080 Violation—Penalty.

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Severability: If any part, provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions and sections of this chapter not expressly so held to be void or unconstitutional, shall continue in full force and effect.
(Ord. 39104 § 4, 1919.)

22.910.010 Exercise of police power.

This entire chapter shall be an exercise of the police power of the state and of the City for the protection of the public health and all its provisions shall be liberally construed for the accomplishment of that purpose.
(Ord. 39104 § 1, 1919.)

22.910.020 Definitions.

The word "person" wherever used in this chapter means and includes natural persons, firms, copartnerships and corporations, and other associations of natural persons, whether acting by themselves or by servants, agents or employees. Words in the present tense shall include the future tense, and in the masculine shall include the feminine and neuter genders, and in the singular shall include the plural. "Healthful temperature" means a temperature of not more than sixty-eight (68°) degrees, nor less than fifty-eight degrees Fahrenheit (58° F.).
(Ord. 102919 § 1, 1973: Ord. 47936 § 1(part), 1924: Ord. 39104 § 2, 1919.)

22.910.030 Aiding or abetting violation.

Every person concerned in the commission of a misdemeanor in violation of this chapter, whether he directly commits the act or omits to do the thing constituting the offense, or aids or abets the same, and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such misdemeanor, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.
(Ord. 39104 § 3, 1919.)

22.910.040 Landlord to install and maintain sufficient heating system.

Every person in charge or control of any tenement, apartment house, inn, hotel or lodging house who undertakes to furnish artificial heat to another within such place, shall for such purpose install and maintain a good and sufficient heating system which will uniformly heat, and be capable of so heating, all parts thereof to a temperature of sixty-eight degrees Fahrenheit (68° F.) in zero weather, with due regard to all laws and ordinances pertaining to and regulating ventilation and humidity, and it shall be unlawful for such person to fail, neglect or refuse to install or maintain the same.
(Ord. 47936 § 1(part), 1924: Ord. 39104 § 5, 1919.)

22.910.050 Certain temperatures to be maintained.

Every person in charge or control of the artificial heating of any tenement, apartment house, inn, hotel or lodging house, in case artificial heating is done for or on behalf of another therein, and every person who undertakes to furnish artificial heating to another within such place, shall at all times (except during the months of June, July, August and September), between the hours of ten-thirty (10:30) p.m. and seven (7:00) a.m. keep and maintain therein a temperature of not less than fifty-eight degrees Fahrenheit (58° F.); between the hours of seven (7:00) a.m. and eight (8:00) a.m., a temperature of not less than sixty (60°) degrees; between the hours of eight (8:00) a.m. and nine (9:00) a.m. a temperature of not less than sixty-five (65°) degrees, and between the hours of nine (9:00) a.m. and ten-thirty (10:30) p.m. a temperature of not less than sixty-eight (68°) degrees, when such building or place is occupied by the one to whom such heat is undertaken to be furnished, at all times complying with all laws and ordinances pertaining to and regulating humidity and ventilation, and it is unlawful for such persons to fail, neglect or refuse to keep and maintain such healthful temperature therein. In all tenements, apartment houses, inns, hotels and lodging houses the owners and proprietors shall be presumed to have undertaken to furnish artificial heat for and on behalf of all tenants and guests therein unless a specific agreement to the contrary is expressly shown, but this provision shall not be deemed to excuse or relieve from prosecution any other person undertaking to furnish artificial heat for or on behalf of the owners or proprietors. No person shall be subject to prosecution under this

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provision where the failure to maintain the minimum temperatures is occasioned by a bona fide inability to obtain fuel due to the application of federal or state regulations limiting the allocation of fuel to the person undertaking to furnish such artificial heat.
(Ord. 102919 § 2, 1973: Ord. 47936 § 1(part), 1924: Ord. 39104 § 6, 1919.)

22.910.060Right of entry.

The Commissioner of Health and his duly authorized agents shall have the right at all reasonable hours to enter any building or place coming under the provisions of this chapter and to place and maintain therein recording thermometers or other instruments for the gauging and measuring of heat, and it shall be unlawful to interfere or obstruct the officers in so doing.
(Ord. 39104 § 7, 1919.)

22.910.070Exceptions.

The provisions of this chapter shall not be deemed or held to apply to a maximum temperature of more than sixty-eight degrees Fahrenheit (68° F.) in any of the above mentioned places during such times as the natural temperature may be above sixty-eight (68°) degrees, nor shall the provisions of this chapter be deemed or held to apply to any building occupied by one family only and used exclusively as a private dwelling.
(Ord. 47936 § 1(part), 1924: Ord. 39104 § 8, 1919.)

22.910.080Violation—Penalty.

Any person violating any of the provisions of this chapter or failing to comply with the terms and requirements thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding One Hundred Dollars ($100.00), or imprisoned in the City Jail for a term not exceeding thirty (30) days, or may be both fined and imprisoned.
(Ord. 39104 § 9, 1919.)

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