

Seattle Municipal Code  
 December 2006 code update file  
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Title 21

UTILITIES<sup>1</sup>

This title is intended for those provisions of the Code which relate to the regulation of water, sewers, garbage and refuse, solid waste, lights, CATV, and other utilities, whether public or private.

Chapters:		
Subtitle I Water		
21.04	Water Rates and Regulations	21-3
21.08	Corrosion Prevention	21-24
21.12	Miscellaneous Provisions	21-31
Subtitle II Sewers		
21.16	Side Sewers	21-37
21.20	Sewer Connections Outside City Limits	21-51
21.24	Permit Fees and Connection Charges	21-52
21.28	Wastewater Rates and Charges	21-56
21.32	Private Sewage Disposal Systems	21-60
21.33	Storm Drainage Utility Rates and Charges	21-60.3
Subtitle III Solid Waste		
21.36	Solid Waste Collection	21-60.7
21.40	Solid Waste Collection Rates and Charges	21-66.9
21.43	Infectious Waste Management	21-66.23
21.44	Standards for Solid Waste Handling	21-71
Subtitle IV Lighting and Power		
21.49	Seattle City Light Department	21-73
21.52	Conservation Measures	21-88
21.56	Miscellaneous Provisions	21-88.2
Subtitle V CATV		
21.60	Cable Communications	21-89
Subtitle VI Private Utilities		
21.64	Franchises	21-112
Subtitle VII Miscellaneous Provisions		
21.68	Underground Utility Districts	21-114

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 the Office of the City Clerk

21.72	Utility Charge Statements	21-119
21.76	Low-Income Rate Credits and Emergency Assistance for Qualified Utility Customers	21-120
Subtitle VIII Street Utility		
21.100	Street Utility	21-124

1. Cross-reference: For provisions regarding gas lines at the Seattle Center, see Chapter 17.28 of this Code; for provisions regarding public utility permits and regulations, see Chapter 15.32; for provisions regarding termination of service of water, electricity, or gas to a vacated building, see § 22.206.190.

### Subtitle I.

### Water

### Chapter 21.04

### WATER RATES AND REGULATIONS

#### Sections:

- 21.04.010 Definitions--Number and gender.
- 21.04.020 Connection to water supply system--Application.
- 21.04.030 Contract--City nonliability.
- 21.04.040 Contract--Effective date.
- 21.04.050 Connection--City responsibility.
- 21.04.060 Connection--Where permanent structure erected--Premises not abutting street with water main--Limitations.
- 21.04.070 Cross-connections.
- 21.04.080 Separate service connections for each house--Exceptions.
- 21.04.090 Connection--Pipe materials and covering--Sprinkler systems.
- 21.04.100 Connection--Minimum size--Fees and charges.
- 21.04.105 Connection Charge.
- 21.04.115 Payment of Connection Charge.
- 21.04.125 Calculation of the Connection Charge.
- 21.04.150 Unused connections.
- 21.04.160 Stop and waste cocks--Inspection of water pipes.
- 21.04.170 Request to turn on water.
- 21.04.180 Supplying water to additional premises--Application.
- 21.04.190 Supplying water to additional premises--Charges.
- 21.04.200 New connections on old sites--Abandoned connections--Transfers to new water mains.
- 21.04.210 Discontinuance of service--Reinstallation application--Temporary service.
- 21.04.230 Reconnections--Procedure.
- 21.04.240 Water shut off by City.
- 21.04.250 Charges--Delinquency and lien.
- 21.04.260 Accounts to be in name of owner or leaseholder.
- 21.04.270 Water for construction purposes.
- 21.04.280 Certification and funding of water and sewer infrastructure extensions.
- 21.04.300 City right to shut off water.
- 21.04.310 Owner's responsibility for maintenance.
- 21.04.320 Wasting water and other unlawful uses.
- 21.04.330 Fire protection services--Use of water.
- 21.04.360 Right of entry for Director--Unlawful obstruction of water meter.
- 21.04.370 Penalty for violation of Section
- 21.04.380 Meter installations between curblines and property lines.
- 21.04.390 Connection outside City limits--House number.
- 21.04.400 Protection of connections from driveways or crossings.

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- 21.04.410 Accounts of charges and penalties.  
21.04.420 Flat rates.  
21.04.430 Rates inside the City of Seattle.  
21.04.440 Rates outside the City of Seattle.  
21.04.450 Cost for new mains constructed outside City limits.  
21.04.460 Separate meters on same service--Rounding off of rates.  
21.04.465 Standard, connection, and administrative charges.  
21.04.470 Bills for water used--Delinquency.  
21.04.480 Meters--Property of City--Failure to register properly.  
21.04.490 Meters--Test for accuracy.  
21.04.500 Emergency water use restrictions.  
21.04.505 Emergency rate surcharge.  
21.04.510 Aid in enforcement--Reports of fire.  
21.04.520 Copies of ordinance.  
21.04.530 Use of fire hydrants.  
21.04.540 Unlawful interference or damage to property.  
21.04.550 Unlawful use of reservoirs or grounds.  
21.04.560 Obstruction or illegal use of fire hydrant.  
21.04.570 Unlawful connections to water supply system.  
21.04.580 Violation--Penalty.  
21.04.590 Violation--Reward for securing conviction.  
21.04.600 Authority of Director.

Severability: If any section or provision of this chapter shall be held to be invalid the remaining sections or provisions thereof shall not be affected thereby.

(Ord. 65877 § 50, 1935.)

Cases: In setting wholesale rates, the Water Department needs to take into account water storage facilities of the purveyors. It may not pass on the effect of the City's utility tax. The Department's allocation of the costs of construction of the Tolt facilities was sustained. King County Water District v. Seattle, 89 Wn.2d 890, 577 P.2d 567 (1978).

#### **21.04.010 Definitions--Number and gender.**

The word "Director" wherever used in this chapter, means the Director of Seattle Public Utilities, and any act in this chapter required or authorized to be done by the Director, may be done on behalf of the Director by an authorized officer or employee of the Seattle Public Utilities. The word "person" wherever used in this chapter means and includes natural persons of either sex, associations, copartnerships and corporations whether acting by themselves or by a servant, agent or employee; the singular number includes the plural and the masculine pronoun includes the feminine.

(Ord. 118396 § 16, 1996; Ord. 65877 § 1, 1935.)

#### **21.04.020 Connection to water supply system--Application.**

Any person desiring to have premises connected with the water supply system of the City shall present at the office of the Seattle Public Utilities a copy of a building permit or a regular certified copy from the Director of the Department of Planning and Development, containing his or her name, description of the lot, block and addition and the official house number of the premises on which water is desired, and shall make application therefor upon a printed form to be furnished for that purpose, which application shall contain the description of the premises where such water is desired, and shall specify the size of service pipe required and shall state fully the purposes for which water is to be used, and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be filed in the office of the Director, and at the time of filing such application the applicant shall pay to the Director of Executive Administration and make his or her receipt therefor, the fees for installation of water service provided in this chapter.

(Ord. 121276 § 37, 2003; Ord. 120794 § 268, 2002; Ord. 118396 § 17, 1996; Ord. 116368 § 273, 1992; Ord. 65877 § 2, 1935.)

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**21.04.030 Contract--City nonliability.**

A. The application provided for in Section 21.04.020 shall contain a contract on the part of the person making the same to pay for the water applied for at the rate and in the manner specified in such contract, and shall reserve to the City the right to charge and collect the rates and enforce the penalties provided for in this chapter in the manner herein provided, to change the rates at any time by ordinance, to temporarily discontinue the service at any time without notice to the consumer, and shall specify that the contract is subject to all the provisions of this chapter and of any ordinance of the City relating to the subject hereafter passed, and shall provide that the City shall not be held responsible for any damage by water or other cause resulting from defective plumbing or appliances on the premises supplied with water, installed by the owner or occupant of the premises, and that the fact that the agents of the City have inspected the plumbing and appliances shall not be pleaded as a basis of recovery in case of damage to premises from defective plumbing or appliances installed by the owner or occupant of such premises, and shall provide that in case the supply of water shall be interrupted or fail by reason of accident or any other cause whatsoever, the City shall not be liable for damages for such interruption or failure, nor shall such failures or interruptions for any reasonable period of time be held to constitute a breach of contract on the part of the City or in any way relieve the consumer from performing the obligations of his contract.

B. The City shall not be held liable for damage to personal property stored in that portion of a street between the curblineline and the property line, resulting from leakage or the breaking of pipes or appliances maintained by the City within that portion of the street described in this subsection.  
(Ord. 65877 § 3, 1935.)

**21.04.040 Contract--Effective date.**

All contracts shall take effect from the day they are signed and rates shall be charged from the day the premises are connected with the City's water supply and the meter installed. Meter rates shall be in effect as long as the meter remains on the service.  
(Ord. 65877 § 4, 1935.)

**21.04.050 Connection--City responsibility.**

Upon the presentation at the office of the Director of the Director of Executive Administration's receipt for the installation fees and the execution of the contract provided for in Section 21.04.030, the Director shall cause the premises described in the application, if the same abut upon a street in which there is a City water main, to be connected with the City's water main by a service pipe extending at right angles from the main to the property line, except as provided in Sections 21.04.060, 21.04.070 and 21.04.080. The City connection, which shall include a union placed at the end of pipe, and a stopcock placed within the curblineline, shall be maintained by and kept within the exclusive control of the City.  
(Ord. 120794 § 269, 2002; Ord. 118396 § 18, 1996; Ord. 116368 § 274, 1992; Ord. 65877 § 5(part), 1935.)

**21.04.060 Connection--Where permanent structure erected--Premises not abutting street with water main--Limitations.**

A. Whenever it has been ascertained that a retaining wall, ornamental wall or landscape rockery or

any other form of permanent structure is to be, or has been, erected upon any portion of a City street or public place in which a water service connection has been installed, the Director may cause the relocation or readjustment of such water service connection or any portion thereof. The cost of such relocation or readjustment shall be charged against the property at which the erection of the permanent structure, as hereinabove referred to, is to be or has been done, and to the owner thereof. In no case shall the City be required to maintain or repair any portion of the service connection between the union and property line.

B. In case of application for water service to supply premises not abutting upon a street in which there is a standard City water main, the Director will require construction of a standard water main abutting the property before a connection is made; provided that, under certain conditions, a temporary connection may be provided for the property, or a service to the property of the applicant may be placed along and beneath any public street or avenue; and provided further that, in the case of certain housing development or redevelopment projects for households with aggregate annual incomes no higher than fifty (50) percent of median income, the Director shall, prior to December 31, 2003, in accordance with SMC Section 21.04.280, fund a portion of the costs of construction of a standard water main. The Director, pursuant to the Administrative Code (Chapter 3.02), shall establish criteria and procedures for making the aforementioned exceptions.

C. Where water main construction is required and the applicant and/or other property owners jointly wish to construct the required water mains and appurtenances, the Director is authorized to enter into a water main addition or extension agreement as set forth in the application and agreement forms attached as Exhibit "A" to Ordinance 65877<sup>1</sup> or such revised forms as approved by the City Attorney and adopted by Rule.

D. The Director may limit the size and number of service connections which may be allowed for any separate property. No service connection will be allowed from the City mains to any property supplied by water from any other source unless special permission is given by the Director, which special permission may be terminated at any time, if in the judgment of the Director the public interest would be best served. (Ord. 119688 § 2, 1999; Ord. 118605 § 2, 1997; Ord. 118396 § 19, 1996; Ord. 116368 § 275, 1992; Ord. 112035 § 1, 1984; Ord. 65877 § 5(part), 1935.)

1. Editor's Note: Exhibit A is on file with Ordinance 65877 in the City Clerk's office.

#### **21.04.070 Cross-connections.**

A. Cross-connections, as defined in Section 248-54 of the Washington Administrative Code (1991), or as may be amended, shall be eliminated or controlled in accordance with the administrative rules of the Seattle Public Utilities and any applicable rules of the State of Washington Department of Health or any other applicable City, state, or federal laws.

B. As a term and condition of all water service, the Director of Seattle Public Utilities or his/her duly authorized representatives shall have a right to access at all reasonable times to all parts of the buildings or premises supplied by water from the City for the purpose of ascertaining the need to eliminate or control cross-connections.

C. The Seattle Public Utilities shall deny or discontinue water service to any customer failing to cooperate in the elimination of cross-connections or the control of cross-connections through the installation, maintenance, testing or inspection of backflow prevention assemblies required by the Seattle Public Utilities.

D. When in the discretion of the Director Seattle Public Utilities appropriate circumstances so

warrant, the Director may charge the account of any customer who violates any applicable rules and regulations concerning cross-connections for all costs, including service calls, and any damages incurred by the Seattle Public Utilities in relation to such violation.

(Ord. 118396 § 20, 1996; Ord. 115660 § 2, 1991; Ord. 65877 § 5(part), 1935.)

#### **21.04.080 Separate service connections for each house--Exceptions.**

Where there is a water main in front of any premises, the owner of each house supplied by City water must install his own separate service connection with the City main, and the premises so supplied will not be allowed to supply water to any other premises, except temporarily where there are no mains in the street, provided that such restrictions shall not apply to services already installed unless in the judgment of the Director it is found necessary to enforce such provisions as to connections already made. Provided, further, where two (2) or more buildings are supplied by one (1) metered service, not less than the minimum rate for premises supplied by meters, hereinafter provided for, shall be assessed for each separate building or premises so supplied.

(Ord. 118396 § 21, 1996; Ord. 65877 § 5(part), 1935.)

#### **21.04.090 Connection--Pipe materials and covering--Sprinkler systems.**

A. Anyone connecting to City water service pipes or laying their own private pipe, shall use only standard galvanized wrought iron, galvanized steel, or copper pipe up to and including two (2) inches in size, and all pipes shall be laid with not less than two (2) feet of earth cover over the top of such pipe, exclusive of any pavement or other improvement laid on the earth cover, except as hereinafter provided. The Director will maintain private services from City mains in streets which are being graded and will have such access on private property as shall be necessary to maintain such pipes during the work, and shall as soon as practicable upon the completion of such work, re-lay the pipes in street. Except for above cause, owners shall maintain their private pipes from the end of the City service to and into their property, or in case the Director finds it necessary to maintain same the owner shall relinquish all right in the pipes. When necessary the Director may slope service in on property to conform to the slope occasioned by the grading of street and charge expense to owner of service.

B. Whenever pipes connecting with a City service connection are to be used as part of a lawn and shrubbery sprinkling system exclusively such pipes may, at the option of the property owner, be laid with less than two (2) feet of earth cover. The property owner shall be required to install a control valve on each branch pipe which may lead from regular domestic supply pipes to the lawn and shrubbery sprinkling system.

C. Such lawn sprinkler systems may be constructed of nonmetallic material beyond an approved vacuum-breaker located on the discharge side of the last control valve; subject, however, to all provisions of the Plumbing Code (Ordinance No. 80242).<sup>1</sup>

D. Sprinkling systems of this nature shall be constructed in such manner that all pipes and fittings connected therewith can be thoroughly drained when their seasonable use has been discontinued.

(Ord. 118396 § 22, 1996; Ord. 88208 § 1, 1959; Ord. 65877 § 6, 1935.)

1. Editor's Note: The current Plumbing Code is codified in Title 22 of this Code.

#### **21.04.100 Connection--Minimum size--Fees and charges.**

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A. No service connection less than three-fourths inch (") in size shall be installed.

B. The fees for the installation of water service as hereinbefore provided shall be the actual cost of labor and material plus overhead charges to be determined by the Director of Seattle Public Utilities in laying such a service and replacing the pavement.

C. The Director of Seattle Public Utilities may establish standard charges based on a review of prevailing actual costs for the installation of the various sizes of service. Such standard charges shall be subject to annual review.

(Ord. 118396 § 23, 1996: Ord. 112035 § 2, 1984: Ord. 108837 § 1, 1979: Ord. 104062 § 1, 1974: Ord. 88208 § 2, 1959: Ord. 80042 § 1, 1951: Ord. 65877 § 7, 1935.)

#### **21.04.105 Connection Charge.**

A. In addition to water service installation fees and charges required by ordinance or administrative rule, the owner of a property seeking either for the first time to connect that property to the water distribution system for any water purposes, or to expand existing water service shall pay a Connection Charge prior to connection.

B. A property may be exempt from paying the Connection Charge in circumstances where an equivalent contribution is made at the time the owner of the property is seeking to connect or reconnect to the water system, such as the construction of a water main accepted by Seattle Public Utilities as part of its distribution system. Any such exemptions for equivalent contributions shall be defined in Seattle Public Utilities Policy and Procedure, which may be amended from time to time by the Director.

C. The collection of a Connection Charge to serve a single family residence may be deferred with interest at the request of an owner who meets both of the following criteria: (1) is economically disadvantaged, as defined in Section 20.12.020 B of the Seattle Municipal Code; and (2) also owns and occupies the residence which will be connected to the water distribution system. Interest on the principal will be calculated at the rate of 150 basis points (1.5%) added to the yield for 10-year U.S. Treasury Constant Securities (e.g., if the yield is 5.02%, the interest charge would be 6.52%). The interest rate shall be fixed for the duration of contract, using the Treasury yield for the most current month listed on the Federal Reserve's internet website, [www.federalreserve.gov/releases/h15/data.htm#fn113](http://www.federalreserve.gov/releases/h15/data.htm#fn113), or successor website, or other source. The rate will be determined at the time the finance contract is signed by the property owner. Such contract shall provide that any unpaid balance may be paid off in full at any time. All charges, including interest so deferred, shall become a lien against the property and shall be recorded by the Director of Seattle Public Utilities in the office of the County Recorder at the expense of the property owner, and such deferred payment shall be due and payable in full at the time of sale or transfer of the property or at the time the property ceases to be used as a single family residence.

(Ord. 121443 § 2, 2004.)

#### **21.04.115 Payment of Connection Charge.**

The Connection Charge shall be paid either in cash, or under an installment contract. An installment contract shall provide for a down payment of a minimum of one-fortieth ( 1/40) of the total Connection Charge, payable upon execution of such contract and for payment of the balance in equal installments of the unpaid

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balance payable at specified intervals throughout the term of the contract, together with interest as provided in this section. Interest on the principal will be calculated at the rate of 150 basis points (1.5%) added to the yield for 10-year U.S. Treasury Constant Securities (e.g., if the yield is 5.02%, the interest charge would be 6.52%). The interest rate shall be fixed for the duration of contract, using the Treasury yield for the most current month listed on the Federal Reserve's internet website,

www.federalreserve.gov/releases/h15/data.htm#fn113, or successor website, or other source. The rate will be determined at the time the finance contract is signed by the property owner. Such installment contract shall be no more than ten years in duration and shall provide that any unpaid balance may be paid off in full at any time. Such contract shall include a provision that in the event of failure to pay the required installments, the Director of Seattle Public Utilities may disconnect the City's water service from and refuse to supply water to the premises until the unpaid installments are paid. In addition, the installment contract shall become a lien against the property and shall be recorded by the Director of Seattle Public Utilities in the office of the County Recorder at the expense of the property owner, and such deferred payment shall be due and payable in full at the time of sale or transfer of the property.  
(Ord. 121443 § 3, 2004.)

#### **21.04.125 Calculation of the Connection Charge.**

The Connection Charge shall be calculated as the product of Connection Charge Units (CCU) and Connection Charge Unit Rate (CCUR). The CCU is a measure of the size of the new water service connection or connections or the increase in the size of an existing connection or connections. The CCU is the aggregation of the new retail service connections being requested by the owner (or the requested connections for existing services) weighted by their hydraulic capacities and expressed as a multiple of a single 3/4-inch domestic service connection. The CCUR represents the equity value of the water system, as represented by the total asset value of the system less the value of outstanding bonds as detailed in the Water Fund's annual financial statement, attributable to a single customer with a 3/4-inch service. Measurement of the CCU and administration of the Connection Charge will conform to adopted Departmental Policy and Procedure.  
(Ord. 121443 § 4, 2004.)

#### **21.04.150 Unused connections.**

On all water service connections unused for a period fifteen (15) years, or more, from date of installation, the City reserves the right: (A) to consider the same obsolete and remove the service, at the City's option; or (B) to require payment for a new service.  
(Ord. 72857 § 1, 1943; Ord. 65877 § 7-C, 1935.)

#### **21.04.160 Stop and waste cocks--Inspection of water pipes.**

A. Before water will be turned on to any premises connected with the City's mains, the service pipes upon such premises must be made to conform to the following regulations: The service pipes must be so located that the supply for each separate house or premises shall be controlled by separate stop and waste cocks of the best standard make, approved by the Director, with extension handle, properly protected from the frost, and so placed within the premises that all service pipes and fixtures may be thoroughly drained during freezing weather. Where sags or depressions occur in the pipe and this stop and waste cock is not sufficient to fully drain all the pipes and fixtures within the premises, additional stop and waste cocks, with extension handles, or other approved vents must be so placed as to fully drain them. In cases where no fixtures are placed between the

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property line and the basement the stop and waste cock may be placed in the basement, provided the basement is not less than six feet (6') in height and is provided with stairways or other means of access thereto; provided further, that where basements are enclosed in wooden walls the stop and waste cock shall be placed at least twelve inches (12") below the surface of the ground, and shall be provided with an extension handle. Stop and waste cocks on premises fronting on ungraded streets shall be placed at least six feet (6') inside of property line of the premises. The connection between the City's pipes at the property line and the service pipes on the premises must be made with a union. Every existing service or branch service not already equipped as required in this section must be so equipped at the owner's expense as soon as the defect is noted.

B. All water pipes which shall hereafter be laid, relaid or repaired on any private premises or in any street or public place within the City, shall be subject to inspection by the Director, before such water pipes are covered.  
(Ord. 118396 § 26, 1996: Ord. 65877 § 8, 1935.)

#### **21.04.170 Request to turn on water.**

Whenever the owner of any premises connected with the City's water supply system shall desire to use the water he shall notify the Director and request that the water be turned on to the premises. The owner shall leave his portion of the service exposed in the trench until the water is turned on by the Director, when he shall immediately properly cover the pipe.  
(Ord. 118396 § 27, 1996: Ord. 65877 § 9, 1935.)

#### **21.04.180 Supplying water to additional premises--Application.**

It shall be unlawful for any person whose premises are supplied with water to furnish water to additional premises unless he shall first make application in writing so to do at the office of the Director.  
(Ord. 118396 § 28, 1996: Ord. 65877 § 10, 1935)

#### **21.04.190 Supplying water to additional premises--Charges.**

When additional premises are connected without the application prescribed in Section 21.04.180, such premises may be charged at double the rate for the time they are in use, and the service may be shut off by the Director and the current standard charges made for shutting off and turning on such service. In case water shall be turned off as provided in this section, the same shall not be turned on again until all rates and charges against the premises have been paid in full.  
(Ord. 118396 § 29, 1996: Ord. 110816 § 1, 1982: Ord. 65877 § 11, 1935.)

#### **21.04.200 New connections on old sites--Abandoned connections--Transfers to new water mains.**

When new buildings are to be erected on the site of the old ones and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer used, the Director may cut out or remove such service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner making an application and paying for a new tap in the regular manner. When service connection of any premises on an unpaved street does not exceed one inch (1") in size and the same does not come from the main in front of the premises the Director shall, when a main is laid in front of the premises, after notifying the owner or tenant

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thereof, transfer the service connection to the new main without charge, and at the same time cut out the old service connection. When a new main is laid in any street owners of premises on the street, or within one-half (1/2) block on side streets, who are being supplied with City water from a private main or a connection to a private service shall make application for tap and shall connect up with a separate service connection to the main in front of premises.

(Ord. 118396 § 30, 1996: Ord. 65877 § 12, 1935.)

#### **21.04.210 Discontinuance of service--Reinstallation application--Temporary service.**

A. Whenever the owner of any premises connected with the City's water supply system desires to discontinue the use of water, he shall make written application to have the meter removed from the service. The actual cost of removing meter shall be charged to the property, except that the Director may establish standard charges based on a review of prevailing actual costs of removal of meters. The same rate shall apply for reinstatement.

B. When it is desired to have a meter reinstalled the owner of the premises to be supplied by such meter shall file an application at the office of the Director on forms provided for the purpose, and shall pay the cost in full for such reinstallation.

C. The Director shall cause the reinstallation of meters within twenty-four (24) hours after the receipt of application for same. In the event of emergency the Director may, at his discretion, permit the temporary use of unmetered water, such temporary use to be limited to the time of the placing of the meter on the service connection.

D. In all cases of the City furnishing temporary service within the meaning of this section a charge to be determined by the Director of Seattle Public Utilities based on the actual cost of furnishing the temporary service shall be added to and made a part of the regular meter charges.

(Ord. 118396 § 31, 1996: Ord. 104062 § 2, 1974: Ord. 86455 § 1, 1957: Ord. 65877 § 13, 1935.)

#### **21.04.230 Reconnections--Procedure.**

When a meter has been removed from any premises upon the application of the owner thereof, or for nonpayment of water charges, or for any other cause, it shall be unlawful for any person again to connect such premises with water until all arrearages for the premises have been paid, and application made for reinstallation of meter, and other cause or causes corrected to the satisfaction of the Director.

(Ord. 118396 § 32, 1996: Ord. 65877 § 15, 1935.)

#### **21.04.240 Water shut off by City.**

When water has been shut off by the City for any cause, and is turned on again or allowed or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off, and the Director may then shut off the water at the main, or remove a portion of the service connection in the street and shall charge the actual cost of cutting out and reinstating the water supply.

(Ord. 118396 § 33, 1996: Ord. 65877 § 16, 1935.)

#### **21.04.250 Charges--Delinquency and lien.**

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All water rates will be charged against the premises for which the service was installed. All charges for water, when the same become delinquent and unpaid, shall be a lien against the premises to which water has been furnished. In case any charges for water shall become a lien against any premises, the water shall be cut off until such charges are paid.  
(Ord. 65877 § 17, 1935.)

**21.04.260 Accounts to be in name of owner or leaseholder.**

A. All accounts for water shall be kept only in the name of the owner of the premises for which service was installed, provided, however, that persons holding under recorded lease may be supplied on their own account, and in such cases the Director may require such deposit of money with the Director of Executive Administration of the City as in his or her judgment shall be necessary to protect the City against any and all delinquent and unpaid charges for water or other charges on account of such service. The property owner shall have the right to have water bills mailed to a tenant, or agent, but this shall not relieve the property from liability for water charges incurred.

B. The Director of Seattle Public Utilities may establish and collect charges based on actual costs, for special meter readings ordered in connection with property ownership or occupancy changes.  
(Ord. 120794 § 270, 2002; Ord. 118396 § 34, 1996; Ord. 116368 § 276, 1992; Ord. 104062 § 3, 1974; Ord. 65877 § 18, 1935.)

**21.04.270 Water for construction purposes.**

A. It shall be the duty of the Director of the Department of Planning and Development to report to the Director of Seattle Public Utilities the beginning of construction or repairs of all buildings in the City, such reports to be a duplicate of the building permit issued, containing a general description of the building to be erected or repaired, the name of the owner and contractor thereof, the official house number and street name, the lot, block and addition.

B. Water for construction purposes will only be furnished upon the application of the owner or authorized agent of the property.

C. Water for construction purposes shall be furnished by meter, and charged to the premises supplied and the owner thereof.  
(Ord. 121276 § 37, 2003; Ord. 118396 § 35, 1996; Ord. 65877 § 19, 1935.)

**21.04.280 Certification and funding of water and sewer infrastructure extensions.**

A. As used in this section, the following words shall have the following meanings:

"Eligible project" means any housing development or redevelopment project in The City of Seattle that receives a HUD utility allowance, in which at least fifty (50) percent of the dwelling units will be affordable to and will be occupied by households with aggregate annual incomes no higher than fifty (50) percent of median income.

Seattle Municipal Code  
December 2006 code update file  
Tax Department's Finance and Accounting  
Sections for complete text, grammar, and amending  
with the goal of ensuring accuracy of  
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"Median income" means annual median income for the Seattle-Everett Metropolitan Statistical Area, adjusted for household size, as provided from time to time by the U.S. Department of Housing and Urban Development (HUD). If HUD ceases to provide such estimates no less frequently than annually, then "median income" shall mean such comparable figure for the Seattle area or an area including Seattle, published or reported by a federal, state, or local agency, as the City shall select in its sole discretion.

"Public infrastructure" means the water, wastewater and/or drainage infrastructure that is required to be (a) constructed or installed under SMC Section 21.04.060 B, SMC Section 21.16-.270 B and/or SMC Chapter 23.53, respectively, and any rules or policies that may be promulgated thereunder; and (b) transferred to the City upon completion of construction.

B. For housing development or redevelopment projects certified by the Office of Housing as eligible projects and that are required to construct public infrastructure, Seattle Public Utilities shall, prior to December 31, 2003, fund the actual cost of the public infrastructure prorated according to the percentage of dwelling units that will serve households with aggregate annual incomes no higher than fifty (50) percent of median income; provided that the property owner installs water and electric meters (or submeters, as applicable) in the eligible project and that all public infrastructure and all meter work is performed in a manner acceptable to Seattle Public Utilities. An amount equal to such funding shall be recovered through increased water, wastewater and drainage charges established by ordinance. The Office of Housing shall certify only those projects that meet the criteria of eligible projects and that also demonstrate to the satisfaction of the Office that the property owner will comply with all applicable state law, including without limitation public bidding and prevailing wage laws, and with all applicable City law, including without limitation laws pertaining to the prevention of discrimination and women and minority business enterprises. The Office of Housing, in agreement with Seattle Public Utilities, is hereby authorized to develop rules and procedures for certification of, and follow-up reporting by eligible projects to ensure that they satisfy the intent of the ordinance codified in this section.

(Ord. 119688 § 1, 1999; Ord. 119273 § 29, 1998; Ord. 118605 § 1, 1997.)

#### **21.04.300 City right to shut off water.**

The City reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason, and the City shall not be responsible for any damage, such as bursting of boilers supplied by direct pressure; the breaking of any pipes or fixtures, stoppage or interruption of water supply, or any other damage resulting from the shutting off of water.

(Ord. 65877 § 22, 1935.)

#### **21.04.310 Owner's responsibility for maintenance.**

A. The service pipes, connections and other apparatus within any private premises must be kept in good repair and protected from freezing, at the expense of the owner or lessee, who will be responsible for all damages resulting from leaks and breaks. In case of neglect to promptly repair any service or fixture, or make any changes or alterations required in this chapter, the Director shall have authority, when deemed necessary, to go on the premises and make or cause to be made such changes, alterations or repairs, and charge the same against the premises and the owner thereof.

B. The repairs of any meter damaged by hot water shall be charged to the owner of the property for

Seattle Municipal Code  
December 2016 code update file  
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which such meter was installed. The deformation or warping of a metered disc or a register figure disc of any meter shall be held to be prima facie evidence of such damage having been caused by the action of heat. (Ord. 65877 § 23, 1935.)

**21.04.320 Wasting water and other unlawful uses.**

It shall be unlawful for any person to wilfully allow water to be wasted by imperfect or leaking stops, valves, pipes, closets, faucets or other fixtures, or to use water closets without self-closing valves, or to use the water for purposes other than those named in the application upon which rates for water are based, or for any other purpose than that for which his contract provides. (Ord. 65877 § 24, 1935.)

**21.04.330 Fire protection services--Use of water.**

A. Services for fire protection must be metered and fitted with such fixtures only as are needed for fire protection and entirely disconnected from those used for other purposes. Persons having such services shall be charged not less than the minimum service charge provided in Section 21.04.430. No charge will be made for water used in extinguishing fire if the owner or occupant of premises where such fire occurs gives written notice to the office of the Director within thirty (30) days from the time of such fire. In no case shall any tap be made upon any pipe used for fire service purposes, or any tank connected therewith, nor shall the use of any water be permitted through any fire service nor through any pipes, tank or other fixtures therewith connected for any purpose except the extinguishing of fire on the premises. Provided, however, that all fire protection services heretofore or hereafter installed by the City or by the state exclusively for fire-control purposes on Interstate Highways 5 and 90 are exempted from the provisions of this section requiring installation of meters on fire protection services; provided further that all water for such connections be used exclusively for fire-control purposes.

B. If in the event water is used for any other purpose than firefighting, through a fire service, after notice of a prior violation has been given by letter to the owner and/or occupant, and such service is not equipped with a device for accurately recording such flow of water, the Director shall install a detector meter on such service and charge all cost of such installation to the property. (Ord. 118396 § 36, 1996: Ord. 100988 § 1, 1972: Ord. 66316 § 1, 1936: Ord. 65877 § 25, 1935.)

**21.04.360 Right of entry for Director--Unlawful obstruction of water meter.**

A. The Director or his or her duly authorized representatives shall have free access at all reasonable times to all parts of buildings or premises supplied by water from the City's mains, for the purpose of ascertaining the quantity of water used, of inspecting the condition of pipes and fixtures and shutting off or turning on of water through the service connection.

B. It shall be unlawful for any person to hinder, obstruct, or unnecessarily delay the entering, by the Director or his or her duly authorized representatives to any building or premises at the times and for the purposes referred to in subsection A.

C. It shall be unlawful for any person to store, maintain or keep any goods, merchandise, material or refuse within a distance of six (6) feet from any water meter, gate valve or other appliance in use on any water

connection of the City.  
(Ord. 118396 § 39, 1996: Ord. 65877 § 26, 1935.)

**21.04.370 Penalty for violation of Section 21.04.360.**

In case of any violation of Section 21.04.360 the Director may cause the disconnecting of the service pipe and withhold the supply of water from the premises where such violation occurs until there is a full compliance with the provisions of the section. Whenever a service connection has been disconnected in accordance with the provisions of this section, the cost of such disconnection together with the cost of reconnecting shall be charged against the property where such work has been performed and to the owner thereof.

(Ord. 118396 § 40, 1996: Ord. 65877 § 27, 1935.)

**21.04.380 Meter installations between curblines and property lines.**

A. Whenever a meter is to be or has been installed within that portion of the street lying between the curblines and the property line and in which an areaway exists the Director shall cause the erection of such bases, supports, or barriers as will reasonably secure the meter and pipes connected therewith against any damage or strain or settlement. The cost of the erection of such bases, supports or barriers shall be charged against the property for which the meter was installed and to the owner thereof.

(Ord. 118396 § 41, 1996: Ord. 65877 § 28, 1935.)

**21.04.390 Connection outside City limits--House number.**

A. Whenever the City shall receive application for the installation of a water service connection to supply property beyond the limits of the City, the person filing application shall be required to furnish such property description as will be deemed sufficient by the Director. From the information contained in such description the Director shall determine the correct house number for the premises to be supplied with water. The house number mentioned in this section shall be noted in the application for the installation of water service connection.

B. The property owner shall be required to set up and fix in a conspicuous place on the premises to be served with water, the house number as determined by the Director.

(Ord. 118396 § 42, 1996: Ord. 65877 § 29, 1935.)

**21.04.400 Protection of connections from driveways or crossings.**

A. Whenever a driveway or crossing, to be used for vehicular traffic, is constructed within that portion of a City street lying between the curblines and the property line, the Director shall cause the removal and relocation of any water service connection or any part thereof which may be within the lines of such driveway or crossing; provided, however, that instead of such removal of water service connection the Director may, if he deems it advisable, cause the construction and placing of an iron or masonry box or chamber of sufficient strength to withstand the stress of vehicular traffic.

B. The cost of removal, relocation or maintenance of water service connections as provided in this section shall be charged against the property for which driveway or crossing was constructed and to the owner

thereof.

(Ord. 118396 § 43, 1996: Ord. 65877 § 30, 1935.)

**21.04.410 Accounts of charges and penalties.**

A. It shall be the duty of the Director to keep accounts for all customers of the Seattle Public Utilities and to enter on such accounts all charges and penalties.

B. Pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended), the Director will establish policies and procedures for the collection and reporting of all moneys due, specifying when and how collection is to be effected, including the discontinuation of service for past due accounts, negotiation of payments, collection of interest and such costs as may be incurred due to delinquency.

(Ord. 118396 § 44, 1996: Ord. 112686 § 2, 1986: Ord. 65877 § 31, 1935.)

**21.04.420 Flat rates.**

A. The rates for use of water other than measured by meters shall be known as "flat rates" and shall be as follows:

Paving and laying sidewalks, concrete, per hundred square yards or less for:

6" base or less . . . . . \$0.50

6 1/2" to 4" and over . . . . .75

Earthwork, for settling  
each 100 cubic yards  
of earth . . . . . 1.40

Curing pavement, per  
square yard . . . . .04

Portable engines:

For first horsepower  
(per month or less) . . . . .80

For each additional  
horsepower . . . . .20

For laying brick, per  
thousand . . . . .15

Cement, per barrel . . . . .10

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B. Water used for all other purposes not enumerated in this section shall be furnished and charged for either at meter rates or a special rate to be fixed by the Director. (Ord. 118396 § 45, 1996; Ord. 65877 § 32, 1935.)

**21.04.430 Rates inside the City of Seattle.**

All water used inside the City for domestic and commercial purposes shall be supplied by meter only at the following rates and charges. Seasonal rates shall be prorated. For usage representing fractional parts of a month, the base service charge and all components of the commodity charge shall be prorated using a thirty (30)-day month. The additional cost of funding the Revenue Stabilization SubFund shall be specifically indicated in the billings. Seattle Public Utilities shall continue to incorporate arts funding into its capital projects constructed within the municipal boundaries of the City at the one (1) percent level, however the department shall not be permitted to fund any such program from the Water Fund on any capital project outside the City limits.

A. Residential. The rates for metered water supplied to single-family and duplex residences within the City in one (1) month, or fractional part thereof, shall be based on a commodity charge and a base service charge, in accordance with the following schedules:

Effective June 1, 2006:

Schedule WIR. Schedule WIR is for all single-family and duplex residences within the City except those billed on Schedule WIRM.

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 2.88
Next 1300 cubic feet per residence	3.35
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	2.53

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 7.45
1 inch	8.30
1 1/2 inch	13.50
2 inch	20.70
3 inch	43.90
4 inch and larger	73.10

Schedule WIRM. Schedule WIRM is for single-family and duplex residences within the City in which one (1) or more persons require medical life support equipment which uses mechanical or artificial means to sustain,

restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 2.88
All over 500 cubic feet per residence	3.35
Winter (September 16th--May 15th)	
All usage	2.53

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 7.45
1 inch	8.30
1 1/2 inch	13.50
2 inch	20.70
3 inch	43.90
4 inch and larger	73.10

**Effective January 1, 2007:**

Schedule WIR. Schedule WIR is for all single-family and duplex residences within the City except those billed on Schedule WIRM.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 2.88
Next 1300 cubic feet per residence	3.35
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	2.53

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	8.05
1 inch	8.60
1 1/2 inch	13.60
2 inch	21.00
3 inch	47.30
4 inch and larger	79.00

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Schedule WIRM. Schedule WIRM is for single-family and duplex residences within the City in which one (1) or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 2.88
All over 500 cubic feet per residence	3.35
Winter (September 16th--May 15th)	
All usage	2.53

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 8.05
1 inch	8.60
1 1/2 inch	13.60
2 inch	21.00
3 inch	47.30
4 inch and larger	79.00

**Effective January 1, 2008:**

Schedule WIR. Schedule WIR is for all single-family and duplex residences within the City except those billed on Schedule WIRM.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 2.88
Next 1300 cubic feet per residence	3.35
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	2.62

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.40
1 inch	10.00
1 1/2 inch	14.50
2 inch	21.70

3 inch	55.30
4 inch and larger	92.20

Schedule WIRM. Schedule WIRM is for single-family and duplex residences within the City in which one (1) or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 2.88
All over 500 cubic feet per residence	3.35
Winter (September 16th--May 15th)	
All usage	2.62

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.40
1 inch	10.00
1 1/2 inch	14.50
2 inch	21.70
3 inch	55.30
4 inch and larger	92.20

1. Master Metered Residential Development: Multiple Parcels. The rates for residential developments with master meters of one and one-half (1 1/2) inches or larger, which operate and maintain their own distribution systems on private property and which use water primarily to serve single-family, detached residences on at least two (2) separate legal parcels, shall be based on a commodity charge and a base service charge, in accordance with the following schedule:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 2.88
Next 1300 cubic feet per residence	3.35
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	2.53

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 13.50
2 inch	20.70
3 inch	43.90
4 inch	73.10
6 inch	119.80
8 inch	195.00
10 inch	285.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

Effective January 1, 2007:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th --September 15th)	
First 500 cubic feet per residence	\$ 2.88
Next 1300 cubic feet per residence	3.35
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	2.53

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 13.60
2 inch	21.00
3 inch	47.30
4 inch	79.00
6 inch	121.00
8 inch	192.00
10 inch	288.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th --September 15th)	
First 500 cubic feet per residence	\$ 2.88

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Next 1300 cubic feet per residence	3.35
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	2.62

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 14.50
2 inch	21.70
3 inch	55.30
4 inch	92.20
6 inch	125.00
8 inch	199.00
10 inch	297.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

- Master Metered Residential Development: Eligible Projects. The rates for residential developments that are master-metered for water and located within an eligible project (as defined by Seattle Municipal Code Section 21.04.280) that has received funding from Seattle Public Utilities for public infrastructure improvements (as defined by Seattle Municipal Code Section 21.04.280) for water purposes shall be based on a commodity charge and a base service charge, in accordance with the following schedule:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 4.75
Next 1300 cubic feet per residence	5.22
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	4.40

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 13.50
2 inch	20.70
3 inch	43.90

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4 inch	73.10
6 inch	119.80
8 inch	190.00
10 inch	285.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

Effective January 1, 2007:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 4.75
Next 1300 cubic feet per residence	5.22
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	4.40

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 13.60
2 inch	21.00
3 inch	47.30
4 inch	79.00
6 inch	121.00
8 inch	192.00
10 inch	288.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 4.75
Next 1300 cubic feet per residence	5.22
All over 1800 cubic feet per residence	8.55
Winter (September 16th--May 15th)	
All usage	4.49

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**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 14.50
2 inch	21.70
3 inch	55.30
4 inch	92.20
6 inch	125.00
8 inch	199.00
10 inch	297.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

B. General Service. The rates for metered water supplied to houseboats and premises other than single-family, duplex residences, and master-metered residential developments within the City in one (1) month, or fractional part thereof, shall be based on a commodity charge and a base service charge in accordance with the following schedule:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
All usage	\$ 3.35
Winter (September 16th--May 15th)	
All usage	2.33

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 7.45
1 inch	8.30
1 1/2 inch	13.50
2 inch	20.70
3 inch	43.90
4 inch	73.10
6 inch	119.00
8 inch	190.00
10 inch	285.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

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 December 2006 code update file  
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Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
All usage	\$ 3.35
Winter (September 16th--May 15th)	
All usage	2.29

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 8.05
1 inch	8.60
1 1/2 inch	13.60
2 inch	21.00
3 inch	47.30
4 inch	79.00
6 inch	121.00
8 inch	192.00
10 inch	288.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
All usage	\$ 3.35
Winter (September 16th--May 15th)	
All usage	2.62

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.40
1 inch	10.00
1 1/2 inch	14.50
2 inch	21.70
3 inch	55.30
4 inch	92.20
6 inch	125.00
8 inch	199.00
10 inch	297.00
12 inch	402.00
16 inch	477.00
20 inch	614.00
24 inch	771.00

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C. Fire Service.

1. Fire Hydrants. The rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and shall be for any one (1) year, or fractional part thereof, as follows:

Hydrant Type	Effective June 1, 2006	Effective Jan 1, 2007	Effective Jan. 1, 2008
Hydrants on 4 inch or smaller mains	\$182.28	\$163.67	\$172.81
Hydrants on 6 inch or larger mains	334.20	300.43	317.21

2. Metered Fire Services. The rates for metered water services supplied for fire protection purposes exclusively, including a monthly allowance for test water and water used to extinguish fires, shall be deemed service charges and shall be for any one (1) month, or fractional part thereof, as follows:

Size of Service	Service Charge
2 inch and less	\$15.40
3 inch	20.00
4 inch	37.00
6 inch	63.00
8 inch	100.00
10 inch	144.00
12 inch	210.00

For each one hundred (100) cubic feet of water consumption in excess of the monthly allowance described below, the charge shall be an additional Twenty Dollars (\$20.00)

Size of Service	Monthly Allowance
2 inch and less	100 cubic feet
3 inch	500 cubic feet
4 inch	500 cubic feet
6 inch	500 cubic feet
8 inch	1,000 cubic feet
10 inch	1,000 cubic feet
12 inch	1,000 cubic feet

(Ord. 122091 § 2, 2006; Ord. 121676 § 1, 2004; Ord. 120874 § 1, 2002; Ord. 120817, § 1, 2002; Ord. 120427 § 1, 2001; Ord. 120408 § 1, 2001; Ord. 120178 § 1, 2000; Ord. 119769 § 1, 1999; Ord. 119267 § 1, 1998; Ord. 118393 § 1 1996; Ord. 117386 § 1, 1994; Ord. 116423 § 1, 1992; Ord. 116185 § 4, 1992; Ord. 115529 § 1, 1991; Ord. 114370 § 1, 1989; Ord. 111440 § 1, 1983; Ord. 109398 § 1, 1980; Ord. 104062 § 4, 1974; Ord. 99109 § 1, 1970; Ord. 66316 § 2, 1936; Ord. 65877 § 33, 1935.)

**21.04.440 Rates outside the City of Seattle.**

Except as otherwise provided in this chapter, the rates and charges for water supplied to customers located outside the City of Seattle shall be as specified in this section: Seasonal rates shall be prorated. For usage representing fractional parts of a month, the base service charge and all components of the commodity

charge shall be prorated using a thirty (30)-day month.

A. Residential. The rates for metered water supplied to single-family and duplex residences except for those located in the City of Shoreline and those served under the terms of a wholesale contract, in one (1) month, or fractional part thereof, shall be based on a commodity charge and a base service charge, in accordance with the following schedules:

Effective June 1, 2006:

Schedule WOR. Schedule WOR is for all single-family and duplex residences except those billed on Schedule WORM.

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 3.28
Next 1300 cubic feet per residence	3.82
All over 1800 cubic feet per residence	9.75
Winter (September 16th--May 15th)	
All usage	2.88

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 8.50
1 inch	9.00
1 1/2 inch	15.40
2 inch	23.60
3 inch	50.00
4 inch and larger	83.30

Schedule WORM. Schedule WORM is for single-family and duplex residences in which one or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 3.28
All over 500 cubic feet per residence	3.82
Winter (September 16th--May 15th)	
All usage	2.88

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**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 8.50
1 inch	9.50
1 1/2 inch	15.40
2 inch	23.60
3 inch	50.00
4 inch and larger	83.30

Effective January 1, 2007:

Schedule WOR. Schedule WOR is for all single-family and duplex residences except those billed on Schedule WORM.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.28
Next 1300 cubic feet per residence	3.82
All over 1800 cubic feet per residence	9.75
Winter (September 16th--May 15th)	
All usage	2.88

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.20
1 inch	9.80
1 1/2 inch	15.50
2 inch	23.90
3 inch	53.90
4 inch and larger	90.10

Schedule WORM. Schedule WORM is for single-family and duplex residences in which one or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.28
All over 500 cubic feet per residence	3.82
Winter (September 16th--May 15th)	

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Seattle Municipal Code  
 December 2008 code update file  
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All usage	2.82
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**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.20
1 inch	9.80
1 1/2 inch	15.50
2 inch	23.90
3 inch	53.90
4 inch and larger	90.10

Effective January 1, 2008:

Schedule WOR. Schedule WOR is for all single-family and duplex residences except those billed on Schedule WORM.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.28
Next 1300 cubic feet per residence	3.82
All over 1800 cubic feet per residence	9.75
Winter (September 16th--May 15th)	
All usage	2.99

Meter Size	Monthly Charge
3/4 inch and less	\$ 10.70
1 inch	11.40
1 1/2 inch	16.50
2 inch	24.70
3 inch	63.00
4 inch and larger	105.10

Schedule WORM. Schedule WORM is for single-family and duplex residences in which one or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.28
All over 500 cubic feet per residence	3.82

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 December 2014 code update file  
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Winter (September 16th--May 15th)	
All usage	2.99

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 10.70
1 inch	11.40
1 1/2 inch	16.50
2 inch	24.70
3 inch	63.00
4 inch and larger	105.10

1. Master Metered Residential Developments. The rates for residential developments with master meters of one and one-half (1 1/2) inches or larger, which operate and maintain their own distribution systems on private property and which use water primarily to serve single-family, detached residences on at least two (2) separate legal parcels, shall be based on a commodity charge and a base service charge, in accordance with the following schedule:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 3.28
Next 1300 cubic feet per residence	3.82
All over 1800 cubic feet per residence	9.75
Winter (September 16th--May 15th)	
All usage	2.88

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 15.40
2 inch	23.60
3 inch	50.00
4 inch	83.30
6 inch	137.00
8 inch	217.00
10 inch	325.00
12 inch	458.00
16 inch	544.00
20 inch	700.00
24 inch	879.00

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Effective January 1, 2007:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.28
Next 1300 cubic feet per residence	3.82
All over 1800 cubic feet per residence	9.75
Winter (September 16th--May 15th)	
All usage	2.88

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 15.50
2 inch	23.90
3 inch	53.90
4 inch	90.10
6 inch	138.00
8 inch	219.00
10 inch	328.00
12 inch	458.00
16 inch	544.00
20 inch	700.00
24 inch	879.00

Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.28
Next 1300 cubic feet per residence	3.82
All over 1800 cubic feet per residence	9.75
Winter (September 16th--May 15th)	
All usage	2.99

**Base Service Charge**

Meter Size	Monthly Charge
1 1/2 inch	\$ 16.50
2 inch	24.70
3 inch	63.00
4 inch	105.10
6 inch	143.00

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8 inch	227.00
10 inch	339.00
12 inch	458.00
16 inch	544.00
20 inch	700.00
24 inch	879.00

B. General Service. The rates for metered water supplied to premises other than single-family, duplex residences, and master-metered residential developments (except for those located in the City of Shoreline and those served under the terms of a wholesale contract) in one (1) month, or fractional part thereof, shall be based on a commodity charge, and a base service charge in accordance with the following schedule:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
All usage	\$ 3.82
Winter (September 16th--May 15th)	
All usage	2.66

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 8.50
1 inch	9.50
1 1/2 inch	15.40
2 inch	23.60
3 inch	50.80
4 inch	83.30
6 inch	137.00
8 inch	217.00
10 inch	325.00
12 inch	458.00
16 inch	544.00
20 inch	700.00
24 inch	879.00

Effective January 1, 2007:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
All usage	\$ 3.82
Winter (September 16th--May 15th)	
All usage	2.61

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.20
1 inch	9.80
1 1/2 inch	15.50
2 inch	23.90
3 inch	53.90
4 inch	90.10
6 inch	138.00
8 inch	219.00
10 inch	328.00
12 inch	458.00
16 inch	544.00
20 inch	700.00
24 inch	879.00

Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
All usage	\$ 3.82
Winter (September 16th--May 15th)	
All usage	2.99

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 10.70
1 inch	11.40
1 1/2 inch	16.50
2 inch	24.70
3 inch	63.00
4 inch	105.10
6 inch	143.00
8 inch	227.00
10 inch	339.00
12 inch	458.00
16 inch	544.00
20 inch	700.00
24 inch	879.00

C. Fire Service.

1. Fire Hydrants. Except for as provided in SMC 21.04.440D, the rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and shall be for any one (1) year, or fractional part thereof, as follows:

Hydrant Type	Effective June 1, 2006	Effective Jan 1, 2007	Effective Jan. 1, 2008
Hydrants on 4 inch or smaller mains	\$182.28	\$163.67	\$172.81

Hydrants on 6 inch or larger mains	334.20	300.43	317.21
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2. Metered Fire Services. The rates for metered water services supplied for fire protection purposes exclusively, including a monthly allowance for test water and water used to extinguish fires, shall be deemed service charges and shall be for any one (1) month, or fractional part thereof, as follows:

Service Size	Service Charge
2 inch and less	\$18.00
3 inch	23.00
4 inch	42.00
6 inch	72.00
8 inch	114.00
10 inch	164.00
12 inch	239.00

For each one hundred (100) cubic feet of water consumption in excess of the monthly allowance described below, the charge shall be an additional Twenty-two Dollars and Eighty Cents (\$22.80).

Service Size	Monthly Allowance
2 inch and less	100 cubic feet
3 inch	500 cubic feet
4 inch	500 cubic feet
6 inch	500 cubic feet
8 inch	1,000 cubic feet
10 inch	1,000 cubic feet
12 inch	1,000 cubic feet

D. Rates Inside the City of Shoreline. Rates and charges in this SMC Subsection D apply to retail customers of Seattle Public Utilities located within the City of Shoreline who are not served under the terms of a wholesale contract. Seasonal rates shall be prorated. For usage representing fractional parts of a month, the base service charge and all components of the commodity charge shall be prorated using a thirty (30)-day month. Except as otherwise provided in this chapter, the rates and charges for water supplied shall be as follows:

1. City of Shoreline Residential. Except for Shoreline master metered residential developments, the rates for metered water supplied to single-family and duplex residences in one (1) month, or fractional part thereof, shall be based on a commodity charge and a base service charge, in accordance with the following schedules:

Effective June 1, 2006:

Schedule WAR. Schedule WAR is for all single-family and duplex residences except those billed on Schedule WARM.

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	

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First 500 cubic feet per residence	\$ 3.49
Next 1300 cubic feet per residence	4.06
All over 1800 cubic feet per residence	10.37
Winter (September 16th--May 15th)	
All usage	3.07

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.00
1 inch	10.10
1 1/2inch	16.40
2 inch	25.10
3 inch	53.20
4 inch and larger	88.70

Schedule WARM. Schedule WARM is for single-family and duplex residences in which one or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge Per 100 Cubic Feet	
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 3.49
All over 500 cubic feet per residence	4.06
Winter (September 16th--May 15th)	
All usage	3.07

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.00
1 inch	10.10
1 1/2inch	16.40
2 inch	25.10
3 inch	53.20
4 inch and larger	88.70

Effective January 1, 2007:

Schedule WAR. Schedule WAR is for all single-family and duplex residences except those billed on Schedule WARM.

Commodity Charge Per 100 Cubic Feet	
Summer (May 16th--September 15th)	

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First 500 cubic feet per residence	\$ 3.49
Next 1300 cubic feet per residence	4.06
All over 1800 cubic feet per residence	10.37
Winter (September 16th--May 15th)	
All usage	3.07

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.80
1 inch	10.40
1 1/2inch	16.50
2 inch	25.50
3 inch	57.40
4 inch and larger	95.80

Schedule WARM. Schedule WARM is for single-family and duplex residences in which one or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.49
All over 500 cubic feet per residence	4.06
Winter (September 16th--May 15th)	
All usage	3.07

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 9.80
1 inch	10.40
1 1/2inch	16.50
2 inch	25.50
3 inch	57.40
4 inch and larger	95.80

Effective January 1, 2008:

Schedule WAR. Schedule WAR is for all single-family and duplex residences except those billed on Schedule WARM.

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	

For current SMC, contact the Office of the City Clerk

First 500 cubic feet per residence	\$ 3.49
Next 1300 cubic feet per residence	4.06
All over 1800 cubic feet per residence	10.37
Winter (September 16th--May 15th)	
All usage	3.18

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 11.40
1 inch	12.10
1 1/2inch	17.60
2 inch	26.30
3 inch	67.10
4 inch and larger	111.80

Schedule WARM. Schedule WARM is for single-family and duplex residences in which one or more persons require medical life support equipment which uses mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water.

Commodity Charge Per 100 Cubic Feet	
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.49
All over 500 cubic feet per residence	4.06
Winter (September 16th--May 15th)	
All usage	3.18

**Base Service Charge**

Meter Size	Monthly Charge
3/4 inch and less	\$ 11.40
1 inch	12.10
1 1/2inch	17.60
2 inch	26.30
3 inch	67.10
4 inch and larger	111.80

- City of Shoreline Master Metered Residential Developments. The rates for residential developments for master meters of one and one-half (1 1/2) inches or larger, which operate and maintain their own distribution systems on private property and which use water primarily to serve single-family, detached residences on at least two (2) separate legal parcels, shall be based on a commodity charge and a base service charge, in accordance with the following schedule:

Effective June 1, 2006:

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 December 2006 code update file  
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Commodity Charge Per 100 Cubic Feet	
Summer (June 1st--September 15th)	
First 500 cubic feet per residence	\$ 3.49
All over 500 cubic feet per residence	4.06
Winter (September 16th--May 15th)	
All usage	3.07

Base Service Charge

Meter Size	Monthly Charge
1 1/2inch	\$ 16.40
2 inch	25.10
3 inch	53.20
4 inch	88.70
6 inch	145.00
8 inch	230.00
10 inch	346.00
12 inch	488.00
16 inch	579.00
20 inch	745.00
24 inch	935.00

Effective January 1, 2007:

Commodity Charge Per 100 Cubic Feet	
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.49
Next 1300 cubic feet per residence	4.06
All over 1800 cubic feet per residence	10.37
Winter (September 16th--May 15th)	
All usage	3.07

Base Service Charge

Meter Size	Monthly Charge
1 1/2inch	\$ 16.50
2 inch	25.50
3 inch	57.40
4 inch	95.80
6 inch	147.00
8 inch	233.00
10 inch	349.00
12 inch	488.00
16 inch	579.00
20 inch	745.00
24 inch	935.00

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Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
First 500 cubic feet per residence	\$ 3.49
Next 1300 cubic feet per residence	4.06
All over 1800 cubic feet per residence	10.37
Winter (September 16th--May 15th)	
All usage	3.18

Base Service Charge

Meter Size	Monthly Charge
1 1/2inch	\$ 17.60
2 inch	26.30
3 inch	67.10
4 inch	111.80
6 inch	152.00
8 inch	241.00
10 inch	360.00
12 inch	488.00
16 inch	579.00
20 inch	745.00
24 inch	935.00

- City of Shoreline General Service. The rates for metered water supplied to premises other than single-family, duplex residences, and master-metered residential developments within the City of Shoreline in one (1) month, or fractional part thereof, shall be based on a commodity charge, and a base service charge in accordance with the following schedule:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th)	
All usage	\$ 4.06
Winter (September 16th--May 15th)	
All usage	2.83

Base Service Charge

Meter Size	Monthly Charge
3/4inch or less	\$ 9.00
1 inch	10.10
1 1/2 inch	16.40
2 inch	25.10

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3 inch	53.20
4 inch	88.70
6 inch	145.00
8 inch	230.00
10 inch	346.00
12 inch	488.00
16 inch	579.00
20 inch	745.00
24 inch	935.00

Effective January 1, 2007:

Commodity Charge Per 100 Cubic Feet	
Summer (May 16th--September 15th)	
All usage	\$ 4.06
Winter (September 16th--May 15th)	
All usage	2.78

Base Service Charge

Meter Size	Monthly Charge
3/4inch or less	\$ 9.80
1 inch	10.40
1 1/2 inch	16.50
2 inch	25.50
3 inch	57.40
4 inch	95.80
6 inch	147.00
8 inch	233.00
10 inch	349.00
12 inch	488.00
16 inch	579.00
20 inch	745.00
24 inch	935.00

Effective January 1, 2008:

Commodity Charge Per 100 Cubic Feet	
Summer (May 16th--September 15th)	
All usage	\$ 4.06
Winter (September 16th--May 15th)	
All usage	3.18

Base Service Charge

Meter Size	Monthly Charge
3/4inch or less	\$ 11.40
1 inch	12.10
1 1/2 inch	17.60
2 inch	26.30
3 inch	67.10

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4 inch	112.00
6 inch	152.00
8 inch	241.00
10 inch	360.00
12 inch	488.00
16 inch	579.00
20 inch	745.00
24 inch	935.00

4. City of Shoreline Fire Service.

Fire Hydrants. The rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and shall be for any one (1) year, or fractional part thereof, as follows:

Hydrant Type	Effective June 1, 2006	Effective Jan 1, 2007	Effective Jan. 1, 2008
Hydrants on 4 inch or smaller mains	\$182.28	\$163.67	\$172.81
Hydrants on 6 inch or larger mains	334.20	300.43	317.21

Metered Fire Services. The rates for metered water services supplied for fire protection purposes exclusively, including a monthly allowance for test water and water used to extinguish fires, shall be deemed service charges and shall be for any one (1) month, or fractional part thereof, as follows:

Service Size	Service Charge
2 inch and less	\$19.00
3 inch	24.00
4 inch	45.00
6 inch	76.00
8 inch	121.00
10 inch	175.00
12 inch	255.00

For each one hundred (100) cubic feet of water consumption in excess of the monthly allowance described below, the charge shall be an additional Twenty-four Dollars and Thirty Cents (\$24.30).

Service Size	Monthly Allowance
2 inch and less	100 cubic feet
3 inch	500 cubic feet
4 inch	500 cubic feet
6 inch	500 cubic feet
8 inch	1,000 cubic feet
10 inch	1,000 cubic feet
12 inch	1,000 cubic feet

E. Wholesale Customers--Commodity and Base Charges.

1. Water Purveyor Contract. The rate to be charged wholesale customers being served under the provisions of a contract substantially in the form of the Water Purveyor Contract, version A or

version B, shall be based on a commodity charge and a base service charge, as follows:

Effective June 1, 2006:

Commodity Charge	Per 100 Cubic Feet
Summer (June 1st--September 15th) All usage	\$1.48
Winter (September 16th--May 15th) All usage	0.96

For each one hundred (100) cubic feet of consumption in a calendar year in excess of the average amount of water supplied to the wholesale customer for a corresponding period of time in the three (3) year base period between January 1, 1979 and December 31, 1981, there shall be an additional charge of Ninety Four Cents (\$0.94).

Base Service Charge	
Meter Size	Monthly Charge
1 inch	\$54.00
1 1/2 inch	60.00
2 inch	66.00
3 inch	78.00
4 inch	108.00
6 inch	192.00
8 inch	300.00
10 inch	450.00
12 inch	528.00
16 inch	696.00
20 inch	948.00
24 inch	1,236.00

Effective January 1, 2007:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th) All usage	\$1.57
Winter (September 16th--May 15th) All usage	1.02

For each one hundred (100) cubic feet of consumption in a calendar year in excess of the average amount of water supplied to the wholesale customer for a corresponding period of time in the three (3) year base period between January 1, 1979 and December 31, 1981, there shall be an additional charge of Eighty-One Cents (\$0.81).

Base Service Charge

Meter Size	Monthly Charge
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1 inch	\$54.00
1 1/2 inch	60.00
2 inch	66.00
3 inch	78.00
4 inch	108.00
6 inch	192.00
8 inch	300.00
10 inch	450.00
12 inch	528.00
16 inch	696.00
20 inch	948.00
24 inch	1,236.00

Effective January 1, 2008:

Commodity Charge	Per 100 Cubic Feet
Summer (May 16th--September 15th)	
All usage	\$1.67
Winter (September 16th--May 15th)	
All usage	1.08

For each one hundred (100) cubic feet of consumption in a calendar year in excess of the average amount of water supplied to the wholesale customer for a corresponding period of time in the three (3) year base period between January 1, 1979 and December 31, 1981, there shall be an additional charge of Ninety-One Cents (\$0.91).

Base Service Charge

Meter Size	Monthly Charge
1 inch	\$ 54.00
1 1/2 inch	60.00
2 inch	66.00
3 inch	78.00
4 inch	108.00
6 inch	192.00
8 inch	300.00
10 inch	450.00
12 inch	528.00
16 inch	696.00
20 inch	948.00
24 inch	1,236.00

2. Full or Partial Requirements Contracts. Prior to the date set forth in Section IV A of a contract substantially in the form of the Full Requirements Contract for Supply of Water or the Partial Requirements Contract for Supply of Water authorized by Ordinance 120362, the commodity charge and base service charge set forth in SMC Subsection 21.04.440.E.1 shall apply. On and after that date, the rate to be charged to wholesale customers being served under such contracts shall consist of a commodity charge, surcharges, and new service fees as follows:

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Commodity Charge Per 100 Cubic Feet of Water	Effective June 1, 2006	Effective Jan. 1, 2007	Effective Jan. 1, 2008
Summer (May 16th - September 15th)	\$1.57	\$1.59	\$1.60
Winter (September 16th - May 15th)	1.02	1.03	1.04

The following surcharges apply to each wholesale customer that has agreed to them in a contract substantially in the form of the Full Requirements Contract for Supply of Water or Partial Requirements Contract for Supply of Water authorized by Ordinance 120362:

Additional Charge	Effective June 1, 2006	Effective Jan 1, 2007	Effective Jan. 1, 2008
Transition Growth Surcharge	\$0.60	\$0.60	\$0.60
Northwest Subregion Surcharge	0.03	0.03	0.03
Southwest Subregion Surcharge	0.04	0.05	0.06
East Subregion, Segment #3 Surcharge	0.07	0.09	0.10
East Subregion, Segment #4 Surcharge	0.09	0.11	0.12

In addition, each wholesale customer served under a contract substantially in the form of the Full Requirements Contract for Supply of Water or Partial Requirements Contract for Supply of Water authorized by Ordinance 120362 that requires payment of a fee for new service connection shall pay a fee at the time of installation of each metered water service within its service area according to the following schedule:

Meter Size	One-Time New Service Fee
3/4 inch and smaller	\$ 713.00
1 inch	1,426.00
1 1/2 inch	3,565.00
2 inch	5,704.00
3 inch	15,686.00
4 inch	22,103.00
6 inch	47,058.00
8 inch	79,856.00
10 inch	120,497.00
12 inch and larger	169,694.00

F. Wholesale Customers--Demand Charge. In addition to the foregoing, each municipal water district, other municipality, and nonprofit water association being served prior to January 1, 1970, shall be subject to a demand charge based on effective deficient water storage, as determined by the peak instantaneous flow rate, and the equivalent financing costs to provide storage. The proceeds from this demand charge, together with any interest earnings thereon, shall be deposited in the Water Fund. The amount of the proceeds shall be recorded in a separate account and shall be recognized in cost allocation studies as a credit to the total

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revenue to be recovered from wholesale customers through any wholesale rates on consumption in excess of base period amounts. Such demand charge and method of application thereof shall be as follows:

1. The policy of the Seattle Public Utilities is to supply water to wholesale water purveyor customers (municipal water districts, other municipalities, and nonprofit water associations) at the twenty-four (24) hour average flow rate. Water purveyors are expected to provide or pay for storage for peaking rates above such average flow rate.
2. A demand charge will be applicable to water purveyors who are found to have deficient storage as determined in the following paragraphs.
3. The water services (master meters) to purveyors will be monitored by the Seattle Public Utilities to determine applicability of the demand charge. Demand metering equipment will be installed on master meters to purveyors at Seattle Public Utilities expense.
4. Water services to a purveyor on a uniform segment of supply line may be considered as one (1) water service in calculating storage deficiency.
5. A "day" for purposes of this schedule commences at nine (9:00) a.m. and ends at nine (9:00) a.m. the following calendar day.
6. The demand factor for each water service is determined by dividing the fifteen (15) minute peak flow rate by the twenty-four (24) hour average flow rate of the same day.
7. The ten (10) maximum flow days for each water service will be used to determine the average demand factor from which storage deficiency will be calculated. The average demand factor is the average of the demand factors of the ten (10) maximum flow days for each water service.
8. A demand charge for each water service shall be applied only when the average demand factor exceeds 1.3.
9. The deficient storage volume of each water service for demand charge calculation rate shall be  $S = 0.22(F-1)Q$ ; where  $S$  = storage deficiency in gallons,  $F$  = average demand factor and  $Q$  = average daily quantity of water in gallons used in the ten (10) maximum flow days for each water service.
10. As of January 1, 1999, the demand charge shall be calculated by applying a storage deficiency rate of Twenty-two Dollars (\$22) per month per thousand gallons of deficient storage. The total purveyor demand charge shall be the sum of the demand charges for each water service.
11. The demand charge will be calculated in the fall of each year based upon evaluation of the summer months (June, July and August) water delivery flow rates and upon the storage deficiency rate in effect at the time that those flows occurred. The monthly storage deficiency demand charge billing shall commence in January at which time a new charge, if any, shall be applied.

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12. Peak flow rates through master meters will be monitored during the summer months; however, if peak flow rates create adverse hydraulic conditions, demand metering may be applied year-round, after reasonable notice to purveyor customers.
  13. Purveyors may use other sources of supply approved by the Superintendent of Seattle Public Utilities such as interconnection with other purveyor's systems or wells for summer water supply peaking purposes.
  14. If purveyors formulate approved cooperative operating agreements, their services on uniform segments of supply line may be considered as one (1) service in determining demand charge.
  15. Peak flows caused by major accidents in a purveyor's water system will be excluded in determining the demand charge. Peak flows caused by other unusual situations may also be excluded at the discretion of the Superintendent of Seattle Public Utilities. Documentation of such incidents shall be provided by purveyors to the Superintendent of Seattle Public Utilities within thirty (30) days after an accident.
  16. Artificially created daily flow rates which differ substantially from customer's daily consumption may be disallowed in calculating the demand charge.
  17. Approved electrical sensing circuits (e.g., for telemetering) from City master meters may be made available to purveyors on a reimbursable-cost basis. Such circuits shall be installed and maintained by the City; there will be no need for purveyors' representatives to enter City chambers.
  18. The demand charge for a certain master meter(s) may be excused if lower pressure water (or gravity flow water) replaces City-pumped water (or higher flow water), provided that the peak flow rate through this service does not exceed the demand rate threshold which would occur without the replacement of water service flow.
  19. In case of malfunction of metering equipment, the Seattle Public Utilities shall estimate the charge, if any, from best available data.

(Ord. 122091 § 3, 2006; Ord. 121676 §§ 2--4, 2004; Ord. 121085 § 1, 2003; Ord. 120874 § 2, 2002; Ord. 120817 § 2, 2002; Ord. 120654 § 1, 2001; Ord. 120408 § 2, 2001; Ord. 120308 § 1, 2001; Ord. 120178 § 2, 2000; Ord. 119769 § 2, 1999; Ord. 119385 § 1, 1999; Ord. 119267 § 2, 1998; Ord. 118393 § 2, 1996; Ord. 117386 § 2, 1994; Ord. 117296 § 1, 1994; Ord. 116423 § 2, 1992; Ord. 116185 § 2, 1992; Ord. 115529 § 2, 1991; Ord. 114370 § 2, 1989; Ord. 111440 § 2, 1983; Ord. 109398 § 2, 1980; Ord. 107429 § 1, 1978; Ord. 107081 § 1, 1978; Ord. 104922 § 1, 1975; Ord. 104062 § 5, 1974; Ord. 99890 § 1, 1971; Ord. 99109 § 2, 1970; Ord. 65877 § 34, 1935.)

#### **21.04.450 Cost for new mains constructed outside City limits.**

In areas outside the limits of the City where new mains or replacements are constructed by the City the cost thereof together with interest at four (4) percent per year computed on unpaid balances shall be repaid by users of water in the districts served by the mains by payment at the rate of One Dollar (\$1) per month or more by agreement, in addition to the general rate established by ordinance for water outside the City. The additional

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payments shall begin upon completion of the installation of such mains and continue until the cost thereof with interest at four (4) percent per year computed as above is returned to the City. In the event of delinquency in payment of any such charges for water or water service or construction costs the Director of Seattle Public Utilities is directed to disconnect the City's water service from and refuse to supply water for the premises so in default until the same are paid.

(Ord. 118396 § 46, 1996; Ord. 75725 § 1, 1947; Ord. 65877 § 34-1, 1935.)

#### **21.04.460 Separate meters on same service--Rounding off of rates.**

A. In all cases where water is furnished for purposes other than manufactories, laundries and elevators on the same service, separate meters must be provided and the water consumer charged at schedule rates, and such consumers must pay for all service connections as provided in this chapter.

B. In computing meter rates as provided hereinbefore, results ending in One or Two Cents (\$.01 or .02) will be counted "0"; results ending in Three (\$.03), Four (\$.04), Six (\$.06) or Seven Cents (\$.07) will be counted "5"; results ending in Eight (\$.08) or Nine Cents (\$.09) will be counted "10."

(Ord. 65877 § 35, 1935.)

#### **21.04.465 Standard, connection, and administrative charges.**

A. The Director shall develop and update annually a schedule of charges for standard, recurring services which are incidental to the sale of water. Such charges shall be based on a review of the prevailing actual costs for providing these services.

B. The Director shall develop and update annually the Connection Charge Unit Rate (CCUR). Updates to the CCUR shall make use of the most recent audited financial statements for the water system.

C. The Director may establish reasonable administrative charges for handling dishonored checks, money orders, or other instruments; fees for turning water on or off; charges for delinquent accounts and for related field visits; charges for meter tests, hydrant flow tests, and hydrant use; fees for customer statements of prior billings; charges for utility crossing permits; and for other services not encompassed in the schedule of standard charges.

D. Any standard charges, including administrative charges, shall be developed and adopted pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended).

E. Administrative charges and interest rates developed and adopted pursuant to subsection D of this section shall apply to all delinquent sewer and solid waste charges that are assessed through the combined utility bill; provided that interest rates shall not exceed the maximum rate allowed by law. See RCW 35.67.200. (Ord. 121443 § 5, 2004; Ord. 119267 § 4, 1998; Ord. 118396 § 47, 1996; Ord. 117731 § 1, 1995; Ord. 112686 § 1, 1986.)

#### **21.04.470 Bills for water used--Delinquency.**

A. The Director in his or her discretion may cause bills for water used for domestic purposes to be

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issued and mailed every three (3) months (quarterly) or less.

B. All bills for metered water shall become past due and delinquent as prescribed by Seattle Public Utilities administrative rule and date of delinquency shall be plainly noted on bill.

C. Upon nonpayment of bills as prescribed in this section, water supply will be subject to shut off. A standard charge will be assessed upon production of notice of intent to shut off, in order to compensate in part for the cost in delivery and associated collection efforts. The Director of Seattle Public Utilities shall prescribe by administrative rule a standard charge based on a review of prevailing actual costs for shutting off water service. The Director may give a further grace period as provided by Seattle Public Utilities administrative rule before actual shutting off. The water shall again be turned on upon payment of all charges due and owing or upon approval of credit arrangements for payment of such charges. If credit arrangements are not honored by the customer, the water is again subject to shut off until all charges due and owing are paid in full.

D. Interest at the rate of twelve (12) percent per year, computed monthly, shall be added to water service charges imposed under Sections 21.04.430 and 21.04.440 of the Seattle Municipal Code, or any part of such charges, for which payment becomes delinquent. Interest shall be imposed on all such charges that remain unpaid thirty (30) days after their bill date and shall continue until such charges are paid. (Ord. 119267 § 5, 1998; Ord. 118396 § 48, 1996; Ord. 110816 § 4, 1982; Ord. 104062 § 6, 1974; Ord. 86455 § 2, 1957; Ord. 65877 § 36, 1935.)

#### **21.04.480 Meters--Property of City--Failure to register properly.**

All meters, unless otherwise authorized by the Director, shall be and remain the property of the City and will not be removed unless the use of water on the premises is to be entirely stopped or the service connection discontinued or abandoned. In all cases where meters are lost, injured or broken by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired by or under the direction of the Director and the cost charged against the owner or occupant, and in case of nonpayment the water shall be shut off and will not be turned on until such charges and the charge for turning on the water are paid. In event of the meter getting out of order or failing to register properly the consumer shall be charged on an estimate made by the Director on the average monthly consumption during the last three (3) months that the same was in good order or from what he may consider to be the most reliable data at his command. (Ord. 118396 § 49, 1996; Ord. 65877 § 37, 1935.)

#### **21.04.490 Meters--Test for accuracy.**

A. Where the accuracy or record of a water meter is questioned, it shall be removed at the consumer's request and shall be tested in the shops of the Seattle Public Utilities by means of the apparatus there provided, and a report thereon duly made. It shall be the privilege of the consumer to be present at the Seattle Public Utilities shops and witness such test. If the test discloses an error against the consumer of more than three (3) percent on the meter's registry, the excess of the consumption on the three (3) previous readings shall be credited to the consumer's meter account.

B. No meter shall be removed, or in any way disturbed, nor the seal broken, except in the presence or under the direction of the Director. (Ord. 118396 § 50, 1996; Ord. 104062 § 7, 1974; Ord. 65877 § 38, 1935.)

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**21.04.500 Emergency water use restrictions.**

A. The Director of Seattle Public Utilities, upon finding that an emergency situation exists which threatens to seriously disrupt or diminish the municipal water supply, may order and enforce restrictions on water use so as to distribute the available supply on a just and equitable basis to all customers, including residential, industrial, and commercial users, as well as to municipal water districts, other municipalities and nonprofit water associations which purchase water from the City.

B. Upon declaration of a water supply emergency by the Director of Seattle Public Utilities, no water shall be used for outdoor uses including, but not limited to, irrigation of lawns, turf or other outdoor surfaces by any customer at any residence, apartment building, commercial building, or property or structure except at times and under conditions as specified by the Director of Seattle Public Utilities.

C. Before putting into effect any restrictions on water use for more than twenty-one (21) days pursuant to this section, the Director of Seattle Public Utilities shall explain fully to the Mayor and the City Council the reasons for such restrictions.

(Ord. 118396 § 51, 1996: Ord. 114479 § 1, 1989: Ord. 106418 § 1, 1977: Ord. 65877 § 39, 1935.)

**21.04.505 Emergency rate surcharge.**

A. To effect conservation of water during water emergencies, the Director of Seattle Public Utilities is authorized to impose a surcharge for each day in which a customer's water usage exceeds the restrictions or target goals established by the Director. The surcharge shall be just, fair, reasonable and sufficient for the purpose of ensuring and maintaining a sufficient water supply to satisfy the needs of its residential, commercial and wholesale customers during the emergency.

B. The surcharge for residential, commercial and wholesale customers will be established annually by administrative rule.

C. Prior to the imposition of any surcharge authorized by this section, the Seattle Public Utilities shall notify customers through public announcements that mandatory water restrictions are in effect. Such notice shall advise customers that a surcharge shall be imposed for any water usage contrary to mandatory water restrictions established by the Director, and shall advise the customers of the amount of such surcharge.

D. The restrictions and surcharge shall not compromise the health, safety or welfare of the public, and shall not restrict the essential watering of vegetable gardens or ornamental plants. Exemption from the imposition of a surcharge may be granted by the Director of Seattle Public Utilities, upon written request, if the Director finds that a surcharge will constitute an undue burden on the customer.

E. The Director of Seattle Public Utilities is hereby authorized to promulgate such rules and regulations pursuant to the Administrative Code (SMC Chapter 3.02) as shall be necessary to implement such a surcharge.

(Ord. 118396 § 52, 1996: Ord. 115157 § 1, 1990: Ord. 114479 § 2, 1989.)

**21.04.510 Aid in enforcement--Reports of fire.**

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It shall be the duty of the employees of the Police, Fire, and Transportation Departments to give vigilant aid to the Director in the enforcement of the provisions of this chapter, and to this end they shall report all violations thereof which come to their knowledge to the office of the Director, and it shall be the duty of the Chief of the Fire Department to report immediately to the Director in case of fire in premises having metered service for fire protection purposes that fire has occurred there.  
(Ord. 118396 § 53, 1996: Ord. 65877 § 40, 1935.)

**21.04.520 Copies of ordinance.**

A copy of the ordinance codified in this chapter may be obtained by all owners of property and consumers of water.  
(Ord. 65877 § 41, 1935.)

**21.04.530 Use of fire hydrants.**

A. It shall be unlawful for any person except when duly authorized by the Director, or who shall be a member of the Fire Department, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the City.

B. Any person, other than employees of the Fire Department, requiring the use of any hydrant, stopcock or valve belonging to the City must make written application for the same in advance to the Director. The Director shall then send a hydrant inspector to open such hydrant, stopcock or valve, and the time of such inspector shall be charged to the person making application for the use of such hydrant, stopcock or valve. Should it be necessary for the inspector to remain at the hydrant, stopcock or valve until the person using the same has secured the necessary supply of water, the full time consumed by the inspector shall be charged to the person securing such service, but in no case shall the charge be less than One Dollar (\$1.00). The Director may require a deposit in advance as a condition for supplying such water.

C. Any person making application for use of a hydrant as part of a master filming permit pursuant to Section 15.35.010 of this Code shall pay only the applicable fee set forth in the Master Filming Permit Fee Schedule.  
(Ord. 118396 § 54, 1996: Ord. 118238 § 5, 1996: Ord. 65877 § 42, 1935.)

**21.04.540 Unlawful interference or damage to property.**

It shall be unlawful for any person, unless duly authorized by the Director, to disturb, interfere with or damage any water main, water pipe, machinery, tool, meter or any other appliances, buildings, improvement, lawns, grass plots, flowers, vines, bushes or trees belonging to, connected with, or under the control of the municipal water supply system of the City.  
(Ord. 118396 § 55, 1996: Ord. 65877 § 43, 1935.)

**21.04.550 Unlawful use of reservoirs or grounds.**

It shall be unlawful for any person to bathe in, fish in or throw any substance into any reservoir, or place any foreign substance upon any grounds belonging to, connected with or under the control of the municipal

water supply system of the City.  
(Ord. 65877 § 44, 1935.)

**21.04.560 Obstruction or illegal use of fire hydrant.**

It shall be unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt or other material, or to open or operate any fire hydrant, or draw or attempt to draw water therefrom, or to wilfully or carelessly injure the same.  
(Ord. 65877 § 45, 1935.)

**21.04.570 Unlawful connections to water supply system.**

It shall be unlawful for any person to make a connection with any fixtures or connect any pipe with any water main or water pipe belonging to the municipal water supply system, without first obtaining permission so to do from the Director. It shall also be unlawful to connect to, or use, any water main or water pipe belonging to the municipal water supply system for electrical grounding purposes.  
(Ord. 118396 § 56, 1996: Ord. 113925 § 1, 1988: Ord. 65877 § 46, 1935.)

**21.04.580 Violation--Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00), or imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment.  
(Ord. 65877 § 47, 1935.)

**21.04.590 Violation--Reward for securing conviction.**

The Director shall cause a reward not to exceed One Hundred Dollars (\$100.00) to be paid to any person securing the conviction of any person for violation of any of the provisions of this chapter.  
(Ord. 118396 § 57, 1996: Ord. 65877 § 48, 1935.)

**21.04.600 Authority of Director.**

The Director shall have authority to decide any question which may arise and which is not fully answered by the provisions of this chapter, and his decisions in such cases shall be final.  
(Ord. 118396 § 58, 1996: Ord. 65877 § 49, 1935.)

**Chapter 21.08**

**CORROSION PREVENTION**

Sections:

- 21.08.010 Definitions.
- 21.08.020 Permits required.
- 21.08.030 Unlawful acts.
- 21.08.040 Construction permit--Applications.
- 21.08.050 Construction permit--Plans and specifications.
- 21.08.060 Construction permit--Fees.

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and to confirm accuracy of  
source file.
- 21.08.070 Construction permit--Construction time and conformance.
  - 21.08.080 Construction permit--Restriction on piping.
  - 21.08.090 Construction permit--Inspection of work.
  - 21.08.100 Annual operating permit--Application.
  - 21.08.110 Annual operating permit--Fees.
  - 21.08.120 Annual operating permit--Inspections.
  - 21.08.130 Annual operating permit--Time when valid.
  - 21.08.140 Annual operating permit--Posting.
  - 21.08.150 Annual operating permit--Transferability.
  - 21.08.160 Annual operating permit--Responsibility for equipment.
  - 21.08.170 Water quality.
  - 21.08.180 Cleanliness.
  - 21.08.190 Chemicals to be approved.
  - 21.08.200 Maintenance and operation by licensed personnel.
  - 21.08.210 Daily records.
  - 21.08.220 Responsible officials.
  - 21.08.230 Unscheduled inspections.
  - 21.08.240 Right of entry.
  - 21.08.250 Enforcement authority.
  - 21.08.260 Notice of violation and/or corrective action.
  - 21.08.270 Directive for correction of violation.
  - 21.08.280 Stop orders.
  - 21.08.290 Permit--Reasons for suspension.
  - 21.08.300 Permit suspension--Notice.
  - 21.08.310 Permit suspension--Effect.
  - 21.08.320 Reinstatement of permit.
  - 21.08.330 Revocation of permits.
  - 21.08.340 Request for review of notice, directive, stop order or suspension.
  - 21.08.350 Department review.
  - 21.08.360 Hearing for revocation of permit.
  - 21.08.370 Applicability of chapter.
  - 21.08.380 Violation--Penalty.

Severability: It is found and declared that provisions of Sections 21.08.220 through 21.08.320 relating to inspection, enforcement, and permit suspension are indispensable safeguards to protect those drinking or using the water supply and the public health and safety, and if said sections or any part thereof, be declared invalid, this entire chapter shall be invalid; otherwise, should any section, subsection, paragraph, sentence, clause or phrase of this chapter other than Sections 21.08.220 through 21.08.320 or parts thereof be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions.  
(Ord. 103095 § 14, 1974.)

## 21.08.010 Definitions.

- A. The following words and terms used in this chapter shall have the meanings set forth in this section unless otherwise indicated by their context:
1. "Anticorrosion chemical feeding equipment" means any apparatus designed or used to introduce measured quantities of chemicals into the potable hot water supply in order to prevent or control corrosion.
  2. "Backflow prevention device" means equipment designed or used to counteract pressures or prevent back siphonage.
  3. "Cross-connection" means a physical arrangement whereby a public water supply is connected, directly or indirectly, to a device which meters, injects, or otherwise applies chemical substances thereto.

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4. "Director of Public Health" means the Director of the Seattle-King County Department of Public Health or his authorized representative.

5. "Licensed steam engineer" means a person holding a currently valid license as a steam engineer, grade III, or superior grade, issued in accordance with Ordinance 94595.1

6. "Professional engineer" means a person holding a currently valid license from the state to practice engineering in its sanitary, civil or mechanical branches, and a corporation qualified to perform such professional services through licensed professional engineers.

7. "Director of Seattle Public Utilities" means the Director of the Seattle Public Utilities or his or her authorized representative.

B. Time periods measured by a specified number of days, are computed by excluding the day of the act or default from which the time period begins to run, and including Saturdays, Sundays, holidays and the last day of the period so computed, but if the last day is a Sunday or legal holiday, performance may be accomplished the following day.

(Ord. 118396 § 59, 1996: Ord. 103095 § 1, 1974.)

1. Editor's Note: Ordinance 94595 was repealed by Ordinance 111301. For provisions on steam engineers, see Ch. 6.230 of this Code.

#### **21.08.020 Permits required.**

It is unlawful to:

A. Install, construct, reconstruct, or alter any anticorrosion chemical feeding equipment without first obtaining a permit therefor as provided in Sections 21.08.040 through 21.08.090; or

B. Introduce any anticorrosion chemicals into any potable hot water supply within the City or to use, operate or maintain any anticorrosion chemical feeding equipment or other device or equipment for that purpose without first obtaining a permit therefor as provided in Sections 21.08.100 through 21.08.160.  
(Ord. 103095 § 2, 1974.)

#### **21.08.030 Unlawful acts.**

It is unlawful for:

A. Anyone other than a licensed steam engineer to operate any anticorrosion chemical feeding equipment;

B. Anyone to install, or operate such anticorrosion chemical feeding equipment in violation of this chapter, the rules and regulations implementing it, or the permit issued for such purpose;

C. Anyone to introduce any anticorrosion chemicals into a potable hot water supply system or into any anticorrosion chemical feeding equipment for introduction into such hot water supply, which have not been approved by the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities, or to introduce such chemicals in greater concentrations or at more intervals than so approved;

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D. Anyone to alter, damage or destroy operating records required to be maintained by Section 21.08.210; or

E. Anyone to use or operate any anticorrosion chemical feeding equipment during a period when a permit is suspended or after it has been revoked.  
(Ord. 118396 § 60, 1996: Ord. 103095 § 3, 1974.)

**21.08.040 Construction permit--Applications.**

Applications for a permit to install, construct, reconstruct, or alter anticorrosion chemical feeding equipment shall be made in duplicate to the Director of the Seattle-King County Department of Public Health, who shall forward a copy thereof to the Director of Seattle Public Utilities. The application shall identify the premises, state the nature of the anticorrosion chemical feeding equipment to be installed or the work to be undertaken, the location of the connection and such other reasonable information as the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities may require and shall be accompanied by a copy of the plans for the work and the specifications of all equipment.  
(Ord. 118396 § 61, 1996: Ord. 109493 § 1(part), 1980: Ord. 103095 § 4(a), 1974.)

**21.08.050 Construction permit--Plans and specifications.**

The plans and specifications shall be prepared by a professional engineer and shall be sufficiently detailed and complete as to permit a comprehensive engineering review, including the piping and hydraulic details. The plans shall be drawn to scale and shall accurately show the construction contemplated and all connections to be made to plumbing fixtures. The specifications shall set forth all equipment used, including pumps, chemical feeders, storage tanks, backflow prevention devices, meters and related apparatus, including the particular specifications describing the quality and functioning of each piece of equipment used.  
(Ord. 109493 § 1(part), 1980: Ord. 103095 § 4(b), 1974.)

**21.08.060 Construction permit--Fees.**

Applications for such permits shall be accompanied by the following plan review and inspection fees:

New installations      \$100.00

Renovation 50.00

Alteration 25.00

Renovation, includes but is not limited to, changes in equipment, piping and appurtenances that are estimated to cost One Thousand Dollars (\$1,000.00) or more. Alteration contemplates changes of equipment, pipes, chemicals, or other mechanical equipment, and other revisions to a system or its operation less extensive than renovation.  
(Ord. 109493 § 1(part), 1980: Ord. 103095 § 4(c), 1974.)

**21.08.070 Construction permit--Construction time and conformance.**

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Upon approval of the plans and specifications, as submitted or as modified with the concurrence of the Director of the Seattle-King County Department of Public Health and of the Director of Seattle Public Utilities, the applicant shall have ninety (90) days or such greater time as the Director of the Seattle-King County Department of Public Health or Director of Seattle Public Utilities may allow to undertake and complete the work authorized. All construction shall be performed in accordance with the plans and specifications, as approved or as modified with the written approval of the Director of Seattle-King County Department of Public Health and the Director of Seattle Public Utilities.  
(Ord. 118396 § 62, 1996: Ord. 109493 § 1(part), 1980: Ord. 103095 § 4(d), 1974.)

#### **21.08.080 Construction permit--Restriction on piping.**

No piping arrangement shall be allowed which will permit water treated with anticorrosion chemicals to enter under any circumstances the source of potable water upstream from the backflow prevention device.  
(Ord. 109493 § 1(part), 1980: Ord. 103095 § 4(e), 1974.)

#### **21.08.090 Construction permit--Inspection of work.**

Upon completion of any installation, construction, alteration, or renovation, the applicant or an authorized agent shall notify the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities of its readiness for inspection. No equipment shall be used until inspected and approved by the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities, or their authorized deputies, as in compliance with this chapter and applicable rules and regulations established in accordance herewith.  
(Ord. 118396 § 63, 1996: Ord. 109493 § 1(part), 1980: Ord. 103095 § 4(f), 1974.)

#### **21.08.100 Annual operating permit--Application.**

Applications for a permit to operate an anticorrosion chemical feeding equipment system and to introduce anticorrosion chemicals into the potable hot water supply shall be made in duplicate to the Director of the Seattle-King County Department of Public Health, who shall forward a copy thereof to the Director of Seattle Public Utilities. The application shall designate a licensed steam engineer, who shall be responsible for maintenance of the system, and who shall be empowered by the owner as his agent to accept service of notices and directives contemplated by Sections 21.08.250 through 21.08.280. Applications to use equipment shall be made on a form provided by the Director of the Seattle-King County Department of Public Health before January 1st of each year by the person operating the anticorrosion chemical feeding equipment or by the person responsible for maintenance and use of the premises where the anticorrosion chemical feeding equipment is installed. Applications to operate facilities newly constructed and not previously registered for operation shall be made on or before the date that the equipment is approved for use under Section 4(g) of Ordinance 103095.<sup>1</sup>  
(Ord. 118396 § 64, 1996: Ord. 109493 § 2(part), 1980: Ord. 103095 § 5(a), 1974.)

1. Editor's Note: There is no section 4(g) in Ord. 103095.

#### **21.08.110 Annual operating permit--Fees.**

Applications for annual operating permits, shall be made before January 1st of each year, accompanied by an annual fee of One Hundred Dollars (\$100); provided, that applications to initiate operation of newly constructed equipment filed on or after February 1st of any year shall be accompanied by a prorated fee derived by deducting from such annual fee an amount equal to Eight Dollars (\$8) per month (for each month) expired

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prior to the date of application.

(Ord. 118812 § 1, 1997; Ord. 109493 § 2(part), 1980; Ord. 103095 § 5(b), 1974.)

**21.08.120 Annual operating permit--Inspections.**

The chemical feeding equipment, its appurtenances and connections, and operating records required pursuant to Section 21.08.210 shall be inspected at least annually. A permit shall be issued authorizing its use if both the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities, or their authorized deputies, determine that the equipment and system complies with this chapter and any rules and regulations implementing it.

(Ord. 118396 § 65, 1996; Ord. 109493 § 2(part), 1980; Ord. 103095 § 5(c), 1974.)

**21.08.130 Annual operating permit--Time when valid.**

All permits are valid only during the period for which issued and shall expire December 31st of the year for which issued. Permits may be renewed annually upon payment of the fee as long as the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities both concur that the equipment and system comply with this chapter and all rules and regulations made pursuant thereto.

(Ord. 118396 § 66, 1996; Ord. 109493 § 2(part), 1980; Ord. 103095 § 5(d), 1974.)

**21.08.140 Annual operating permit--Posting.**

A copy of the permit shall be posted conspicuously on the premises for which issued and shall be protected from the weather.

(Ord. 109493 § 2(part), 1980; Ord. 103095 § 5(e), 1974.)

**21.08.150 Annual operating permit--Transferability.**

Permits shall be valid only as to the equipment and premises for which issued. When premises or equipment are conveyed, the permit may be transferred without charge to the transferee, who shall assume the duties and responsibilities for the equipment and its operation and maintenance.

(Ord. 109493 § 2(part), 1980; Ord. 103095 § 5(f), 1974.)

**21.08.160 Annual operating permit--Responsibility for equipment.**

The permit holder shall be responsible for the condition, maintenance, and operation of the anticorrosion chemical feeding equipment and appurtenances for which a permit is issued.

(Ord. 109493 § 2(part), 1980; Ord. 103095 § 5(g), 1974.)

**21.08.170 Water quality.**

The water treated by the anticorrosion chemical feeding equipment shall at all times meet such standards of chemical, physical, and bacteriological quality set by the Director of the Seattle-King County Department of Public Health and Director of Seattle Public Utilities and shall not cause a person drinking or using the water to be exposed to any disease-producing organisms or to any chemical conditions that may be toxic, irritating or discoloring.

(Ord. 118396 § 67, 1996: Ord. 103095 § 6(a), 1974.)

**21.08.180 Cleanliness.**

All anticorrosion chemical feeding equipment, its components and appurtenances, and the immediate surroundings shall be maintained in a clean and sanitary condition at all times, and shall be secured against tampering.

(Ord. 103095 § 6(b), 1974.)

**21.08.190 Chemicals to be approved.**

Only those chemicals approved by the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities may be introduced into the anticorrosion chemical feeding equipment and into the potable hot water supply system and then only in concentrations and at intervals authorized.

(Ord. 118396 § 68, 1996: Ord. 103095 § 6(c), 1974.)

**21.08.200 Maintenance and operation by licensed personnel.**

All maintenance and operation of the anticorrosion chemical feeding equipment, including among other work the setting of controls, repairs, replacement of parts, and the supplying and resupplying of chemicals, shall be performed by a licensed steam engineer in compliance with the provisions of this chapter, rules and regulations made pursuant thereto, and the terms and conditions of the permit. The licensed steam engineer performing the maintenance and operation shall be familiar with the equipment, appurtenances, and connections; the chemicals used and their characteristics, functions, hazards of misuse, and the underlying principles involved in their application.

(Ord. 103095 § 6(d), 1974.)

**21.08.210 Daily records.**

The licensed steam engineer designated to maintain and operate the anticorrosion chemical feeding equipment shall keep daily records of the time and results of Ph tests, total chemicals used, the amount of water treated, the rate of chemical applications, results of disinfectant residual tests, and such other matters as may be required by the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities from time to time with respect to a particular permit or by rules and regulations. The records shall be preserved for three (3) years.

(Ord. 118396 § 69, 1996: Ord. 103095 § 6(e), 1974.)

**21.08.220 Responsible officials.**

This chapter shall be enforced concurrently by the Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities. The Director of the Seattle-King County Department of Public Health with the concurrence of the Director of Seattle Public Utilities may promulgate rules and regulations in implementation of this chapter, including among other matters, standards for water quality, construction and installation of anticorrosion chemical feeding equipment, conduct and frequency of inspections, information to be included in daily records, chemicals authorized, manner of introduction and maximum concentrations of chemicals, and such other requirements as deemed reasonably appropriate for the

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

#### **21.08.230 Unscheduled inspections.**

Unscheduled inspections may be held whenever and as often as the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities deem appropriate to protect the public health. The inspections include inspection of equipment, examination of pipes, and the taking of chemical samples from, or making of tests with, water from taps used by consumers.  
(Ord. 118396 § 71, 1996: Ord. 103095 § 7(b), 1974.)

#### **21.08.240 Right of entry.**

The Director of the Seattle-King County Department of Public Health and the Director of Seattle Public Utilities, and their authorized representatives, may enter any building or premises to perform their duties under this chapter at any reasonable time with the consent of the occupant, of the permit holder, or of the licensed steam engineer responsible for maintaining the anticorrosion chemical feeding equipment; or without such consent pursuant to a warrant issued therefor, or in response to a hazard to health or safety requiring emergency action.  
(Ord. 118396 § 72, 1996: Ord. 103095 § 7(c), 1974.)

#### **21.08.250 Enforcement authority.**

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

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

A notice describing a violation and/or corrective action required, shall be issued whenever an inspection shows a violation of this chapter or the rules and regulations implementing it, or a need to discontinue a practice or take corrective action in order to prevent or arrest development of an unhealthy condition. Notices shall be served on the permit holder or the licensed steam engineer responsible for maintenance and a reasonable time shall be allowed for compliance therewith.  
(Ord. 103095 § 8(b), 1974.)

#### **21.08.270 Directive for correction of violation.**

The Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities may issue a directive for immediate correction whenever a violation or violations of this chapter, the rules and regulations implementing it, or the terms and conditions of the permit, have created or threaten to

create an unsanitary or hazardous condition requiring immediate correction. The directive shall set forth the violation or violations found, or conditions deemed unsanitary or hazardous; specify the corrective action to be taken; set a time by which the action must be taken or the violations corrected; inform the permit holder that a hearing and review will be provided thereon should a request therefor be filed within five (5) days; and give notice that noncompliance may result in issuance of a stop order and/or suspension or revocation of the permit. Directives shall be served on the permit holder or the licensed steam engineer responsible for maintenance of the anticorrosion chemical feeding equipment and shall be posted on the premises. (Ord. 118396 § 74, 1996: Ord. 103095 § 8(c), 1974.)

#### **21.08.280 Stop orders.**

When upon discovery of an unsanitary or hazardous condition, the Director of the Seattle-King County Department of Public Health or the Director of Seattle Public Utilities reasonably believes that continuation of chemical treatment or further use of the hot water supply may have harmful effects upon users or subject users to risk of harm, the Director of the Seattle-King County Department of Public Health and/or Director of Seattle Public Utilities may, with or without notice, issue a stop order requiring cessation of use of the anticorrosion chemical feeding equipment, or of anticorrosion chemicals, and/or suspending water service to the premises. Stop orders shall be served on the permit holder as soon as practicable and shall be posted on the premises. (Ord. 118396 § 75, 1996: Ord. 103095 § 8(d), 1974.)

#### **21.08.290 Permit--Reasons for suspension.**

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

- A. Failure to comply with or violation of:
  - 1. This chapter,
  - 2. The rules and regulations implementing it,
  - 3. The terms and conditions of the permit,
  - 4. A notice to correct a condition. take an action, follow a procedure, or discontinue a practice, which has been issued pursuant to Section 21.08.260 and a reasonable time for compliance has elapsed,
  - 5. A directive or stop order, issued as provided in Sections 21.08.270 or 21.08.280;
- B. Any cause for which a permit may be revoked;
- C. Maintenance of incomplete or inaccurate records;
- D. Denial of entry to conduct an inspection; and/or
- E. To protect users of the potable hot water supply from harm through unsanitary or hazardous

conditions then existing.

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

#### **21.08.300 Permit suspension--Notice.**

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

(Ord. 103095 § 9(b), 1974.)

#### **21.08.310 Permit suspension--Effect.**

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

(Ord. 103095 § 9(c), 1974.)

#### **21.08.320 Reinstatement of permit.**

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

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

#### **21.08.330 Revocation of permits.**

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

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

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

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

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

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

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

A party feeling aggrieved by any notice, directive, stop order, suspension or threatened suspension of a permit may seek review by filing a written request with the Director of the Seattle-King County Department of Public Health within ten (10) days after service or posting, whichever is later. (Ord. 118396 § 79, 1996: Ord. 103095 § 11(a), 1974.)

**21.08.350 Department review.**

When the action of the Director of the Seattle-King County Department of Public Health or Director of Seattle Public Utilities under review allows use of the anticorrosion chemical feeding equipment to continue or would permit its resumption of use upon correction of specified conditions, discontinuance of specified actions, or compliance with specified directions, the Director of the Seattle-King County Department of Public Health shall assume jurisdiction, set a hearing thereon within five (5) days unless the parties mutually agree upon a delay thereof, and if not hearing the matter personally, appoint as the presiding officer an official, who has no prior involvement in the matter under review. The presiding officer may provide for interim relief pending the hearing; shall conduct the hearing in a manner allowing the parties to present evidence, to cross-examine witnesses, and to make argument, and may personally inspect the equipment and premises and on the evidence presented, may affirm, dissolve, or modify the action under review. (Ord. 118396 § 80, 1996: Ord. 103095 § 11(b), 1974.)

**21.08.360 Hearing for revocation of permit.**

Notice shall be given and hearings for revocation of permits shall be conducted in the manner provided for contested cases in the Administrative Code (Ordinance 102228)<sup>1</sup> by the Director of the Seattle-King County Department of Public Health or by a Hearing Examiner appointed by him to make a recommended decision. (Ord. 118396 § 81, 1996: Ord. 103095 § 11(c), 1974.)

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

**21.08.370 Applicability of chapter.**

This chapter shall apply to all installation, and operation and maintenance of anticorrosion chemical feeding equipment and to introduction of anticorrosion chemicals into the hot water supply, provided it shall not make unlawful any heretofore lawful<sup>1</sup> anticorrosion chemical feeding equipment, which is maintained and operated in compliance with this chapter, unless the Director of the Seattle-King County Department of Public Health shall find that such equipment or system is dangerous or insanitary or its continued use may cause harm to users.

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

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

**21.08.380 Violation--Penalty.**

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

(Ord. 103095 § 13, 1974.)

Chapter 21.12

MISCELLANEOUS PROVISIONS

Sections:

- 21.12.010 Notice of cut-off of water supply--To Chief of Fire Department.
- 21.12.020 Notice of cut-off of water supply--Publication in official newspaper.
- 21.12.040 Rates for certain water consumers in Newhalem community.
- 21.12.050 Tolt River South Fork Watershed--City jurisdiction--Permit for use.
- 21.12.060 Cedar River Watershed--Designated--Permit for use.
- 21.12.070 Surcharge for water customers in Richmond Beach Area.
- 21.12.080 Surcharge for water customers in Water District No. 61, King County.

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

Whenever the water supply in any portion of the City is about to be cut off, the Director of Seattle Public Utilities shall cause notice to be given to the Chief of the Fire Department of the same, designating the portions of the City from which the water is so cut off together with a statement of the probable length of time during which such cut-off will continue, and when the same shall be again turned on.  
(Ord. 118396 § 83, 1996: Ord. 2532 § 2, 1893.)

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

Before allowing the water supply to be cut off from any portion of the City, the Director of Seattle Public Utilities shall give at least twenty-four (24) hours' notice of the intended cutting off by publishing notice thereof in the City official newspapers, designating the portions of the City affected by such cutting off and the probable length of time that the same will continue, and no cutting off of water shall be made except after such notice; provided, that in case of accident or emergency which will not permit such notice, the water may be cut off immediately without notice, that if the same is not turned on within twenty-four (24) hours, a notice shall be published in the City official newspapers stating the portions of the City affected by such cutting off and the probable length of time that the same will continue.  
(Ord. 118396 § 84, 1996: Ord. 2532 § 3, 1893.)

**21.12.040 Rates for certain water consumers in Newhalem community.<sup>1</sup>**

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

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

Seattle Municipal Code  
December 2006 code update file  
Each 100 cu. ft. over volume base to 30,000 cu. ft. at....\$0.25.

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

(Ord. 101870 § 2, 1973.)

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

### **21.12.050 Tolt River South Fork Watershed--City jurisdiction--Permit for use.**

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

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

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

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

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

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

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

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

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

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

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

S 1/2 of Section 23, Township 26 North, Range 9 East, W. M.;

S 1/2 of Section 24, Township 26 North, Range 9 East, W. M.;

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

E 1/2 of the E 1/2 of Section 30, Township 26 North, Range 9 East, W. M.;

SE 1/4 of the NE 1/4; NE 1/4 of the SE 1/4, all in Section 31, Township 26 North, Range 9 East, W. M.;

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

S 1/2 of the NW 1/4; SW 1/4, all in Section 28, Township 26 North, Range 10 East, W.M.;

S 1/2 of the N 1/2; S 1/2, all in Section 29, Township 26 North, Range 10 East, W. M.;

S 1/2 of the N 1/2; S 1/2, all in Section 30, Township 26 North, Range 10 East, W. M.;

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

Section 33, except the NE 1/4 of the NE 1/4, Township 26 North, Range 10 East, W.M.;

SE 1/4 of the SW 1/4; SW 1/4 of the SE 1/4; W 1/2 of the SE 1/4 of the SE 1/4, all in Section 28, Township 26 North, Range 8 East, W.M.;

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

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

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

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

#### **21.12.060 Cedar River Watershed--Designated--Permit for use.**

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

#### **CEDAR RIVER AREA**

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

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Seattle Municipal Code  
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Text for review and public reference only.  
See annexes creating and amending sections, tables and maps and the current code.  
This is a draft.

North half of northeast quarter and northwest quarter of Section One; north half and southwest quarter of Section Two; all of Section Four except south half of southeast quarter; north half and northeast quarter of southwest quarter and southeast quarter of Section Seven; north half and southwest quarter of Section Eight; northwest quarter of northwest quarter of Section Nine; north half of north half of Section Ten; northwest quarter of northwest quarter of Section Eleven; all of Sections Three, Five and Six, in Township Twenty-one North, Range Eight East W.M.

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

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

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

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

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

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Text files only - no graphics, reference only.  
See ordinances for details on text, graphics, sections 221 and 222, and the use of this source file.

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

South half of south half of Section Nineteen; south half of southwest quarter, southwest quarter of southeast quarter of Section Twenty-seven; southwest quarter and south half of southeast quarter of Section Twenty-eight; south half of north half and south half of Section Twenty-nine; all of Section Thirty-five except north half of north half thereof; all of Sections Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four and Thirty-six, in Township Twenty-two North, Range Ten East W. M.

Southwest quarter of Section Thirty-one, Township Twenty-two North, Range Eleven East W. M.

South half and south half of north half of Section Twenty-seven; south half of northeast quarter and southeast quarter of Section Twenty-eight; east half Section Thirty-three; all of Section Thirty-five except northeast quarter of northeast quarter thereof; south half of southwest quarter of Section Thirty-six; all of Section Thirty-four, in Township Twenty-three North, Range Seven East W. M.

Southeast quarter of northeast quarter and southeast quarter of Section Thirty-one; all of Section Thirty-two, except northwest quarter of northwest quarter thereof; west half of Section Thirty-three, in Township Twenty-three North, Range Eight East W. M.

South half of south half of Section Thirty-one, Township Twenty-three North, Range Nine East W. M.

#### LAKE YOUNGS AREA

The south half of Section Thirty-five; the west half of the southwest quarter and the west half of the southeast quarter of the southwest quarter of Section Thirty-six; all in Township Twenty-three North, Range Five East W. M.

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

Lots Six and Seven, in Section Six, and Lot One, in Section Seven, Township Twenty-two North, Range Six East W. M.

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

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

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

(Ord. 118396 § 86, 1996; Ord. 73528 §§ 1 and 2, 1944.)

### 21.12.070 Surcharge for water customers in Richmond Beach Area.

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

Meter Size	Monthly Surcharge
$\frac{3}{4}$ inch	\$ 3.50
1 inch	3.50
1 1/2 inch	8.00
2 inch	14.00
3 inch	31.50
4 inch	56.00
6 inch	126.00

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

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

Beginning at the intersection of the centerline of NW 205th St., being the north line of Sec. 2, T 26 N, R 3 E, W. M., and the west margin of 15th Ave., NW, thence south along said west margin to the north line of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Sec. 2; thence east along said north line and continuing east along the north line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 1, T 26 N, R 3 E, W. M. to the northeast corner of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence south along the east line of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  to the southeast corner of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence west along the south line of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and continuing west along the south line of the north  $\frac{1}{2}$  of the south  $\frac{1}{2}$  of Sec. 2, T 26 N, R3 E, W. M., to the east shore of Puget Sound; thence northerly along said east shore to the north line of said Sec. 2; thence east along said north line to the west margin of 15th Ave. NW, and the point of beginning.

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

The SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 1, Twp. 26N, R 3 E, W. M. except the east 350 ft. thereof, and

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except any portions of the plats of Crestmont North (Vol. 84 of Plats, P. 90) and of Olympic North (Vol. 93 of Plats, P. 75) lying within said SW 1/4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Subtitle II.**

### **Sewers**

#### **Chapter 21.16**

#### **SIDE SEWERS**

##### Sections:

- 21.16.010 Chapter purpose.
- 21.16.020 Chapter provisions as minimum standards.
- 21.16.030 Definitions.
- 21.16.040 Connection or abandonment of side sewers.
- 21.16.050 Connection--Notice to owner or occupant.
- 21.16.055 Work in a public place--Registered contractor, supervision and permit required.
- 21.16.060 Registered side sewer contractor--Qualification--Registration--Insurance--Bond--Registration expiration and renewal.
- 21.16.065 Suspension of registration.
- 21.16.068 Registered contractor roster required.
- 21.16.070 Permit required.
- 21.16.080 Permit--Application--Authority of the Director of the Department of Planning and Development.
- 21.16.090 Permits--Period of validity--Restrictions--Posting.
- 21.16.100 Police officer's authority.
- 21.16.110 Permit for temporary connection.
- 21.16.120 Reserved.
- 21.16.130 Permit fees.
- 21.16.140 Inspections.
- 21.16.150 Trenches and excavations.
- 21.16.160 Filling of excavations.

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- 21.16.170 Failure to complete work--Completion by City.  
21.16.180 Repair of inoperative or inadequate sewer or drain.  
21.16.190 Ownership of side sewers.  
21.16.200 Use of existing sewer for new building.  
21.16.210 Mechanical lifting or backwater sewage valves.  
21.16.220 Drainage of hard-surfaced or graded areas.  
21.16.230 Reserved.  
21.16.240 Reserved.  
21.16.250 Easements and agreements.  
21.16.260 Installation when compliance is impractical--Conditional permit.  
21.16.270 Construction requirements and specifications.  
21.16.280 Restoration of streets and other public areas.  
21.16.290 Liability to City for expense, loss or damage.  
21.16.300 Prohibited discharge of certain substances.  
21.16.310 Pretreatment facilities.  
21.16.320 Reserved.  
21.16.330 Standards for measurements and analyses.  
21.16.340 Right of entry for inspection.  
21.16.350 Authority to make rules and regulations.  
21.16.360 Authority to post notices.  
21.16.370 Unlawful destruction of notices.  
21.16.380 Violation--Penalty.  
21.16.390 Liability for injury or damage.

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

(Ord. 97016 § 39, 1968.)

#### **21.16.010 Chapter purpose.**

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

(Ord. 97016 § 1, 1968.)

#### **21.16.020 Chapter provisions as minimum standards.**

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

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

#### **21.16.030 Definitions.**

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

1. "City" means The City of Seattle.
2. "Comprehensive plans" means plans which are large in scope and intended to provide for the ultimate development of the drainage basins served by the sewers and drains, as determined by the Director of Seattle Public Utilities at the time the plan was proposed.

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- Seattle Municipal Code  
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sections for code text, graphics,  
and tables and to confirm accuracy of  
this source file.
3. "Cover" means the depth of material between the top of the side sewer or service drain pipe and the finished grade immediately above it.
  4. "Director of Health" means the Director of Public Health or employees of the Seattle-King County Department of Public Health.
  5. "Director of the Department of Planning and Development" means the Director or employees of The City of Seattle Department of Planning and Development.
  6. "Director of Seattle Public Utilities" means the Director of Seattle Public Utilities, or his or her designee, or employees of Seattle Public Utilities.
  7. "Downspout" means a pipe which conducts water from a roof of a building.
  8. "Footing drain" means an open joint or perforated pipe located near the foundation of a building, intended to intercept and carry groundwater.
  9. "Garbage" means putrescible waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
  10. "Garbage, properly shredded" means garbage that has been shredded to such a degree that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers, with no particle larger than three-eighths inch (3/8") in any dimension.
  11. "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade or research, including the development, recovering or processing of natural resources and including garbage, but distinguished from sanitary sewage or storm drainage.
  12. "Main sewer" means a pipe which is part of the public sewer system and to which a side sewer is connected.
  13. "Metro" means King County.
  14. "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other body of surface water.
  15. "Owner or occupant" means the owner of real property or the agent or lessee of the owner.
  16. "Permit card" means a card issued in conjunction with a permit (or a carbon copy of the permit) which shall be posted on the premises of the work being accomplished.
  17. "Person" means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.
  18. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance.
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19. "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure which carries the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily designed to carry stormwater or unpolluted water.
20. "Plumbing outlet, storm" means a plumbing outlet from a building or structure which carries stormwater or unpolluted water.
21. "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the Director of Seattle Public Utilities.
22. "Public place," "public area" or "street area" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles and rights-of-way dedicated for the use of the public, and the space above or beneath the surface of the same.
23. "Registered side sewer contractor" means a person approved and registered by the Director of the Department of Planning and Development to construct or repair side sewers.
24. "Public sewer system" means the sewer or storm drainage facilities owned and maintained by the City, Rainier Vista Sewer District, Southwest Suburban Sewer District or Metro, or any sewage facilities acquired, constructed or maintained by such agencies.
25. "Service drain" means a privately owned and maintained drainage system which carries only stormwater runoff, surface water, foundation drainage and/or other unpolluted waters and which discharges at an approved outlet as defined by the Director of Seattle Public Utilities. Service drains include, but are not limited to, conveyance pipes, catchbasin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet. Service drains do not include groundwater collection systems upstream from the point of connection to a service drain.
26. "Sewage" means waste discharged from sanitary plumbing outlets of buildings.
27. "Sewage treatment plant" means an arrangement of devices, structures and equipment for treating wastewater.
28. "Sewer, combined" means a publicly owned and maintained sewerage system which carries surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and water from foundation drains.
29. "Sewer, sanitary" means a publicly owned and maintained sewage system which carries wastewater, and is not designed to carry stormwater or unpolluted water.
30. "Side sewer" means a privately owned and maintained pipe system which is designed to carry sewage and/or stormwater runoff, surface water, foundation drainage, and other unpolluted water

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leading from a plumbing outlet, drain or other facilities to the public sewer system or approved outlet.

31. "Sidewalk" means the walkway in a public area lying generally parallel to the roadway.
32. "Standard Plans and Specifications" means the standard plans and specifications in effect on the date of issuance of the permit.
33. "Storm drain" means a publicly owned and maintained drainage system which carries stormwater runoff, surface water, foundation drainage, and other unpolluted water.
34. "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.
35. "Unpolluted water" means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director of Health or the Director of Seattle Public Utilities has the authority to determine which waters are unpolluted waters.
36. "Use" means and includes use or occupancy of a public place pursuant to Chapter 15.02 of the Seattle Municipal Code for the purpose of doing work, disturbing the surface, or erecting any structure under, along or over the public place.
37. "Wastewater" is a comprehensive term including industrial waste, sewage, and other unpolluted waters, as determined by the Director of Health or Director of Seattle Public Utilities.
38. "Watercourse" means a channel in which a natural flow of stormwater and/or groundwater occurs either continuously or intermittently.

(Ord. 122036 § 1, 2006; Ord. 121276 §§ 17, 37, 2003; Ord. 118396 § 87, 1996; Ord. 117432 § 2, 1994; Ord. 114298 § 2, 1988; Ord. 111650 § 1, 1984; Ord. 97016 § 2, 1968.)

#### **21.16.040 Connection or abandonment of side sewers.**

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

B. Service Drain Connections. Connections of service drains to combined sewers or storm drains

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shall be as specified in Chapters 22.800 and 22.802 of the Seattle Municipal Code.

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

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to the charge that would be made for sewer service if the property were connected to the sewer system, which amount shall be paid and collected at the times and in the manner provided by ordinance for the payment and collection of sewer service charges; and
2. The Director of Health has waived the requirement as provided in subsection A of this section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must connect to that sewer; and
3. The property has a currently functioning on-site sewage disposal system as determined by the Director of Health. The exemption will remain in effect until the on-site sewer system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay the charges referred to in subsection C1, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection A herein.

D. Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or occupant shall cap the side sewer.

(Ord. 121276 § 37, 2003; Ord. 118396 § 88, 1996; Ord. 117432 § 3, 1994; Ord. 114298 § 3, 1988; Ord. 111442 §§ 1, 2, 1983; Ord. 97016 § 3, 1968.)

#### **21.16.050 Connection--Notice to owner or occupant.**

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

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

(Ord. 120794 § 271, 2002; Ord. 118396 § 89, 1996; Ord. 116368 § 277, 1992; Ord. 114298 § 4, 1988; Ord. 106158 § 3, 1977; Ord. 97016 § 4, 1968.)

**21.16.055 Work in a public place--Registered contractor, supervision and permit required.**

No work may be performed in a public place to construct or repair side sewers except by a registered side sewer contractor pursuant to a permit issued pursuant to Section 21.16.080. Direct onsite supervision shall be provided of all work to be performed in a public place by or on behalf of the registered side sewer contractor. The onsite supervision must be by a person 1) who has successfully completed the examination provided for in Section 21.16.060A2, and 2) who is listed on the roster required by Section 21.16.068 as the registered side sewer contractor or as a current employee of the registered side sewer contractor.

(Ord. 122036 § 2, 2006.)

**21.16.060 Registered side sewer contractor--Qualification--Registration--Insurance--Bond--Registration expiration and renewal.**

- A. To register as a registered side sewer contractor (RSSC), each applicant must:
1. Pay a registration fee of \$200 to the Director of the Department of Planning and Development;
  2. Successfully complete an oral and written examination administered by the Director of the Department of Planning and Development, or employ an individual who has successfully completed the examination. Each applicant for the oral and written exam must pay to the Director of the Department of Planning and Development an examination fee of \$100 to take the examination required by this subsection;
  3. Provide to the Director of the Department of Planning and Development a roster of all individuals employed by the applicant who have passed the examination provided for in subsection A2 of this Section;
  4. Provide evidence to the Department of Planning and Development that the applicant possesses a current Washington State Contractor's license;
  5. Provide evidence to the Department of Planning and Development that the applicant possesses a current City Business license issued pursuant to Section 5.55.030 of the Seattle Municipal Code;
  6. File with the Risk Management Division of the Department of Executive Administration a certificate of insurance that meets the standards of subsection B, and maintain the insurance as required by subsection B;
  7. Post with the City Clerk and maintain in full force and effect a bond as required by subsection C of this section;
  8. Agree in writing, to defend, indemnify and hold harmless the City from all claims, actions or damages of every kind and description, including reasonable attorney fees and necessary litigation expenses incurred by the City, that may accrue to or be suffered by any person arising

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out of any opening in any street, alley, avenue or other public place made by the registered contractor or those in the registered contractor's employ, in making any connection with any public or private sewer, or for any other purpose or object associated with side sewer construction and related activities, except for such losses that directly result from the sole negligence of the City; and

9. Agree in writing to provide direct on-site supervision in compliance with Section 21.16.055 of all work located in a public place that is to be performed by or on behalf of the registered side sewer contractor, including without limitation all work relating to installation, alteration, extension, connection to or repair of the side sewer.

B. Insurance. Each applicant for side sewer contractor registration shall file with the Risk Management Division of the Department of Executive Administration certification of insurance, and each registered side sewer contractor shall maintain in full force and effect insurance from insurers acceptable to the Risk Management Division of the Department of Executive Administration. The certification shall state that the applicant/contractor carries comprehensive general liability insurance with limits of not less than \$1,000,000.00 for each occurrence combined single limit bodily injury and property damage. Such policy shall contain an endorsement or policy wording naming the City as an additional insured or, in lieu of naming the City as an additional insured, insuring the obligation described in subsection A8 above to indemnify the City, and providing for not less than 30 days prior written notice to the City of any change, cancellation or expiration of such policy.

C. Each registered side sewer contractor shall post with the City Clerk and maintain in full force and effect a bond in the sum of \$30,000.00 conditioned that the contractor shall replace and restore such street, alley, avenue or other public place as required by SMC 21.16.280. If a claim is made on the bond, the registered side sewer contractor shall immediately post with the City Clerk a new bond with the same terms and conditions.

D. Expiration of Registration. All registrations issued under this chapter automatically expire on January 31 of each year and must be renewed pursuant to the provisions of subsection E.

E. Renewal of Registration. In order to renew a registration, the contractor shall:

1. Pay a renewal fee of \$150.00.
2. Provide proof of compliance with the requirements of subsections 21.16.060A(2) through (9).
3. Provide the name(s) of the person or persons who have successfully passed the oral and written examination required by Subsection A(2) and who are currently employed by the side sewer contractor applying for renewal.

F. Failure to Renew. A contractor seeking to renew a side sewer contractor registration more than one year after its expiration must provide proof of compliance with all of the initial registration requirements of Subsection A.

(Ord. 122036 § 3, 2006; Ord. 120794 § 272, 2002; Ord. 118396 § 90, 1996; Ord. 116368 § 278, 1992; Ord. 114298 § 5, 1988; Ord. 111650 § 2, 1984; Ord. 110318 § 1, 1981; Ord. 97016 § 5, 1968.)

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**21.16.065 Suspension of registration.**

A. In addition to other penalties provided by law, the Director of the Department of Planning and Development may suspend the registration of a registered side sewer contractor for any of the following causes:

1. Failure to successfully complete the examination or to employ an individual who has successfully completed the examination required by Section 21.16.060;
2. Failure to maintain the insurance or bond required by Section 21.16.060;
3. Failure to comply with the provisions of this chapter of the Seattle Municipal Code or any rules and regulations issued by the Director of the Department of Planning and Development under this chapter;
4. Fraud or misrepresentation in registering as a side sewer contractor; or
5. Nonpayment for work performed by the City for which the side sewer contractor is liable.

B. Upon information and belief that a registered side sewer contractor's registration should be suspended for any of the causes enumerated in subsection A of this section, the Director of the Department of Planning and Development shall send notice to the contractor that the contractor's registration may be suspended in not less than 10 days from the date of the notice. The notice shall contain a statement of the basis for the suspension.

C. If the registered side sewer contractor wishes to appeal the suspension, the contractor must file with the Hearing Examiner within 10 days of the date of service or mailing of the notice required by subsection B, whichever is earlier, a request for a hearing detailing the reasons why the proposed suspension should not be imposed, with a copy to the Director of the Department of Planning and Development. The registered side sewer contractor shall submit the Hearing Examiner's filing fee with the request as well as a copy of the notice of suspension.

D. If a timely request for a hearing is filed by the contractor, a hearing shall be scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner.

E. When a hearing has been requested regarding a suspension of a registration, the registration shall remain in effect pending the determination made as a result of such hearing; provided, that in cases involving a substantial and immediate threat to the public health, safety or welfare, the registration may be summarily suspended by the Director. Any notice of a summary suspension must state that it is a summary suspension and state the facts surrounding the substantial and immediate threat to the public health, safety or welfare.

F. If a timely appeal is not filed, the notice of the Director of the Department of Planning and Development suspending the registration shall be final.

G. The Director of the Department of Planning and Development's decision shall be reversed only if the Hearing Examiner finds that the decision was arbitrary and capricious.

H. The record shall be established at the hearing before the Hearing Examiner, which shall be conducted according to the Hearing Examiner's rules for contested cases.

I. The Hearing Examiner shall issue a written decision within 15 days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the decision of the Director of the Department of Planning and Development to suspend the registration. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director of the Department of Planning and Development and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

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

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

L. Whenever a registration is suspended, no new application for registration or renewal of that contractor may be made during the period of suspension.

M. The period of suspension may be for any period up to one (1) year, commencing on the date the period of suspension provided for in the Director's notice, Hearing Examiner's decision or order to suspend actually begins.

N. After the period of suspension, the registered contractor must apply for and obtain a license renewal pursuant to Section 21.16.060E in order to be reinstated as a registered side sewer contractor. (Ord. 122036 § 4, 2006; Ord. 118396 § 91, 1996; Ord. 114298 § 6, 1988; Ord. 111650 § 7, 1984.)

#### **21.16.068 Registered contractor roster required.**

Each registered subcontractor shall provide to the Director of the Department of Planning and Development a roster of current employees who have passed the examination described in SMC 21.16.060A2. Each registered side sewer contractor shall notify the Director of the Department of Planning and Development within 10 days of any changes in the employment status of any employees who are or should be on this roster. (Ord. 122036 § 5, 2006.)

#### **21.16.070 Permit required.**

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

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

C. Unless an emergency exists, as determined by the Director of the Department of Planning and Development, a side sewer permit must be obtained from the Director of the Department of Planning and

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Development before any work may be started on a side sewer located within the City's sewer service area, either on private property or within a public place.

D. No work shall be performed on a side sewer other than that provided for in the permit or any revised permit issued by the Department of Planning and Development. If additional work is necessary, the Director of the Department of Planning and Development may require an additional permit and/or fees. (Ord. 122036 § 6, 2006; Ord. 118396 § 92, 1996; Ord. 117432 § 4, 1994; Ord. 114298 § 7, 1988; Ord. 111650 § 3, 1984; Ord. 97016 § 6, 1968.)

**21.16.080 Permit--Application--Authority of the Director of the Department of Planning and Development.**

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

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

C. Application for the permit required by this chapter shall be filed with the Director of the Department of Planning and Development with the following:

1. The name, address and telephone number of the applicant;
2. Name, mailing address, and telephone number of the property owner;
3. Legal description and address of the property to be served;
4. A scale drawing showing the location of all structures on the property, dimensions of the structures, and the location of all existing and proposed side sewers;
5. Purposes for which all structures are to be used;
6. Proof that all necessary permits have been obtained in conjunction with or prior to issuance of the side sewer permit;
7. Proof that all necessary easements, releases, and/or permissions to connect have been obtained and provided to the Director of Department of Planning and Development for recording with the King County Department of Records and Elections;
8. Proof of payment of all permit fees and other charges required by Chapter 21.24 of the Seattle Municipal Code.

D. The Director of the Department of Planning and Development may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer, and determine whether or not a permit shall be

granted. The Director of the Department of Planning and Development may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in The State of Washington. The Director of the Department of Planning and Development shall keep such records as the Director deems necessary of all side sewer permits and inspection reports.

E. Notwithstanding any other provisions of this chapter, the Director of the Department of Planning and Development may refuse, until the condition is corrected, to issue a permit for work in a public place to a registered side sewer contractor for any of the following conditions:

1. Failure to pay within 60 days any bill for work performed by the City and for which the contractor is liable;
  2. Failure to maintain the insurance or the bond required by Section 21.16.060 of the Seattle Municipal Code;
  3. Failure to comply with a notice posted pursuant to Section 21.16.360 of the Seattle Municipal Code;
  4. Failure to have a current business license issued under Section 5.55.030 of the Seattle Municipal Code; or
  5. Failure to have a current Washington State Contractor's license.
- (Ord. 122036 § 7, 2006; Ord. 118396 § 93, 1996; Ord. 114298 § 8, 1988; Ord. 97016 § 7, 1968.)

**21.16.090 Permits--Period of validity--Restrictions--Posting.**

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

B. Side sewer permits are not transferable.

C. All side sewer permits shall expire 18 months after issuance unless extended by the Director of the Department of Planning and Development prior to the date of expiration. Expired permits are not subject to refunds pursuant to Section 21.24.090 of the Seattle Municipal Code.

D. One (1) copy of the permit shall be posted at the work site in a conspicuous place which is readily and safely accessible to the Director of Seattle Public Utilities.  
(Ord. 122036 § 8, 2006; Ord. 118396 § 94, 1996; Ord. 114298 § 9, 1988; Ord. 97016 § 8, 1968.)

**21.16.100 Police officer's authority.**

It shall be the duty of any police officer and of the Director of Health, finding any person breaking ground for the purpose of making connection with a public or private sewer system, to ascertain if such person has a permit therefor and if not to immediately report the fact to the Director of Seattle Public Utilities.  
(Ord. 118396 § 95, 1996; Ord. 114298 § 10, 1988; Ord. 97016 § 9, 1968.)

**21.16.110 Permit for temporary connection.**

The Director of Seattle Public Utilities may, upon receiving an application containing such information as is required by this chapter, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the Director of Seattle Public Utilities at any time upon sixty (60) days' notice posted upon the premises and directed to the owner or occupant of the premises; and in the event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director of Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the owner or occupant. Such charges shall be immediately payable to the City Director of Executive Administration following a written notice of the amount thereof given to such owner or occupant or posted on the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. The Director of Seattle Public Utilities may require that the applicant record with the King County Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the City harmless from all damage or claims resulting to the City by reason of such temporary connection or disconnection, and exhibit to the Director of Seattle Public Utilities the recording number of said instrument. (Ord. 120794 § 273, 2002: Ord. 118396 § 96, 1996: Ord. 116368 § 279, 1992: Ord. 114298 § 11, 1988: Ord. 97016 § 10, 1968.)

**21.16.120 Reserved.**

(Ord. 114298 § 12, 1988.)

**21.16.130 Permit fees.**

Fees for side sewer permits shall be as prescribed by Chapter 21.24 of the Seattle Municipal Code. (Ord. 114298 § 13, 1988: Ord. 97016 § 12, 1968.)

**21.16.140 Inspections.**

- A. Any person performing work pursuant to the provisions of this chapter shall notify the Director of Seattle Public Utilities when the work will be ready for inspection, and shall specify in such notification the location of the premises by address and the file number of the permit.
- B. The Director of Seattle Public Utilities shall schedule inspection times. On any call for inspection forty-eight (48) hours' notice plus Saturday, Sunday and holidays may be required by the Director of Seattle Public Utilities.
- C. If the Director of Seattle Public Utilities finds the work performed or materials used not in accordance with this chapter and rules and regulations and/or the City "Standard Plans and Specifications" for side sewer construction, he/she shall notify the person doing the work and the owner or occupant of the premises by posting a notice on or near the permit card. Such posted notice shall be all the notice that is required to be given of the defects in the work or materials found in such inspection.

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

E. If the permittee is a registered side sewer contractor, either the contractor or a competent representative shall be on the premises, whenever so directed to meet the inspector. A property owner shall also meet the inspector at a mutually convenient time during the regular hours of business when requested. (Ord. 118396 § 97, 1996: Ord. 114298 § 14, 1988: Ord. 111650 § 4, 1984; Ord. 97016 § 13, 1968.)

#### **21.16.150 Trenches and excavations.**

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

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

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

D. All work in public places shall conform to the requirements of the current edition of The City of Seattle Traffic Control Manual for In-street Work. (Ord. 118396 § 98, 1996: Ord. 117432 § 5, 1994; Ord. 114298 § 15, 1988: Ord. 97016 § 14, 1968.)

#### **21.16.160 Filling of excavations.**

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

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

(Ord. 120794 § 274, 2002: Ord. 118396 § 99, 1996: Ord. 116368 § 280, 1992; Ord. 114298 § 16, 1988: Ord. 97016 § 15, 1968.)

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**21.16.170 Failure to complete work--Completion by City.**

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

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

**21.16.180 Repair of inoperative or inadequate sewer or drain.**

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

(Ord. 120794 § 275, 2002; Ord. 118396 § 101, 1996; Ord. 116368 § 281, 1992; Ord. 114298 § 18, 1988; Ord. 97016 § 17, 1968.)

**21.16.190 Ownership of side sewers.**

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

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

**21.16.200 Use of existing sewer for new building.**

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

(Ord. 121276 § 37, 2003; Ord. 117432 § 6, 1994; Ord. 114298 § 20, 1988; Ord. 97016 § 19, 1968.)

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**21.16.210 Mechanical lifting or backwater sewage valves.**

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

B. Whenever a situation exists involving danger of backups of sewage or drainage from the public sewer system, the Director of Seattle Public Utilities may prescribe a minimum elevation at which the plumbing outlet or side sewer may be discharged to the public sewer system. Wastewater from drains or side sewers below such minimum elevations shall be lifted mechanically to an elevation determined by the Director of Seattle Public Utilities, or if approved by the Director of Seattle Public Utilities, a backwater sewage valve may be installed provided the property owner shall record with the King County Department of Records and Elections an instrument as described in Section 21.16.260 of the Seattle Municipal Code. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the side sewer. (Ord. 118396 § 102, 1996; Ord. 114298 § 21, 1988; Ord. 97016 § 20, 1968.)

**21.16.220 Drainage of hard-surfaced or graded areas.**

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

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

**21.16.230 Reserved.**

(Ord. 114298 § 23, 1988.)

**21.16.240 Reserved.**

(Ord. 114298 § 24, 1988.)

**21.16.250 Easements and agreements.**

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

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

Recording fees shall be paid by the owner or owners of the affected properties.  
(Ord. 118396 § 104, 1996; Ord. 114298 § 25, 1988; Ord. 97016 § 24, 1968.)

**21.16.260 Installation when compliance is impractical--Conditional permit.**

If, in the opinion of the Director of the Department of Planning and Development, after consulting with the Director of Seattle Public Utilities, physical conditions make compliance with the provisions of this chapter impracticable, the Director of Seattle Public Utilities, may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the King County Department of Records and Elections an instrument acceptable to the Director of Seattle Public Utilities agreeing to save harmless and indemnify the City from any damage or injury resulting from the installation, operation and maintenance of said side sewer. Such instrument shall be upon a form approved by the Director of Seattle Public Utilities. This section is not intended to be used to allow storm drainage connections to a sanitary sewer.  
(Ord. 121276 § 37, 2003; Ord. 118396 § 105, 1996; Ord. 117432 § 7, 1994; Ord. 114298 § 26, 1988; Ord. 97016 § 25, 1968.)

**21.16.270 Construction requirements and specifications.**

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

B. Unless authorized by the Director of Seattle Public Utilities, an owner or occupant who is required, or wishes, to connect to a public sewer shall be required to build a main sewer line extension if a public sewer is not accessible within an abutting public area, or if the building, habitable structure, plumbing outlet or source of polluted water is more than two hundred (200) feet from the public sewer. In the case of certain housing development or redevelopment projects for households with aggregate annual incomes no higher than fifty (50) percent of median income, the Director shall, prior to December 31, 2003, in accordance with SMC Section 21.04.280, fund a portion of the costs of construction of a main sewer line extension.

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

D. All multiple dwellings and industrial and commercial buildings shall be connected with not less than six (6) inch diameter pipe on private property; provided, with the permission of the Director of Seattle Public Utilities, no more than three (3) two (2) inch downspouts, or one (1) motel unit, may be connected with four (4) inch diameter pipe on private property.

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

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

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

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

I. Whenever a side sewer is to be abandoned, said sewer shall be capped as close to the property line as possible without interrupting service to any other building.  
(Ord. 119688 § 3, 1999; Ord. 118605 § 3, 1997; Ord. 118396 § 106, 1996; Ord. 114298 § 27, 1988; Ord. 97016 § 26, 1968.)

**21.16.280 Restoration of streets and other public areas.**

Streets, sidewalks, planting strips, and other public areas except as mentioned in Section 21.16.270, disturbed or altered in the course of any side sewer or drainage work, shall be restored to the standards and in the manner required by the Seattle Department of Transportation.  
(Ord. 122036 § 9, 2006; Ord. 120794 § 276, 2002; Ord. 118396 § 107, 1996; Ord. 116368 § 282, 1992; Ord. 111650 § 5, 1984; Ord. 97016 § 27, 1968.)

**21.16.290 Liability to City for expense, loss or damage.**

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

**21.16.300 Prohibited discharge of certain substances.**

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

1. Liquid or vapor having temperature higher than one hundred fifty (150) degrees Fahrenheit;
2. Wastewater which contains more than one hundred (100) parts per million by weight of fat, oil or grease of animal, vegetable, or mineral petroleum origin;
3. Flammables capable of causing explosion or supporting combustion in the public sewer system, including but not limited to the following: gasoline, benzene, naphtha, cleaning solvent,

kerosene, fuel oil, crankcase oil, and acetylene generation sludge;

4. Garbage that has not been properly shredded;
5. Ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, sea shells, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the public sewer system;
6. Wastewater having a pH lower than five and five-tenths (5.5) or having the capacity to cause damage to structures or equipment or which is hazardous to personnel of the public sewer system;
7. Wastewater containing a toxic or poisonous substance including chlorinated hydrocarbons in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or fowl, or create any hazard in the receiving waters or in the sewage treatment plant;
8. Wastewater containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in a main sewer, at a sewage treatment plant, or a pumping station; or
9. Noxious or malodorous gas or substance capable of creating a public nuisance.

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

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

#### **21.16.310 Pretreatment facilities.**

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

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

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

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

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

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

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

G. Any party affected by an order of the Director of Seattle Public Utilities pursuant to this Section 21.16.310 may obtain an informal review of the order by requesting such review in writing to the Director within ten (10) days after service of the order. When the last day of the period is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. The director shall notify the person requesting review, all persons served with the order, and all other persons who have requested notice of review, of the date, time and place of the informal review. The review will consist of an informal review meeting held at Seattle Public Utilities. A representative of the Director who is familiar with the case and the applicable ordinances will attend. The Director's representative shall explain the reasons for the issuance of the notice of violation and will consider any information presented by the persons attending. At or within a reasonable time after the review, the Director shall issue a decision in writing that sustains or withdraws the order, amends the order, or continues the review to a future date to allow further consideration. The decision shall be served in the manner provided in this Section 21.16.310 for service of an order. Upon service of a decision sustaining an order, the order shall immediately become final. Upon service of a decision amending an order, the order shall immediately become final as amended by the decision.  
(Ord. 119192 § 3, 1998: Ord. 118396 § 109, 1996: Ord. 114298 § 29, 1988: Ord. 97016 § 30, 1968.)

#### **21.16.320 Reserved.**

(Ord. 114298 § 30, 1988.)

#### **21.16.330 Standards for measurements and analyses.**

Measurements, tests and analyses of the characteristics of waters and waste to which reference is made

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in this chapter shall be determined in accordance with the standards prescribed by "Standard Methods for the Examination of Water and Sewage," filed in the City Clerk's office under Clerk's File No. 260956. In any property served by a side sewer carrying industrial wastes, the owner or occupant shall install a manhole in the side sewer to facilitate observation, sampling and measurement of the wastes, when required by the Director of Seattle Public Utilities. Such manhole shall be accessible, safely located, and shall be constructed and installed in accordance with plans approved by the Director of Seattle Public Utilities. Such manhole shall be installed and maintained by the owner or occupant at his or her expense.  
(Ord. 118396 § 110, 1996; Ord. 117242 § 22, 1994; Ord. 114298 § 31, 1988; Ord. 97016 § 32, 1968.)

**21.16.340 Right of entry for inspection.**

The Director of Seattle Public Utilities or other City officials or employees of the City, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any and all premises at all reasonable times, or during an emergency at any time, for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.  
(Ord. 118396 § 111, 1996; Ord. 114298 § 32, 1988; Ord. 97016 § 34, 1968.)

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

The Director of Seattle Public Utilities and the Director of the Department of Planning and Development may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this chapter, as he or she or they shall deem necessary and convenient to carry out the provisions of this chapter.  
(Ord. 121276 § 37, 2003; Ord. 118396 § 112, 1996; Ord. 117432 § 8, 1994; Ord. 114298 § 33, 1988; Ord. 97016 § 35, 1968.)

**21.16.360 Authority to post notices.**

The Director of Health or the Director of Seattle Public Utilities is authorized to post notice on private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with, and the notice may require work to cease if necessary.  
(Ord. 118396 § 113, 1996; Ord. 114298 § 34, 1988; Ord. 97016 § 37, 1968.)

**21.16.370 Unlawful destruction of notices.**

It shall be unlawful for anyone to remove, mutilate, destroy or conceal any notice issued or posted by the Director of Health or the Director of Seattle Public Utilities pursuant to the provisions of this chapter.  
(Ord. 118396 § 114, 1996; Ord. 114298 § 35, 1988; Ord. 97016 § 38, 1968.)

**21.16.380 Violation--Penalty.**

A. Violation.

- (1) A failure to comply with any provision of this chapter or any rule, regulation, notice, or order of the Director of Health, the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development issued pursuant to this chapter is a violation of this chapter.

(2) Each day of violation or failure to comply constitutes a separate violation.

**B. Civil Penalty.**

(1) In addition to any other sanction or remedial procedure that may be available, any person who violates or fails to comply with any provision of this chapter, or any rule, regulation, notice, or order of the Director of Health, the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development issued pursuant to this chapter shall be subject to a civil penalty in the amount of \$500 per day for each day of each violation.

(2) The Director of Health, of Seattle Public Utilities or of the Department of Planning and Development shall notify the City Attorney in writing of the name of any person subject to a civil penalty for violations of this chapter. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed.

**C. Alternative Criminal Penalty.** Any person who violates or fails to comply with any provision of this chapter or any rule, regulation, notice, or order of the Director of Health, the Director of Seattle Public Utilities, or the Director of the Department of Planning and Development issued pursuant to this chapter is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 of the Seattle Municipal Code need be provided. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the civil penalty provided in Section 21.16.380 B.

(Ord. 122036 § 10, 2006; Ord. 119192 § 4, 1998; Ord. 97016 § 36, 1968.)

**21.16.390 Liability for injury or damage.**

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

**Chapter 21.20**

**SEWER CONNECTIONS OUTSIDE CITY LIMITS<sup>1</sup>**

Sections:

**21.20.010 Connections authorized.**

**21.20.020 Specifications of agreement.**

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

**21.20.010 Connections authorized.**

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Pursuant to authority granted by RCW 35.67.310 the Director of Seattle Public Utilities is authorized to enter into agreements for and on behalf of the City with the owners of property beyond the City limits permitting connection of such property with the City's sewers upon the terms, conditions and subject to the payments prescribed in this chapter when, in the judgment of the Director of Seattle Public Utilities, such connections will not overload or imperil the City's sewer system.  
(Ord. 118396 § 115, 1996: Ord. 85317 § 1, 1956.)

**21.20.020 Specifications of agreement.**

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

B. In the event that such agreement provides for payment of the special connection charge in installments, such agreement shall further provide for a down payment of five (5) percent of the total connection charge, payable upon execution of such agreement and for payment of the balance in forty (40) quarterly installments payable on each January 1st, April 1st, July 1st, and October 1st, and shall further provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable.  
(Ord. 118396 § 116, 1996: Ord. 110216 § 1, 1981: Ord. 106313 § 1, 1977: Ord. 103037 § 1, 1974: Ord. 85317 § 2, 1956.)

**Chapter 21.24**

**PERMIT FEES AND CONNECTION CHARGES**

Sections:

- 21.24.010 Permit and fee--Required for connection and repairs.
- 21.24.021 Permit application and fee.
- 21.24.030 Special connection charge--Imposed.

**21.24.040 Special connection charge--Computation.**

**21.24.050 Special connection charge--Credit to Local Improvement District Fund.**

**21.24.070 Fee payment.**

**21.24.080 Violation of Sections 21.24.010 through 21.24.070.**

**21.24.090 Refund of sewer permit fees.**

**21.24.100 Refund of special sewer connection charge.**

Severability: If any portion of Sections 21.24.010 through 21.24.080 shall be declared invalid, this shall not affect the validity of the remaining portions.

(Ord. 82583 § 5 1953.)

**21.24.010 Permit and fee--Required for connection and repairs.**

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

(Ord. 118396 § 117, 1996; Ord. 82583 § 1, 1953.)

**21.24.021 Permit application and fee.**

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

A. Side Sewers.

1. Installation, Connection, Relocation, or Alteration -- All Structures

First connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Each additional connection....\$280

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

2. Additional Connections to Existing Side Sewers -- All Structures

Each additional connection....\$375

Each pump installation (single, duplex, etc.)....\$75

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

3. Additional Direct Connections to Main Sewer -- All Structures

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Each additional connection....\$375

Each pump installation (single, duplex, etc.)....\$75

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

4. Reconnection to Main Sewer - All Structures

Each reconnection....\$375

Each pump installation (single, duplex, etc.)....\$75

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

5. Temporary Services for Side Sewers -- All Structures

Each temporary service....\$225

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

B. Repairs to Side Sewers -- All Structures

Each repair....\$280

Each pump repair (single, duplex, etc.)....\$75

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

C. Capping Existing Side Sewers -- All Structures

Each line capped....\$375

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

D. Service Drains and Ancillary Facilities.

1. Installation, Connection, Relocation or Alteration to Main Storm Drain, Combined Main Sewer, On-Site Infiltration, Curb Discharge or Direct Discharge to Receiving Waters -- All Structures.

Each connection....\$375

Each pump installation (single, duplex, etc.)....\$75

Each additional connection....\$280

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

2. Additional Connections to Existing Service Drains -- All Structures

Each additional connection....\$375

Each additional pump installation (single, duplex, etc.)....\$75

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

3. Additional Direct Connections to Main Storm Drain, Combined Main Sewer, Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters.

Each additional connection....\$375

Each additional pump installation (single, duplex, etc.)....\$75

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

4. Reconnection to Main Storm Drain, Combined Main Sewer, Curb Discharge, On-site Infiltration or Direct Discharge to Receiving Waters.

Each reconnection....\$375

Each pump reconnection (single, duplex, etc.)....\$75

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

5. Temporary Services for Service Drains -- All Structures

Each temporary service....\$225

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

6. Repairs to Service Drains -- All Structures

Each repair....\$375

Each pump installation repair (single, duplex, etc.)....\$75

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

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

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before noon (12:00 noon) of the first business day following an emergency.

F. Legal Document Fee.

For each document prepared by the City....\$50

G. Inspection Fee.

For the purpose of this section inspection time in excess of the base fee will be charged per hour at \$150 or the current hourly fee as established by the applicable Department of Planning and Development Director's Rule.

In all cases of disputes regarding fees, permits or other matters relating to this chapter, the decision of the Director of Seattle Public Utilities shall be final and conclusive.

(Ord. 121666 § 1, 2004; Ord. 118396 § 118, 1996; Ord. 117432 § 9, 1994; Ord. 116421 § 1, 1992.)

**21.24.030 Special connection charge--Imposed.**

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

B. The special connection charge shall be paid in cash or under installment contract with interest thereon at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year connection is made with the City sewer, computed annually on unpaid balances. Such contract shall provide for a down payment of five percent (5%) of the total connection charge, payable upon execution of such contract and for payment of the balance in forty (40) quarterly installments payable on each January 1st, April 1st, July 1st and October 1st. Such installment contract shall provide that any unpaid balance may be paid in full in any year at the time the first quarterly payment of such year is due and payable, shall describe the property served by the sewer, shall be acknowledged by the property owner and shall be recorded by the Director of Seattle Public Utilities in the office of the King County Records and Elections Division at the expense of the property owner. Delinquent payments under such installment contract shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280; and as an additional and concurrent method of enforcing the lien, the water service to such property may be cut off in accordance with RCW 35.67.290 until the delinquent installments are paid. Upon full payment of the contract, the Director of Seattle Public Utilities on behalf of the City shall execute and deliver to the property owner a release of such lien.

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

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

**21.24.040 Special connection charge--Computation.**

A. The special connection charge imposed by Section 21.24.030 shall be paid into the Drainage and

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Wastewater Fund and, in order that property owners bear their equitable share of the cost of the sewer system, shall be computed as follows:

1. For Lateral Sewers. The number of units of property frontage to be served by the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining "assessable units of frontage" or by such other method or combination of methods of computing assessments which may be deemed to more fairly reflect the special benefits to the property being assessed as authorized by RCW 35.44.047, shall be multiplied by the average local improvement assessment per unit of frontage for lateral sewers in Seattle for the year in which the sewer to which the property is to be connected was constructed and accepted as completed, provided that, for all sewers that are connected more than one (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection until the connection is made, but excluding both the year of completion of construction and the year connection is made; except that for connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10) years.
2. For Trunk Sewers. The number of square feet of property area to be served by the sewer shall be multiplied by the average local improvement assessment per square foot for trunk sewers in Seattle for the year in which the trunk sewer to which the lateral sewers serving the property are connected was constructed and accepted, provided that, for all sewers that are connected more than one (1) year after the City sewer was constructed, interest shall be added thereto at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection until the connection is made, but excluding both the year of completion of construction and the year connection is made, except that, for connection to sewers constructed prior to 1953, interest shall be added thereto at the one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, for the year 1953. Interest charged pursuant to this paragraph shall not exceed ten percent (10%) per year and shall not exceed ten (10) years.

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

C. The Director shall file with the City Clerk in C.F. 253991 the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin, or otherwise available from the Federal Reserve Bank for each calendar year commencing with 1953. Such information shall be delivered to the City Clerk not later than April 1st for each preceding year.

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

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

F. For connection to side sewers constructed by the City, the property owner for whose benefit connection is made shall pay the cost of the side sewer. The cost shall be computed as follows: The actual cost to the City of the side sewer, plus fifteen (15) percent for City design and administrative costs, plus interest at a rate commensurate with the annual one (1) year rate for U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, for the year the City sewer was or is completed and available for connection and applied until the connection is made, but excluding both the year of completion of construction and the year connection is made. (Ord. 118396 § 120, 1996: Ord. 114158 § 2, 1988: Ord. 111793 § 1, 1984: Ord. 111443 § 1, 1983: Ord. 110212 § 1, 1981: Ord. 106546 § 1, 1977: Ord. 99444 § 2, 1970: Ord. 94880 § 1, 1966: Ord. 94213 § 2, 1965: Ord. 93836 § 1, 1965: Ord. 90233 § 2, 1961: Ord. 89902 § 1(part), 1960: Ord. 82583 § 2-B, 1953.)

**21.24.050 Special connection charge--Credit to Local Improvement District Fund.**

If property for which a special connection charge has been paid is subsequently included in a local improvement district for the construction of a sewer of similar nature, the amount so paid shall be credited to the assessment against such property and such amount shall be paid from the Sewer Fund to such Local Improvement District Fund. (Ord. 90233 § 3, 1961: Ord. 82583 § 2-D, 1953.)

**21.24.070 Fee payment.**

The fee shall be paid to the City Director of Executive Administration before the permit is issued and the amount of the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in the office of the City Director of Seattle Public Utilities. (Ord. 120794 § 277, 2002: Ord. 118396 § 121, 1996: Ord. 116368 § 283, 1992: Ord. 91436 § 3, 1962: Ord. 82583 § 4, 1953.)

**21.24.080 Violation of Sections 21.24.010 through 21.24.070.**

Any violation of or failure to comply with the provisions of Sections 21.24.010 through 21.24.070 shall be punishable by a fine not exceeding Three Hundred Dollars (\$300) or by imprisonment for a period not exceeding ninety (90) days, or both.  
(Ord. 82583 § 7, 1953.)

**21.24.090 Refund of sewer permit fees.**

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

(Ord. 120794 § 278, 2002: Ord. 120114 § 43, 2000: Ord. 118396 § 122, 1996: Ord. 116368 § 284, 1992: Ord. 84704 § 1, 1955.)

**21.24.100 Refund of special sewer connection charge.**

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

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

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

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

**Chapter 21.28**

**WASTEWATER RATES AND CHARGES**

**Sections:**

**21.28.005 Definitions.**

**21.28.010 Sewerage system a public utility.**

**21.28.020 Administration of utility.**

**21.28.030 Rates and charges--Purpose.**

**21.28.040 Wastewater volume charge.**

**21.28.080 Calculation of residential wastewater volume charge.**

**21.28.090 Calculation of commercial wastewater volume charge.**

**21.28.100 Adjustments to wastewater volume charge.**

**21.28.200 Wastes which would damage or overburden system.**

**21.28.220 High Strength Industrial Wastewater (HSIW) charges.**

**21.28.250 Wastewater charges--When payable.**

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the Office of the City Clerk

- 21.28.260 Billing and collection of wastewater charges.  
21.28.270 Contracting with other sewer districts.  
21.28.280 Drainage and Wastewater Fund.  
21.28.290 Review of rates and charges.  
21.28.350 Refunds of wastewater charges.  
21.28.400 Severability.

### 21.28.005 Definitions.

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

- A. "Average winter water consumption" means the average of measured water used during a consecutive four month period, after October 31st and before May 1st, with the consumption measured entirely within that period.
- B. "CCF" means one hundred (100) cubic feet, equivalent to seven hundred forty-eight (748) gallons.
- C. "Commercial" means customers with two (2) or more residential dwelling units, or municipal, institutional, commercial, or industrial properties.
- D. "Customer" means an owner or operator of a property receiving wastewater charges from the Seattle Public Utilities on a Combined Utility Billing Statement (CUBS) or by direct invoice.
- E. "Drainage and Wastewater Fund" means the special fund to be used for the operation of the drainage and wastewater functions of the Seattle Public Utilities, which fund was renamed in Ordinance 116455 from the Sewer Fund, which had been established under Ordinance 84390.
- F. "Duplex" means a two (2) unit residential dwelling with one (1) water meter.
- G. "High strength industrial waste or HSIW" means a surcharge determined by King County on high strength wastes generated by industries, primarily food, beverage and laundry industries, and is computed on the basis of biochemical oxygen demand.
- H. "Irrigation" means water used exclusively for watering lawns and gardens.
- I. "Metered water consumption" means water measured through public utility meters or meters owned and installed by the customer and approved by the Director of Seattle Public Utilities.
- J. "Seasonal customers" means residential customers who leave their Seattle homes vacant during a significant portion of the four (4) month period used to calculate the average winter water consumption.
- K. "Sewage" means refuse liquids or waste matter carried off by sewers.
- L. "Sewer" means an artificial conduit to carry off sewage and sometimes surface water (as from rainfall).
- M. "Sewerage" means the removal and disposal of sewage and surface water by sewers, or a system

of sewers.

N. "Single-family residence" means an individual dwelling unit with no commercial use and one (1) water meter.

O. "Submeter" means a meter installed down the line from a main water meter, measuring a portion of the total amount of water delivered through the main meter.

P. "Wastewater" means refuse liquids or waste matter carried off by sewers; a synonym for sewage.

Q. "Wastewater volume charge" means the dollar charge equal to the wastewater volume rate multiplied by the measured volume of water from all sources consumed on the premises plus any applicable franchise fees, in accordance with this chapter.

R. "Wastewater volume rate" means the dollar charge per CCF of wastewater measured in accordance with this chapter.

(Ord. 121327 § 1, 2003; Ord. 118396 § 124, 1996; Ord. 118176 § 3 (part), 1996.)

#### **21.28.010 Sewerage system a public utility.**

It is necessary for the public health, safety and welfare that the existing sewerage system of the City, in conjunction with the storm and surface water sewers, together with such extensions, additions and improvements thereto as may from time to time be authorized, continue to be maintained, conducted and operated as a public utility of the City within the Seattle Public Utilities. The Seattle Public Utilities shall have jurisdiction over those properties, interests, and physical and intangible rights of every kind and nature owned or held by the City within its boundaries which comprise or relate to storm and surface water sewers, including all facilities constructed and to be constructed with moneys from the Drainage and Wastewater Fund, formerly the Sewer Improvement Fund, but excepting such properties, interests and rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center Department, the City Light Department and the Department of Fleets and Facilities. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

(Ord. 120794 § 279, 2002; Ord. 118396 § 125, 1996; Ord. 118176 § 2(part), 1996; Ord. 84390 § 1, 1955.)

#### **21.28.020 Administration of utility.**

The Director of Seattle Public Utilities, through the Seattle Public Utilities, shall operate and administer drainage and wastewater functions and enforce this chapter and there shall be kept a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Director of Executive Administration, as required by law.

(Ord. 120794 § 280, 2002; Ord. 118396 § 126, 1996; Ord. 118176 § 2(part), 1996; Ord. 117242 § 23, 1994; Ord. 84390 § 2, 1955.)

#### **21.28.030 Rates and charges--Purpose.**

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The public health, safety, and welfare require that the City fix and collect wastewater rates and charges measured by water consumption and impose the same upon premises in the City for the carrying and discharge of all wastewater and drainage into the municipal sewerage system of the City as presently maintained and operated, together with additions and improvements thereto and extensions thereof, and for the payment of charges of King County Department of Natural Resources (herein called "King County" and formerly Municipality of Metropolitan Seattle ("Metro")) and of Southwest Suburban Sewer District (herein called "Southwest Suburban") for wastewater interception, treatment, and disposal, which sewerage utility rates and charges are fixed in the Seattle Municipal Code; provided that the local improvement district method of providing for the construction of sewers and trunk sewers to serve abutting property shall be continued in the manner provided by law.

(Ord. 118176 § 2(part), 1996; Ord. 111425 § 1, 1983; Ord. 110201 § 1, 1981; Ord. 99454 § 1, 1970; Ord. 91208 § 1, 1962; Ord. 84390 § 3, 1955.)

#### **21.28.040 Wastewater volume charge.**

A. There is hereby imposed upon all premises for which Seattle Public Utilities provides wastewater services and on which water is consumed a wastewater volume charge for wastewater services. The wastewater volume charge shall be calculated in accordance with this SMC Chapter 21.28 and shall be based on the measured volume of water from all sources consumed on the premises, except that there shall be a minimum wastewater volume charge for one (1) CCF per month to cover billing and general administrative costs. The following premises shall be exempt from the wastewater volume charge:

1. Premises which are not connected and not required under SMC Section 21.16.040 (Section 3 of Ordinance 97016) to be connected to the public sewer system;
2. Premises, the owner, agent, lessee, or occupant of which has not been notified in accordance with SMC Section 21.16.040 (Section 4 of Ordinance 97016) to connect to the public sewer system.

B. The wastewater volume rate shall be the sum of the treatment rate, system rate and MMRD surcharge, as follows:

1. Treatment rate: The "treatment rate" shall be the rate required to pay the cost of wastewater treatment, interception and disposal services provided by King County ("treatment cost"). Effective January 1, 2004, the treatment rate shall be \$4.22 per CCF. Effective January 1, 2005, the treatment rate shall be \$4.72 per CCF. For rates effective January 1, 2007 and thereafter, Seattle Public Utilities shall calculate annually a new treatment rate. The new treatment rate shall be the amount obtained when (a) the projected treatment cost is divided by the projected billed wastewater consumption, each for the next calendar year and each as specified in the most recent ordinance passed by City Council for the purpose of calculating the new treatment rate, and (b) the result is multiplied by one hundred and sixteen and one-half percent (116.5%) to cover the costs of taxes and low income rate assistance. The projected treatment cost shall be the treatment cost anticipated for the upcoming calendar year, which projected treatment cost may include an adjustment to reflect the difference, whether positive or negative, between the total treatment cost expected to be paid by Seattle Public Utilities in the current year and the total wastewater volume charge revenues attributable to the treatment rate expected for the current year. Each new

treatment rate calculated in accordance with this Subsection B.1 shall be effective on each January 1, commencing January 1, 2007, unless otherwise directed by City Council in the most recent treatment rate ordinance.

2. System rate: The "system rate" shall be the rate required to pay the cost of carrying and discharging all wastewater and stormwater into the City sewerage system, as presently maintained and operated and as may be added to, improved and extended. The system rate shall be in accordance with the following schedule:

Effective Date	Rate per CCF
January 1, 2004	\$1.68
January 1, 2005	\$1.86
January 1, 2006	\$2.04

3. MMRD Surcharge: Master metered premises within an eligible project (as defined in Seattle Municipal Code Section 21.04.280) that have received funding from Seattle Public Utilities for sewer improvements under Seattle Municipal Code Section 21.16.270 B shall pay a volume rate for sewer improvements of \$3.34 per CCF.

C. For so long as any franchise fee is imposed by the City of Shoreline on The City of Seattle's operation of its sewer system in the City of Shoreline, the wastewater volume charge imposed on premises within the City of Shoreline shall include a City of Shoreline franchise charge of Two Dollars and Thirty-one Cents (\$2.31) per month.

(Ord. 122020 § 1, 2006; Ord. 121675 § 1, 2004; Ord. 121327 § 2, 2003; Ord. 120970 § 1, 2002; Ord. 120615 § 1, 2001; Ord. 120176 § 1, 2000; Ord. 119768 § 1, 1999; Ord. 119268 § 2, 1998; Ord. 118396 § 127, 1996; Ord. 118380 § 2, 1996; Ord. 118176 § 2(part), 1996; Ord. 111425 § 2, 1983; Ord. 110201 § 2, 1981; Ord. 109504 § 1, 1981; Ord. 108639 § 1, 1979; Ord. 106896 § 1, 1977; Ord. 106158 § 1, 1977; Ord. 104184 § 1(part), 1975; Ord. 104060 § 1, 1974; Ord. 99788 § 1, 1971; Ord. 99454 § 2, 1970; Ord. 92113 § 1, 1963; Ord. 91208 § 2, 1962; Ord. 84390 § 4, 1955.)

1. Editor's Note: Ordinance 120176, amending SMC Section 21.28.040 B1 says "The wastewater rate shall be Eight Dollars (\$7.91)" but \$7.91 is the rate intended by the Department and is the rate more favorable to the ratepayers.

**21.28.080 Calculation of residential wastewater volume charge.**

A. It is the intent of this section to calculate residential wastewater charges based on water that should enter the sewerage system, and not on water used exclusively for irrigation or sprinkling. Wastewater charges for single-family and duplex residences shall be calculated in the following manner: For the six (6) months from November 1st through April 30th, the wastewater charge shall be based on metered water consumption. For the six (6) months from May 1st through October 31st, the wastewater charge shall be based on average winter water consumption or metered water consumption, whichever is less. Average winter water consumption shall be calculated using the first four (4) month billing period that falls between November 1st and April 30th. The following is an example of residential billing:

Billing Period	Water Use (CCF)	Wastewater Use (CCF)
Nov.--Dec.	13	13
Jan.--Feb.	14	14
March--April	15	15
May--June	18	14

July--Aug.	22	14
Sept.--Oct.	16	14

B. The Director of Seattle Public Utilities may use an assumed volume of five and two-tenths (5.2) CCF per household, or prior water consumption records if those records are more representative of expected usage, to calculate residential wastewater charges under the following circumstances:

1. When the water meter has been determined to be malfunctioning;
2. When customers have insufficient water consumption history to calculate average winter water consumption;
3. When water use in the period used to calculate average winter water consumption is not representative of expected water use, such as rental property that is vacant between tenants or in the case of seasonal customers; and
4. When customers are not served by a publicly owned water supply system.

(Ord. 121665 § 1, 2004; Ord. 118396 § 128, 1996; Ord. 118176 § 2(part), 1996; Ord. 116393 § 2, 1992; Ord. 115955 § 1, 1991; Ord. 115424 § 1, 1990; Ord. 111425 § 3, 1983; Ord. 110201 § 6, 1981; Ord. 109517 § 1, 1980; Ord. 109091 § 2, 1980; Ord. 104685 § 1, 1975; Ord. 104348 § 1, 1975; Ord. 99454 § 5, 1970; Ord. 92909 § 1, 1964; Ord. 92113 § 4, 1963; Ord. 84390 § 4.3, 1955.)

#### **21.28.090 Calculation of commercial wastewater volume charge.**

A. It is the intent of this section to charge commercial customers for water that should enter the sewer system. Wastewater charges shall be based on the metered water delivered to the premises except as noted below:

1. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water to ships shall not be subject to any wastewater charge or rate.
2. Where the use of water is such that a portion of all water used is lost by evaporation, irrigation, sprinkling or other cause, or is used in manufactured goods and commodities, customers may install, at their own expense, submeters approved by the Director of Seattle Public Utilities to enable measurement of the amount of water so used or lost. These submeters must measure in CCF, must be calibrated on a regular basis, and must be easily accessible for meter reading. If the submeter is unable to be read or if the reading is unreliable, an estimate can be used, but the Seattle Public Utilities must get at least one (1) accurate meter reading per year. It will be the responsibility of the Seattle Public Utilities or its designee to inspect and approve the installation of a new submeter.

Where it is impractical to install a meter as described above, customers may apply to the Director of Seattle Public Utilities for an evaporation allowance or an irrigation allowance, provided that customers provide proof of the amount of water so used or lost. Evaporation loss allowances of eleven (11) percent for industrial laundries and three (3) percent for laundromats are established. Irrigation allowances shall apply from June 1st through September 30th and will be calculated based on the

residential methodology in Section 21.28.080.

B. Direct discharge of wastewater or industrial waste to salt or fresh water or to points other than the City sewer system shall not be cause for adjustment or reduction of the wastewater charge or rate. (Ord. 118396 § 129, 1996: Ord. 118176 § 3(part), 1996.)

#### **21.28.100 Adjustments to wastewater volume charge.**

A. Upon receipt of satisfactory evidence of hidden or underground water leakage, the Director of Seattle Public Utilities shall adjust the wastewater volume charge to the premises for water so lost and shall not use the period during which such leakage occurs in computing the average winter consumption when to do so would result in a higher wastewater charge to such premises, provided that no such adjustment shall be made for leakage occurring more than four (4) months prior to the date of application therefor.

B. Where wastewater service is provided to premises outside the City limits, the wastewater charge shall be computed on the same basis as premises located inside the City, except that a sum equal to thirty (30) percent of the waste-water charge shall be added, with the exception of sewer districts, or portions thereof, outside the City limits which are now or may hereafter be covered by special agreements.

C. Where wastewater service is provided to qualified low-income customers as defined in Section 21.76.030 B of the Seattle Municipal Code, wastewater charges shall be partially offset in accordance with that chapter. (Ord. 118396 § 130, 1996: Ord. 118176 § 3(part), 1996.)

#### **21.28.200 Wastes which would damage or overburden system.**

A. In cases where the character of wastewater or industrial wastes from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system, or cannot be treated satisfactorily, the Director of Seattle Public Utilities shall require such users to dispose of such waste and prevent it from entering the system.

B. In cases where the character of the industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewerage system greater than that imposed by the average wastewater entering the system, the Director of Seattle Public Utilities may by rule, require such manufacturing or industrial plant, building or premises, to pretreat such wastewater by means satisfactory to the Director of Seattle Public Utilities before discharging such wastewater into the sewerage system of the City.

C. If such pretreatment is not accomplished, the Director of Seattle Public Utilities shall recommend to the Council the levying of a surcharge which shall be in addition to the regular charge. The Council thereupon, by ordinance, may fix the amount of the surcharge. (Ord. 118396 § 131, 1996: Ord. 118176 § 2(part), 1996: Ord. 110201 § 8, 1981: Ord. 92113 § 5, 1963: Ord. 91208 § 3, 1962: Ord. 84390 § 5, 1955.)

#### **21.28.220 High Strength Industrial Wastewater (HSIW) charges.**

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A. The Director of Seattle Public Utilities is assigned the responsibility for billing and collecting for and on behalf of King County, King County's High Strength Industrial Waste (HSIW) charges upon industrial users within the City's jurisdiction who deposit high strength industrial wastes in the King County sewerage system, said charges to be determined by King County pursuant to Metro Resolution 2557 provided, however, that the Director of Seattle Public Utilities shall not bill such charges to users until the amounts thereof have been certified to him or her by King County.

B. The Director of Seattle Public Utilities shall provide King County each quarter with a listing of the water consumption by or metered flow to each HSIW industry served by the City.

C. In addition to the High Strength Industrial Waste charges as computed and certified to him or her by King County, the Director of Seattle Public Utilities shall add thereto in each instance a sum equal to the City and state taxes against such charges, if any, and a sum equal to the user's proportional share of the administration, billing and collection costs as determined by the Director of Seattle Public Utilities, and in connection with such billing the Director of Seattle Public Utilities may include on the same statement but as a separate item the High Strength Industrial Waste charges to be collected by the City for and on behalf of King County.

(Ord. 118396 § 132, 1996: Ord. 118176 § 2(part), 1996: Ord. 110201 § 10, 1981: Ord. 106162 § 2(part), 1977: Ord. 84390 § 5.2, 1955.)

#### **21.28.250 Wastewater charges--When payable.**

The wastewater charge provided in this chapter shall be payable at the office of the City Director of Executive Administration at the same time as the water bill for the premises is payable; and payment for water shall not be accepted unless payment of the wastewater charge is made at the same time.

(Ord. 120794 § 281, 2002: Ord. 118176 § 2(part), 1996: Ord. 116368 § 285, 1992: Ord. 84390 § 6, 1955.)

#### **21.28.260 Billing and collection of wastewater charges.**

The rates and charges set out in this chapter shall be effective and shall be computed and billed monthly or bimonthly by the Director of Seattle Public Utilities, as a separate charge on the water bill, or through a direct invoice, and shall become due and payable to the City Director of Executive Administration as stated in such billing; and any wastewater rate or charge which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. Wastewater charges or any part thereof which become delinquent shall bear interest as authorized by RCW 35.67.200, at the rate of eight (8) percent per year, or such rate as may hereafter be authorized by state law, computed on a monthly basis. Interest shall be added to all wastewater charges that remain unpaid thirty (30) days or more from their billing date and shall continue until such charges are paid. As authorized, RCW 35.67.200 shall have the effect and the City shall have a lien for all delinquent and unpaid wastewater charges, including interest thereon, against any parcel for which the wastewater charges are delinquent. The lien shall have superiority as established by RCW 35.67.200 and shall be foreclosed or otherwise enforced in the manner provided in RCW 35.67.210 through RCW 35.67.290. In the case of actions to collect delinquencies, the City shall seek also to collect reimbursement of reasonable costs of collection including but not limited to attorney's fees, staff time, and filing fees. As an additional and concurrent method of the collection of any such wastewater rate or charge, the Director of Seattle Public Utilities shall have the authority to cut off the water service or supply from the premises to which such rate or charge for wastewater has attached until such rates and charges are paid.

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Seattle Municipal Code  
December 2023 code update file  
Text provided for historic reference only.  
(Ord. 120794 § 282, 2002: Ord. 119268 § 3, 1998: Ord. 118396 § 133, 1996: Ord. 118176 § 2(part), 1996: Ord. 116368 § 286, 1992: Ord. 111817 § 1, 1984: Ord. 84390 § 7, 1955.)

**21.28.270 Contracting with other sewer districts.**

Whenever and to the extent that the municipal sewerage system of the City is adequate therefor, the City may contract with any sewer district, or with any other municipal corporation, for the discharge into the sewerage system of the City of the wastewater or drainage of any such sewer district or other municipal corporation upon such terms and conditions and for such periods of time as may be provided by ordinance. (Ord. 118176 § 2(part), 1996: Ord. 84390 § 8, 1955.)

**21.28.280 Drainage and Wastewater Fund.**

There exists a special fund of the City known as the "Drainage and Wastewater Fund." Any and all revenues received for the use of sewers and for wastewater service as set forth in this chapter, or in connection therewith, shall be credited to the Drainage and Wastewater Fund, and all expenses for the operation and maintenance of the existing sewerage system of the City, for the servicing of bonds of the Drainage and Wastewater Utility and the Sewerage Utility, as the utility was named prior to adoption of Ordinance 116455, and as these utilities were named prior to the creation of the Seattle Public Utilities, and for the cost of operation and maintenance of the sewerage plant and system of the City, as newly constructed or added to, and for maintenance of the utility in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance. Such expenses shall include the cost of billing and collection by the Seattle Public Utilities and all other interdepartmental charges for services related to wastewater functions rendered by other departments for the Seattle Public Utilities, and payments to King County and Southwest Suburban for wastewater interception, treatment and disposal. (Ord. 118396 § 134, 1996: Ord. 118176 § 2(part), 1996: Ord. 91208 § 4, 1962: Ord. 84390 § 9, 1955.)

**21.28.290 Review of rates and charges.**

The rates and charges for wastewater fixed by this chapter shall be reviewed periodically with a view to possible adjustments consistent with the operation and maintenance of the wastewater utility system in sound financial condition, including the utility's ability to pay wastewater treatment expenses charged by King County. (Ord. 118176 § 2(part), 1996: Ord. 91208 § 5, 1962: Ord. 84390 § 11, 1955.)

**21.28.350 Refunds of wastewater charges.**

The Director of Seattle Public Utilities is authorized to make refunds where any amount paid for wastewater services is found to be erroneous, or where adjustments have been made by him or her as authorized by this chapter, and the City Director of Executive Administration is authorized to draw and to pay the necessary warrants on the Drainage and Wastewater Fund upon certification by the Director of Seattle Public Utilities that the refund is authorized. If the applicable fund is solvent at the time payment is ordered, the Director may elect to make payment by check. (Ord. 120794 § 283, 2002: Ord. 120114 § 44, 2000: Ord. 118396 § 135, 1996: Ord. 118176 § 2(part), 1996: Ord. 116368 § 287, 1992: Ord. 85417 § 1, 1956.)

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## **21.28.400 Severability.**

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this chapter shall not affect the validity of the remaining portions thereof. If its application to any person, industry or circumstance is held invalid, the remainder of said sections or the application of the provision to other persons, industries or circumstances shall not be affected. (Ord. 118176 § 3(part), 1996.)

## **Chapter 21.32**

### **PRIVATE SEWAGE DISPOSAL SYSTEMS**

Sections:

**21.32.010 Definitions.**

**21.32.020 Enforcement.**

**21.32.030 Retroactivity.**

**21.32.040 Designers certificate.**

**21.32.050 Installers certificate.**

**21.32.060 Permits.**

**21.32.070 Required connection to private sewage disposal system.**

**21.32.080 Location.**

**21.32.090 Design.**

**21.32.100 Installation and alteration.**

**21.32.110 Inspection.**

**21.32.120 Approval by Director of Public Health.**

**21.32.130 Maintenance.**

**21.32.140 Violation--Penalty.**

Severability: Should any part of this chapter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder.

(Ord. 90181 § 7.08.150, 1961.)

### **21.32.010 Definitions.**

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, shall mean as follows:

- A. "Approved" means approved in writing by the Director of Public Health.
- B. "Sanitary drainage system" means the piping which conveys sewage from plumbing fixtures to a public sewer or private sewage disposal system.
- C. "Sewage" means any liquid or liquid-borne waste from the ordinary living processes, or liquid or liquid-borne waste which contains animal or vegetable matter in suspension or solution, or liquid or liquid-borne waste which may contain chemicals in solution, and which may be lawfully discharged into a public sanitary sewer.
- D. "Sewage disposal system" means sanitary drainage systems, septic tanks, leaching pits, surface and subsurface leaching filter beds, and appurtenances, or other approved facilities for the disposal of sewage by means other than through a public sewer.  
(Ord. 90181 § 7.08.010, 1961.)

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**21.32.020 Enforcement.**

The Director of Public Health shall enforce this chapter; he may adopt rules and regulations consistent with this chapter, and he may enter any building or premises at any reasonable time to perform any of the duties imposed on him by this chapter.  
(Ord. 90181 § 7.08.020, 1961.)

**21.32.030 Retroactivity.**

This chapter shall not apply to any work on a sewage disposal system for which a permit had been issued by the Director of Public Health, and which permit was valid and existing at the time of adoption of the ordinance codified in this chapter<sup>1</sup> but any such work shall be subject to applicable ordinances existing at the time such permit was issued.  
(Ord. 90181 § 7.08.030, 1961.)

1. Editor's Note: Ord. 90181 was passed by the City Council on April 17, 1961.

**21.32.040 Designers certificate.**

- A. It is unlawful to engage in business as a sewage disposal system designer without a sewage disposal system designers certificate of competency, as provided for in this chapter, or a state civil or sanitary engineer's license.
- B. The fee for a sewage disposal system designers certificate of competency shall be Three Dollars (\$3) per year.
- C. Application for a sewage disposal system designers certificate of competency shall be made to the Director of Public Health, who may examine the applicant, and may deny the application if in his judgment the applicant is not qualified to design sewage disposal systems.
- D. The Director of Public Health may suspend or revoke any sewage disposal system designers certificate of competency if, after hearing, he shall find incompetence, negligence, misrepresentation, or failure to comply with this chapter or the rules and regulations of the Director of Public Health adopted pursuant to this chapter.
- E. Sewage disposal system designers certificates of competency shall expire December 31st of each year.  
(Ord. 90181 § 7.08.040, 1961.)

**21.32.050 Installers certificate.**

- A. It is unlawful to engage in business as a sewage disposal system installer without a sewage disposal system installers certificate of competency.
- B. The fee for a sewage disposal system installers certificate of competency shall be Ten Dollars (\$10) per year.

C. Application for a sewage disposal system installers certificate of competency shall be made to the Director of Public Health, who may examine the applicant, and may deny the application if in his judgment the applicant is not qualified to install sewage disposal systems.

D. The Director of Public Health may suspend or revoke any sewage disposal system installers certificate of competency if, after hearing, he shall find incompetence, negligence, misrepresentation, or failure to comply with this chapter or the rules and regulations of the Director of Public Health adopted pursuant to this chapter.

E. Sewage disposal system installers certificates of competency shall expire December 31st of each year.  
(Ord. 90181 § 7.08.050, 1961.)

### **21.32.060 Permits.**

A. Required. It is unlawful to construct, install or alter a sewage disposal system without a sewage disposal system permit. Such permit shall be posted on the building or premises where the work permitted is being done, and, unless revoked, shall not be removed until such work has been finally approved by the Director of Public Health.

B. Fee. The fee for a sewage disposal system permit shall be Thirty-five Dollars (\$35) for such system serving a single-family residence, or Fifty Dollars (\$50) for any other such system.

C. Application. Application for a sewage disposal system permit shall be made to the Director of Public Health, who may deny the application if in his judgment the physical features of property on which it is proposed to locate the sewage disposal system, or the design of the proposed sewage disposal system, are not adequate for safe operation of such system.

D. Information Required. Application for a sewage disposal system permit shall be supported by the following:

1. A completely dimensioned plot plan, drawn to scale, showing direction of surface drainage, approximate slope, and other topographical features relevant to the design and installation of an adequate and efficient sewage disposal system;
2. Construction plans and specifications;
3. A log of soil formation and ground water level, as determined by test holes in the proposed disposal field;
4. A statement of absorption characteristics of the soil as determined by percolation tests made in the proposed disposal field;
5. Such other information as the Director of Public Health may require.

E. Expiration. Sewage disposal system permits shall expire one (1) year from date of issue.

(Ord. 105999 § 1, 1976; Ord. 90181 § 7.08.060, 1961.)

**21.32.070 Required connection to private sewage disposal system.**

Every plumbing fixture and every sanitary drainage system not connected to a public sewer, or not required by law to be connected to a public sewer, shall be connected to a private sewage disposal system. (Ord. 90181 § 7.08.070, 1961.)

**21.32.080 Location.**

Sewage disposal systems shall be located on the same lot as the buildings they are designed to serve, or, if an easement therefor is obtained and recorded, on adjoining property if approved by the Director of Public Health. (Ord. 90181 § 7.08.080, 1961.)

**21.32.090 Design.**

A. Sewage disposal systems shall be designed by a sewage disposal system designer, certificated as provided in this chapter, or a sanitary or civil engineer licensed by the state, except that a resident, or intended resident, owner may personally design a system for his own single-family residence.

B. Design of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter. The type of system shall be determined by location, soil porosity, ground water level and other relevant conditions. (Ord. 90181 § 7.08.090, 1961.)

**21.32.100 Installation and alteration.**

A. Sewage disposal systems shall be constructed, installed or altered by a sewage disposal system installer, certificated as provided in this chapter, except that a resident, or intended resident, owner may personally construct, install or alter a system for his own single-family residence.

B. Construction, installation or alteration of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter. No downspout or footing drain shall be directly or indirectly connected to a sewage disposal system, and sewage disposal systems shall be so constructed and installed that surface water or ground water will not interfere with the operation of such systems. (Ord. 90181 § 7.08.100, 1961.)

**21.32.110 Inspection.**

A. Any work done on a sewage disposal system, and any material used, may be inspected by the Director of Public Health at any reasonable time, and if he shall find that any work done, or material used, is not in accordance with this chapter or with the rules and regulations of the Director of Public Health adopted

pursuant to this chapter he may revoke the permit for the work, or he may notify the owner or installer to make such changes in the work as he shall specify, and if such changes are not made within a reasonable time, the Director of Public Health shall then revoke the permit and it shall be unlawful to use such sewage disposal system.

B. When the work of constructing, installing or altering a sewage disposal system has been otherwise completed, it shall be left open and uncovered, and the owner shall be notified and he shall cause an inspection of such work and such system to be made by a designer.

C. If upon inspection by him following work on a sewage disposal system, a designer shall find that such work or system is not in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, he shall so notify the owner who shall cause such changes in the work as are specified by the designer, and shall then again notify a designer that such work is ready for inspection.

D. When upon inspection by him following work on a sewage disposal system, a designer shall find that such work and system are in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, he shall so certify to the Director of Public Health, and shall submit to the Director of Public Health with such certification, a detailed "as-built" drawing of such system. (Ord. 90181 § 7.08.110, 1961.)

#### **21.32.120 Approval by Director of Public Health.**

A. Within a reasonable time after receipt of certification by a designer that work done on a private sewage disposal system, and such system, are in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, the Director of Public Health shall approve or disapprove thereof.

B. If the Director of Public Health shall disapprove such work or system, he shall so notify the owner, stating his reasons for such disapproval, and it shall then be unlawful to use such system.

C. If the Director of Public Health shall finally approve such work and such system, he shall so notify the owner, and then such work shall be covered, and such system may be used. (Ord. 90181 § 7.08.120, 1961.)

#### **21.32.130 Maintenance.**

Sewage disposal systems shall be maintained in accordance with this chapter and the rules and regulations of the Director of Public Health adopted pursuant to this chapter, and no sewage disposal system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within or adjacent to the City unless the contents of such system have been subjected to approved purification and bactericidal treatment. (Ord. 90181 § 7.08.130, 1961.)

#### **21.32.140 Violation--Penalty.**

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Anyone violating or failing to comply with this chapter, or any lawful rule of the Director of Public Health pursuant thereto, upon conviction thereof, shall be punished by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, and each day that anyone shall continue to violate or fail to comply with this chapter shall be a separate offense.

(Ord. 90181 § 7.08.140, 1961.)

### Chapter 21.33

## STORM DRAINAGE UTILITY RATES AND CHARGES

### Sections:

**21.33.010 Definitions.**

**21.33.020 Charge system established--Charges imposed.**

**21.33.030 Drainage service charges--Schedule--Exemptions.**

**21.33.050 Drainage service charges--Adjustments.**

**21.33.060 Billing included on property tax statements.**

**21.33.070 Billing and collection procedures.**

**21.33.080 Drainage and Wastewater Fund.**

**21.33.090 Revenue disposition and expenditure conditions.**

**21.33.100 Liability disclaimer.**

**21.33.110 Delinquent payments--Enforcement procedures.**

Severability: If any section, clause or provision of this Ordinance is held to be invalid or unenforceable, the remainder of the Ordinance shall continue in full force and effect.

(Ord. 114155 § 13, 1988.)

### **21.33.010 Definitions.**

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

- A. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.
- B. "City" means The City of Seattle.
- C. "Condominiums" or "townhouses" means residential properties or parcels which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.
- D. "Drainage service charge" means the fee imposed by the City upon all parcels of real property, except exempted properties, located within the boundaries of the City.
- E. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.
- F. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage

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areas, hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

G. "Non-single-family residential properties or parcels" means properties or parcels which contain more than two (2) residential dwelling units and institutional, commercial or industrial properties.

H. "Open space" means parcels defined as greenbelts, natural areas, or park zones in the Mayor's Recommended Open Space Policies and identified as such on the Mayor's Recommended Open Space Zoning Map or as subsequently adopted by the City Council.

I. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County Assessor Real Property File or in the King County Assessor maps.

J. "Percent of impervious surface" means the quotient of the total amount of estimated impervious surface located on the parcel divided by the total parcel size. For purposes of rate category determination, the resulting amount shall be rounded to the nearest whole percent.

K. "Property owner of record" shall be the person or persons recorded by the King County Assessor to be the owner(s) of property and to whom property tax statements are directed.

L. "Rate category" means the classification of properties, based upon the estimated percentage of impervious surface on the parcel, for purposes of establishing drainage service charges.

M. "Residence" means a building or structure or portion thereof, designed to be used as a place of abode for human beings and not used for any other purpose. The term "residence" includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a building or structure.

N. "Single-family residential property or parcel" means any property or parcel which contains one (1) or two (2) residential dwelling units.

O. "Submerged" means that portion of a parcel that extends beyond the shoreline as drawn on the King County Assessor's maps.

P. "System" means the entire system of flood protection and stormwater drainage and surface water runoff facilities owned or leased by the City or over which the City has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

Q. "Utility" means Seattle Public Utilities.  
(Ord. 118396 § 136, 1996; Ord. 114155 § 2, 1988.)

### **21.33.020 Charge system established--Charges imposed.**

Effective January 1, 1989, The City of Seattle will impose on all owners of property located within The City of Seattle limits, except those granted exemption as listed in Section 21.33.030 of this chapter, a drainage

service charge. A system and structure of drainage service charges are hereby established in accordance with the following provisions of this chapter.  
(Ord. 114155 § 1, 1988.)

**21.33.030 Drainage service charges--Schedule--Exemptions.**

A. A drainage service charge is imposed on every parcel within the City, and the owner(s) thereof, except for the following exempted property(ies):

1. Houseboats and piers;
2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and the remainder of the parcel shall be billed as all other properties;
3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City; and
5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City.

B. The drainage service charge established herein shall be based upon the contribution of increased surface and storm water runoff from a parcel to the system. Single-family residential parcels are grouped together in one (1) rate category based on an estimated City-wide average contribution of surface and storm water runoff. The amount of contribution for other properties is measured by the estimated percentage of impervious surface area on the parcel and the total area of the parcel.

C. Drainage service charge rate categories shall be as follows:

1. Single-family residential properties shall be assigned to a flat fee rate category. Properties within this rate category will be charged a uniform annual fee.
2. Parcels meeting the definition of open space and having less than or equal to two (2) percent of impervious surface shall be assigned to the open space rate category. The drainage service charge shall be calculated by multiplying the open space rate by the parcel's area (rounded to the nearest one one-hundredth ( 1/100) of an acre).

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3. All other properties shall be assigned to a rate category within which properties are classified according to the estimated percent of impervious surface contained within the parcel. A separate rate shall apply to each classification within the rate category. The drainage service charge shall be calculated by multiplying the rate, as determined by the parcel's classification, by the parcel's area (rounded to the nearest one one-hundredth ( 1/100) of an acre). For condominiums and townhouses, the drainage service charge shall be determined for the entire parcel and then divided evenly among the owners. Land use code, site visits, and other information shall be used to estimate the percentage of impervious area.

D. The rate categories and the corresponding annual drainage service charges are as follows:

	Effective Jan. 1, 2004	Effective Jan. 1, 2005	Effective Jan. 1, 2006
Single-family Residential	\$110.36 per parcel	\$121.64 per parcel	\$136.10 per parcel
Open Space (0--2%)	111.33 per acre	139.88 per acre	173.77 per acre
All Other Properties Classification:			
1. (0--15%)	\$194.54 per acre	243.48 per acre	302.19 per acre
2. (16--35%)	322.60 per acre	404.02 per acre	501.84 per acre
3. (36--65%)	581.47 per acre	730.89 per acre	908.01 per acre
4. (66--85%)	758.95 per acre	953.02 per acre	1,183.79 per acre
5. (86--100%)	944.43 per acre	1,182.89 per acre	1,468.73 per acre

SPU shall provide a 10% reduction in drainage rates for properties containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that are sized to use or infiltrate the amount of rain that falls on the roofs of such buildings during a one year, 24 hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health in order to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage rate reduction only if the system is sized to meet the performance requirement. Qualifying for the drainage rate reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

E. Each bill shall be rounded up to the nearest even number of cents. The minimum annual drainage service charge shall be Five Dollars (\$5) per parcel. (Ord. 121639 § 1, 2004; Ord. 121328 § 1, 2003; Ord. 120969 § 1, 2002; Ord. 120177 § 1, 2000; Ord. 119268 § 1, 1998; Ord. 118803 § 1, 1997; Ord. 118380 § 1, 1996; Ord. 117391 § 2, 1994; Ord. 116393 § 4, 1992; Ord. 115376 § 1, 1990; Ord. 114898 § 2, 1989; Ord. 114782 § 2, 1989; Ord. 114155 § 3, 1988.)

**21.33.050 Drainage service charges--Adjustments.**

A. Any person receiving a drainage service charge may apply in writing to the Utility for a bill adjustment. Filing such a request does not extend the period for payment of the charge. Requests for adjustments on delinquent accounts will not be acted upon until paid in full.

B. A request for a bill adjustment may be based on one (1) or more of the following:

1. The area of the parcel is incorrect;
2. The percent of impervious surface on a non-single-family residential parcel places the parcel in a

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different rate classification than the classification assigned by the Utility;

3. The parcel meets the definition of exempted property;
4. The parcel is wholly or partially outside City of Seattle limits; or
5. The drainage service charge is otherwise erroneous in applying the terms of this chapter.

C. Applications for adjustments may be made to the Utility. The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted. All decisions of the Utility shall be final.

D. Applications for rate adjustment must be filed within one (1) year of the billing date. To receive credit in the current billing year, however, applications for rate adjustment must be made no more than ninety (90) days after the billing date, except for the low-income credit, which shall be administered as defined in Seattle Municipal Code Section 21.76.030. Applications received after ninety (90) days of the billing date shall be effective for subsequent years only.

E. If the Utility grants an adjustment which reduces the charge for the current year, the applicant shall receive an adjusted bill or be refunded the amount overpaid. If the Utility determines that an adjustment should be made which increases the charge due for the current year, the applicant shall receive a supplemental bill that will be due within forty-five (45) days of the date of issue. Applicants for rate adjustments shall be notified in writing of the Utility's decision.

(Ord. 114155 § 5, 1988.)

### **21.33.060 Billing included on property tax statements.**

Billing will be included on property tax statements pursuant to the agreement between The City of Seattle and King County dated June 1, 1988 and as amended thereafter.

(Ord. 114155 § 6, 1988.)

### **21.33.070 Billing and collection procedures.**

A. All parcels subject to a drainage service charge shall be billed annually based upon the rate category and acreage applicable to each such parcel as of November 1st of the year prior to the billing year.

B. The drainage service charge shall be displayed and billed on the annual King County property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property bills are prepared. Properties not subject to property taxes and not otherwise exempted will receive a separate drainage service charge billing statement.

C. If payment is received for a combined property tax and drainage service charge, the payment first shall be applied to the amount then due and payable (including delinquencies, if any) for the annual property tax on the parcel and then any remaining amount to the drainage service charge then due and payable (including delinquencies, if any); however, in the case of payment of a combined bill for property tax, drainage service charge and street utility charge, the provisions of SMC Chapter 21.101 shall apply.

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D. The total amount of the drainage service charge shall be due and payable on or before the thirtieth day of April and shall be delinquent after that date; however, if one-half ( 1/2) of such drainage service charge is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.  
(Ord. 116455 § 7, 1992: Ord. 114155 § 7, 1988.)

#### **21.33.080 Drainage and Wastewater Fund.**

The existing Sewer Fund is hereby renamed the Drainage and Wastewater Fund, and is to be used in the operation of the drainage and wastewater functions of the Seattle Public Utilities. Changing the name of the fund to the Drainage and Wastewater Fund shall not in any way impair any obligations of the City where reference to the "Sewer Fund" may have been made.  
(Ord. 118396 § 137, 1996: Ord. 114155 § 8, 1988.)

#### **21.33.090 Revenue disposition and expenditure conditions.**

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the drainage and wastewater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future drainage and wastewater facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the system.  
(Ord. 114155 § 10, 1988.)

#### **21.33.100 Liability disclaimer.**

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed and maintained by funds made available under this chapter. This chapter does not imply that property liable for the drainage service charge established herein will always be free from stormwater flooding or flood damage. This section does not purport to reduce the need or the necessity for the owner obtaining flood insurance.  
(Ord. 114155 § 12, 1988.)

#### **21.33.110 Delinquent payments--Enforcement procedures.**

A. Drainage service charges or any part thereof which become delinquent shall bear interest as provided in RCW 35.67.200 at the rate of eight (8) percent per year, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid.

B. The City shall have a lien for all delinquent and unpaid drainage service charges, including interest thereon, against any parcel for which the drainage service charges are delinquent as provided by RCW 35.67.200. The lien shall have superiority as established by RCW 35.67.200 and shall be foreclosed in the manner provided in RCW 35.67.210 through RCW 35.67.290. In the case of foreclosure actions to collect delinquencies, the City shall seek also to collect reimbursement of reasonable costs of collection including but

not limited to attorney's fees, staff time, and filing fees.  
(Ord. 114155 § 11, 1988.)

### **Subtitle III.**

### **Solid Waste**

### **Chapter 21.36**

### **SOLID WASTE COLLECTION**

#### **Sections:**

#### **Subchapter I General Provisions**

- 21.36.010 Definitions A--B.
- 21.36.012 Definitions C--E.
- 21.36.014 Definitions F--P.
- 21.36.016 Definitions R--Z.
- 21.36.017 Title, declarations and administrative provisions.
- 21.36.018 Enforcement authority.

#### **Subchapter II Solid Waste Collection**

- 21.36.025 Unlawful disposal.
- 21.36.026 Household hazardous wastes.
- 21.36.027 Small quantity generator hazardous wastes.
- 21.36.028 Asbestos material and asbestos-containing waste material.
- 21.36.029 Tires and special category wastes.
- 21.36.030 Unlawful hauling of City's Waste--Exceptions.
- 21.36.040 Unlawful disposal sites.
- 21.36.042 Solid waste disposal required--Nonresidential.
- 21.36.044 Containers required--Nonresidential.
- 21.36.050 Garbage containers required--Residential.
- 21.36.060 Garbage cans--Maintenance.
- 21.36.070 Garbage containers--Weight.
- 21.36.080 Placement of containers.
- 21.36.082 Commercial recycling required.
- 21.36.083 Residential recycling required.
- 21.36.085 Yardwaste programs.
- 21.36.087 White goods and bulky items.
- 21.36.088 Concrete and asphalt recycling.
- 21.36.090 Paths to garbage storage area.
- 21.36.095 Right to determine disposition of solid waste.
- 21.36.096 Waste screening.

#### **Subchapter III Flow-Control Special Provisions**

- 21.36.112 Designation of receiving facilities.
- 21.36.113 Containers--Billing--Unacceptable waste.
- 21.36.114 Enforcement authority--Inspections.
- 21.36.115 Penalties for noncompliance.
- 21.36.116 Third party action to effect compliance.

#### **Subchapter IV Miscellaneous Provisions**

- 21.36.180 Incineration and energy recovery facilities.
- 21.36.185 Commercial composting facilities.
- 21.36.190 Abandoned landfills.

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Seattle Municipal Code  
December 2006 code update file  
This file is provided for historic reference only.  
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**Subchapter V Litter Control Code**

- 21.36.400 Litter Control Code--Title.
- 21.36.410 Littering.
- 21.36.420 Unlawful dumping of solid waste.
- 21.36.425 Accumulation of solid waste.
- 21.36.430 Unlawful use of City litter receptacles.
- 21.36.440 Unlawful use of solid waste container on private property.
- 21.36.450 Fee on unsecured loads.

**Subchapter VI Penalties and Enforcement**

- 21.36.920 Violation--Penalty.
- 21.36.922 Civil infractions.
- 21.36.924 Each day a separate violation.
- 21.36.965 Identification.
- 21.36.970 Summary abatement.
- 21.36.975 Reimbursement for City expenses.
- 21.36.980 Crediting of reimbursement to Solid Waste Fund.

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

(Ord. 96003 § 12, 1967.)

**Subchapter I**

**General Provisions**

**21.36.010 Definitions A--B.**

1. "Abandoned landfill" means a solid waste landfill disposal site which was completed prior to the requirement to obtain a closure permit.
2. "Alley" means a public or private way which is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties.
3. "A&E Services" means ancillary and elective services associated with collection of commercial solid waste and construction, demolition and land clearing waste.
4. "Apartment hotel" means a building providing accommodations for transient guests in which at least fifty (50) percent of the gross habitable floor area is used by permanent residents.
5. "Apartment house" means a building or portion thereof containing five (5) or more dwelling units.
6. "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite and actinolite-tremolite.
7. "Asbestos material" means any material containing at least one (1) percent asbestos as determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Insulation Samples contained in Appendix A of Subpart F in 40 C.F.R. Part 763, unless it can be demonstrated that the material does not release asbestos fibers when crumbled, pulverized or otherwise disturbed.

8. "Asbestos-containing waste material" means any waste that contains asbestos. This term includes asbestos waste from control devices, contaminated clothing, asbestos waste material, materials used to enclose the work area during an asbestos project, and bags or containers that previously contained asbestos.

9. "Boarding or rooming house" means a building other than a hotel, where meals and room, or rooms only, are provided for compensation for nine (9) or more nontransient persons.

10. "Bulky waste" means cartons, boxes, crates, etc., or other MSW materials set out for disposal as overflow to a customer's regular can, cart or detachable collection service.

11. "Bundle" means one (1) box or carton empty or filled with solid waste, one (1) bag filled with solid waste, or bundle of solid waste, securely bundled so that none of the material blows about and so it is not easily broken apart and which is of such size that the longest dimension does not exceed three (3) feet, the volume does not exceed six (6) cubic feet and the total weight does not exceed sixty (60) pounds, and is in good condition for handling at the time of collection. The box, bag, or carton, if present, must be disposable.

12. "Bundle-of-yardwaste" means "yardwaste" defined in Section 21.36.016 that is placed in a container or securely tied so that none of the material blows away or falls out upon lifting and so that it is not easily broken apart. Its longest dimension may not exceed four (4) feet in length; its diameter may not be over two (2) feet; and its weight may not exceed sixty (60) pounds.  
(Ord. 120250 § 1(part), 2001: Ord. 116419 § 2, 1992: Ord. 114723 § 2, 1989: Ord. 114205 § 1(part), 1988: Ord. 113502 § 2(part), 1987: Ord. 112942 § 1(part), 1986: Ord. 112171 § 1(part), 1985: Ord. 96003 § 1(part), 1967.)

### **21.36.012 Definitions C--E.**

1. "Can" means a watertight, galvanized, sheet metal or plastic container not exceeding thirty-two (32) gallons in capacity, fitted with at least one (1) sturdy handle and a tight cover equipped with a handle, except in the case of sunken cans, such can to be rodent and insect proof and to be kept in a sanitary condition at all times. Alternative containers such as bags, boxes and bundles may be used in place of cans for materials in excess of the customer's primary container. A can or alternate container shall not exceed sixty (60) pounds for each thirty-two (32) gallons of nominal capacity.

2. "Can-unit pickup" means a pickup of a group of cans made of durable corrosion-resistant, nonabsorbent material, watertight, with a close-fitting cover and two handles. Size to exceed twenty (20) gallons, but not to exceed thirty-two (32) gallons or four (4) cubic feet.

3. "Cart" (also at times referred to as "toter" or "wheeled container") means a watertight plastic container, not greater than one-half ( 1/2) cubic yard in capacity and equipped with wheels, handles and a tight-fitting cover. "Wheeled containers" means containers capable of being mechanically unloaded into the contractor's collection vehicles.

4. "City" means The City of Seattle.

5. "City's Waste" means all residential and nonresidential solid waste generated within the City, excluding Unacceptable Waste, Special Waste, and materials destined for recycling, which materials shall contain no more than ten (10) percent non-recyclable material, by volume. City's Waste includes all such waste,

regardless of which private or public entity collects or transports the waste. City's Waste includes all waste remaining after recycling.

6. "Clean wood waste" means and will consist of wood pieces generated as byproducts from manufacturing of wood products, hauling and storing of raw materials, tree limbs greater than four (4) inches in diameter and wood demolition waste (lumber, plywood, etc.) thrown away in the course of remodeling or construction, and waste approved for wood-waste recycling by the Director of the Seattle Public Utilities. It excludes clean yardwaste, treated lumber, wood pieces, or particles containing chemical preservatives, composition roofing, roofing paper, insulation, sheetrock, and glass.

7. "Commercial establishment" means any nonresidential location from which the solid waste is collected by the contractor, and includes the nonresidential portion of mixed use buildings.

8. "Commercial waste" means MSW and CDL collected from commercial establishments within the City.

9. "Compacted material" means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

10. "Compactor disconnect/reconnect cycle" means the service of disconnecting a compactor from a drop box or container prior to taking it to be dumped and then reconnecting the compactor when the drop box or container is returned to the customer's site.

11. "Compostable waste" means any organic waste materials that are source separated for processing or composting, such as yard waste and food waste.

12. "Composting" means the controlled degradation of organic waste yielding a product for use as a soil conditioner.

13. "Construction, Demolition and Landclearing Waste" or "CDL Waste" means waste comprised primarily of the following materials:

- a. Construction waste: waste from building construction such as scraps of wood, concrete, masonry, roofing, siding, structural metal, wire, fiberglass insulation, other building materials, plastics, styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging materials and containers.
- b. Demolition waste: solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or leachate during its decomposition process and asbestos wastes are not considered to be demolition waste.
- c. Landclearing waste: natural vegetation and minerals from clearing and grubbing land for development, such as stumps, brush, blackberry vines, tree branches, tree bark, mud, dirt, sod

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and rocks.

14. "Container" means a bundle, bundle-of-yardwaste, can, cart or detachable container used for collection of garbage, recyclable materials or yardwaste.

15. "Container collection" means collection of commercial or residential waste, recyclable materials or yardwaste from bundles, bundles-of-yardwaste, cans, carts, or detachable containers.

16. "Contaminated soils" means soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions which contain harmful substances but are not designated dangerous wastes. Contaminated soils may include excavated soils surrounding underground storage tanks, vactor wastes (street and sewer cleanings), and soil excavated from property underlying industrial activities.

17. "Contractor" means those contracting with the City to collect and dispose of solid waste as described in this section, or the authorized representative of such contractors.

18. "Dangerous waste" means those solid wastes designated in WAC 173-303-070 through WAC 173-303-103 as dangerous or extremely hazardous waste.

19. "Detachable container" means a watertight, all-metal container, not less than one-half ( 1/2) cubic yard in capacity and equipped with a tight-fitting metal or other City-approved cover. The term shall also apply to containers of other material of similar size when approved by the Director of Seattle Public Utilities. Containers two (2) cubic yards and under shall be equipped with at least three (3) wheels.

20. "Director of Seattle Public Utilities" means the Director of Seattle Public Utilities of The City of Seattle and authorized employees.

21. "Disposal site" means the areas or facilities where any final treatment, utilization, processing or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

22. "Drop box" (also at times referred to as "rolloff" or "lugger" or "dino") means a metal container, of three (3) to forty (40) cubic-yard-capacity, capable of being mechanically loaded onto a collection vehicle for transport to a disposal facility.

23. "Dumpster" means the same as "detachable container."

24. "Dwelling unit" in addition to its ordinary meaning includes a room or suite of rooms used as a residence and which has cooking facilities therein, but does not include house trailers in trailer courts, rooms in hotels or motels, or cells or rooms in jails or government detention centers.

25. "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste. (Ord. 120947 § 1, 2002: Ord. 120250 § 1(part), 2001: Ord. 118396 § 138, 1996: Ord. 116412 § 3, 1992: Ord. 115589 § 1, 1991: Ord. 115231 § 1, 1990: Ord. 114723 § 3, 1989: Ord. 114205 § 1(part), 1988: Ord. 113502 § 2(part), 1987: Ord. 112942 § 1(part), 1986: Ord. 112171 § 1(part), 1985: Ord. 96003 § 1(part), 1967.)

**21.36.014 Definitions F--P.**

1. "Fraternity, sorority or group student house" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, which is regulated by such institution.
2. "Garbage" means all discarded putrescible waste matter, including small dead animals weighing not over fifteen (15) pounds, but not including sewage or sewage sludge or human or animal excrement or yardwaste.
3. "Garbage can" means the same thing as "can." The term shall also apply to containers of similar size and weight when approved by the Director of Seattle Public Utilities.
4. "Garbage container" means either:
  - a. A garbage can; or
  - b. A micro-can, mini-can, or thirty-two (32), sixty (60) to sixty-five (65) gallon cart, or ninety (90) to ninety-six (96) gallon cart supplied by the City or collector and approved by the Director of Seattle Public Utilities for use under the solid waste collection contract.
5. "Hazardous substances" means any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102 or 173-303-103.
6. "Health Officer" means the Director of the Seattle-King County Department of Public Health or his/her designated representative.
7. "Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter 173.303 WAC.
8. "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
9. "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.
10. "Litter" means solid waste such as, but not limited to, disposable packages and containers dropped, discarded or otherwise disposed of upon any property.
11. "Micro-can" means a twelve (12) gallon container that is supplied by the City, made of galvanized metal or plastic, and meets the approval of the Director of Seattle Public Utilities.

12. "Mini-can" means a fifteen (15) to twenty (20) gallon container that is supplied by the contractor, made of galvanized metal or plastic, and meets the approval of the Director of Seattle Public Utilities.

13. "Mixed-use building" means a building with both residential and commercial solid waste with common garbage chute(s), and/or the residential and commercial solid waste generated in such building cannot be readily separated.

14. "MSW" means solid waste excluding special wastes, unacceptable wastes, recyclable materials, compostable wastes and CDL.

15. "Overloaded" means a toter or container whose contents exceed one (1) foot above the top of the toter or container.

16. "Passenger vehicle" means any motor vehicle with a passenger car license plate.

17. "Permanent service" means service provided for a period of more than ninety (90) days.

18. "Person" means any governmental entity, or any public or private corporation, partnership or other form of association, as well as any individual.

19. "Planting strip" means that part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

20. "Primary collection area" means for each contractor that area of the City within which that contractor has been designated the exclusive provider of commercial MSW collection services, except in special cases where individual customers have requested, and been granted by the City, the right to receive such services by the City's other commercial MSW collection contractor.

21. "Private transfer stations" means the transfer station owned and operated by Waste Management of Seattle at 7155 West Marginal Way S.W., the transfer station owned and operated by Rabanco at 3rd Avenue South and Lander Street, and such other transfer stations or facilities that a private entity may operate at present and in the future for handling the City's waste.

22. "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks and planting (parking) strips, squares, triangles, and rights-of-way, whether open to the use of the public or not, and the space above or beneath the surface of the same.

23. "Public transfer stations" means the City's South Transfer Station at 2nd Ave. South and South Kenyon, the North Transfer Station at North 34th Street and Carr Place North, and such other transfer stations that the City may operate in the future for handling the City's waste.

(Ord. 120250 § 1(part), 2001: Ord. 119737 § 1, 1999: Ord. 118396 § 139, 1996: Ord. 116419 § 4, 1992: Ord. 115589 § 2, 1991: Ord. 114723 § 4, 1989: Ord. 114205 § 1(part), 1988: Ord. 113502 § 2(part), 1987: Ord. 112942 § 1(part), 1986: Ord. 112171 § 1(part), 1985: Ord. 96003 § 1(part), 1967.)

#### **21.36.016 Definitions R--Z.**

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1. "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass, that are identified as recyclable material pursuant to The City of Seattle's Comprehensive Solid Waste Plan.

2. "Recycling" or "recycle" means transforming or remanufacturing waste materials into usable or marketable materials for use other than incineration (including incineration for energy recovery) or other methods of disposal.

3. "Refuse" means either garbage or rubbish or both garbage and rubbish, and includes litter, but excludes yardwaste.

4. "Residence" or "residential" means any house, dwelling, multiunit residence, apartment house, trailer court or any building put to residential use. The term does not include mixed use buildings.

5. "Return Trip" means a trip to pick up material that was originally unavailable for collection through no fault of the collector.

6. "Roll-off collection" means the collection of commercial waste by means of a drop box.

7. "Rubbish" means all discarded nonputrescible waste matter excluding yardwaste.

8. "Scavenging" means removal of material at a disposal site or interim solid waste handling site without the approval of the site owner or operator or of the Health Officer.

9. "Secondary collection area" means for each contractor that area of the City within which the City's other commercial MSW collection contractor is the designated primary MSW collection service provider, and in which the contractor may provide such services only to individual customers who have requested, and been granted by the City, the right to receive such services from the contractor.

10. "Service unit" means a "garbage container."

11. "Small quantity generator hazardous waste" means any discarded liquid, solid, contained gas or sludge, including any material, substance, product, commodity or waste used or generated by businesses, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter 173.303 WAC, but which is exempt from regulation as dangerous waste.

12. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, yardwaste, ashes, industrial wastes, infectious wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. This includes all liquid, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to sludge from wastewater treatment plants, seepage from septic tanks, wood waste, dangerous waste, and problem wastes, as well as other materials and substances that may in the future be included in the definition of "solid waste" in RCW 70.95.030. Solid waste does not include recyclable materials (including compostable waste) collected from commercial establishments.

13. "Solid waste container" means a garbage container, detachable container, or any other secure, rigid, watertight container with a tight-fitting lid.

14. "Special category wastes" means wastes whose disposal is limited by certain restrictions and limitations, as identified in Section 21.36.029.

15. "Special Event Service" means services requiring container and/or drop box delivery and pickup at events which serve the general public with a duration of one (1) week or less, and which are not part of a series of events sponsored by the same customer. Examples of qualifying events include Bumbershoot, Folklife and Seafair. Payment for services will include daily rental, time rates, disposal charges as well as applicable taxes.

16. "Special pickup" means a pickup requested by the customer at a time other than the regularly scheduled pickup time, but which does not involve the dispatch of a truck.

17. "Special Waste" means contaminated soils, asbestos and other waste specified by Washington Waste Systems in the Special Waste Management Plan included in the Operations Plan as requiring special handling or disposal procedures.

18. "Street" means a public or private way, other than alleys, used for public travel.

19. "Street side litter collection" means collection of MSW from City-supplied containers located on public right-of-way.

20. "Sunken can" means a garbage can which is in a sunken covered receptacle specifically designed to contain garbage cans and where the top of the garbage can is approximately at the ground level.

21. "Temporary service" means service that is required for a period of ninety (90) days or less in conjunction with containers or drop boxes. Temporary service and its associated rates are not to be used for the first ninety (90) days of service when the customer requests, and the contractor provides, service for more than ninety (90) days.

22. "Toter" means the same as "cart."

23. "Unacceptable Waste" means all waste not authorized for disposal at the Columbia Ridge Landfill and Recycling Center or successor site designated by the City, by those governmental entities having jurisdiction or any waste the disposal of which would constitute a violation of any governmental requirement pertaining to the environment, health or safety. Unacceptable Waste includes any waste that is now or hereafter defined by federal law or by the disposal jurisdiction as radioactive, dangerous, hazardous or extremely hazardous waste and vehicle tires in excess of those permitted to be disposed of by the laws of the disposal jurisdiction.

24. "WUTC" means the Washington Utilities and Transportation Commission of the State of Washington.

25. "Yardwaste" means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood

waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks not over four (4) inches in diameter; and biodegradable waste approved for the yardwaste programs by the Director of the Seattle Public Utilities. It excludes loose soils, food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four (4) inches in diameter; human or animal excrement; and soil contaminated with hazardous substances.

(Ord. 120591 § 1, 2001; Ord. 120250 § 1(part), 2001; Ord. 118396 § 140, 1996; Ord. 116419 § 5, 1992; Ord. 115589 § 3, 1991; Ord. 115231 § 2, 1990; Ord. 114723 § 5, 1989; Ord. 114205 § 1(part), 1988; Ord. 113502 § 2(part), 1987; Ord. 112942 § 1(part), 1986; Ord. 112171 § 1(part), 1985; Ord. 96003 § 1(part), 1967.)

### **21.36.017 Title, declarations, and administrative provisions.**

A. Chapters 21.36 and 21.40 of the Seattle Municipal Code shall be titled the "Solid Waste Code" of the City and may be referred to as such.

B. The Solid Waste Code is declared to be an exercise of the police power of the City to promote the public health, safety and general welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.

C. The Solid Waste Code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. Upon presentation of proper credentials, the enforcing authority or authorized representative of the enforcing authority may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued warrant, enter at reasonable times any building or premises subject to the consent or warrant to enforce the provisions of or perform the duties imposed by the Solid Waste Code.

E. Nothing in the Solid Waste Code is intended to be nor shall be construed to create or form the basis for any liability of the City or any of its officers, employees, or agents for any injury or damages resulting from the failure of any person to comply with the provisions of this Code, or by reason of any inspection, notice, order, or other action or inaction by or of the City or any of its officers, employees or agents in connection with the implementation or enforcement of this Code.  
(Ord. 116419 § 6, 1992.)

### **21.36.018 Enforcement authority.**

A. The Director of Seattle Public Utilities is authorized and directed to supervise and manage the collection and disposal of solid waste under this chapter and to provide, designate, and supervise places for the disposal thereof, and shall with the assistance of the Chief of Police have general charge of supervision over the administration and enforcement of this chapter; provided the Health Officer shall enforce the provisions of Sections 21.36.096 (Waste screening), 21.36.180 (Incineration and energy recovery facilities), and 21.36.185 (Commercial composting facilities). The fire, health, engineering, construction and land use and other appropriate City departments are authorized to assist in enforcing the provisions of this chapter.

B. Upon a determination that in order to promote the public health, safety or welfare and that the successful operation of the system for collection and disposal of solid waste within the City requires such action, the Director of Seattle Public Utilities may direct that anyone, including but not limited to the persons or

organizations exempted from the proscription of Section 21.36.030, must deposit solid waste hauled by them at designated disposal sites or interim solid-waste handling sites. The determination by the Director of Seattle Public Utilities shall set forth the reasons therefor, shall be filed with the City Clerk and mailed on the date of filing to all persons and organizations covered by exemptions A through D and F of Section 21.36.030, and shall be published within three (3) days thereafter in the City official newspaper.

C. The Director of Seattle Public Utilities may request that the Chief of Police commission authorized representatives of the Director as nonuniformed special police officers with powers to enforce the provisions of the Solid Waste Code.

(Ord. 118396 § 141, 1996: Ord. 117441 § 5, 1994: Ord. 116419 § 7, 1992: Ord. 114723 § 19, 1989: Ord. 113502 § 6, 1987: Ord. 107208 § 3, 1978: Ord. 96003 § 10, 1967.)

## **Subchapter II**

### **Solid Waste Collection**

#### **21.36.025 Unlawful disposal.**

A. The following shall not be deposited or discarded into any commercial or residential garbage can, container or receptacle: Dead animals over fifteen (15) pounds; sewage; human or animal excrement (including excrement from disposable diapers), with the exception of animal excrement deposited in a public or residential garbage can, provided the animal excrement is wrapped in a closed, leak-proof bag or container; hot ashes, household hazardous waste, as set forth in Section 21.36.026; small quantity generator hazardous waste; asbestos material; asbestos-containing waste material; tires; dangerous waste; radioactive wastes; and explosives.

B. The following shall not be deposited or discarded at any interim solid waste handling site, except as specifically provided in Sections 21.36.026 through 21.36.029: Dead animals over fifteen (15) pounds; sewage; human or animal excrement (including excrement from disposable diapers); hot ashes; household hazardous waste, as set forth in Section 21.36.026; small quantity generator hazardous waste; asbestos material; asbestos-containing waste material; tires; special category waste; dangerous waste; radioactive wastes; and explosives.

C. Infectious waste shall be disposed according to the provisions of Seattle Municipal Code Chapter 21.43.

D. Operators and/or attendants at disposal sites and/or interim solid waste handling sites shall have the authority to refuse to accept any prohibited or restricted solid waste.  
(Ord. 117760 § 1, 1995: Ord. 114723 § 10, 1989.)

#### **21.36.026 Household hazardous wastes.**

A. It is generally recommended that no household hazardous wastes are disposed in municipal solid waste. Specific household hazardous wastes which are prohibited from disposal as municipal solid waste include nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; corrosive materials; PCB capacitors and

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ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; and liquid paints.

B. The Director of Seattle Public Utilities by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, may prohibit additional substances from disposal or delete substances from the list in subsection A and authorize their disposal.

C. Household hazardous wastes prohibited from disposal as municipal solid waste are also prohibited from disposal in places where disposal of solid waste is prohibited.

D. Household hazardous wastes prohibited from municipal solid waste disposal shall be disposed of at special collection facilities, locations, and/or events designated by the Director of Seattle Public Utilities.

E. When empty, containers for household hazardous products may be disposed of as refuse. (Ord. 118396 § 142, 1996: Ord. 114723 § 11, 1989.)

#### **21.36.027 Small quantity generator hazardous wastes.**

Small quantity generator hazardous waste shall be managed according to the provisions of Chapter 173.303 WAC, except that small quantity generator wastes are prohibited from disposal as municipal solid waste.

(Ord. 114723 § 12, 1989.)

#### **21.36.028 Asbestos material and asbestos-containing waste material.**

Asbestos material shall be handled and disposed pursuant to 40 C.F.R. 61 Subpart M, WAC 173-303, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA) as follows:

A. Removal. Persons removing asbestos material shall provide advance notification to PSAPCA, which enforces regulations concerning removal and disposal. Asbestos-containing waste material must be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos-containing wastes shall be sealed into leak-tight containers or placed in one or more plastic bags with a combined six (6) mils thickness or greater, identified with the proper warning label.

B. Disposal.

1. It shall be unlawful for anyone to deposit, throw, place, discard or deliver, or cause to be deposited, thrown, placed, discarded or delivered any asbestos-containing waste material on any property, public or private, or in any public place; provided asbestos-containing waste material may be delivered to disposal sites or interim solid waste handling sites designated by the Director of Seattle Public Utilities for such purpose.

2. Disposal sites or interim solid waste handling sites which are designated to receive asbestos-containing waste material must be approved by the Seattle-King County Department of Public Health for this purpose.

(Ord. 118396 § 143, 1996: Ord. 114723 § 13, 1989.)

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**21.36.029 Tires and special category wastes.**

A. Tires. The Director of Seattle Public Utilities may authorize collection of tires at City of Seattle transfer stations according to restrictions established by Administrative Rule, in accordance with Seattle Municipal Code Section 3.12.020.

B. Special Category Wastes. The Director of Seattle Public Utilities may define by Administrative Rule, pursuant to Seattle Municipal Code Section 3.12.020, special restrictions and limitations on the disposal of certain types of wastes which cannot be handled safely through the municipal solid waste collection system. Restricted materials may include items over certain sizes or weights, and dust-producing materials.

C. Polystyrene Packaging Pieces. The Director of Seattle Public Utilities may set special restrictions and limitations on the disposal of polystyrene packaging pieces in solid waste to be collected by the City or a contractor making collection for the City. Restrictions may include containment requirements for polystyrene packaging pieces or restrictions on disposal locations for the packaging pieces.  
(Ord. 118396 § 144, 1996: Ord. 116419 § 9, 1992: Ord. 115590 § 1, 1991: Ord. 114723 § 14, 1989.)

**21.36.030 Unlawful hauling of City's Waste--Exceptions.**

It is unlawful for anyone, except the following, to haul City's Waste through the streets in the City:

- A. The University of Washington or its contractor;
- B. Military establishments or their contractors;
- C. The City's solid waste contractors;
- D. Anyone authorized to collect solid waste in the City under RCW Chapter 81.77;
- E. Business concerns, as to City's Waste originating within their own establishments; and

F. The Seattle Housing Authority or its contractor; provided, however, that the exempted persons and organizations may be required to deposit such City's Waste at disposal, processing, or recovery sites provided and/or designated by the Director of Seattle Public Utilities pursuant to Section 21.36.018.  
(Ord. 118396 § 145, 1996: Ord. 116419 § 10, 1992: Ord. 116220 § 1, 1992: Ord. 113502 § 4, 1987: Ord. 107208 § 2, 1978: Ord. 96003 § 3, 1967.)

**21.36.040 Unlawful disposal sites.**

It is unlawful for anyone to deliver and/or deposit any solid waste that is City's Waste generated within the City at any disposal site other than a disposal, processing, or recovery site provided and/or designated by the Director of Seattle Public Utilities pursuant to Sections 21.36.030 and 21.36.018.  
(Ord. 118396 § 146, 1996: Ord. 116419 § 11, 1992: Ord. 113502 § 5, 1987: Ord. 107208 § 4, 1978: Ord. 96003 § 3A, 1967.)

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**21.36.042 Solid waste disposal required--Nonresidential.**

For solid waste that is City's Waste, every owner, tenant, occupant, or other person responsible for the condition of private property that is not used as a residence or dwelling shall deliver, or shall ensure lawful delivery of, the City's Waste to the receiving facility designated by City and shall keep receipts as proof of delivery.

(Ord. 117441 § 6, 1994; Ord. 116419 § 12, 1992.)

**21.36.044 Containers required--Nonresidential.**

Ever owner, tenant, occupant, and other person responsible for the condition of private property that is not used as a residence or dwelling shall have and use solid waste containers of a number and size sufficient to contain all solid waste generated on the site and shall provide for lawful disposal of all such solid waste.

(Ord. 117441 § 7, 1994.)

**21.36.050 Garbage containers required--Residential.**

A. All owners and occupants of residences and other dwellings shall have and use a sufficient number of garbage containers to hold all of their garbage and ashes. Additional amounts of rubbish, bundled in bundles as defined in this chapter, may be set out for collection. At least one (1) service unit must be a garbage can, mini-can, or collector-supplied cart for all service levels greater than zero (0) units.

B. Ashes, bagged or boxed, will be placed in garbage cans, collector-supplied containers, or detachable containers, but hot ashes shall not be put out for collection. No garbage shall be placed in bundles.

C. Yardwaste may be set out for separate curbside collection, but shall not be mixed with other solid waste.

(Ord. 117441 § 8, 1994; Ord. 116419 § 13, 1992; Ord. 116187 § 1, 1992; Ord. 114205 § 2, 1988; Ord. 112942 § 2, 1986; Ord. 110443 § 1, 1982; Ord. 109131 § 1, 1980; Ord. 96003 § 4, 1967.)

**21.36.060 Garbage cans--Maintenance.**

A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes accumulated at that premises until it is removed to a disposal site or interim solid waste handling site.

B. All garbage cans and detachable containers shall be kept tightly covered and in good condition for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged edges or holes shall not be used. The Director of Seattle Public Utilities, at the request of the contractor, in writing, shall determine whether or not the condition of any garbage can, garbage container, or detachable container is satisfactory for use.

(Ord. 118396 § 147, 1996; Ord. 114723 § 16, 1989; Ord. 96003 § 5, 1967.)

**21.36.070 Garbage containers--Weight.**

A. Garbage containers, when filled, shall not exceed the following limits:

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Garbage can . . . . . 60 pounds

Mini-can . . . . . 30 pounds

30-gallon carts . . . . . 60 pounds

60-gallon carts . . . . . 120 pounds

90-gallon carts . . . . . 180 pounds

B. The contents of a container shall dump out readily when it is inverted.  
(Ord. 114205 § 3, 1988; Ord. 96003 § 6, 1967.)

**21.36.080 Placement of containers.**

A. All containers for backyard collection shall be placed by the occupant in a convenient, accessible location as near as practicable to the approximate rear of the building or near the alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen (14) inches above such level or floor, except that sunken cans may be below the ground level. Where no other suitable area is available, containers may be placed at a location selected by the customer and the Director of Seattle Public Utilities. Containers for curbside/alley collection shall be placed as follows:

1. From properties with level planting strips, in the planting strip or driveway within one (1) yard of the curb;
2. From properties with alleys of sufficient width, in the alley or within one (1) yard of the alley gate if the gate is within one (1) yard of the alley;
3. From properties with sidewalks but not planting strips, on the owner's property, within one (1) yard of the sidewalk, if level;
4. When the foregoing location slopes at a grade making placement of a container difficult, the nearest reasonable level area; and
5. If the premises has no sidewalk or planting strip, dense shrubbery or extraordinary circumstances preclude such a location, from a placement suitable to the customer and convenient to the collection contractor.

B. Containers shall not be placed on the sidewalk or in the planting strip or the alley for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

C. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.  
(Ord. 120947 § 2, 2002; Ord. 118396 § 148, 1996; Ord. 114205 § 4, 1988; Ord. 112171 § 3, 1985; Ord. 96003 § 7, 1967.)

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**21.36.082 Commercial recycling required.**

A. Recycling Required. As of January 1, 2005, all commercial establishments, including those entities authorized to haul their own waste pursuant to SMC 21.36.030, shall separate paper, cardboard and yard waste for recycling, and no paper, cardboard or yard waste shall be deposited in garbage cans, detachable containers, drop boxes or in the garbage disposal pit at the City's Recycling and Disposal Stations after that date.

B. Enforcement.

1. As of March 31, 2004, the Director of Seattle Public Utilities shall begin a program of educational outreach regarding these new recycling requirements.

2. As of January 1, 2005, the Director of Seattle Public Utilities shall establish a program of placing educational notice tags on garbage cans, detachable containers and drop boxes with significant amounts of paper, cardboard or yard waste.

3. As of January 1, 2006, civil infractions shall apply to any violation of this section pursuant to SMC Section 21.36.922.

C. Exceptions.

1. Existing Structures: Existing commercial structures that do not have adequate storage space for recyclable materials may be exempt from all or portions of this ordinance if so determined by the Director of Seattle Public Utilities. The Director of Seattle Public Utilities, in cases where space constraints are determined to exist, shall also evaluate the feasibility of shared recycling containers by contiguous businesses or multifamily structures.

2. New or Expanded Structures: New structures permitted in commercial zones that have demonstrated difficulty in meeting the solid waste and recyclable materials storage space specifications required under SMC Section 23.47.029 Subsections A, B, C and D may be exempt from all or portions of this ordinance as determined by the Director of Seattle Public Utilities.

(Ord. 121372 § 1, 2003.)

**21.36.083 Residential recycling required.**

A. Recycling Required. As of January 1, 2005, all residents living in single-family structures, multifamily structures and mixed-use buildings, including those entities authorized to haul their own waste pursuant to SMC 21.36.030, shall separate paper, cardboard, glass and plastic bottles and jars and aluminum and tin cans for recycling, and no paper, cardboard, glass or plastic bottles and jars and aluminum or tin cans shall be deposited in a garbage can, detachable container, or drop box or in the garbage disposal pit at the City's Recycling and Disposal Stations after that date.

B. Enforcement.

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- Seattle Municipal Code  
December 2006 code update file  
Text provided for historic reference only.  
See ordinance creating and amending sections for complete accuracy of this source file.
1. As of March 31, 2004, the Director of Seattle Public Utilities shall begin a program of educational outreach regarding these new recycling requirements.
  2. As of January 1, 2005, the Director of Seattle Public Utilities shall establish a program of placing educational notice tags on garbage cans, detachable containers and drop boxes with significant amounts of paper, cardboard, glass and plastic bottles and jars and aluminum and tin cans.
  3. As of January 1, 2006, residential customers that self-haul their garbage shall be prohibited from disposing of garbage with significant amounts of paper, cardboard, or glass or plastic bottles or jars or aluminum or tin cans at the City's Recycling and Disposal Stations.
  4. As of January 1, 2006, any violation of this section by residential curbside or backyard customers shall result in refusal of curbside garbage collection services. Residential customers shall be required to remove these items from garbage containers before they will be collected.
  5. As of January 1, 2006, any violation of this section by detachable container and drop box customers shall result in an additional collection rate of \$50 per detachable or drop box collection.

C. Exceptions.

1. Existing structures: Existing multifamily structures that do not have adequate storage space for recyclable materials may be exempt from all or portions of this ordinance if so determined by the Director of Seattle Public Utilities. The Director of Seattle Public Utilities, in cases where space constraints are determined to exist, shall also evaluate the feasibility of shared recycling containers by contiguous businesses or multifamily structures.
2. New or Expanded Structures: New multifamily structures permitted in commercial zones or expanded multifamily structures that have demonstrated difficulty in meeting the solid waste and recyclable materials storage space specifications required under SMC Section 23.47.029 Subsections A, B, C and D may be exempt from all or portions of this ordinance as determined by the Director of Seattle Public Utilities.

(Ord. 121372 § 2, 2003.)

**21.36.085 Yardwaste programs.**

Yardwaste shall not be mixed with garbage, refuse or rubbish for disposal.

A. Curbside Yardwaste Collection. Yardwaste for collection under the City's curbside program shall be set apart from refuse for pickup in a manner that is readily identifiable by the collectors. Yardwaste shall be defined as set forth in Section 21.36.016, except that yardwaste for curbside collection shall not include wood or tree limbs over four (4) feet long. Only yardwaste generated at the dwelling unit shall be collected at curbside.

B. Transfer Station Yardwaste. All yardwaste delivered to the City's transfer stations shall be separated from garbage, refuse and rubbish and deposited in an area designated for yardwaste. Yardwaste shall be defined as set forth in Section 21.36.016, except that yardwaste delivered to the transfer station shall not

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include wood or tree limbs over eight (8) feet long.  
(Ord. 114723 § 17, 1989; Ord. 114205 § 5, 1988.)

#### **21.36.087 White goods and bulky items.**

A. The Director of Seattle Public Utilities may determine from time to time the items eligible for pickup under the Seattle Public Utilities' program for collection of white goods and bulky items, and after consultation with the Director of Executive Administration, arrange for the disposition of the items collected without regard to the procedures of Section 3.18.824.

B. "White goods" are large household appliances, such as refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines and air conditioners. "Bulky items" include and are illustrated by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and wardrobes. Neither term includes motor vehicles or hulks; car parts and tires; commercial machinery or equipment; lumber and building materials; or hazardous wastes.

C. By delivering possession to the collector, the customer relinquishes title to the white goods and bulky items picked up. The Seattle Public Utilities may decline to accept such items that contain refuse, contraband, or hazardous wastes.

D. The Director of Seattle Public Utilities may:

1. Remove all hazardous and toxic constituents, including the recovery of CFCs (chlorofluorocarbons), from white goods delivered to the City recycling and disposal stations and require that the resultant scrap metal not be landfilled;
2. Accept a maximum of two (2) white goods per load at a rate established in subsection A of Section 21.40.080 and subsection D of Section 21.40.080;
3. Reject vehicle loads at the City's recycling and disposal stations which contain more than two (2) white goods or white goods from non-Seattle residents and provide information to the haulers of rejected loads on alternative disposal sites for white goods available within Seattle;
4. Direct white goods from charitable organizations qualified under Section 21.40.080 to the City's selected white-goods processor.

(Ord. 120794 § 284, 2002; Ord. 118396 § 149, 1996; Ord. 116250 § 2, 1992; Ord. 114205 § 6, 1988.)

#### **21.36.088 Concrete and asphalt recycling.**

Any concrete, cement concrete, or asphalt (as defined in SMC Section 3.18.902) generated in the process of City street, bridge, drainage, or other public works projects, whether those projects are performed by the City or under contract with the City, shall be recycled or reused unless its quality or quantity preclude efficient recovery by a recycling facility.

(Ord. 116726 § 7, 1993.)

#### **21.36.090 Paths to garbage storage area.**

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All walks, paths, and driveways from the garbage can storage area to the place of loading shall have an unrestricted overhead clearance of not less than eight feet (8').  
(Ord. 96003 § 8, 1967.)

**21.36.095 Right to determine disposition of solid waste.**

The City acquires the right and power to determine the disposition of solid waste collected or delivered to the City's recycling, transfer and disposal facilities. Disposition may include the establishment of salvage operations. The City may decline to accept and may return hazardous wastes and other material ineligible for collection under the City's solid waste collection ordinances.  
(Ord. 116419 § 14, 1992; Ord. 114205 § 7, 1988.)

**21.36.096 Waste screening.**

A. **Dangerous Waste.** The Health Officer may screen any wastes that are being disposed, and that are suspected of being a regulated dangerous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that the waste is not a regulated dangerous waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to dispose of the waste at a specific type of disposal site. If the Health Officer determines that the waste is a regulated dangerous waste, he/she shall notify the Department of Ecology which shall have full jurisdiction regarding handling and disposal. The Dangerous Waste Regulations, WAC 173-303, shall be considered when screening and making waste determinations.

B. **Disposal Sites.** If during inspections of waste the Health Officer observes waste suspected of being regulated dangerous waste because of physical properties of the waste, he/she shall have the authority to require the site operator to segregate and hold any such waste. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis, and if the generator is not known, the site operator shall be responsible for funding such analysis. The disposal site operator and/or attendants shall have similar authority not to accept suspect wastes.

C. **Procedures.** When such wastes are identified as being suspect dangerous wastes, the Health Officer may issue a notice for requirement of screening. This notice will specify requirements which must be met to satisfy the screening process and a schedule for compliance.  
(Ord. 114723 § 18, 1989.)

**Subchapter III**

**Flow-Control Special Provisions**

**21.36.112 Designation of receiving facilities.**

A. Union Pacific's Seattle Intermodal Facility or successor receiving facility specified by the City is hereby designated as the receiving facility for disposal of all City's Waste, including waste left over after separating out Special Waste, CDL Waste or materials destined for recycling. All generators, handlers, and

collectors of City's Waste shall deliver or, for example, by taking City's Waste to a City transfer station, shall ensure delivery of all City's Waste to Union Pacific's Seattle Intermodal Facility or successor receiving facility designated by the City, in a manner specified by the Director of Seattle Public Utilities.

B. Special Waste (excluding Contaminated Soils) may be disposed at any permitted solid waste handling facility; provided, that no City's Waste, Special Waste or CDL Waste generated within The City of Seattle shall be disposed of at a facility owned or operated by King County, unless specifically agreed by the City and King County.

C. The City of Seattle's North and South Recycling Disposal Stations, Waste Management of Seattle's Eastmont Transfer Station and RABANCO's Third and Lander Transfer Station, or successor receiving facilities specified by the City, are hereby designated as the receiving facilities for disposal of all nonrecycled CDL Waste and Contaminated Soils generated within the City. All generators, handlers and collectors of CDL Waste and Contaminated Soils shall deliver or ensure delivery of all nonrecycled CDL Waste and Contaminated Soils to the receiving facilities hereby designated by the City.

D. Each receiving facility designated in subsection C of SMC Section 21.36.112 or successor receiving facility designated by the City, shall submit to the Director of Seattle Public Utilities by the twentieth day of each month, commencing February 20, 1993, on a form available from the Director of Seattle Public Utilities, a monthly flow report. The report shall document, for the previous month, (1) the number of trucks delivering waste and recyclables, (2) the type and amount (in tons) of waste and recyclables delivered to the receiving facility from each political jurisdiction in which waste or recyclables originated and (3) the type and amount (in tons) of all waste and recyclables leaving the receiving facility for each final destination. For waste, "type" means City's Waste, CDL Waste, Contaminated Soils, wood waste, Yardwaste or Special Waste; for recyclables, "type" means plastics, metal, paper, glass, wood waste, yardwaste and inert materials. Type of recyclables shall, at a minimum, be specified further as mixed waste paper, newspaper, corrugated paper, tin, iron, aluminum, glass, PET plastic, HDPE plastic, other plastic, and magazines.

E. In order to facilitate the designation of transfer stations and receiving facilities or successor receiving facilities, the Director of Seattle Public Utilities shall:

1. Establish any specifications and procedures determined necessary to address the manner in which waste is identified, packaged, loaded, containerized or delivered to transfer stations or receiving facilities and establish any other specifications and procedures determined necessary for the City to fulfill its obligations under its contract for the transportation and disposal of waste;
2. Mail, pursuant to SMC Section 21.36.018, a notice of the designated receiving facilities and specifications and procedures for delivery of waste to the facilities. In addition, the notice shall be mailed to all persons and organizations covered by exemptions A through E of SMC Section 21.36.030;
3. Publish such notice in the City official newspaper within three (3) days of mailing such notice. (Ord. 118396 § 150, 1996: Ord. 116454 § 1, 1992: Ord. 116419 § 16, 1992: Ord. 115589 § 4, 1991.)

**21.36.113 Containers--Billing--Unacceptable waste.**

A. Containers shall be provided by Washington Waste Systems, Inc. to transfer stations in the City for delivery of City's Waste to the designated receiving facility. All transfer stations delivering City's Waste to the designated receiving facility shall load each container with waste, seal it with a cargo security seal and prepare a bill of lading in accordance with the procedures established by the Director of Seattle Public Utilities.

B. All persons shall use reasonable care in the handling of the containers supplied by Washington Waste Systems, Inc. and shall be responsible for repair or replacement of containers they damage or destroy through their own negligence. Washington Waste Systems, Inc. shall be responsible for ordinary wear and tear.

C. All persons required to deliver City's Waste to the designated receiving facility shall be billed by the City at the rates specified by ordinance.

D. City's Waste delivered to the designated receiving facility shall be in compliance with all applicable federal, state, and local environmental health laws, rules, and regulations. The designated receiving facility and the Columbia Ridge Landfill or successor landfill are authorized to reject all Unacceptable Waste and shall not take title to Unacceptable Waste.

(Ord. 118396 § 151, 1996: Ord. 116419 § 17, 1992: Ord. 115589 § 5, 1991.)

**21.36.114 Enforcement authority--Inspections.**

A. The Director of Seattle Public Utilities and designated solid waste enforcement officers are authorized and directed to enforce the flow provisions of this chapter.

B. The Director of Seattle Public Utilities and designated solid waste enforcement officers are authorized to make lawful inspection of the premises of any person suspected of violating the flow provisions of this chapter and to inspect the books and accounts related to the subject of this chapter.

(Ord. 118396 § 152, 1996: Ord. 115589 § 6, 1991.)

**21.36.115 Penalties for noncompliance.**

In addition to any other sanction or remedial procedure which may be available, including the penalties listed in SMC Section 21.36.920, any person violating or failing to comply with any provision of SMC 21.36.112 A shall:

A. On the first violation:

1. Pay to the City the amount that would have been owed to the City had the waste been delivered to the receiving facility as required; and in addition
2. Pay for the actual cost to the City of investigating and bringing the enforcement action.

B. On the second violation, pay double the amounts set forth in subsections A1 and A2 of this section.

C. On the third and subsequent violations, pay treble the amounts set forth in subsections A1 and

A2 of this section.

(Ord. 116419 § 18, 1992; Ord. 115589 § 7, 1991.)

**21.36.116 Third party action to effect compliance.**

Washington Waste Systems, Inc., on its own behalf or as the City's agent, is hereby authorized to make a claim and bring suit directly against any person who violates flow control provisions of this chapter, and is further authorized to recover the amount per ton that the City was contractually required to pay Washington Waste Systems, Inc., for each ton not actually delivered to the receiving facility, and recovery of amounts owed to the City for its services, penalties owed to the City for repeat violations under SMC 21.36.115, plus recovery of Washington Waste Systems, Inc.'s costs, including witness fees and attorney fees, in detecting such diversion and in prosecuting the claim and suit for the violation.

(Ord. 115589 § 8, 1991.)

**Subchapter IV**

**Miscellaneous Provisions**

**21.36.180 Incineration and energy recovery facilities.**

Incineration and energy recovery facilities shall be permitted and managed according to the provisions of Seattle Municipal Code Chapter 21.44. In addition, the following requirements shall apply:

A. Disposal of Process Water. All water from an incinerator or energy recovery facility shall be discharged into a disposal system approved by the Health Officer and Metro. The treated discharge water shall not violate applicable water quality standards.

B. Pre-Use Inspection and Performance Tests. Upon completion of the facility and prior to initial operation, the Health Officer and Puget Sound Pollution Control Agency (PSAPCA) shall be notified. The Health Officer shall inspect the facility both prior to and during the performance tests. A report covering the results of the performance test with all supporting data shall be certified by the design engineer of the project and submitted to the Health Officer.

C. Failure to Meet Standards. The Health Officer shall have the authority to close down an incinerator or energy recovery facility that does not meet all applicable federal, state and PSAPCA standards. (Ord. 114723 § 21, 1989.)

**21.36.185 Commercial composting facilities.**

Commercial composting facilities shall be permitted and managed according to the provisions of Seattle Municipal Code Chapter 21.44 for recycling facilities. In addition, the following requirements shall apply:

A. Generators of compost for retail sales shall submit chemical analyses and reports to the Health Officer in sufficient frequency to demonstrate that the resulting product does not contain levels of chemicals or pathogens that could create a risk to the public health.

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B. If levels of chemicals or pathogens are found which could create a risk to the public health, the Health Officer may prohibit or restrict use of the product. Written notices shall be provided to the compost user of any restrictions imposed.

C. Generators of sewage sludge compost must follow the methods and procedures established in the Best Management Practices for Use of Municipal Sewage Sludge, developed by the Washington State Department of Ecology.

D. Odorous material such as spoiled foods, blood and slaughterhouse wastes shall be immediately processed to prevent odors.

E. The composted material shall contain no sharp particles which would cause injury to persons handling the compost.  
(Ord. 114723 § 22, 1989.)

#### **21.36.190 Abandoned landfills.**

A. All abandoned landfills shall be maintained by the owner and/or operator so as not to create a risk to the public health. The Health Officer shall have the authority to perform methane monitoring, surface water, groundwater and leachate monitoring, and to monitor for any other environmental conditions at abandoned landfills.

B. The Health Officer may order the owner and/or operator to perform monitoring or any remedial measures necessary to protect the public health and the environment. Any person aggrieved by any order issued under this section may appeal the order to the Seattle Board of Health, by requesting in writing an appeal hearing before the Board of Health or its designee. The request shall be filed within ten (10) days of the service of the order, and shall briefly state the reasons for the appeal. Enforcement of the order shall be staged during the pendency of the appeal.  
(Ord. 114723 § 23, 1989.)

### **Subchapter V**

#### **Litter Control Code**

#### **21.36.400 Litter Control Code--Title.**

This subchapter, Seattle Municipal Code Sections 21.36.400 through 21.36.450, shall be titled the "Litter Control Code" of the City and may be referred to as such.  
(Ord. 116419 § 20(part), 1992.)

#### **21.36.410 Littering.**

A. This section applies only to litter in the amount of one (1) cubic foot or less which does not contain hazardous substances.

B. No person shall throw, discard, or deposit litter on any street, sidewalk, or other public property

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within the City, on any private property within the City and not owned by the person, or in or upon any body of water within the jurisdiction of the City, whether from a vehicle or otherwise; except:

1. When the property is designated by The State of Washington or any of its agencies or political subdivisions or by the City for the disposal of litter or other solid waste and such person is authorized to use the property in such manner; or
  2. Into a litter receptacle, garbage container or other solid waste container in a manner in which the litter will be prevented from being carried or deposited by the elements or otherwise on any street, sidewalk, or other public or private property.
- C. No owner, tenant, or other person responsible for the condition of a construction site shall cause or allow any litter from the site to be deposited by the elements or otherwise on any other public or private property in the City. During such time as the site is not being used, all litter shall be stored or deposited in garbage containers or other solid waste containers in such a manner as to prevent the litter from being deposited on any other public or private property.
- D. No person shall throw, discard, sweep or deposit any accumulation of litter from public or private property into any gutter or stormwater drain within the City.  
(Ord. 116708 § 3, 1993; Ord. 116419 § 20(part), 1992.)

#### **21.36.420 Unlawful dumping of solid waste.**

It is unlawful for anyone to dump, throw, or place solid waste on any property, public or private, or in any public place except, as authorized by city ordinance, in a litter container, solid waste container, or in a bundle as described in this chapter, or upon or at a disposal site or interim solid waste handling site provided and/or designated by the Director of Seattle Public Utilities pursuant to Section 21.36.018. Anyone who dumps, throws, or places solid waste in violation of this section shall remove and properly dispose of it. This section does not apply to dumping, throwing or placing litter in the amount of one (1) cubic foot or less which does not contain hazardous substances.

(Ord. 118396 § 153, 1996; Ord. 117441 § 9, 1994; Ord. 116419 § 21, 1992; Ord. 114723 § 6, 1989; Ord. 113502 § 2, 1987; Ord. 112171 § 2, 1985; Ord. 107208 § 1, 1978; Ord. 96003 § 2, 1967.)

#### **21.36.425 Accumulation of solid waste.**

A. It shall be unlawful for any person to keep solid waste or allow solid waste to accumulate on any property, or in any public place, except in a litter receptacle, in a solid waste container, or in a bundle as described in this chapter, or as otherwise authorized by ordinance or by the Director of Seattle Public Utilities. This subsection applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any solid waste on sidewalks or planting strips, whether the solid waste is deposited by such owner or occupant or not. Solid waste that is prohibited to accumulate includes but is not limited to litter, cigarette butts, burning or smoldering materials, garbage, and rubbish. This subsection

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applies to any solid waste accumulation of which the total volume if gathered together is in an amount in excess of one (1) cubic foot or which contains any hazardous substances or which is an immediate threat to the health or safety of the public. This provision shall not apply:

1. To the Sheriff when removing the contents of a building to the sidewalk or planting strip pursuant to an eviction ordered by the Superior Court;
  2. To firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
  3. To the use of receptacles placed or authorized by the City for the collection of solid waste on sidewalks or planting strips; or
  4. To accumulations temporarily authorized under a street use permit.
- (Ord. 118396 § 154, 1996: Ord. 117441 § 10, 1994: Ord. 116419 § 22, 1992: Ord. 114723 § 9, 1989: Ord. 113502 § 3(part), 1987.)

**21.36.430 Unlawful use of City litter receptacles.**

Except as authorized by the Director of Seattle Public Utilities, it shall be unlawful to place in any receptacle provided by the City for litter disposal any solid waste accumulated on private property or generated by any business, including but not limited to burning or smoldering materials, asbestos material, asbestos-containing waste material, yardwaste, dangerous waste, household hazardous waste, small quantity generator hazardous waste, human or animal excrement and dead animals; nor shall the contents of any such litter receptacle be removed or disturbed by anyone except as authorized by the Director of Seattle Public Utilities.

(Ord. 118396 § 155, 1996: Ord. 117441 § 11, 1994: Ord. 116419 § 23, 1992: Ord. 114723 § 7, 1989: Ord. 113502 § 3 (part), 1987.)

**21.36.440 Unlawful use of solid waste container on private property.**

It is unlawful for anyone not authorized by the property owner or occupant to deposit any material in any solid waste container on private property or on a sidewalk or a planting strip abutting private property. (Ord. 117441 § 12, 1994: Ord. 116419 § 24, 1992: Ord. 96003 § 9, 1967.)

**21.36.450 Fee on unsecured loads.**

A. Every vehicle delivering solid waste to a staffed interim solid waste handling site or a staffed disposal site shall have its load tied, covered, or confined in such a manner as to prevent any part of the load from leaving the vehicle while the vehicle is in motion. If the load is not secured in such a manner and the vehicle is not exempt pursuant to subsection B, the operator of the vehicle delivering the load shall pay, in addition to the basic disposal charge or rate, a fee at the staffed solid waste handling site or staffed disposal site according to the following scale, effective January 1, 1994:

Cars (vehicles with passenger license plates)	\$3.00

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Trucks (vehicles with truck license plates)	\$5.00 for a load of a ton or less or
	\$10.00 for a load of more than a ton

B. A vehicle transporting sand, dirt or gravel in compliance with the provisions of RCW 46.61.655, as now existing or hereafter amended, shall not be required to secure or cover a load or pay a fee pursuant to this section.

C. The fee collected under subsection A of this section shall be paid to The City of Seattle no less often than quarterly and shall be deposited in the Solid Waste Fund. (Ord. 116927 § 1, 1993.)

**Subchapter VI**

**Penalties and Enforcement**

**21.36.920 Violation--Penalty.**

A. Except for a violation designated by this chapter as a civil infraction, anyone who shall violate or fail to comply with any provision of this chapter may, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the City Jail for a period of not exceeding one (1) year, or by both such fine and imprisonment.

B. Alternatively, except for a violation designated by this chapter as a civil infraction, the violation of or failure to comply with any provision of this chapter shall be subject to a civil penalty in the amount of Fifty Dollars (\$50.00) for each violation and the amount of Fifty Dollars (\$50.00) per day for each additional day of a continuing violation. To collect the penalty imposed by this subsection, the City shall file a civil action in the Municipal Court.

C. The penalties provided in this section are in addition to any other sanction or remedial procedure which may be available. The criminal or civil penalty, and the limitation on the amount of the penalty, does not including any amounts that may be recovered for reimbursement. Sums recovered for reimbursement shall be in addition to the penalty. (Ord. 117441 § 13, 1994: Ord. 116419 § 26, 1992: Ord. 114723 § 20, 1989: Ord. 113502 § 7, 1987: Ord. 96003 § 11, 1967.)

**21.36.922 Civil infractions.**

A. The violation of or failure to comply with any section of this chapter identified in this section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

B. The violation of or failure to comply with the following section shall be a civil infraction and subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:

SMC Section 21.36.420 (Unlawful dumping of solid waste)

C. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Fifty Dollars (\$50.00), not including statutory assessments:

SMC Section 21.36.044 (Containers required -- Nonresidential)

SMC Section 21.36.082 (Commercial recycling required)

SMC Section 21.36.410 (Littering)

SMC Section 21.36.425 (Accumulation of solid waste)

SMC Section 21.36.430 (Unlawful use of City litter receptacles)

SMC Section 21.36.440 (Unlawful use of solid waste container on private property)

D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the provisions of the Solid Waste Code are: (1) the Director of Seattle Public Utilities; (2) authorized representatives, assistants or designees of the Director of Seattle Public Utilities; and (3) commissioned officers of the Seattle Police Department and persons issued nonuniformed special police officer commissions by the Chief of Police with authority to enforce such provisions.

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

F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal action to enforce this chapter as deemed necessary and appropriate.  
(Ord. 121372 § 3, 2003; Ord. 118396 § 156, 1996; Ord. 117441 § 1, 1994.)

#### **21.36.924 Each day a separate violation.**

For a continuing violation, each day a person shall continue to violate or fail to comply with a provision of this chapter shall be deemed and considered a separate violation.  
(Ord. 117441 § 2, 1994.)

#### **21.36.965 Identification.**

Whenever solid waste deposited, thrown, placed, or kept in violation of Section 21.36.420 or Section 21.36.425 contains three (3) or more items bearing the name of one (1) individual, or whenever a motor vehicle or trailer used in the activity is identified by its license plate, it shall be presumed that the individual whose name appears on the items or to whom the vehicle or trailer is registered committed the unlawful act. The defendant shall have an opportunity to rebut the presumption and may show, for example, as full or partial mitigation of liability:

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1. That the violation giving rise to the action was caused by the wilful act, neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary labor, inability to gain access to the subject property, or other condition or circumstances beyond the control of the defendant.

(Ord. 116419 § 31, 1992.)

#### **21.36.970 Summary abatement.**

A. The City Council may, after a report has been filed by the enforcing authority and the property owner, tenant or other person responsible for the condition has had an opportunity to be heard, by ordinance require such person to abate a nuisance by removal and proper disposal of solid waste from the property at such person's cost and expense within a time specified in the ordinance; and if the removal and disposal is not accomplished within the time specified, the enforcing authority may abate the nuisance and recover the cost and expense thereof plus fifteen (15) percent in a civil action.

B. The enforcing authority may also seek relief in Superior Court to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this chapter when the civil or criminal remedies provided herein are inadequate to effect compliance.

C. The procedures set forth herein are not exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances, abating nuisances, imposing penalties, or taking other legal action. (Ord. 117441 § 14, 1994: Ord. 116419 § 32, 1992: Ord. 113502 § 8(part), 1987.)

#### **21.36.975 Reimbursement for City expenses.**

Whenever it furthers the safety or convenience of the public, the Director of Seattle Public Utilities may remove obstructions, hazards or nuisances composed of solid waste from public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same and cleaning the public place together with a charge equal to fifteen (15) percent of the City's costs to cover administrative expenses and together with the costs of collection and interest. (Ord. 118396 § 157, 1996: Ord. 117441 § 3, 1994.)

#### **21.36.980 Crediting of reimbursement to Solid Waste Fund.**

All sums received by the City in reimbursement for the Seattle Public Utilities' costs, expenses or charges relating to removal of solid waste or cleaning of property pursuant to any section of this chapter shall be credited to the Solid Waste Fund.

(Ord. 118396 § 158, 1996: Ord. 117441 § 4, 1994.)

### **Chapter 21.40**

#### **SOLID WASTE COLLECTION RATES AND CHARGES**

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Sections:

**21.40.010 Definitions, title, declarations and administrative provisions.**

**21.40.020 Public utility designated--Effective date.**

**21.40.030 Administration.**

**21.40.050 Residential can rates and charges.**

**21.40.060 Residential detachable container rates and charges.**

**21.40.070 Commercial collection rates and charges.**

**21.40.080 Recycling and disposal station rates.**

**21.40.085 Commercial railyard rate.**

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

**21.40.100 Exemption for governmental agencies owning disposal site.**

**21.40.110 Preparation and placement of garbage.**

**21.40.120 Payment of charges--Delinquency and lien.**

**21.40.130 Solid Waste Fund--Purchase of recyclable solid waste.**

Severability: If any part or portion of this chapter shall be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions thereof.

(Ord. 90379 § 12, 1961.)

### **21.40.010 Definitions, title, declarations and administrative provisions.**

The definitions in Sections 21.36.010 through 21.36.016 and the title, declarations, and administrative provisions in Section 21.36.017 apply to this chapter.

(Ord. 116419 § 33, 1992: Ord. 114205 § 8, 1988: Ord. 111662 § 1, 1984: Ord. 90379 § 10, 1961.)

### **21.40.020 Public utility designated--Effective date.**

Public necessity requires that the existing system of the City for the collection and disposal of garbage, rubbish and trade and other waste, together with such extensions, additions and betterments thereto as may from time to time be authorized, be maintained, conducted and operated as a public utility of the City beginning September 1, 1961, and the rates and charges provided for in this chapter be effective as of such date.

(Ord. 90379 § 1, 1961.)

### **21.40.030 Administration.**

The Director of Seattle Public Utilities, through the Seattle Public Utilities, shall operate and administer such public utility and enforce this chapter; and there shall be kept by him or her a classified system of accounts of revenues and disbursements as prescribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City Director of Executive Administration, as required by law in such connection.

(Ord. 120794 § 285, 2002: Ord. 118396 § 159, 1996: Ord. 116368 § 288, 1992: Ord. 90379 § 2, 1961.)

### **21.40.050 Residential can rates and charges.**

A. There is imposed upon all residences and other dwelling units within the City a charge for garbage and rubbish collection and disposal service in accordance with the following schedule, and the amounts stated below shall be charged for optional services:

1. All residences with curbside/alley garbage container pickup: a charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or occupant thereof as follows:

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	Effective Through December 31, 2006	Effective January 1, 2007
Service Units	Rates per Service Unit	Rates per Service Unit
Micro-can	\$10.20	\$10.35
Mini-can	\$12.55	\$12.70
Garbage can	\$16.35	\$16.55
60 to 65 gallon cart	\$32.70	\$33.10
90 to 96 gallon cart	\$49.05	\$49.65

2. All residences with backyard garbage container pickup: a charge per month or portion thereof, for each dwelling unit for once-a-week service, billed directly to the owner or occupant as follows:

	Effective Through December 31, 2006	Effective January 1, 2007
Service Units	Rates per Service Unit	Rates per Service Unit
Garbage can	\$22.90	\$23.15
60 to 65 gallon cart	\$45.80	\$46.30
90 to 96 gallon cart	\$68.70	\$69.45

3. **Minimum Charge, No Pickup Service.** Effective through December 31, 2006, a charge per month or portion thereof, for each dwelling unit, including single-family dwellings not being used as residences, billed directly to the owner or occupant of Six Dollars and Thirty-Five Cents (\$6.35) to cover landfill closure costs, billing, collection, Low Income Rate Assistance, and hazardous waste costs. Effective January 1, 2007, a charge per month or portion thereof, for each dwelling unit, including single-family dwellings not being used as residences, billed directly to the owner or occupant of Six Dollars and Forty Cents (\$6.40) to cover landfill closure costs, billing, collection, Low Income Rate Assistance, and hazardous waste costs. To be eligible for the minimum charge (zero (0) container rate) a customer may not generate any garbage or rubbish for collection or disposal. With occupied premises, the customer must demonstrate a consistent and effective practice of selective purchasing to minimize refuse, of recycling materials whenever practical, and of composting any yardwastes generated on the premises and the customer must have qualified for the rate on or before December 31, 1988. A customer is not eligible for the zero (0) container rate by hauling his or her garbage and rubbish to a transfer station, disposal site, or by disposal in another customer's containers or by the use of prepaid stickers. Vacant multifamily units do not qualify for the minimum charge.
4. **Extra Bundles.** A charge of Five Dollars and Sixty Cents (\$5.60) for a bundle. A customer may place an extra bundle with its container for regular pickup. The charge will be billed directly to the owner or occupant, unless a prepaid sticker is used. A prepaid sticker authorizes pickup of the bundle when placed with the customer's container. The sticker must be affixed to the bundle in order for the bundle to be picked up by the collector, and the customer not to be billed.
5. **Bulky and White Goods Pickup.** Effective through December 31, 2006, a charge of Twenty Dollars (\$20) for each item plus an additional charge of Five Dollars (\$5) per item for items containing hazardous waste such as chlorofluorocarbons (CFCs). Effective January 1, 2007, a charge of Twenty Dollars (\$20) for each item plus an additional charge of Six Dollars (\$6) per item for items containing hazardous waste such as chlorofluorocarbons (CFCs).

6. Curbside/Alley Yardwaste. Effective through December 31, 2006, a charge per month or portion thereof for each residence, billed directly to the owner or occupant, of Four Dollars and Thirty Cents (\$4.30) for up to four (4) bundles-of-yardwaste per collection plus an additional charge of One Dollar and Fifty Cents (\$1.50) for each extra bundle-of-yardwaste beyond four (4) per collection. Effective January 1, 2007, a charge per month or portion thereof for each residence, billed directly to the owner or occupant, of Five Dollars (\$5) for up to four (4) bundles-of-yardwaste per collection plus an additional charge of One Dollar and Fifty Cents (\$1.50) for each extra bundle-of-yardwaste beyond four (4) per collection. To receive this service, a customer must be signed up with the Seattle Public Utilities for a minimum of twelve (12) months' service and place his or her yardwaste at the curbside/alley for collection on the scheduled date.
7. New/Changed Account. A charge of Ten Dollars (\$10) for the establishment of a new account or for each change in an existing account. This charge shall apply when the owner or property manager of any single-family residence or multifamily structure (duplex, triplex, fourplex, or structure with five (5) or more units) establishes a new account or requests any change in his/her account requiring a change in account number or customer number. The new/changed account charge is not applicable to customers qualified for Low Income Rate Assistance.
8. Physical Disability Exemption. An exemption will be provided to qualified residents to allow for backyard collection at curbside rates when the resident is physically unable to take his or her garbage and rubbish containers to the curb. Qualifying criteria shall include, but are not limited to, the resident's physical condition, qualification for backyard service in other City programs, a physician's recommendation, the presence of other physically capable persons in the household, special topography and other unique property conditions, taking into account the contractors' ability to provide different combinations of container sizes to make curbside pickup feasible.

B. The City shall calculate the charge for each dwelling unit within apartment houses and apartment hotels and for each resident within boarding, rooming, fraternity, sorority and group student houses for two (2) times a week service, billed directly to the owner or agent for the entire building, by doubling the applicable garbage container rates in subsection A1 of this section and reducing this calculated amount by Three Dollars and Sixty-five Cents (\$3.65) per unit to adjust for billing, collection, hazardous waste, and litter cleanup costs that occur only once a month.

C. All Residential Customers Requesting and Receiving Nondetachable Container Special, Nonroutine Collection Service for Garbage, Yardwaste, or Recyclable Materials. The following charges shall apply to special collections of all nondetachable containers, bundles or bundles-of-yardwaste: a per-pickup charge of Twenty-four Dollars (\$24) for first unit collected plus Two Dollars and Fifty Cents (\$2.50) for each additional unit.

D. The charges imposed by subsections A1 through A3 of this section inclusive shall not apply to dwelling units which elect to use detachable containers supplied either by the City's contractor or by the customer for the storage of garbage and rubbish. Application for detachable container service for a minimum period of six (6) months shall be made to the Director of Seattle Public Utilities on forms supplied by him/her, and collection of garbage and rubbish from such premises shall be made at such frequency as is necessary as

determined by the Director of Seattle Public Utilities, but in no event less than once each week. The monthly charges for detachable container service for the container and frequency selected shall be in accordance with the rates set forth in Section 21.40.060.

E. The Director of Seattle Public Utilities may adjust the service level to a single-family residence to match the garbage and rubbish actually collected from the premises, or, for multifamily structures, to match the amount of garbage and rubbish reasonably anticipated from the dwelling units on the premises. (Ord. 122262, § 1, 2006; Ord. 121674 § 1, 2004; Ord. 120971 § 1, 2002; Ord. 120250 § 3(part), 2001; Ord. 119737 § 2, 1999; Ord. 118396 § 160, 1996; Ord. 117813 § 1, 1995; Ord. 117184 § 1, 1994; Ord. 116754 § 1, 1993; Ord. 116725 § 1, 1993; Ord. 116187 § 2, 1992; Ord. 115231 § 3, 1990; Ord. 114205 § 9, 1988; Ord. 113533 § 2, 1987; Ord. 113374 § 1, 1987; Ord. 112942 § 3, 1986; Ord. 111661 § 1, 1984; Ord. 110448 § 1, 1982; Ord. 109130 § 1, 1980; Ord. 109022 § 1, 1980; Ord. 106017 § 1, 1976; Ord. 105544 § 1, 1976; Ord. 103458 § 1, 1974; Ord. 98130 § 1, 1969; Ord. 96301 § 1, 1967; Ord. 94711 § 1, 1966; Ord. 94022 § 1, 1965; Ord. 91048 § 1, 1962; Ord. 90379 § 4, 1961.)

**21.40.060 Residential detachable container rates and charges.**

A. Uncompacted Rates. There is imposed upon residential premises that use detachable containers without mechanical compactors a monthly charge for garbage and rubbish collection and disposal service in accordance with the following applicable formula:

1. Effective through December 31, 2006,  $(\$8.88 + \$17.63f + \$27.52fn + \$43.17fns + \$0.60d)$
2. Effective January 1, 2007:  $(\$9.65 + \$19.05f + \$29.75fn + \$46.65fns + \$0.60d)$  where:

n = number of containers served;

f = number of pickups per week;

s = size of container in cubic yards; and

d = number of dwelling units.

B. Compacted Rates. There is imposed upon residential premises that use detachable containers with compactors a monthly charge for garbage and rubbish collection and disposal service in accordance with the following formula:

1. Effective through December 31, 2006,  $(\$8.88 + \$17.63f + \$27.52fn + \$105.32fns + \$0.60d)$
2. Effective January 1, 2007:  $(\$9.65 + \$19.05f + \$29.75fn + \$113.83fns + \$0.60d)$  where:

n = number of containers served;

f = number of pickups per week; and

s = size of container in cubic yards; and

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d = number of dwelling units.

C. **Mixed-use Building.** The Director of Seattle Public Utilities will determine the appropriate residential collection service level for a mixed-use building according to the estimated amount of residential garbage or refuse generated and to be collected by the City.

D. **Charges for Lockable Containers.** Customers using detachable containers (compacted or noncompacted) may have a lock installed by the collection contractors. A fee of Fifty-three Dollars and Forty Cents (\$53.40) will be assessed for installation of the lock. Additional keys are Three Dollars and Sixty Cents (\$3.60) and an extra padlock is Eight Dollars and Thirty Cents (\$8.30). Only customers who own their own containers may install their own locks.

E. **All Residential Customers Receiving Detachable Container Special, Nonroutine Collection Service for Garbage, Yardwaste, or Recycling Materials.** The following charges shall apply to special collections of all detachable containers or bundles of garbage, yardwaste or recycling materials:

	Effective Through December 31, 2006	
Detachable Container Size	Uncompacted Service	Compacted Service
3/4 cubic yards		
- First container	\$35.95	\$46.55
- Each Additional	\$10.60	\$21.20
1 cubic yards		
- First container	\$38.40	\$52.55
- Each Additional	\$13.05	\$27.15
1.5 cubic yards		
- First container	\$43.85	\$65.05
- Each Additional	\$18.45	\$39.65
2 cubic yards		
- First container	\$56.30	\$84.55
- Each Additional	\$30.90	\$59.15
3 cubic yards		
- First container	\$67.15	\$109.55
- Each Additional	\$41.78	\$84.15
4 cubic yards		
- First container	\$78.05	\$134.55
- Each Additional	\$52.65	\$109.20
6 cubic yards		
- First container	\$98.75	\$183.50
- Each Additional	\$73.35	\$158.15
8 cubic yards		
- First container	\$120.00	\$233.00
- Each Additional	\$94.60	\$207.65
10 cubic yards		
- First container	\$230.95	\$372.25
- Each Additional	\$205.55	\$346.85
20 cubic yards		
- First container	\$329.04	\$611.65
- Each Additional	\$303.65	\$586.25

Effective January 1, 2007		
Detachable Container Size	Uncompacted Service	Compacted Service
3/4 cubic yards		
- First container	\$38.75	\$50.40
- Each Additional	\$12.05	\$23.70
1 cubic yards		
- First container	\$41.45	\$56.95
- Each Additional	\$14.75	\$30.30
1.5 cubic yards		
- First container	\$47.50	\$70.75
- Each Additional	\$20.80	\$44.10
2 cubic yards		
- First container	\$62.25	\$93.25
- Each Additional	\$35.55	\$66.55
3 cubic yards		
- First container	\$74.35	\$120.90
- Each Additional	\$47.65	\$94.20
4 cubic yards		
- First container	\$86.45	\$148.50
- Each Additional	\$59.75	\$121.80
6 cubic yards		
- First container	\$109.30	\$202.40
- Each Additional	\$82.65	\$175.70
8 cubic yards		
- First container	\$132.85	\$257.00
- Each Additional	\$106.20	\$230.30
10 cubic yards		
- First container	\$267.80	\$422.95
- Each Additional	\$241.10	\$396.25
20 cubic yards		
- First container	\$375.50	\$685.80
- Each Additional	\$348.85	\$659.15

F. Extra Bundles of Garbage. A customer may place extra bundles of garbage with its container for regular pickup. Extra bundles of garbage will be billed in quarter yard increments as follows:

	Effective April 1, 2005
1/4 yard =	\$5.60
1/2 yard =	\$16.80
3/4 yard =	\$22.40
1 yard =	\$33.60

The charge will be billed directly to the owner or occupant.

G. Bulky and White Goods Pickup. Effective through December 31, 2006, a charge of Twenty Dollars (\$20) for each item plus an additional charge of Five Dollars (\$5) per item for items containing hazardous waste such as chlorofluorocarbons (CFCs). Effective January 1, 2007, a charge of Twenty Dollars (\$20) for each item plus an additional charge of Six Dollars (\$6) per item for items containing hazardous waste such as chlorofluorocarbons (CFCs).

H. Curbside/Alley Yardwaste. Effective through December 31, 2006, a charge per month or portion thereof for each residence of Four Dollars and Thirty Cents (\$4.30) for up to four (4) bundles-of-yardwaste per collection plus an additional charge of One Dollar and Fifty Cents (\$1.50) for each extra bundle-of-yardwaste beyond four (4) per collection. Effective January 1, 2007, a charge per month or portion thereof for each residence of Five Dollars (\$5) for up to four (4) bundles-of-yardwaste per collection plus an additional charge of One Dollar and Fifty Cents (\$1.50) for each extra bundle-of-yardwaste beyond four (4) per collection. To receive this service, a customer must be signed up with the Seattle Public Utilities for a minimum of twelve (12) months' service and place his or her yardwaste at the curbside/alley for collection on the scheduled date. (Ord. 122262, § 2, 2006; Ord. 121674 § 2, 2004; Ord. 120971 § 2, 2002; Ord. 120250 § 3(part), 2001; Ord. 119737 § 3, 1999; Ord. 118396 § 161, 1996; Ord. 117184 § 2, 1994; Ord. 116346 § 1, 1992; Ord. 116187 § 3, 1992; Ord. 115231 § 3, 1990; Ord. 114205 § 10, 1988; Ord. 113374 § 2, 1987; Ord. 112942 § 4, 1986; Ord. 112687 § 1, 1986; Ord. 111661 § 2, 1984; Ord. 110448 § 2, 1982; Ord. 109130 § 1.1, 1980; Ord. 109022 § 1.1, 1980; Ord. 106017 § 2, 1976; Ord. 105544 § 2, 1976; Ord. 103458 § 2, 1974; Ord. 98130 § 2, 1969; Ord. 96301 § 2, 1967; Ord. 90379 § 4.1, 1961.)

#### **21.40.070 Commercial collection rates and charges.**

A. Primary and Secondary Service Territories Established. The City hereby establishes two (2) primary service territories for commercial solid waste collection in the City, bordered by Royal Brougham to 4th Avenue to Dearborn, Dearborn to I-5, I-5 to Jackson, Jackson to Lake Washington. The City shall designate by ordinance one (1) contract collector of commercial solid waste to be the provider of primary services in each territory, and another collector to be the secondary service provider. Rates and charges for services provided by a primary service provider and a secondary service provider shall be according to the schedules in subsection B.

B. Primary and Secondary Service Rates and Charges. There is imposed upon all commercial establishments in the City receiving container or drop service from one of the City's contract collectors of commercial solid waste or one of the City's contract collectors of commercial compostable waste the following schedule of rates and charges:

1. Container Service Rates. The following charges shall apply to commercial establishments receiving primary container service for solid waste. Customers receiving secondary container service for solid waste shall pay twenty (20) percent more than the corresponding rate for primary container service for solid waste (the basic service charge including container rent and related taxes all multiplied by 1.2). Effective January 1, 2005, customers receiving primary or secondary container service for compostable waste shall pay twenty (20) percent less than the corresponding rate for primary container service for solid waste (the basic service charge including container rent multiplied by 0.80).

Container Service  
Non-Compacted Material  
Effective Through December 31, 2006

Service Type	Size or Type of Container									
	90 Gal. Toter	1 Yd	1.5 Yd	2 Yd	3 Yd	4 Yd	5 Yd	6 Yd	8 Yd	
Permanent Account										
First Pickup	\$6.15	\$7.25	\$16.15	\$23.00	\$28.05	\$39.30	\$50.70	\$62.20	\$69.35	\$87.90
Ea. Add'l Pickup	\$6.15	\$7.25	\$16.15	\$23.00	\$28.05	\$39.30	\$50.70	\$62.20	\$69.35	\$87.90
Special Pickups	\$7.65	\$8.55	\$24.45	\$30.60	\$36.35	\$48.05	\$59.70	\$69.35	\$78.90	\$98.45
Monthly Rent	\$1.80	\$1.80	\$4.80	\$7.00	\$9.00	\$11.20	\$12.75	\$17.55	\$19.65	\$22.35
Flat Monthly Pickup Charge*	\$26.55	\$31.45	\$70.75	\$99.75	\$121.60	\$170.30	\$219.60	\$269.60	\$300.60	\$380.95
Temporary Account										
Initial Delivery			\$13.05	\$13.05	\$13.05	\$13.05	\$13.05	\$13.05	\$13.05	\$13.05
Pickup Rate			\$24.45	\$30.60	\$36.35	\$48.05	\$59.70	\$69.35	\$78.90	\$98.45
Rent Per Calendar Day			\$3.20	\$3.20	\$3.20	\$3.20	\$3.20	\$3.20	\$3.20	\$3.20

Container Service  
 Non-Compacted Material

Effective January 1, 2007

Service Type	Size or Type of Container									
	90 Gal. Toter	1 Yd	1.5 Yd	2 Yd	3 Yd	4 Yd	5 Yd	6 Yd	8 Yd	
Permanent Account										
First Pickup	\$7.00	\$8.30	\$18.40	\$26.20	\$31.95	\$44.80	\$57.80	\$70.95	\$79.05	\$100.20
Ea. Add'l Pickup	\$7.00	\$8.30	\$18.40	\$26.20	\$31.95	\$44.80	\$57.80	\$70.95	\$79.05	\$100.20
Special Pickups	\$8.70	\$9.75	\$27.85	\$34.90	\$41.45	\$54.75	\$68.05	\$79.05	\$89.95	\$112.20
Monthly Rent	\$1.80	\$1.80	\$4.85	\$7.05	\$9.10	\$11.30	\$12.90	\$17.75	\$19.85	\$22.55
Flat Monthly Pickup Charge*	\$30.30	\$35.85	\$80.65	\$113.70	\$138.65	\$194.15	\$250.35	\$307.35	\$342.70	\$434.30
Temporary Account										
Initial Delivery			\$13.20	\$13.20	\$13.20	\$13.20	\$13.20	\$13.20	\$13.20	\$13.20
Pickup Rate			\$27.85	\$34.90	\$41.45	\$54.75	\$68.05	\$79.05	\$89.95	\$112.20

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Rent Per Calendar Day		\$3.25	\$3.25	\$3.25	\$3.25	\$3.25	\$3.25	\$3.25	\$3.25
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Container Service  
 Compacted Material, 1 to 2 Ratio  
 Effective Through December 31, 2006

Service Type	Size or Type of Container						
	1 Yd	2 Yd	3 Yd	4 Yd	5 Yd	6 Yd	
Permanent Account							
First Pickup		\$32.55	\$50.40	\$73.40	\$96.25	\$119.10	\$142.20
Ea. Add'l Pickup		\$32.55	\$50.40	\$73.40	\$96.25	\$119.10	\$142.20
Special Pickups		\$41.30	\$58.90	\$82.40	\$105.50	\$127.70	\$152.00
Monthly Rent		\$14.90	\$29.75	\$32.95	\$37.20	\$40.40	\$44.55
Flat Monthly Pickup Charge*		\$141.05	\$218.50	\$318.00	\$417.10	\$516.20	\$616.15

Container Service  
 Compacted Material, 1 to 2 Ratio  
 Effective January 1, 2007

Service Type	Size or Type of Container						
	1 Yd	2 Yd	3 Yd	4 Yd	5 Yd	6 Yd	8 Yd
Permanent Account							
First Pickup		\$37.15	\$57.45	\$83.65	\$109.75	\$135.75	\$216.15
Ea. Add'l Pickup		\$37.15	\$57.45	\$83.65	\$109.75	\$135.75	\$216.15
Special Pickups		\$47.10	\$67.15	\$93.95	\$120.30	\$145.55	\$231.05
Monthly Rent		\$15.05	\$30.05	\$33.30	\$37.55	\$40.80	\$60.00
Flat Monthly Pickup Charge*		\$160.80	\$249.10	\$362.50	\$475.47	\$588.50	\$936.60

Container Service  
 Compacted Material, 1 to 5 Ratio  
 Effective Through December 31, 2006

Service Type	Size or Type of Container						
	1 Yd	2 Yd	3 Yd	4 Yd	5 Yd	6 Yd	
Permanent Account							
First Pickup		\$46.65	\$79.10	\$113.00	\$146.90	\$182.85	\$223.25
Ea. Add'l Pickup		\$46.65	\$79.10	\$113.00	\$146.90	\$182.85	\$223.25
Special Pickups		\$52.30	\$85.05	\$119.15	\$153.30	\$189.00	\$230.20
Monthly Rent		\$16.05	\$32.20	\$34.05	\$40.20	\$43.80	\$48.25
Flat Monthly Pickup Charge*		\$202.20	\$342.80	\$489.65	\$636.45	\$792.25	\$967.45

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Container Service  
Compacted Material, 1 to 5 Ratio

Effective January 1, 2007

Service Type	Size or Type of Container						
	1 Yd	2 Yd	3 Yd	4 Yd	5 Yd	6 Yd	8 Yd
Permanent Account							
First Pickup	\$53.20	\$90.15	\$128.80	\$167.50	\$208.50	\$254.50	\$339.35
Ea. Add'l Pickup	\$53.20	\$90.15	\$128.80	\$167.50	\$208.50	\$254.50	\$339.35
Special Pickups	\$59.60	\$96.95	\$135.80	\$174.75	\$215.45	\$262.45	\$349.95
Monthly Rent	\$16.20	\$32.50	\$34.40	\$40.60	\$44.25	\$48.75	\$65.00
Flat Monthly Pickup Charge*	\$230.55	\$390.75	\$558.20	\$725.55	\$903.20	\$1,102.85	\$1,470.55

\* "Flat monthly pickup" rate schedules exclude rental rates.

\* Can-unit Pickup. Customers receiving regularly scheduled can-unit pickup service for one (1) or more cans will be charged Three Dollars and Twenty-five Cents (\$3.25) per can pickup, with a minimum monthly charge of Twenty-one Dollars and Thirty Cents (\$21.30). When a set number of units are serviced each week, the customer may be billed at a flat rate equal to four and one-third (4 1/3) times the applicable unit rate, subject to the same Twenty-one Dollars and Thirty Cents (\$21.30) minimum monthly charge.

\* Bulky Waste Collection. Effective through December 31, 2006, customers setting out bulky waste will be charged at the rate of Thirteen Dollars and Sixty-five Cents (\$13.65) per cubic yard for such waste. Effective January 1, 2007, customers setting out bulky waste will be charged at the rate of Fifteen Dollars and Eighty Cents (\$15.80) per cubic yard for such waste. The charges for bulky waste collection will be assessed per one-quarter ( 1/4) cubic yard. Any such charges will be in addition to the customer's regular container collection service charges.

\* Overload Container Charges. A toter or container whose contents exceed one (1) foot above the top of the toter or container will be charged at the bulky waste collection rate on a per one-quarter ( 1/4) cubic yard basis.

2. Drop Box Service Rates. The following charges shall apply to commercial establishments receiving primary drop box service for solid waste. Customers receiving secondary drop box service for solid waste shall pay fifteen (15) percent more than the corresponding rate for primary drop box service for solid waste (the basic service charge including container rent and related taxes all multiplied by one and one-quarter (1.15)). Effective January 1, 2005, customers receiving primary or secondary drop box service for compostable waste shall pay twenty (20) percent less than the corresponding rate for primary drop box service for solid waste (the basic service charge including container rent multiplied by 0.80).

Drop Box Service  
Noncompacted Material

Effective Through December 31, 2006

For current SMC, contact  
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Service Type	Size or Type of Container											
	3--4 Yd	6 Yd	8 Yd	10 Yd	12 Yd	15 Yd	16 Yd	20 Yd	25 Yd	30 Yd	40 Yd	
Permanent Account												
First Pickup	\$63.75	\$63.75	\$63.75	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50
Ea. Add'l Pickup	\$63.75	\$63.75	\$63.75	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50	\$85.50
Special Pickups	\$73.90	\$73.90	\$73.90	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30
Monthly Rent	\$13.20	\$25.30	\$27.45	\$29.65	\$32.95	\$36.25	\$38.85	\$41.70	\$52.75	\$63.70	\$69.15	
Temporary Account												
Pickup Rate			\$73.90	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30	\$94.30
Rent Per Calendar Day			\$3.30	\$3.30	\$3.30	\$3.30	\$4.40	\$4.40	\$4.40	\$5.50	\$5.50	

Drop Box Service  
 Noncompacted Material

Effective January 1, 2007

Service Type	Size or Type of Container											
	3--4 Yd	6 Yd	8 Yd	10 Yd	12 Yd	15 Yd	16 Yd	20 Yd	25 Yd	30 Yd	40 Yd	
Permanent Account												
First Pickup	\$72.65	\$72.65	\$72.65	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50
Ea. Add'l Pickup	\$72.65	\$72.65	\$72.65	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50	\$97.50
Special Pickups	\$84.25	\$84.25	\$84.25	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50
Monthly Rent	\$13.85	\$26.55	\$28.80	\$31.15	\$34.60	\$38.05	\$40.80	\$43.80	\$55.40	\$66.90	\$72.60	
Temporary Account												
Pickup Rate			\$84.25	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50	\$107.50
Rent Per Calendar Day			\$3.45	\$3.45	\$3.45	\$3.45	\$4.60	\$4.60	\$4.60	\$5.80	\$5.80	

Drop Box Service  
 Compacted Material

Effective Through December 31, 2006

Service Type	10 Yd	15 Yd	20 Yd	25 Yd	30 yd	40 yd
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Temporary pickup	\$13.90	\$14.20
Return trip-Can	\$4.40	\$4.50
Return trip-Container	\$9.25	\$9.45
Return trip-Drop Box	\$37.10	\$37.85
Time rates for Special Event Service, Deliveries/Pickups*	\$1.25, 30-minute minimum	\$1.30, 30-minute minimum
Container, Drop Box, and Compactor Special Services		
Pickup/redelivery up to 8 CY	\$13.90	\$14.20
Pickup/redelivery over 8 CY	\$30.90	\$31.50
Washing and steam cleaning, per CY	\$2.05	\$2.10
Washing and steam cleaning, minimum payment	\$15.45	\$15.75
Sanitizing containers, per CY	\$0.95	\$0.95
Sanitizing containers, minimum payment	\$10.30	\$10.50
Compactor disconnect/reconnect cycle	\$20.60	\$21.00
Container, drop box compactor turnaround	\$16.40	\$16.75
Drop box solid lid monthly provision	\$12.15	\$12.40
Overtime service, hourly premium for service provided between Saturday, 4:00 p.m., to Sunday, 5:00 p.m.	\$35.55, in 4-hour increments	\$36.25, in 4-hour increments
Replacement lock for container, if requested more frequently than every 12 months	\$10.30	\$10.50

\* Qualification for this rate requires preapproval by the Director of Seattle Public Utilities.

4. Disposal Fee for MSW and Processing Fee for Compostable Waste Drop Box Service. Effective through December 31, 2006, disposal fees for MSW drop box service shall be assessed on each MSW drop box load at the rate of Eighty Dollars and Twenty Cents (\$80.20) per ton, measured on a per tip basis rounded to the next highest one-hundredth ( 1/100) ton. Effective January 1, 2007, disposal fees for MSW drop box service shall be assessed on each MSW drop box load at the rate of Eighty One Dollars and Twenty Five Cents (\$81.25) per ton, measured on a per tip basis rounded to the next highest one-hundredth ( 1/100) ton. Effective January 1, 2005, processing fees for compostable waste drop box service shall be assessed on each compostable waste drop box load at the rate of Fifty Dollars (\$50.00) per ton, measured on a per tip basis rounded to the next highest one-hundredth ( 1/100) ton.

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5. Application of Taxes and Local Hazardous Waste Plan Fee. The following taxes and fees shall be added to the collection and disposal charges set forth in this section.

- a. Household Hazardous Waste Collection Fees as set by The Local Hazardous Waste Management Program in King County pursuant to RCW 70.105.220;
- b. Seattle Solid Waste Collection Taxes contained in Seattle Municipal Code, Section 5.48.055;
- c. State Solid Waste Collection Taxes; and
- d. Retail Sales Tax levies on container rental charges.

6. Payment of Charges--Delinquency and Lien.

- a. Collection and disposal charges shall be against the premises served and when such charges have not been paid within ninety (90) days after billing, service shall be discontinued and the charges shall constitute a lien against the premises served. Notice of the City's lien specifying the amount due, the period covered and giving the legal description of the premises sought to be charged may be filed with the County Auditor within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and material, as authorized by RCW 35.21.140.
- b. Penalty interest at the rate of twelve (12) percent per year, computed monthly, shall be added to collection and disposal charges that become delinquent. Penalty interest shall be imposed on all such charges that remain unpaid thirty (30) days after their bill date and shall continue until such charges are paid.
- C. The Director of Seattle Public Utilities may adjust the service level to a commercial establishment to match the amount of garbage and rubbish actually collected from that establishment.

(Ord. 122262, § 3, 2006; Ord. 121613 § 1, 2004; Ord. 120971 § 3, 2002; Ord. 120947 § 3, 2002; Ord. 120591 § 2, 2001; Ord. 120301 § 1, 2001; Ord. 120250 § 4, 2001.)

**21.40.080 Recycling and disposal station rates.**

A. Basic Rates. The following rates are established for the use of the City's recycling and disposal stations.

Types of Waste and Vehicle	Effective Through December 31, 2006	Effective January 1, 2007 Rate
1. Deposit of Contaminant-free Clean Recyclables.		
Any vehicle	No charge	No charge
2. Deposit of Refuse.		

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Sedans, station wagons, sport utility vehicles (all without trailers)	\$14.00 per entry	\$20.00 per entry
Other vehicles (e.g., trucks, vans (including minivans), vehicles with trailers, travel-alls, motor homes, and modified buses, aid cars and commercial vehicles)	\$99.15 per ton; minimum charge of \$14.00 per vehicle	\$110.00 per ton; minimum charge of \$20.00 per vehicle
3. Deposit of Source Separated Yard Waste at Yard Waste Collection Areas.		
Sedans, station wagons, sport utility vehicles (all without trailers)	\$12.00 per entry	\$13.00 per entry
Other vehicles (e.g., trucks, vans (including minivans), vehicles with trailers, travel-alls, motor homes, and modified buses, aid cars and commercial vehicles)	\$72.75 per ton; minimum charge of \$12.00 per vehicle	\$80.00 per ton; minimum charge of \$13.00 per vehicle
4. Deposit of Source Separated Clean Wood at Clean Wood Collection Areas.		
Sedans, station wagons, sport utility vehicles (all without trailers)	\$12.00 per entry	\$13.00 per entry
Other vehicles (e.g., trucks, vans (including minivans), vehicles with trailers, travel-alls, motor homes, and modified buses, aid cars and commercial vehicles)	\$50.90 per ton; minimum charge of \$12.00 per vehicle	\$55.00 per ton; minimum charge of \$13.00 per vehicle
5. Deposit of Passenger Vehicle Tires:	\$8.25 per load; maximum of four (4) tires per load	\$10.00 per load; maximum of four (4) tires per load
6. Deposit of Household Hazardous Waste Only.		
Passenger and other noncommercial vehicles	No charge	No charge
7. Deposit of a Combination of Refuse and White Goods, Seattle Residents Only.		
All vehicles	\$99.15 per ton plus \$5.70 per white good; a maximum of two (2) white goods per load	\$110.00 per ton plus \$6.00 per white good; a maximum of two (2) white goods per load
8. Deposit of White Goods Only, Seattle Residents Only.		
All vehicles	\$16.20 per white good; a maximum of two (2) white goods per load	\$20.00 per white good; a maximum of two (2) white goods per load

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B. Collection of Charges. It shall be the duty of the Director of Seattle Public Utilities, or his/her authorized agent, to issue and sell tickets at City recycling and disposal stations for the privilege of such disposal; provided, that such disposal charges shall not apply to the disposal of earth or other material suitable for road construction when disposal of same has been approved by the Director of Seattle Public Utilities or his/her authorized agent.

C. State Tax Collection and Refund. The Director of Seattle Public Utilities, or his/her authorized agent, has the authority to collect taxes due as required by state law and to make refunds to any person entitled thereto under state law.

D. Charitable Organizations Reusing Goods.

1.
  - a. Effective through December 31, 2006, a qualified charitable organization shall be charged at the rate of Fifty-six Dollars and Sixty-five Cents (\$56.65) per ton for the disposal on an ongoing basis, rather than on an occasional or incidental basis, of refuse generated within Seattle only, that is deposited at City recycling and disposal stations.
  - b. Effective January 1, 2007, a qualified charitable organization shall be charged at the rate of Sixty-two Dollars and Seventy Cents (\$62.70) per ton for the disposal on an ongoing basis, rather than on an occasional or incidental basis, of refuse generated within Seattle only, that is deposited at City recycling and disposal stations.
2. Qualified charitable organizations may dispose of white goods at no charge under the following conditions:
  - a. White goods must be delivered directly to the City's selected vendor for white good processing ("vendor").
  - b. By the tenth of each month, the qualified charitable organization must provide Seattle Public Utilities with dated receipts from the vendor for all of the white goods disposed of in the previous month.
  - c. The number of white goods disposed of in a calendar year may not exceed the average the number of white goods delivered to City recycling and disposal stations by the qualified charitable organization in 1997 and 1998. If the above conditions are not met or if limits set forth in subsection D2c are exceeded, qualified charitable organizations shall be charged at a per-unit rate equal to that established by contract between the City and its selected vendor.
3. For purposes of this subsection D, a charitable organization shall be considered a qualified charitable organization if found by the Director of Seattle Public Utilities, or his/her authorized agent, after application by such organization to the Director, to:
  - a. Be a credit customer of the Seattle Public Utilities;

b. Be a nonprofit charitable organization recognized as such by the Internal Revenue Service; and

c. Be engaged, as a primary form of its doing business, in processing abandoned goods for resale or reuse.

E. Interest on Delinquent City Recycling and Disposal Stations Payments. Interest shall accrue on delinquent payments of customers at City recycling and disposal stations at the rate of twelve (12) percent per annum from thirty (30) days after the bill date and shall continue until the bill is paid.

F. Requirements for Special Event, Free Disposal. Under certain conditions, Seattle Public Utilities shall offer free disposal at City recycling and disposal stations for special events. An organization shall be qualified for free disposal for a special event if the organization's written application to the Director of Seattle Public Utilities is found by the Director, or his/her authorized agent, to:

1. Be the only such request from the organization for the calendar year;

2. Support the City's goals for cleaner neighborhoods and environments;

3. Not to supplant any current or existing agency responsibilities or activities; and

4. Provide benefit to SPU as well as the community or the City.

G. Waiver of Residential Disposal Rates Under Certain Circumstances. The Director of Seattle Public Utilities has discretion to waive disposal rates for City residents for yard waste or refuse for up to sixty (60) days at a time when the Director determines that unique or emergency situations, such as transitions in collection service, incidents of arson, windstorms, etc., make it prudent to encourage self-haul of refuse or yard waste to City recycling and disposal stations by waiving the disposal fee for a limited period.

H. 1. Effective through December 31, 2006, the Seattle Housing Authority shall be charged at the rate of Fifty-six Dollars and Sixty-five Cents (\$56.65) per ton for the disposal of up to five thousand eight hundred (5,800) tons per calendar year of refuse that is deposited at City recycling and disposal stations. If the actual tons delivered in a calendar year exceed this maximum, Seattle Housing Authority shall be charged the per ton rate for refuse set forth in subsection A of this section for the additional tons.

2. Effective January 1, 2007, the Seattle Housing Authority shall be charged at the rate of Sixty-two Dollars and Seventy Cents (\$62.70) per ton for the disposal of up to five thousand eight hundred (5,800) tons per calendar year of refuse that is deposited at City recycling and disposal stations. If the actual tons delivered in a calendar year exceed this maximum, Seattle Housing Authority shall be charged the per ton rate for refuse set forth in subsection A of this section for the additional tons.

(Ord. 122262, § 4, 2006; Ord. 120971 § 4, 2002; Ord. 119737 § 4, 1999; Ord. 119266 § 1, 1998; Ord. 117813 § 2, 1995; Ord. 117184 § 3, 1994; Ord. 116426 § 1, 1992; Ord. 116250 §§ 3, 4, 1992; Ord. 116187 § 4, 1992; Ord. 115926 § 1, 1991; Ord. 115231 § 4, 1990; Ord. 114205 § 11, 1988; Ord. 113882 § 2, 1988; Ord. 113374 §

3, 1987: Ord. 113163 § 1, 1986: Ord. 112942 § 5, 1986: Ord. 111662 § 2, 1984: Ord. 110399 § 1, 1982: Ord. 109130 § 2, 1980: Ord. 109022 § 2, 1980: Ord. 106017 § 3, 1976: Ord. 105544 § 3, 1976: Ord. 103458 § 3, 1974: Ord. 99122 § 1, 1970: Ord. 98130 § 3, 1969: Ord. 94711 § 2, 1966: Ord. 94022 § 2, 1965: Ord. 90379 § 5, 1961.)

#### **21.40.085 Commercial railyard rate.**

A. 1. Effective through December 31, 2006, nonresidential, non-contract solid waste generated within the City and directed by the City to the Argo Yard or its successor facility for transport and disposal shall be charged Sixty-six Dollars and Eighty-five Cents (\$66.85) per ton with a minimum charge of One Thousand Six Hundred Seventy-one Dollars and Twenty-five Cents (\$1,671.25).

2. Effective January 1, 2007, nonresidential, non-contract solid waste generated within the City and directed by the City to the Argo Yard or its successor facility for transport and disposal shall be Sixty-seven Dollars (\$67) per ton with a minimum charge of One Thousand Six Hundred Seventy-five Dollars and No Cents (\$1,675).

B. A hauler depositing waste at the Argo Yard or its successor receiving facility shall be subject to an hourly shipping container rental charge if any shipping container supplied for transport and disposal of waste is detained by the hauler more than twenty-four (24) hours. The charge shall be One Dollar and Fifty Cents (\$1.50) for each hour and for each container detained beyond twenty-four (24) hours. The Director of Seattle Public Utilities will provide exemptions from this charge consistent with the City's operating agreement with Washington Waste Systems, Incorporated.

C. In the event the receiving facility turnaround time experienced by all trucks hauling waste to the Argo Yard or its successor receiving facility averages more than twenty (20) minutes in a calendar month, a hauler shall be entitled to receive a portion of any liquidated damage paid to the City by Washington Waste Systems as a result of this excessive turnaround time. The total liquidated damage for any calendar month will be equal to One Dollar and Twenty-five Cents (\$1.25) for each minute exceeding twenty (20) minutes multiplied by the total number of containers deposited at the receiving facility during the month. A hauler shall receive a portion of this liquidated damage equal to the total liquidated damage multiplied by the hauler's share of containers deposited at the receiving facility during the calendar month for which the liquidated damage applies.

D. A hauler who deposits waste at the Argo Yard or its successor receiving facility shall be subject to payment of any cost incurred for the separation and proper disposal of any hazardous or unacceptable waste found in the deposited waste.  
(Ord. 122262, § 5, 2006; Ord. 120971 § 5, 2002; Ord. 119737 § 5, 1999; Ord. 118396 § 162, 1996; Ord. 117184 § 4, 1994; Ord. 116188 § 2, 1992; Ord. 115475 § 1, 1990.)

#### **21.40.090 Authority to make rules and regulations.**

To carry out the provisions of this chapter, the Director of Seattle Public Utilities is authorized to make, modify and enforce regulations for all operations at garbage and rubbish disposal sites, which regulations shall designate what material may be disposed of at particular disposal sites, may establish and provide for the collection of reasonable fees for special services rendered to persons requesting the same at such disposal sites.

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(Ord. 118396 § 163, 1996: Ord. 94711 § 3, 1966: Ord. 90379 § 6, 1961.)

**21.40.100 Exemption for governmental agencies owning disposal site.**

The charge imposed by Section 21.40.090 shall not apply to any governmental agency owning in whole or in part the property upon which the disposal site is located.

(Ord. 90379 § 7, 1961.)

**21.40.110 Preparation and placement of garbage.**

All garbage and rubbish shall be prepared and placed for collection as required by ordinance. Failure to meet such requirements may result in discontinuation of collection service, but not of the charges therefor.

(Ord. 90379 § 8, 1961.)

**21.40.120 Payment of charges--Delinquency and lien.**

A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three (3) months in advance at the office of the City Director of Executive Administration and at the same time that water utility charges are due and payable with respect to residences or other dwelling units contemporaneously served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish collection services, then to charges for wastewater services, and the balance to outstanding charges for water services. The charges imposed under Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units, whether occupied or not; provided, however, that where no portion of the premises is being used and occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of Seattle Public Utilities for an adjustment to garbage and rubbish collection charges. In such connection the Director of Seattle Public Utilities may from time to time reduce the liability for such charges upon request therefor whenever he or she is satisfied that the premises are not being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed and billed from time to time by the Director of Seattle Public Utilities as a separate charge on the water bill for residences or dwelling units served, and the Director of Seattle Public Utilities shall establish common billing practices and procedures to the extent permitted by law.

B. Garbage and rubbish collection charges shall be against the premises served and when such charges have not been paid within ninety (90) days after billing, they shall constitute a lien against the residence or dwelling units served. Notice of the City's lien specifying the amount due, the period covered and giving the legal description of the premises sought to be charged may be filed with the County Auditor within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and material, as authorized by RCW 35.21.140.

C. Penalty interest at the rate of twelve (12) percent per year, computed monthly, shall be added to garbage and rubbish collection charges imposed under Sections 21.40.050 and 21.40.060 through the combined utility bill, or any part thereof, that become delinquent. Penalty interest shall be imposed on all such charges that remain unpaid thirty (30) days after their bill date and shall continue until such charges are paid.

(Ord. 120794 § 286, 2002; Ord. 119266 § 2, 1998: Ord. 118396 § 164, 1996: Ord. 116368 § 289, 1992; Ord. 111818 § 1, 1984; Ord. 111661 § 3, 1984; Ord. 94711 § 4, 1966: Ord. 90379 § 9, 1961.)

**21.40.130 Solid Waste Fund--Purchase of recyclable solid waste.**

A. The solid waste functions authorized by this chapter shall be operated by the Seattle Public Utilities, and the Garbage Collection and Disposal Fund in the City Treasury is renamed the Solid Waste Fund. All revenues from the garbage and rubbish collection and disposal charges set forth in this chapter, the use of disposal sites, and from the sale of recyclable solid waste shall be credited to the fund; all expenses for the operation of the collection system, operation and maintenance of the disposal sites, operation and maintenance of recyclable solid waste purchase accounts, and transportation expense, servicing of bonds, cost of operation and maintenance of the disposal system as constructed or added to, and to maintain the solid waste functions of the Seattle Public Utilities in sound financial condition, shall be charged to the fund in the manner and to the extent provided by ordinance, including the cost of billing and collection and all interdepartmental charges for service rendered by other City departments to the utility.

B. The Seattle Public Utilities is authorized to purchase at the City's solid waste disposal facilities, recyclable solid waste at a price which shall be equal to the gross revenue received from the sale by the City of such recyclable solid waste, less costs of handling, accounting, and transportation. Such purchase price shall be computed and paid quarterly as to recyclable solid waste purchased and sold by the City in the preceding quarterly period.

(Ord. 118396 § 165, 1996: Ord. 104455 § 1, 1975: Ord. 99322 § 1, 1970: Ord. 90379 § 11, 1961.)

## Chapter 21.43

### INFECTIOUS WASTE MANAGEMENT

#### Sections:

21.43.010 Definitions.

21.43.020 Authority--Administration, inspection and enforcement.

21.43.030 Infectious waste management plan.

21.43.040 Storage and containment of infectious waste.

21.43.050 Infectious waste treatment.

21.43.060 Transfer of infectious waste.

21.43.070 Infectious waste transport.

21.43.090 Violation--Penalty.

#### 21.43.010 Definitions.

A. "City" means The City of Seattle.

B. "Disposal site" means the areas or facilities where any final treatment, utilization, processing or deposition of solid waste occurs.

C. "Health Officer" means the Director of the Seattle-King County Department of Public Health or his/her designated representative.

D. "Infection control staff/committee" means those individuals designated by an infectious waste generator or an infectious waste storage/treatment operator whose responsibility includes but is not limited to developing and maintaining the infectious waste generator's or infectious waste storage/treatment operator's infectious waste management plan.

E. "Infectious waste" means and includes solid waste which is:

1. Cultures and stocks of etiologic agents and associated biologicals, including, without limitations, specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, and discarded live and attenuated vaccines;
2. Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stocks of etiologic agents;
3. Sharps, which means medical and laboratory equipment generated by an infectious waste generator that may cause punctures or cuts. Such waste includes, but is not limited to, needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware including slides, coverslips, and pasteur pipettes;
4. Pathological waste, which means all human tissues and anatomical parts which emanate from surgery, obstetrical procedures, autopsy, and the laboratory;
5. Human blood and blood products, including but not limited to serum and plasma, in fluid form exceeding fifty (50) milliliters per container;
6. Wastes that have come into contact with human body substances infected with anthrax, smallpox, rabies, plague and viral hemorrhagic fevers such as lassa fever and Ebola-Marburg virus disease;
7. As determined by and solely at the discretion of the infectious waste generator's infection control staff/committee, wastes that have come into contact with human body substances or other sources which may contain pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease;
8. Animal carcasses exposed to pathogens in research, their bedding, and other waste from such animals.

F. "Infectious waste collection/transportation vehicle" means a collection/transportation vehicle used for the collection and transportation of infectious waste over the highways.

G. "Infectious waste generator" means any producer of infectious waste, to include without limitation the following categories: General acute care hospitals, skilled nursing facility or convalescent hospitals, intermediate care facilities, inpatient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians' offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes, or other similar facilities. Home generated syringe wastes are excluded from this category if the containment and disposal requirements specified in Section 21.43.040 K4 are followed.

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H. "Infectious waste storage/treatment operator" means a person who stores and/or treats infectious waste if required by this chapter, and is not an infectious waste generator.

I. "Infectious waste transporter" means a person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred (100) pounds per month.

J. "Infectious waste treatment" means infectious waste treatment as described in Section 21.43.050 of this chapter.

K. "Laboratory" means a room or building equipped for scientific experimentation, research, testing, or clinical studies of specimens, fluids, tissues, cultures or stocks of etiologic agents and associated biologicals or other biologically active agents.

L. "Steam sterilization" means sterilizing infectious waste by use of saturated steam within a pressure vessel at temperatures sufficient to kill all microbial agents in the waste, as determined by biological and chemical indicator monitoring requirements set forth in this chapter.  
(Ord. 115983 § 1, 1991; Ord. 114500 § 1(part), 1989.)

#### **21.43.020 Authority--Administration, inspection and enforcement.**

A. The Health Officer of the Seattle-King County Public Health Department is authorized to administer and enforce all the provisions of this chapter relating to the generation, storage, treatment, transportation and disposal of infectious wastes in the City.

B. The Health Officer shall have the authority to inspect any infectious waste generator (IWG) or infectious waste storage/treatment operator (IWSTO), at any reasonable time, for the purpose of evaluating the IWG's or IWSTO's written infectious waste management plan, to determine if the IWG's or IWSTO's infectious waste is being handled, stored, treated and disposed in accordance with this chapter, and to determine if the IWG's or IWSTO's solid waste is being disposed of in accordance with this chapter.

C. The Health Officer shall have the authority to inspect any infectious waste transporter at any reasonable time, for the purpose of determining if the provisions of this chapter are being met.  
(Ord. 114500 § 1(part), 1989.)

#### **21.43.030 Infectious waste management plan.**

A. Each infectious waste generator (IWG) and infectious waste storage/treatment operator (IWSTO) must write an infectious waste management plan with an internal annual review. The plan shall include all aspects of the IWG's or IWSTO's infectious waste management. The plan must be followed by the IWG or IWSTO.

B. The plan must include a listing of the IWG's or IWSTO's infection control staff/committee member(s), phone numbers of responsible individuals, definition of wastes handled by the system, department and individual responsibilities, procedures for waste identification, segregation, containment, transport, treatment, treatment monitoring, disposal, contingency planning, staff/housekeeping training for infectious

waste identification, when applicable, and compliance with infectious waste regulations. The plan must include the chief executive officer's endorsement letter.

C. The plan shall be available for inspection at the request of the Health Officer.  
(Ord. 114500 § 1(part), 1989.)

#### **21.43.040 Storage and containment of infectious waste.**

A. Storage of infectious waste shall be in a manner and location which affords protection from animals, rain and wind; does not provide a breeding place or a food source for insects or rodents; and is accessible only to personnel authorized in the infectious waste generator's infectious waste management plan.

B. Infectious waste shall be segregated by separate containment from other waste at the point of origin.

C. Infectious waste, except for sharps, shall be contained in disposable leakproof plastic bags which have a strength to preclude ripping, tearing or bursting under normal conditions of use. The bags shall be appropriately marked by the generator as containing infectious waste. The bags shall be secured to prevent leakage or expulsion of solid or liquid waste during storage, handling or transport.

D. Sharps shall be contained in leakproof, rigid, puncture-resistant, break-resistant containers which are tightly lidded during storage, handling and transport.

E. Infectious waste contained in disposable bags, as described in subsection C of this section, shall be placed for storage, handling or transport in containers such as disposable or reusable pails, cartons, boxes, drums or portable bins. The containers shall be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words "Biomedical Waste" or words that clearly denote the presence of infectious waste.

F. Reusable Containers.

1. Reusable containers for infectious waste storage, handling or transport shall be thoroughly washed and decontaminated by an approved method each time they are emptied unless the surfaces of the containers have been protected from contamination by disposable liners, bags or other devices removed with the waste, other than those required in subsection C of this section.

2. Approved methods of decontamination are agitation to remove visible solid residue combined with one of the following procedures:

a. Chemical disinfection; chemical disinfectants should be used in accordance with the manufacturer's recommendations for tuberculocidal and viricidal (Polio Type 1 or 2, SA Rotovirus) killing capacities or by disinfectant concentration/contact times approved in writing by the Health Officer;

b. Other method approved in writing by the Health Officer.

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3. Reusable pails, drums or bins used for containment of infectious waste shall not be used for any other purpose except after being disinfected by procedures as described in this subsection and after the international biohazard symbol and words "Biomedical Waste" are removed.

G. Trash chutes shall not be used to transfer infectious waste.

H. Unless approved in writing by the Health Officer, infectious waste other than sharps shall be treated in accordance with Section 21.43.050 within eight (8) days, if such waste is stored at temperatures exceeding thirty-two degrees Fahrenheit (32° F.) or zero degrees centigrade (0° C.), or within ninety (90) days if said waste is stored at temperatures at or below thirty-two degrees Fahrenheit (32° F.) or zero degrees centigrade (0° C.) commencing from the time of generation. Treated sharps waste, except incinerated sharps, shall be transported as described in subsection K of this section within ninety (90) days commencing from the time of generation. Sharps waste treated by incineration shall be treated within ninety (90) days commencing from the time of generation.

I. Infectious waste shall not be subject to compaction prior to treatment.

J. Infectious waste shall not be placed into the general solid waste stream prior to treatment.

K. At no time shall treated sharps waste, except incinerated sharps waste, be disposed into the general solid waste stream, unless approved in writing by the Health Officer.

1. Treated sharps waste, except incinerated sharps waste, shall be transported separately from the general solid waste stream in approved sharps containers for disposal.

2. If treated sharps waste, except incinerated sharps waste, is to be disposed of in King County, they shall be disposed at a disposal site approved by the Seattle-King County Public Health Department.

3. If treated sharps waste is transported to a disposal site in King County, the transporter of treated sharps waste, excluding incinerated sharps waste, must notify the disposal site operator prior to transporting the sharps waste to allow for adequate site preparation and staff availability. The sharps waste shall be covered with at least six inches (6") of compacted waste material within twenty-four (24) hours of disposal.

4. Home generated sharps are exempt from other provisions of Chapter 21.43 if prepared for disposal by a means that protects medical handlers, solid waste workers and the public from injury. The disposal of home generated sharps shall be limited to:

a. Depositing sharps at a medical facility which has agreed to accept home generated sharps;

b. Depositing properly contained sharps at a pharmacy that provides a program to dispose sharps waste that meets the requirements of these regulations;

c. Depositing properly contained sharps in the designated sharps disposal receptacles

(barrels) at Seattle's North and South Transfer Stations;

- d. Acquiring a pickup service from an infectious waste transporter permitted by the health officer;
- e. Other methods approved by the health officer.

5. If treated sharps waste, except incinerated waste, is to be disposed outside King County, it shall be disposed at a disposal site which meets all appropriate local, state and federal regulations. (Ord. 115983 § 2, 1991; Ord. 114500 § 1(part), 1989.)

**21.43.050 Infectious waste treatment.**

- A. Infectious waste shall be treated prior to disposal by one (1) or more of the following methods:
  1. Cultures and stocks of etiologic agents and associated biologicals: Steam sterilization, incineration, or other treatment method approved in writing by the Health Officer;
  2. Laboratory waste: Steam sterilization, incineration, or other treatment method approved in writing by the Health Officer;
  3. Sharps: Incineration, containment, or other treatment method approved in writing by the Health Officer;
  4. Pathological waste: Incineration, interment, or other treatment method approved in writing by the Health Officer;
  5. Human blood and blood products: Direct pour via a utility sink drain or toilet to an approved sewage disposal system, incineration, other treatment method approved in writing by the Health Officer;
  6. Wastes that have come into contact with human body substances from patients diagnosed with anthrax, smallpox, rabies, plague and viral hemorrhagic fevers such as Lassa fever and Ebola-Marburg virus disease: Steam sterilization, incineration, or other treatment approved in writing by the Health Officer;
  7. As determined by the infectious waste generator's infection control staff person or committee, wastes that have come into contact with human body substances which may create a significant risk of disease: Steam sterilization, incineration, or other treatment method approved in writing by the Health Officer;
  8. Animal carcasses exposed to pathogens in research: Incineration or other treatment method approved in writing by the Health Officer.
- B. Infectious waste treatment and disposal shall be conducted as follows:

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1. Steam Sterilization.

a. Steam sterilization by heating in a steam sterilizer so as to kill all microbiological agents, as determined by chemical and biological indicator monitoring requirements set forth in this section. Operating procedures for steam sterilizers shall include, but not be limited to the following:

- (1) Adoption of standard written operating procedures for each steam sterilizer, including time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content and maximum load quantity;
- (2) Check of recording and/or indicating thermometers during each complete cycle to ensure the attainment of a minimum temperature of two hundred fifty degrees Fahrenheit (250° F.) or one hundred twenty-one degrees centigrade (121° C.) for one-half ( 1/2) hour or longer, depending on quantity and compaction of the load, in order to achieve sterilization of the entire load. Thermometers shall be checked for calibration at least annually;
- (3) Use of heat-sensitive tape or other device for each load that is processed to indicate that the load has undergone the steam sterilization process;
- (4) Use of the chemical migrating integrator Thermalog-S, or other chemical integrator meeting equivalent time, temperature and steam indicator specifications, based upon *Bacillus stearothermophilus* spore-kill steam sterilization parameters, approved in writing by the Health Officer. The chemical integrator shall be placed at the center load of each cycle to confirm attainment of adequate sterilization conditions for each infectious waste treatment cycle run;
- (5) Use of the biological indicator, *Bacillus stearothermophilus*, or other biological indicator approved in writing by the Health Officer, placed at the center of a load processed under standard operating conditions at least monthly to confirm the attainment of adequate sterilization conditions;
- (6) Maintenance of records and procedures specified in subparagraphs (1), (2), (4) and (5) above for a period of not less than one (1) year;
- (7) Development and implementation of a written steam sterilization training program for steam sterilizer operators.

b. Infectious waste so treated shall be disposable into the general solid waste stream, provided it is not otherwise dangerous waste or non-incinerated sharps waste.

2. Incineration.

a. Incineration shall be conducted at a sufficient temperature and for sufficient duration that all combustible material is reduced to ash; and that no unburned combustible material is

evident in the ash.

b. Operating procedures for incinerators shall include, but not be limited to, the following:

(1) Adoption of a standard written operating procedure for each incinerator that takes into account: Variation in waste composition, waste feed rate, and combustion temperature;

(2) Development and implementation of a written incinerator operator training program for incinerator operators.

3. Interment. Interment of pathological waste shall be conducted in such a manner so as to meet all federal, state and local regulations.

C. Contingency Planning. Each infectious waste generator and infectious waste storage/treatment operator must develop a contingency plan for the treatment of infectious waste. Provisions must be made for an alternate treatment plan in the event of equipment breakdown with an incinerator, steam sterilizer, or other method approved in writing by the Health Officer, as required by this section, for treating the waste prior to disposal.

(Ord. 114500 § 1(part), 1989.)

#### **21.43.060 Transfer of infectious waste.**

Any infectious waste generator who produces more than one hundred (100) pounds of infectious waste per month that requires off-site infectious waste treatment shall have such waste transported only by an infectious waste transporter.

(Ord. 114500 § 1(part), 1989.)

#### **21.43.070 Infectious waste transport.**

A. It shall be unlawful for any person to operate as an infectious waste transporter, without a valid permit therefor issued to such person by the Health Officer. Permits shall not be transferable and shall be valid only for the person and place or vehicle for which issued.

B. Any person desiring to operate as an infectious waste transporter shall submit three (3) copies of a written application to the Health Officer, on a form to be provided by the Health Officer. The Health Officer shall refer one (1) copy to the Washington State Department of Ecology.

1. Such application shall include the applicant's full name, post office address, and the signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm, corporation, and, if a partnership, the names and mailing addresses of all of the partners; and shall also state the legal description of the site(s) that the applicant is planning to use to treat or dispose of infectious waste.

2. The permit shall be accompanied by a nonrefundable fee of One Hundred Dollars (\$100.00) for up to four (4) vehicles, and Twenty Dollars (\$20.00) for the fifth and each additional vehicle.

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3. When inspection reveals that the applicable requirements of this chapter have been met and the applicable fee has been paid, a permit shall be issued to the applicant by the Health Officer. The Health Officer may deny the application if, in his/her judgment, the operation of the vehicle is likely to result in a hazard to the public health and/or will not meet the requirements of this chapter. The Health Officer may also suspend or revoke a permit during its term for noncompliance with the conditions of the permit, the permittee's failure to disclose relevant facts at any time, or if the permittee's activity endangers or manifests irresponsibility concerning public health or the environment. The Health Officer shall consider any relevant health and safety factors in making this determination. If an application is denied or a permit is suspended or revoked, the Health Officer, at the time of the denial, suspension or revocation, shall inform the applicant in writing of the reasons for the denial or revocation and the applicant's right to an appeal pursuant to Chapter 70.95 RCW.
4. Should the holder of an infectious waste transporter permit desire to transport infectious waste to a site other than the site listed, the permittee shall first obtain written approval of such site from the Health Officer.
5. All permits issued pursuant to this chapter shall expire on June 30th next following date of issuance.
6. Fees for inspection service requested by the infectious waste transporter, to be performed outside regular departmental working hours, will be charged at a rate equal to the cost of performing the service. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the re-examination of such plans shall be assessed at the current cost of plan review.
7. The Health Officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:
  - a. Reproduction and/or search of records and documents;
  - b. Examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provisions of this chapter or their acceptability for use.
8. The Health Officer or his/her authorized representative shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to King County's cost for furnishing such services and materials.
  - C. Infectious waste shall be transported over the highways only in a leakproof and fully enclosed container or vehicle compartment. Infectious waste shall not be transported in the same vehicle with other waste

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or medical specimens unless the infectious waste is contained in a separate, fully enclosed leakproof container within the vehicle compartment. Infectious waste shall be delivered for treatment only to a facility that meets all local, state and federal environmental regulations, as determined by the appropriate local, state and federal agencies. Surfaces of infectious waste collection/transportation vehicles that have contacted spilled or leaked infectious waste shall be decontaminated as described in this chapter.

D. Infectious waste collection/transportation vehicles used by permitted infectious waste transporters shall have a leakproof, fully enclosed vehicle compartment of a durable and easily cleanable construction, and shall be identified on each side of the vehicle with the name or trademark of the infectious waste transporter.

E. All persons collecting or transporting infectious waste shall avoid littering, or the creation of other nuisances at the loading point, during transport and for the proper unloading of the waste at a permitted solid-waste handling site.

F. All persons commercially collecting or transporting infectious waste shall inspect collection and transportation vehicles monthly, for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.

G. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system unless otherwise authorized by the Health Officer.  
(Ord. 114500 § 1(part), 1989.)

#### **21.43.090 Violation--Penalty.**

A. Authority. The Seattle-King County Health Officer is authorized to enforce the provisions of this chapter.

B. Criminal Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this code, any person who wilfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be guilty of a crime subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a criminal fine or forfeiture not to exceed Two Thousand Dollars (\$2,000.00), or by a term of confinement not to be longer than six (6) months. Each day's violation shall constitute a separate offense.

C. Civil Penalty. In addition to or as an alternative to any other judicial administrative remedy provided herein or by law or other provision of this Code, any person who violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty. The penalty for the first violation shall be Two Hundred Fifty Dollars (\$250.00). The penalty for the second separate violation by the same person in any five (5) year period shall be Five Hundred Dollars (\$500.00), and for each subsequent violation by the same person in any five (5) year period the penalty shall be Seven Hundred Fifty Dollars (\$750.00).

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D. Administrative Order. In addition to or as an alternative to any other judicial or administrative remedy provided therein or by law or other provision of this Code, the Health Officer may order a violation of this chapter to be abated. The Health Officer may order any person who creates or maintains a violation of this chapter, or any order issued pursuant to this chapter, to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. She/he will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

E. Notwithstanding the existence of use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any provision of this chapter. Any person aggrieved by an order issued pursuant to this subsection may appeal such order by filing a written appeal with the Hearing Examiner within ten (10) days of the service of the order, pursuant to Chapter 3.02 of this Code.

(Ord. 114723 § 25, 1989.)

## Chapter 21.44

### STANDARDS FOR SOLID WASTE HANDLING

#### Sections:

- 21.44.010 Standards for solid waste handling.
- 21.44.020 Permits required.
- 21.44.030 Nonconforming facilities.
- 21.44.040 Special permits.
- 21.44.050 Fees.
- 21.44.060 Collection and transportation vehicles--Permits.
- 21.44.065 Collection and transportation vehicles--Operation.
- 21.44.070 Special inspections--Plan reexamination.
- 21.44.080 Special services.
- 21.44.090 Violation--Penalty.

Severability: If any clause, sentence, paragraph or part of this chapter, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter.

(Ord. 106970 § 8, 1977.)

#### 21.44.010 Standards for solid waste handling.

All solid waste handling activities in The City of Seattle shall comply with the State Minimum Functional Standards for Solid Waste Handling, WAC 173-304 (as promulgated through May, 1989), which is hereby adopted by reference.

(Ord. 114723 § 27(part), 1989.)

#### 21.44.020 Permits required.

In accordance with RCW Chapter 70.95, and WAC 173-304-600, a permit is required for all solid waste handling facilities subject to the requirements of WAC 173-304-130, 173-304-300, and 173-304-400. The owner or operator of the solid waste handling facility is responsible for obtaining the permit, which must be renewed annually, from the Seattle-King County Department of Public Health. Applications for a permit must

contain all the information set forth in WAC 173.304.600(3).  
(Ord. 114723 § 27(part), 1989.)

**21.44.030 Nonconforming facilities.**

A nonconforming permit may be issued for solid waste handling facilities existing on or before November 27, 1985 which do not meet all of the pertinent requirements of the State Minimum Functional Standards for Solid Waste Handling, but which will be upgraded to meet such requirements according to a compliance schedule approved by the Health Officer, or which will be closed on a schedule approved by the Health Officer, provided that the compliance schedule shall ensure that these facilities meet the deadlines contained in WAC 173-304-400(3).  
(Ord. 114723 § 27(part), 1989.)

**21.44.040 Special permits.**

A. If a disposal site and/or operation utilizes a new method of solid waste handling or disposal not otherwise provided for in the State Minimum Functional Standards, a "special purposes facilities" permit may be issued.

B. The Health Officer shall determine which items of the Minimum Functional Standards shall apply to the disposal site on a case-by-case basis so as to protect the public health and the environment and to avoid the creation of nuisances. The terms and conditions of the special permit shall be itemized in writing by the Health Officer.  
(Ord. 114723 § 27(part), 1989.)

**21.44.050 Fees.**

A. Permit Application/Plan Review Fees. Permit applications to maintain, operate, alter, expand or improve a solid waste handling facility in the City, shall be made on forms provided by the Seattle-King County Department of Public Health, and shall be accompanied by a nonrefundable fee, as follows:

1.	Municipal and construction landclearing (CDL) landfills	Six Hundred Dollars (\$600.00), plus Ten Dollars (\$10.00) for each acre of landfill site, resulting in a total fee not to exceed One Thousand Dollars (\$1,000.00).
2.	Inert landfill	Two Hundred Dollars (\$200.00).
3.	Energy recovery and incineration	Five Hundred Fifty Dollars (\$550.00).
4.	Recycling--Commercial	
	a. Noncontainerized composting	One Hundred Dollars (\$100.00) plus Fifteen Dollars (\$15.00) per acre, resulting in a total fee not to exceed One Thousand Dollars (\$1,000.00).
	b. Waste pile recycling	Two Hundred Dollars (\$200.00).

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	c. Solid waste treatment site	One Hundred Dollars (\$100.00).
5.	Transfer station	Two Hundred Twenty Dollars (\$220.00).
6.	Special purpose facility	Three Hundred Dollars (\$300.00).
7.	Closed landfill, plan review	Five Hundred Fifty Dollars (\$550.00).
8.	Drop box	One Hundred Ten Dollars (\$110.00).
9.	Biosolids utilization sites:	
	a. Sites with biosolids than or equal to four (4) dry tons per acre per year	One Hundred Fifty (\$150.00), plus Ten Dollars (\$10.00) per acre resulting in a total fee not to exceed Five Hundred Dollars (\$500.00).
	b. Sites with biosolids application rates less than four (4) dry tons per acre per year	One Hundred Fifty Dollars (\$150.00)
10.	Storage/treatment piles	
	a. First acre	One Hundred Dollars (\$100.00).
11.	Wood waste landfills	Three Hundred Dollars (\$300.00) plus Ten Dollars (\$10.00) per acre, resulting in a total fee not to exceed Five Hundred Dollars (\$500.00).
12.	Surface impoundments	Two Hundred Fifty Dollars (\$250.00).
13.	Moderate-risk waste collection and storage facility	Two Hundred Fifty Dollars (\$250.00).

B. Permit Renewal Fees. Applications to renew a permit shall be made on or before January 1st of each year on forms provided by the Seattle-King County Department of Public Health. Application for renewal shall be accompanied by a nonrefundable fee, as follows:

1.	Municipal and construction, demolition landclearing (CDL) landfills	One Hundred Fifty Dollars (\$150.00).
2.	Inert landfill	One Hundred Fifty Dollars (\$150.00).
3.	Solid waste incineration and energy recovery	One Hundred Fifty Dollars (\$150.00).
4.	Compost	Four Hundred Seventy-five Dollars (\$475.00).
5.	Transfer station	Two Thousand Dollars (\$2,000.00).
6.	Recycling	
	a. Noncontainerized composting piles	
	--First acre	One Hundred Dollars (\$100.00).

	--Each additional site	Fifteen Dollars (\$15.00).
	b. Waste pile recycling	One Hundred Dollars (\$100.00).
7.	Closed landfill site	Three Thousand Dollars (\$3,000.00).
8.	Drop box	Seventy-five Dollars (\$75.00).
9.	Landspreading (land utilization of biosolids):	
	a. Sites with biosolids application rates greater than or equal to four (4) dry tons per acre, per year	One Hundred Fifty Dollars (\$150.00), plus Ten Dollars (\$10.00) per acre.
	b. Sites with biosolids application rates less than four (4) dry tons per acre, per year	One Hundred Fifty Dollars (\$150.00).
10.	Special purpose facility	One Hundred Dollars (\$100.00).
11.	Storage/treatment piles	One Hundred Dollars (\$100.00), plus Fifteen Dollars (\$15.00) per acre.
12.	Wood waste landfills	Two Hundred Fifty Dollars (\$250.00).
13.	Surface impoundments	Two Hundred Fifty Dollars (\$250.00).
14.	Solid waste treatment site	Two Hundred Fifty Dollars (\$250.00).
15.	Biomedical waste storage/treatment site	Two Hundred Fifty Dollars (\$250.00).

(Ord. 116438 § 1, 1992; Ord. 115442 § 1, 1990; Ord. 114723 § 27(part), 1989.)

**21.44.060 Collection and transportation vehicles--Permits.**

A. Permits Required. A permit is required to operate a solid waste collection/transportation vehicle. The vehicle owner is responsible for obtaining a permit from the Health Officer. Permits shall not be transferable and shall be valid only for the person and vehicle for which issued.

B. Nonduplication. Collection/transportation vehicle owners who have received a vehicle permit from the Health Officer under King County solid waste regulations (Code of King County Board of Health Title 10) do not need to obtain a second permit for the same vehicle.

C. Permit Application.

1. The application shall include the applicant's full name, address, and the signature of an authorized representative of the applicant; and shall disclose whether such applicant is an individual, firm, corporation, and, if a partnership, the names and mailing addresses of all of the partners.
2. Permit applications shall be submitted in triplicate on forms provided by the Health Officer.
3. The permit application shall be accompanied by a fee of Twenty-seven Dollars (\$27.00) for each

vehicle.

D. Expiration. Permits shall expire on June 30th next following date of issuance.

(Ord. 122262, § 7, 2006; Ord. 117260 § 3, 1994; Ord. 116438 § 2, 1992; Ord. 115620 § 2, 1991; Ord. 114723 § 27(part), 1989.)

#### **21.44.065 Collection and transportation vehicles--Operation.**

A. All persons collecting or transporting solid waste shall avoid littering, creating of other nuisances at the loading point, during the transport and unloading of the solid waste at a permitted transfer station or other permitted solid waste handling site.

B. Vehicles or containers used for the collection and transportation of solid waste, except infectious waste, shall be durable and of easily cleanable construction, and shall be tightly covered or screened where littering may occur. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.

C. Vehicles or containers used for the collection and transportation of any solid waste, except infectious waste, shall be loaded and moved in such a manner that the contents will not fall, leak in quantities to cause a nuisance, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

D. All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles monthly for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.

E. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system unless otherwise authorized by the Health Officer.  
(Ord. 114723 § 27(part), 1989.)

#### **21.44.070 Special inspections--Plan reexamination.**

Fees for inspection service requested by the solid waste disposal site or collection/transportation vehicle management, to be performed outside regular departmental working hours, will be charged at a rate equal to the cost of performing the service. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the reexamination of such plans shall be assessed at the cost of plan review prevailing at the time of resubmittal.

(Ord. 114723 § 27(part), 1989.)

#### **21.44.080 Special services.**

A. Authority. The Health Officer is also authorized to charge such fees as he/she may deem

necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

1. Reproduction and/or search of records and documents;
2. Examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provisions of this chapter or their acceptability for use.

B. Terms and Conditions. The Health Officer or his/her authorized representative shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to the Seattle-King County Health Department's cost for furnishing such services and materials.

(Ord. 114723 § 27(part), 1989.)

#### **21.44.090 Violation--Penalty.**

A. Authority. The Seattle-King County Health Officer is authorized to enforce the provisions of this chapter.

B. Criminal Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this Code, any person who wilfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be guilty of a crime subject to the provisions of Chapters 12A.02 or 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a criminal fine or forfeiture not to exceed Two Thousand Dollars (\$2,000), or by a term of confinement not to be longer than six (6) months. Each day's violation shall constitute a separate offense.

C. Civil Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this Code, any person who violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty. The penalty for the first violation shall be Two Hundred Fifty Dollars (\$250). The penalty for the second separate violation by the same person in any five (5) year period shall be Five Hundred Dollars (\$500), and for each subsequent violation by the same person in any five (5) year period the penalty shall be Seven Hundred Fifty Dollars (\$750).

D. Administrative Order. In addition to or as an alternative to any other judicial or administrative remedy provided therein or by law or other provision of this Code, the Health Officer may order a violation of this chapter to be abated. The Health Officer may order any person who creates or maintains a violation of this chapter, or any order issued pursuant to this chapter, to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. She/he will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

1. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any provision of this chapter.

2. Any person aggrieved by an order issued pursuant to this subsection may appeal such order by filing a written appeal with the Hearing Examiner within ten (10) days of the service of such order, pursuant to Chapter 3.02 of this Code.

(Ord. 114723 § 27(part), 1989.)

#### **Subtitle IV.**

### **Lighting and Power**

## **Chapter 21.49**

# **SEATTLE CITY LIGHT DEPARTMENT**

#### **Sections:**

**21.49.010 Scope.**

**21.49.020 Definitions.**

**21.49.021 Rate schedules.**

**21.49.030 Residential rates (Schedules RSC, RST and RSS).**

**21.49.040 Residential rate assistance (Schedules REC, RET, RES, RLC, RLT and RLS).**

**21.49.042 Emergency low-income assistance program.**

**21.49.045 Electricity service credit program.**

**21.49.052 Small general service (Schedules SMC, SMT and SMS).**

**21.49.055 Medium general service (Schedules MDC, MDT, MDS and MDD).**

**21.49.057 Large general service (Schedules LGC, LGT, LGS and LGD).**

**21.49.058 High demand general service (Schedules HDC, HDT, HDI, VRC and VRT).**

**21.49.059 New large load general service (Schedule NLL).**

**21.49.060 Contract street and area lighting rates (Schedules F and T).**

**21.49.065 Duct, vault and pole rental rates.**

**21.49.080 Power factor rate (Schedule PF).**

**21.49.081 Automatic BPA cost adjustment.**

**21.49.082 Net metering program.**

**21.49.083 Voluntary Green Power Program.**

**21.49.084 Voluntary Green Power, Green-Up Program.**

**21.49.090 Rate, meter reading, and billing provisions.**

**21.49.100 Application and contract provisions.**

**21.49.110 Electric service connection provisions.**

**21.49.120 Equipment and facilities provisions.**

**21.49.130 Authority.**

**21.49.140 Offenses and penalties.**

**21.49.160 Continuity.**

**21.49.180 Ratification and confirmation.**

Cases: Rate setting by ordinance was upheld in Earle M. Jorgensen Co. v. Seattle, 99 Wn.2d 861, 665 P.2d 1328 (1983).

#### **21.49.010 Scope.**

Rates and provisions for electricity and services supplied by the Seattle City Light Department shall be as set forth in this chapter. Title, chapter heading, and section and subsection titles of this chapter are designed for reference purposes and are not substitutes for the referenced textual material and do not constitute any part

of the law.

(Ord. 119747 § 1(part), 1999: Ord. 118475 § 1, 1997: Ord. 117490 § 1, 1995: Ord. 114459 § 1, 1989: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

**21.49.020 Definitions.**

- A. The following terms or abbreviations, as used in this chapter, have the following meanings:
  1. "Applicant" means any person, firm, corporation, government agency, or other entity requesting electrical service from the Department.
  2. "BPA" means the Bonneville Power Administration or successor agency.
  3. "City" means The City of Seattle.
  4. "City customer" means a customer receiving service at a location in The City of Seattle or in Whatcom County at a site related to the Department's Skagit facilities. Through April 30, 2003, "city customer" also means a customer receiving service at a location in the City of Tukwila.
  5. "Customer" means any person, firm, corporation, government agency, or other entity that uses, has used, contracts, or has contracted for electric service from the Department.
  6. "Department" means the Seattle City Light Department of the City, its Superintendent, or any duly authorized employee of the Department.
  7. "Duplex" means a detached building containing two (2) dwelling units.
  8. "Dwelling unit" means a single unit providing complete independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.
  9. "Flat rate" means a fixed charge for a streetlight, floodlight, or a fixed amount of energy consumption.
  10. "House service" or "house meter" means service for rooms or areas used in common by the occupants of a multiple unit building.
  11. "KV" means kilovolt.
  12. "KVA" means kilovolt-ampere.
  13. "KVarh" means reactive kilovolt-ampere hours.
  14. "KW" means kilowatt.
  15. "KWh" means kilowatt-hour.

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16. "Master meter" means service which supplies electrical energy to more than one (1) dwelling unit or boat moorage and is measured through a single inclusive metering system.
  17. "Medical life support equipment" is any piece of equipment which is prescribed by a licensed medical physician, generally accepted in the medical industry as life support equipment, and dependent on electrical service for its operation, such as kidney dialysis units, iron lungs, etc.
  18. "MW" means megawatt.
  19. "Multiple dwelling building" means any building or any portion of the building which contains three (3) or more dwelling units used, rented, leased, let, or hired out to be occupied, or which are occupied and have provisions for living, sleeping, eating, cooking, and sanitation.
  20. "Net metering program" means a Department program under which eligible customers that operate net metering systems may generate electricity for their own use, sell the excess to the Department and purchase any deficit from the Department.
  21. "Net metering system" means a fuel cell or a facility for the production of electrical energy that uses as its fuel either solar, wind, or hydropower; has a generating capacity of not more than twenty-five kilowatts; is located on the customer's premises; operates in parallel with the electric utility's transmission and distribution facilities; and is intended to offset part or all of that customer's requirements for electricity.
  22. "New large load" means any service fed from an expanded or a new installation equal to or greater than 12.5 MVA of energized capacity installed within any consecutive five (5)-year period after August 31, 2000. Installed capacity may be a measure of either dedicated feeder or transformer capacity, with the following qualifications:
    - a. The measure of energized installed transformer capacity excludes any redundant transformer capacity required in a network area.
    - b. Also excluded from the measure of energized installed transformer capacity is any redundant capacity paid for by the customer, that is installed for the purpose of obtaining enhanced reliability.
    - c. When the energized installed capacity is a measure of dedicated feeder capacity, the installation shall not be considered a new large load until such time as the consumption is confirmed to be equal to or greater than ten (10) annual average MW. The installation shall then be back-billed on Schedule VRC for city customers or VRT for Tukwila customers, on a true-up basis, from the beginning of the twelve-month period when the rolling average consumption equals or exceeds ten (10) annual average MW. Customers anticipating becoming a new large load have the option of earlier proposing a tailored delivery package pursuant to Section 21.49.059C.
    - c. Where a present customer relocates their existing service within the Department's service area, the customer's previous load shall be considered to be transferred, establishing the

baseline from which increases will be measured.

23. "Peak period" means Monday through Saturday, six (6:00) a.m. to ten (10:00) p.m.
24. "Power factor" is the ratio kW to kVA.
25. "Premises" means all of the real property at a single geographic location utilized by a customer.
26. "RCW" means Revised Code of Washington.
27. "Residence" means a single-family dwelling.
28. "Suburban customer" means any customer that is not a city customer or a Tukwila customer.
29. "Tukwila customer" means a customer receiving service at a location in the City of Tukwila after April 30, 2003.
30. "Underground distribution network" means an electrical distribution configuration in which two (2) or more City-owned secondary cables are bussed together so that the loss of any one (1) associated distribution feeder cable will not interrupt service to the customer.
31. "Var" means volt-ampere-reactive, the unit of measure of reactive power in a circuit.

B. The following terms, as used for the purpose of applying rate schedules, have the following meanings:

1. "General service" means service to any customer who does not qualify for residential service. General service rates also apply to the separately metered electricity use by residential customers where that use is not for domestic purposes; or, to a single-metered service which includes domestic uses but for which the major portion of the service is used on an ongoing and regular basis for the conduct of business. General service uses include, but are not limited to, manufacturing, processing, refining, freezing, lighting, water heating, power purposes, air conditioning and space heating, traffic control systems, and electricity provided to the common use areas of duplex or multiple-dwelling buildings.
  - a. "Standard general service" means service to any general service customer who does not qualify for network general service.
  - b. "Network general service" means service to any general service customer which is provided through an underground distribution network supplied by the Broad Street, Massachusetts Street, or Union Street Substations, except for service to customers who are certified by the Department as having predominantly residential use of electricity.
2. "Residential service" means permanent electric service furnished to a dwelling unit that is separately metered for domestic use. It includes any second service determined to be domestic use and billed on the same residential account. It excludes dwellings where tenancy is typically

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of a transient nature such as hotels, motels, and lodges. It also excludes services which use electricity for both domestic and commercial purposes if the major portion of the service is used on an ongoing and regular basis for the conduct of business.

Boarding, lodging, rooming houses or group homes shall be considered residential services if not more than four (4) separate sleeping quarters exist for use by other than members of the customer's family. A "boarding, lodging, or rooming house" means a building other than a hotel which advertises as a boarding, lodging, or rooming house, or is a licensed place of business with rooms available for rent. A group home is an agency which operates and maintains a group care facility on a twenty-four (24) hour basis in a dwelling unit for the care of not more than ten (10) persons (including minor children of staff residing on the premises).

(Ord. 121098 § 1, 2003: Ord. 120111 § 1, 2000: Ord. 119747 § 1(part), 1999: Ord. 118475 § 2, 1997: Ord. 117490 § 2, 1995: Ord. 116619 § 2, 1993: Ord. 114835 § 1, 1989: Ord. 114459 § 2, 1989: Ord. 112738 § 1(part), 1986: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

**21.49.021 Rate schedules.**

The City will implement a new automated system to bill customers at a point in time after January 1, 2000. In the new billing system, rate schedules will be designated by an alphabetic code consisting of either one (1) letter or three (3) letters. Prior to the implementation of the new billing system, rate schedules will continue to be designated by a numeric code consisting of one (1) or two (2) integers. The implementation of the new billing system and the change in the rate codes will not affect the rates charged for service. The following table identifies the numeric codes that will be used prior to the implementation of the new billing system and the corresponding alphabetic codes that will be use when the new billing system is implemented.

Rate Schedule	Alphabetic Code	Numeric Code
Residential: City	RSC	20
Residential: Suburban	RSS	50
Residential elderly/disabled: City	REC	26
Residential elderly disabled: Suburban	RES	51
Residential low-income: City	RLC	27
Residential low-income: Suburban	RLS	52
Small general service: City	SMC	31
Small general service: Suburban	SMS	56
Medium standard general service: City	MDC	34, 35
Medium standard general service: Suburban	MDS	57, 58
Medium network general service	MDD	60, 61

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Large standard general service: City	LGC	38
Large standard general service: Suburban	LGS	59
Large network general service	LGD	62
High demand general service	HDC	42
Variable rate general service	VRC	44
Floodlights	F	3, 7
Streetlights	T	48

In the following sections, references to rate schedules will be made exclusively through use of the new alphabetic codes. However, the rates designated by the alphabetic codes will also apply to the period during which the numeric codes are still used.  
 (Ord. 119747 § 1(part), 1999.)

**21.49.030 Residential rates (Schedules RSC, RST and RSS).**

A. Schedules RSC, RST and RSS are for all separately metered residential services, except those subject to Schedules REC, RET, RES, RLC, RLT and RLS.

**Schedule RSC (Residential: City)**

Schedule RSC is for residential City customers, except those subject to Schedules REC and RLC.

RATES EFFECTIVE JUNE 14, 2002:

Energy Charges:

Summer Billing Cycles (April--September)

First 10 kWh per day at 4.25¢ per kWh

All over 10 kWh per day but less than or equal to 100 kWh per day at 8.58¢ per kWh

All additional kWh per day at 10.00¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 4.25¢ per kWh

All over 16 kWh per day but less than or equal to 167 kWh per day at 8.58¢ per kWh

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All additional kWh per day at 10.00¢ per kWh

**Base Service Charge:**

9.73¢ per meter per day

RATES EFFECTIVE APRIL 1, 2003:

**Energy Charges:**

Summer Billing Cycles (April--September)

First 10 kWh per day at 4.33¢ per kWh

All over 10 kWh per day but less than or equal to 100 kWh per day at 8.66¢ per kWh

All additional kWh per day at 10.08¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 4.33¢ per kWh

All over 16 kWh per day but less than or equal to 167 kWh per day at 8.66¢ per kWh

All additional kWh per day at 10.08¢ per kWh

**Base Service Charge:**

9.73¢ per meter per day

**Schedule RST (Residential: Tukwila)**

Effective May 1, 2003, Schedule RST is for residential Tukwila customers, except those subject to Schedules RET and RLT.

RATES EFFECTIVE MAY 1, 2003:

**Energy Charges:**

Summer Billing Cycles (April--September)

First 10 kWh per day at 4.66¢ per kWh

All over 10 kWh per day but less than or equal to 100 kWh per day at 8.99¢ per kWh

All additional kWh per day at 10.41¢ per kWh

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Winter Billing Cycles (October--March)

First 16 kWh per day at 4.66¢ per kWh

All over 16 kWh per day but less than or equal to 167 kWh per day at 8.99¢ per kWh

All additional kWh per day at 10.41¢ per kWh

Base Service Charge:

9.73¢ per meter per day

**Schedule RSS (Residential: Suburban)**

Schedule RSS is for residential suburban customers, except those subject to Schedules RES and RLS.

RATES EFFECTIVE JUNE 14, 2002:

Energy Charges:

Summer Billing Cycles (April--September)

First 10 kWh per day at 4.35¢ per kWh

All over 10 kWh per day but less than or equal to 100 kWh per day at 8.68¢ per kWh

All additional kWh per day at 10.10¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 4.35¢ per kWh

All over 16 kWh per day but less than or equal to 167 kWh per day at 8.68¢ per kWh

All additional kWh per day at 10.10¢ per kWh

Base Service Charge:

9.73¢ per meter per day

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

Summer Billing Cycles (April--September)

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First 10 kWh per day at 4.43¢ per kWh

All over 10 kWh per day but less than or equal to 100 kWh per day at 8.76¢ per kWh

All additional kWh per day at 10.18¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 4.43¢ per kWh

All over 16 kWh per day but less than or equal to 167 kWh per day at 8.76¢ per kWh

All additional kWh per day at 10.18¢ per kWh

Base Service Charge:

9.73¢ per meter per day

B. Normal residential service shall be limited to single-phase.

C. If Schedules RSC and RSS are applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

D. Duplexes using a single meter prior to October 13, 1978 shall be considered as a single residence for the purpose of applying Schedules RSC and RSS. For a new duplex or a larger service to an existing duplex, each residence shall be separately metered.

E. If an electric water heater providing potable water is served under Schedules RSC and RSS, it shall be a storage-type insulated tank heated by elements which are thermostatically controlled. The maximum element wattage shall not exceed five thousand five hundred (5,500) watts.

F. All electrical service provided for domestic uses to a single residential account, including electrically heated swimming pools, shall have all consumption of electricity added together for billing on Schedules RSC and RSS.

(Ord. 121098 § 2, 2003; Ord. 120811 § 1, 2002; Ord. 120385 § 1, 2001; Ord. 120247 § 1, 2001; Ord. 120149 § 1, 2000; Ord. 119747 § 1(part), 1999; Ord. 118475 § 3, 1997; Ord. 117490 § 4, 1995; Ord. 116619 § 4, 1993; Ord. 115951 § 1, 1991; Ord. 114835 § 2, 1989; Ord. 114459 § 3, 1989; Ord. 112738 § 1(part), 1986; Ord. 112441 § 1, 1985; Ord. 111615 (part), 1984; Ord. 110919 § 1, 1982; Ord. 110733 (part), 1982.)

#### **21.49.040 Residential rate assistance (Schedules REC, RET, RES, RLC, RLT and RLS).**

A. Schedules REC, RET, RES, RLC, RLT and RLS are available to qualified low-income residential customers.

**Schedules REC (Residential Elderly/Disabled: City) and RLC (Residential Low-Income: City)**

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Schedules REC and RLC are available for separately metered residential service provided to City customers who show satisfactory proof that they have a City Light residential account and reside in the dwelling unit where the account is billed and that they:

1. For Schedule RLC, receive Supplemental Security Income pursuant to 42 USC Sections 1381--1383; or
2. For Schedule RLC, reside in a household in which the annual income of all household members together does not exceed two hundred (200) percent of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City; or
3. For Schedule REC, reside in a household in which the annual income of all household members together does not exceed seventy (70) percent of the Washington State median income for the number of individuals in the household as computed annually by the state or the City and are:
  - a. Blind, or
  - b. Sixty-five (65) years of age or older, or
  - c. Disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or
  - d. Require medical life support equipment which utilizes mechanical or artificial means to sustain, restore, or supplant a vital function.

RATES EFFECTIVE JUNE 14, 2002:

Energy Charges:

Summer Billing Cycles (April--September)

First 10 kWh per day at 1.79¢ per kWh

All kWh over 10 kWh per day but less than or equal to 100 kWh per day at 3.19¢ per kWh

All additional kWh per day at 4.00¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 1.79¢ per kWh

All kWh over 16 kWh per day but less than or equal to 167 kWh per day at 3.19¢ per kWh

All additional kWh per day at 4.00¢ per kWh

Base Service Charge:

4.87¢ per meter per day

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

Summer Billing Cycles (April--September)

First 10 kWh per day at 1.83¢ per kWh

All kWh over 10 kWh per day but less than or equal to 100 kWh per day at 3.23¢ per kWh

All additional kWh per day at 4.04¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 1.83¢ per kWh

All kWh over 16 kWh per day but less than or equal to 167 kWh per day at 3.23¢ per kWh

All additional kWh per day at 4.04¢ per kWh

Base Service Charge:

4.87¢ per meter per day

**Schedules RET (Residential Elderly/Disabled: Tukwila) and RLT (Residential Low-Income: Tukwila)**

Effective May 1, 2003, Schedules RET and RLT are available for separately metered residential service provided to Tukwila customers who show satisfactory proof that they have a City Light residential account and reside in the dwelling unit where the account is billed and that they:

1. For Schedule RLT, receive Supplemental Security Income pursuant to 42 USC Sections 1381--1383; or
2. For Schedule RLT, reside in a household in which the annual income of all household members together does not exceed two hundred (200) percent of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City; or
3. For Schedule RET, reside in a household in which the annual income of all household members together does not exceed seventy (70) percent of the Washington State median income for the number of individuals in the household as computed annually by the state or the City and are:

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- a. Blind, or
  - b. Sixty-five (65) years of age or older, or
  - c. Disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or
  - d. Require medical life support equipment which utilizes mechanical or artificial means to sustain, restore or supplant a vital function.

RATES EFFECTIVE MAY 1, 2003:

Energy Charges:

Summer Billing Cycles (April--September)

First 10 kWh per day at 1.99¢ per kWh

All kWh over 10 kWh per day but less than or equal to 100 kWh per day at 3.39¢ per kWh

All additional kWh per day at 4.20¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 1.99¢ per kWh

All kWh over 16 kWh per day but less than or equal to 167 kWh per day at 3.39¢ per kWh

All additional kWh per day at 4.20¢ per kWh

Base Service Charge:

4.87¢ per meter per day

**Schedules RES (Residential Elderly/Disabled: Suburban) and RLS (Residential Low-Income: Suburban)**

Schedules RES and RLS are available for separately metered residential service provided to suburban customers who show satisfactory proof that they have a City Light residential account and reside in the dwelling unit where the account is billed and that they:

1. For Schedule RLS, receive Supplemental Security Income pursuant to 42 USC Sections 1381--1383; or
2. For Schedule RLS, reside in a household in which the annual income of all household members together does not exceed two hundred (200) percent of the poverty level for the number of

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individuals in the household as computed annually by the U.S. Government or the City; or

3. For Schedule RES, reside in a household in which the annual income of all household members together does not exceed seventy (70) percent of the Washington State median income for the number of individuals in the household as computed annually by the state or the City and are:
  - a. Blind, or
  - b. Sixty-five (65) years of age or older, or
  - c. Disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 U.S.C. Section 401 et seq., or
  - d. Require medical life support equipment which utilizes mechanical or artificial means to sustain, restore, or supplant a vital function.

RATES EFFECTIVE JUNE 14, 2002:

Energy Charges:

Summer Billing Cycles (April--September)

First 10 kWh per day at 1.84¢ per kWh

All kWh over 10 kWh per day but less than or equal to 100 kWh per day at 3.24¢ per kWh

All additional kWh per day at 4.05¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 1.84¢ per kWh

All kWh over 16 kWh per day but less than or equal to 167 kWh per day at 3.24¢ per kWh

All additional kWh per day at 4.05¢ per kWh

Base Service Charge:

4.87¢ per meter per day

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

Summer Billing Cycles (April--September)

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the Office of the City Clerk

First 10 kWh per day at 1.88¢ per kWh

All kWh over 10 kWh per day but less than or equal to 100 kWh per day at 3.28¢ per kWh

All additional kWh per day at 4.09¢ per kWh

Winter Billing Cycles (October--March)

First 16 kWh per day at 1.88¢ per kWh

All kWh over 16 kWh per day but less than or equal to 167 kWh per day at 3.28¢ per kWh

All additional kWh per day at 4.09¢ per kWh

Base Service Charge:

4.87¢ per meter per day

B. Applicants for Schedules REC, RLC, RES and RLS shall verify the information required to certify their eligibility for residential rate assistance and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the City's Human Services Department.

C. Schedules REC, RLC, RES and RLS and any other form of residential rate assistance established by the Department are not available to those otherwise eligible persons who own their dwelling unit and who use electric heat as defined in Seattle Municipal Code Section 21.52.210 (Ordinance 109675, Section 2) but who have not completed or who are not in the process of completing the energy conservation measures required for participation in the Comprehensive Residential Weatherization Program described in Seattle Municipal Code Section 21.52.260 (Ordinance 109675, Section 8). Customers who own their own dwelling unit and who use electric heat have one (1) year from the date of application for Schedules REC, RLC, RES and RLS to complete the energy conservation measures. Eligibility for residential rate assistance may be continued by the Department, however, if the Department determines that the customer's failure to complete the required energy conservation measures is the fault of the City in failing to furnish or properly administer the Low-income Electric Program set forth in Seattle Municipal Code Section 21.52.250 (Ordinance 109675, Section 7).

D. Schedules REC, RLC, RES and RLS shall not apply to any subsidized unit operated by the Seattle Housing Authority, the Housing Authority of the County of King, or the Federal Government where utility allowances are provided.

E. Normal residential service under Schedules REC, RLC, RES and RLS shall be limited to single-phase.

F. If Schedules REC, RLC, RES and RLS are applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

G. Duplexes using a single meter prior to October 13, 1978 shall be considered as a single residence

for the purpose of applying Schedules REC, RLC, RES and RLS. For a new duplex or a larger service to an existing duplex, each residence shall be separately metered.

H. If an electric water heater providing potable water is served under Schedules REC, RLC, RES and RLS, it shall be a storage-type insulated tank heated by elements which are thermostatically controlled. The maximum element wattage shall not exceed five thousand five hundred (5,500) watts.

I. All electric service provided for domestic uses to a single residential account, including electrically heated swimming pools, shall have all consumption of electricity added together for billing on Schedules REC, RLC, RES and RLS.

J. The Department will contract for the provision of free parts and service to owners of electric ranges, water heaters, permanently connected electric heat, microwave ovens, electric clothes dryers, dishwashers, refrigerators, and freezers when a customer requiring service for such appliances is billed under Schedules REC, RLC, RES and RLS.

(Ord. 121098 § 3, 2003; Ord. 120811 § 2, 2002; Ord. 120385 § 2, 2001; Ord. 120275 § 1, 2001; Ord. 120149 § 2, 2000; Ord. 119747 § 1(part), 1999; Ord. 119273 § 30, 1998; Ord. 118475 § 4 (part), 1997; Ord. 117490 § 5, 1995; Ord. 116619 § 5(part), 1993; Ord. 115951 § 2, 1991; Ord. 114835 § 3, 1989; Ord. 114459 § 4, 1989; Ord. 112738 § 1(part), 1986; Ord. 112441 § 2, 1985; Ord. 111615(part), 1984; Ord. 111243 § 1, 1983; Ord. 110919 § 2, 1982; Ord. 110733(part), 1982.)

#### **21.49.042 Emergency low-income assistance program.**

A. An emergency credit of fifty (50) percent of a customer's delinquent bills up to a maximum credit of Two Hundred Dollars (\$200) may be granted by the Department to residential accounts, metered for a single household, which qualify under the following criteria:

1. Meet the income eligibility guidelines for assistance under the Federal Energy Crisis Intervention Program; and
2. Have received a twenty-four (24) hour notice from the Department notifying them that payment or payment arrangements must be made to prevent disconnection; and
3. Have applied for and received grants from both the Federal Energy Assistance Program and the Federal Energy Crisis Intervention Program during their current program year or funds available through these programs must have been exhausted for the current program year; and
4. Have entered into an agreement with the Department to pay a minimum of fifty (50) percent of the delinquent amount and balance. The emergency credit from this program may be applied to the required payment of the minimum of fifty (50) percent of the delinquent amount.

B. A customer is eligible for the emergency credit only one (1) time in each twelve (12) month period.

C. This program shall terminate thirty (30) days following the termination of either the Federal Energy Assistance Program or the Federal Crisis Intervention Program.

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(Ord. 119747 § 1(part), 1999; Ord. 118475 § 4(part), 1997; Ord. 117490 § 6, 1995; Ord. 116619 § 5(part), 1993; Ord. 112637 § 1, 1985.)

**21.49.045 Electricity service credit program.**

A. Electricity service credits shall be granted to not-for-profit corporations that own residential buildings, request such credits and meet the following criteria:

1. Income eligible households, as defined in SMC 21.76.060 C, are among the residents of the building for which the credit is sought;
2. Residents are not directly billed for electricity service but pay for electricity in their rent;
3. The building for which the credit is sought is located within the Seattle City Light service territory;
4. The building owner agrees to reduce the rent payment due from each income eligible household residing in such building in an amount equal to the electricity service credit attributable to such eligible household; and
5. The building owner annually reports the actual rent reductions during the previous year and certifies that it shall make the rent reductions described in subsection A4 of this section.

B. No electricity service credit shall be issued unless the building owner agrees to report the information requested when and in the form requested by the Human Services Department (HSD) and otherwise to meet all requirements set forth by HSD for participation in the electricity service credit program. In the event that a building owner ceases to meet the requirements set forth herein, the Director of HSD shall advise City Light to cease to provide electricity service credits to such building owner.

C. The Superintendent of Seattle City Light shall determine a credit for each income eligible household, which shall be fifty (50) percent of the estimated average per unit charge based on the actual historical electric usage for the building in question (excluding common areas) and current electric rates. The electricity service credit provided to the building owner shall equal the amount so determined multiplied by the number of income eligible households within the building in question. The electricity service credits shall not be redeemable for cash, and shall be honored by the City only when applied to the City account through which the building owner pays for electricity services provided to income eligible households.

(Ord. 120220 § 1, 2000.)

**21.49.052 Small general service (Schedules SMC, SMT and SMS).**

A. Small general service is general service provided to customers whose maximum demand is less than fifty (50) kW.

**Schedule SMC (Small General Service: City)**

Schedule SMC is for small general service provided to City customers who are not demand metered or,

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if demand metered, have in the previous calendar year more than half of their normal billings at less than fifty (50) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

RATES EFFECTIVE APRIL 1, 2002:

Energy Charges:

All energy at 6.05¢ per kWh

Minimum Charge:

20.00¢ per meter per day

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

All energy at 6.13¢ per kWh

Minimum Charge:

20.00¢ per meter per day

Discounts:

Transformer losses in kWh--  
 $.53285 ( kW + .00002 ( kW^2 + .00527 ( kWh$

Transformer investment--  
\$0.17 per kW of monthly maximum demand

**Schedule SMT (Small General Service: Tukwila)**

Effective May 1, 2003, Schedule SMT is for small general service provided to Tukwila customers who are not demand metered or, if demand metered, have in the previous calendar year more than half of their normal billings at less than fifty (50) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

RATES EFFECTIVE MAY 1, 2003:

Energy Charges:

All energy at 6.43¢ per kWh

Minimum Charge:

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20.00¢ per meter per day

Discounts:

Transformer losses in kWh--  
 $.53285 ( kW + .00002 ( kW^2 + .00527 ( kWh$

Transformer investment--  
\$0.17 per kW of monthly maximum demand

**Schedule SMS (Small General Service: Suburban)**

Schedule SMS is for small general service provided to suburban customers who are not demand metered or, if demand metered, have in the previous calendar year more than half of their normal billings at less than fifty (50) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

**RATES EFFECTIVE APRIL 1, 2002:**

Energy Charges:

All energy at 6.16¢ per kWh

Minimum Charge:

20.00¢ per meter per day

**RATES EFFECTIVE APRIL 1, 2003:**

Energy Charges:

All energy at 6.24¢ per kWh

Minimum Charge:

20.00¢ per meter per day

Discounts:

Transformer losses in kWh--  
 $.53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$

Transformer investment--  
\$0.17 per kW of monthly maximum demand

For current SMC, contact  
the Office of the City Clerk

B. For customers metered on the primary side of a transformer, the Department will either program the meter to deduct computed transformer losses or provide a discount for transformer losses by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.052 A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of four (4) kV, thirteen (13) kV, or twenty-six (26) kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.052 A.

D. The Department will provide one (1) transformation from the available distribution system voltage of four (4) kV or higher to a standard service voltage, and metering normally will be at the service voltage level. However, if the Department determines that it is either uneconomical or impractical to meter at the service voltage level, the Department will meter at the distribution voltage level and will either program the meter to deduct computed transformer losses or will reduce the monthly kWh billed by the amount of the discount for transformer losses.

If the customer elects to receive service from the Department's available distribution system voltage of four (4) kV or higher, metering will be at the distribution voltage level and the discounts for transformer losses, if applicable, and for transformer investment, if applicable, will be applied to the customer's billings. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter at the service voltage level and the discount for transformer losses will not be applicable.

(Ord. 121098 § 4, 2003; Ord. 120385 § 3, 2001; Ord. 120247 § 2, 2001; Ord. 120149 § 3, 2000; Ord. 119747 § 1(part), 1999; Ord. 117490 § 7, 1995; Ord. 116619 § 6, 1993; Ord. 115951 § 3, 1991; Ord. 114835 § 4, 1989; Ord. 114459 § 5, 1989; Ord. 112738 § 1(part), 1986.)

#### **21.49.055 Medium general service (Schedules MDC, MDT, MDS and MDD).**

A. Medium general service is general service provided to customers who have in the previous calendar year half or more than half of their normal billings at fifty (50) kW of maximum demand or greater and have more than half of their normal billings at less than one thousand (1,000) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

#### **Schedule MDC (Medium Standard General Service: City)**

Schedule MDC is for medium standard general service provided to City customers.

RATES EFFECTIVE APRIL 1, 2002:

Energy Charges:

All energy at 5.86¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.03 per kW

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RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

All energy at 5.94¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.03 per kW

Discounts:

Transformer losses in kWh--

$$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$$

Transformer investment--

\$0.17 per kW of monthly maximum demand

**Schedule MDT (Medium Standard General Service: Tukwila)**

Effective May 1, 2003, Schedule MDT is for medium standard general service provided to Tukwila customers.

RATES EFFECTIVE MAY 1, 2003:

Energy Charges:

All energy at 6.25¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.03 per kW

Discounts:

Transformer losses in kWh--

$$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$$

Transformer investment--

\$0.17 per kW of monthly maximum demand

**Schedule MDS (Medium Standard General Service: Suburban)**

Schedule MDS is for medium standard general service provided to suburban customers.

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RATES EFFECTIVE APRIL 1, 2002:

Energy Charges:

All energy at 5.97¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.03 per kW

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

All energy at 6.05¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.03 per kW

Discounts:

Transformer losses in kWh--

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment--

\$0.17 per kW of monthly maximum demand

#### **Schedule MDD (Medium Network General Service)**

Schedule MDD is for medium network general service.

RATES EFFECTIVE APRIL 1, 2002:

Energy Charges:

All energy at 6.35¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.59 per kW

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

**For current SMC, contact  
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All energy at 6.43¢ per kWh

Demand Charges:

All kW of maximum demand at \$1.59 per kW

Discounts:

Transformer losses in kWh--

$$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$$

Transformer investment--

\$0.17 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, the Department will either program the meter to deduct computed transformer losses or provide a discount for transformer losses by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.055, subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of four (4) kV, thirteen (13) kV, or twenty-six (26) kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.055, subsection A.

D. The Department will provide one (1) transformation from the available distribution system voltage of four (4) kV or higher to a standard service voltage, and metering normally will be at the service voltage level. However, if the Department determines that it is either uneconomical or impractical to meter at the service voltage level, the Department will meter at the distribution voltage level and will either program the meter to deduct computed transformer losses or will reduce the monthly kWh billed by the amount of the discount for transformer losses.

If the customer elects to receive service from the Department's available distribution system voltage of four (4) kV or higher, metering will be at the distribution voltage level and the discounts for transformer losses, if applicable, and for transformer investment, if applicable, will be applied to the customer's billings. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter at the service voltage level and the discount for transformer losses will not be applicable.

(Ord. 121098 § 5, 2003; Ord. 120385 § 4, 2001; Ord. 120247 § 3, 2001; Ord. 120149 § 4, 2000; Ord. 120111 § 2, 2000; Ord. 119747 § 1(part), 1999; Ord. 118475 § 6, 1997; Ord. 117490 § 8, 1995; Ord. 116619 § 7, 1993; Ord. 115951 § 4, 1991; Ord. 114835 § 5, 1989; Ord. 114459 § 6, 1989; Ord. 113636 § 1, 1987; Ord. 112738 § 1(part), 1986.)

#### **21.49.057 Large general service (Schedules LGC, LGT, LGS and LGD).**

A. Large general service is network general service provided to customers who have in the previous calendar year half or more than half of their normal billings at one thousand (1,000) kW of maximum demand or greater, and also standard general service provided to customers who have in the previous calendar year half or more than half of their normal billings at one thousand (1,000) kW of maximum demand or greater and have

more than half of their normal billings at less than ten thousand (10,000) kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

**Schedule LGC (Large Standard General Service: City)**

Schedule LGC is for large standard general service provided to City customers.

**RATES EFFECTIVE APRIL 1, 2002:**

**Energy Charges:**

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 5.91¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.17¢ per kWh

**Demand Charges:**

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

**Minimum Charge:**

\$10.07 per meter per day

**RATES EFFECTIVE APRIL 1, 2003:**

**Energy Charges:**

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 5.99¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.25¢ per kWh

**Demand Charges:**

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

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Minimum Charge:

\$10.07 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses in kWh--

$1756 + .53285 (kW + .00002 (kW^2 + .00527 (kWh$

Transformer investment--

\$0.17 per Kw of monthly maximum demand

**Schedule LGT (Large Standard Service: Tukwila)**

Effective May 1, 2003, Schedule LGT is for large standard general service provided to Tukwila customers.

RATES EFFECTIVE MAY 1, 2003:

Energy Charges:

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 6.27¢ per Kwh

Off-peak: Energy used at all times other than the peak period at 5.53¢ per kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$10.07 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

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Transformer losses in kWh--  
 $1756 + .53285 ( \text{kW} + .00002 ( \text{kW}^2 + .00527 ( \text{kWh} -$

Transformer investment--  
\$0.17 per kW of monthly maximum demand

**Schedule LGS (Large Standard General Service: Suburban)**

Schedule LGS is for large standard general service provided to suburban customers.

RATES EFFECTIVE APRIL 1, 2002:

Energy Charges:

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 6.01¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.27¢ per kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$10.07 per meter per day

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 6.09¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.35¢ per kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the

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peak period, at \$0.17 per kW

Minimum Charge:

\$10.07 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses in kWh--

$1756 + .53285 ( \text{kW} + .00002 ( \text{kW}^2 + .00527 ( \text{kWh} ) )$

Transformer investment--

\$0.17 per kW of monthly maximum demand

### **Schedule LGD (Large Network General Service)**

Schedule LGD is for large network general service.

RATES EFFECTIVE APRIL 1, 2002:

Energy Charges:

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 6.24¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.48¢ per kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.84 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$10.33 per meter per day

RATES EFFECTIVE APRIL 1, 2003:

Energy Charges:

**For current SMC, contact  
the Office of the City Clerk**

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 6.32¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.56¢ per kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.84 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$10.33 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses in kWh--

$1756 + .53285 ( \text{kW} + .00002 ( \text{kW}^2 + .00527 ( \text{kWh} )$

Transformer investment--

\$0.17 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, the Department will either program the meter to deduct computed transformer losses or provide a discount for transformer losses by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.057, subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of four (4) kV, thirteen (13) kV, or twenty-six (26) kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.057, subsection A. Existing customers served by the Department's 34.5 kV system as of January 1, 1995 shall be considered as receiving standard distribution voltage for the purpose of this section. This 34.5 kV voltage will not be offered as a standard distribution system voltage for any new customers.

(Ord. 121098 § 6, 2003; Ord. 120385 § 5, 2001; Ord. 120247 § 4, 2001; Ord. 120149 § 5, 2000; Ord. 119747 § 1(part), 1999; Ord. 118475 § 7, 1997; Ord. 117490 § 9, 1995; Ord. 116619 § 8, 1993; Ord. 115951 § 5, 1991; Ord. 114835 § 6, 1989; Ord. 114459 § 7, 1989; Ord. 113636 § 2, 1987; Ord. 112738 § 4(part), 1986.)

#### **21.49.058 High demand general service (Schedules HDC, HDT, HDI, VRC and VRT).**

A. High demand general service is standard general service provided to customers who have in the previous calendar year half or more than half of their normal billings at ten thousand (10,000) kW of maximum

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demand or greater. Classification of new customers will be based on the Department's estimates of maximum demand in the current year.

**Schedule HDC (High Demand General Service: City)**

Schedule HDC is for high demand standard general service provided to city customers who have not signed an agreement to be served under Schedule HDI or VRC.

**RATES EFFECTIVE APRIL 1, 2002:**

**Energy Charges:**

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 5.72¢ per kWh

Off-peak: Energy used at all times other than the peak period at 4.96¢ per kWh

**Demand Charges:**

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

**Minimum Charge:**

\$122.00 per meter per day

**RATES EFFECTIVE APRIL 1, 2003:**

**Energy Charges:**

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 5.80¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.04¢ per kWh

**Demand Charges:**

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

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the Office of the City Clerk**

Minimum Charge:

\$122.00 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Discounts:

Transformer losses in kWh--

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment--

\$0.17 per kW of monthly maximum demand

**Schedule HDT (High Demand General Service: Tukwila)**

Effective May 1, 2003, Schedule HDT is for high demand standard general service provided to Tukwila customers who have not signed an agreement to be served under Schedule VRT.

RATES EFFECTIVE MAY 1, 2003:

Energy Charges:

Peak: Energy used between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at 6.08¢ per kWh

Off-peak: Energy used at all times other than the peak period at 5.32¢ per kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$122.00 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Discounts:

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the Office of the City Clerk

Transformer losses in kWh--  
 $1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment--  
\$0.17 per kW of monthly maximum demand

### Schedule HDI (High Demand General Service Interruptible)

Schedule HDI is available to customers that agree to enter into a contract acceptable to the Department providing for interruptible service. Such interruptible customers will be furnished service under the following conditions and rates:

1. Conditions. The Department may interrupt power deliveries to the customer when power supply conditions in the Pacific Northwest wholesale power market offer opportunities for both the customer and the Department to realize gain from interrupting power that the customer would otherwise have consumed. A "trigger price" for wholesale power shall be established defining the price that triggers the Department's option to interrupt. Net revenues above the defined trigger price received by means of such interruption shall be shared equally between the Department and the customer. The trigger price for calendar years 2002 and 2003 is established at fifty-five dollars (\$55) per megawatt hour. The Department is authorized to establish a new trigger price for each subsequent two- (2) year period by written notification to those customers that have entered into an interruptible contract. For those customers that enter into such an interruptible contract, the provisions of subsection 21.49.058 E shall not apply, but the provisions of Sections 21.49.110 U and 21.49.110 V shall continue to apply.
2. Rates. For those high-demand customers entering into an interruptible contract under this subsection, the following rates shall apply:
  - a. JANUARY 1, 2002 THROUGH DECEMBER 31, 2003:

#### Energy Charges:

Peak: Energy used between six (6:00) a.m and ten (10:00) p.m, Monday through Saturday, excluding major holidays,\* at 4.00¢ per kWh

Off-peak: Energy used at all times other than the peak period at 3.5¢ per kWh

#### Bonneville Rate pass through:

Both the peak and off-peak energy rates contain a 0.6¢ per kWh component reflecting the Bonneville surcharge. This component will be automatically increased or decreased during the two- (2) year rate period to reflect any change in the Bonneville surcharge.

#### Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through

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Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$122.00 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses in kWh--

$1756 + .5438b \times kW + .00002 \times kW^2 + .00527 \times kWh$

Transformer investment--

\$0.17 per kW of monthly maximum demand

b. JANUARY 1, 2004:

Commencing January 1, 2004, the energy rate for such interruptible customers shall be standard high-demand general service energy and demand charges for both peak and off-peak hours plus an additional "extraordinary power cost adjustment" in the amount of 9.725¢ per kWh in each period applied to all kWh consumed by the customer after December 31, 2003, until the customer has consumed a total of five (5) times that customer's actual kWh consumption in calendar year 2000 (or such other calendar year from 1997 through 2001 that the Department determines to be representative of that customer's annual consumption), at which point the extraordinary power cost adjustment shall no longer be charged.

3. Additional Interruptible Options. In addition to the conditions and rates set out above, the Department is delegated the authority to enter into additional contract terms and payment provisions for a Schedule HDI customer that provide further interruptible options and/or power scheduling improvements that benefit the Department.

### **Schedule VRC (Variable Rate General Service: City)**

Schedule VRC is an optional rate schedule for high demand general service provided to customers eligible to be served under Schedule HDC. A customer that chooses this rate schedule may not return to a standard rate schedule for a period of one (1) year after electing this schedule, provided that, should a new rate ordinance which changes Schedule VRC be adopted during this time, the customer may request return to a standard rate schedule upon the effective date of the new ordinance.

At the time a customer elects to take service under Schedule VRC, the customer must choose whether to pay an energy charge as defined in Option 1-DJ-COB or Option 2-DJ Mid-Columbia. After choosing an energy

charge option, a customer may not choose a different energy charge option for a period of one (1) year except that, should a new rate ordinance which changes Schedule VRC be adopted during this time, the customer may request a change in energy charge option upon the effective date of the new ordinance or may request return to a standard rate schedule upon the effective date of the new ordinance.

RATES EFFECTIVE OCTOBER 1, 2001:

Energy Charge:

Option 1-DJ-COB

$(\text{DJ-COB price in } \text{¢/kWh} - 0.07\text{¢/kWh}) \times 1.1562 + 0.15\text{¢/kWh}$

The DJ-COB (Dow Jones-California Oregon Border) price is the appropriate peak or off-peak DJ-COB firm price converted to cents per kWh for the day and time period of the consumption. Peak and off-peak periods will be as defined by the DJ-COB price rather than as defined in the Demand Charges section of Schedule VRC or elsewhere in the ordinance codified in this section. In the case that a price is not available for a given day, the average of the preceding and following days' prices will be used. Peak and off-peak prices will be calculated separately via this method.

Option 2-DJ Mid-Columbia

$\text{DJ Mid-Columbia Price in } \text{¢/kWh} \times 1.1562 + 0.15\text{¢/kWh}$

The DJ Mid-Columbia (Dow Jones Mid-Columbia) price is the appropriate firm peak or off-peak DJ Mid-Columbia price index converted to cents per kWh for the day and time period of the consumption. Peak and off-peak periods will be as defined by the DJ Mid-Columbia price index rather than as defined in the Demand Charges section of Schedule VRC or elsewhere in this section. In the case that a price is not available for a given day, the average of the preceding and following days' prices will be used. Peak and off-peak prices will be calculated separately via this method.

Retail Services Charge:

1.46¢/kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak period maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$122.00 per meter per day

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\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses in kWh--  
 $1756 + .53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$

Transformer investment--  
\$0.17 per kW of monthly maximum demand

**Schedule VRT (Variable Rate General Service: Tukwila)**

Effective May 1, 2003, Schedule VRT is an optional rate schedule for high demand general service provided to customers eligible to be served under Schedule HDT. A customer that chooses this rate may not return to a standard rate schedule for a period of one (1) year after electing this schedule, provided that, should a new rate ordinance which changes Schedule VRT be adopted during this time, the customer may request return to a standard rate schedule upon the effective date of the new ordinance.

At the time a customer elects to take service under Schedule VRT, the customer must choose whether to pay an energy charge as defined in Option 1-DJ-COB or Option 2-DJ Mid-Columbia. After choosing an energy charge option, a customer may not choose a different energy charge option for a period of one (1) year except that, should a new rate ordinance which changes Schedule VRT be adopted during this time, the customer may request a change in energy charge option upon the effective date of the new ordinance or may request return to a standard rate schedule upon the effective date of the new ordinance.

**RATES EFFECTIVE MAY 1, 2003:**

Energy Charge:

Option 1-DJ-COB

$$(\text{DJ-COB price in } \text{¢/kWh} - 0.07\text{¢/kWh}) \times 1.1562 + 0.15\text{¢/kWh}$$

The DJ-COB (Dow Jones-California Oregon Border) price is the appropriate peak or off-peak DJ-COB firm price converted to cents per kWh for the day and time period of the consumption. Peak and off-peak periods will be as defined by the DJ-COB price rather than as defined in the Demand Charges section of Schedule VRT or elsewhere in the ordinance codified in this section. In the case that a price is not available for a given day, the average of the preceding and following days' prices will be used. Peak and off-peak prices will be calculated separately via this method.

Option 2-DJ Mid-Columbia

$$\text{DJ Mid-Columbia Price in } \text{¢/kWh} \times 1.1562 + 0.15\text{¢/kWh}$$

The DJ Mid-Columbia (Dow Jones Mid-Columbia) price is the appropriate firm peak or off-peak DJ Mid-Columbia price index converted to cents per kWh for the day and time period of the consumption. Peak and off-peak periods will be as defined by the DJ Mid-Columbia price index rather than as defined in the Demand Charges section of Schedule VRT or elsewhere in this section. In the case that a price is not available for a given day, the average of the preceding and following days' prices will be used. Peak and off-peak prices will be calculated separately via this method.

Retail Services Charge:

1.55¢/kWh

Demand Charges:

Peak: All kW of maximum demand between six (6:00) a.m. and ten (10:00) p.m., Monday through Saturday, excluding major holidays,\* at \$0.40 per kW

Off-peak: All kW of maximum demand in excess of peak period maximum demand, at all times other than the peak period, at \$0.17 per kW

Minimum Charge:

\$122.00 per meter per day

\* Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses in kWh--

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment--

\$0.17 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, the Department will either program the meter to deduct computed transformer losses or provide a discount for transformer losses by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.058, subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of four (4) kV, thirteen (13) kV, or twenty-six (26) kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.058, subsection A. Existing customers served by the Department's 34.5 kV system as of January 1, 1995 shall be considered as receiving standard distribution voltage for the purpose of this section. This 34.5 kV voltage will not be offered as a standard distribution system voltage for any new customers.

D. Customers must provide hourly load schedules each day for the following day. If a customer's

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load follows a regular pattern, the Department may, at its discretion, waive this requirement and request only to be informed of temporary or permanent changes to the pattern.

E. The Department may request voluntary load interruption during an emergency. If interruption occurs, the demand charge will be waived for the billing period in which the interruption occurs.

F. Customers who request service under Schedule VRC will be selected solely at the option of Seattle City Light.

G. Customers served under Schedule VRC shall provide Seattle City Light with access to their telephone equipment and pay any initial and ongoing charges for additional telephone equipment needed for the Department to communicate with its metering equipment.

(Ord. 121098 § 7, 2003; Ord. 120667 § 1, 2001; Ord. 120385 § 6, 2001; Ord. 120247 § 5, 2001; Ord. 120149 § 6, 2000; Ord. 119747 § 1(part), 1999; Ord. 118696 § 1, 1997; Ord. 118475 § 8, 1997; Ord. 118279 § 1, 1996; Ord. 117490 § 10, 1995; Ord. 116619 § 9, 1993; Ord. 115951 § 6, 1991; Ord. 114835 § 7, 1989; Ord. 114459 § 8, 1989.)

#### **21.49.059 New large load general service (Schedule NLL).**

A. New large load general service is general service provided to a new large load.

1. The NLL rate shall not apply to individually metered services served from the installed capacity of a new large load customer when such individually metered service is a:

- a. Residential service individually metered and billed by the Department; or
- b. Retail space individually metered and billed by the Department.

2. Any issues of load imbalance among the remaining nonretail and nonresidential tenants shall be addressed through an application for customer submetering pursuant to SMC Section 21.49.100H3.

B. Unless otherwise superceded by an individually adopted contract rate pursuant to subsection C of this section, a new large load customer shall be billed pursuant to the rates set forth in SMC Section 21.49.058, Schedule VRC.

C. Notwithstanding the one (1)-year commitment otherwise provided in Schedule VRC, a new large load customer may elect to work with the Department to create a more tailored power delivery package either before a new large load is energized or after being billed under Schedule VRC for any period of time.

1. Elements of a tailored power delivery package could include:

- a. A power price indexed to alternate market price indices as in the energy charge of Schedule VRC;
- b. Pass-through cost of a specific power supply contract provided to the Department by a

- third party;
- c. A power price index rate, as in subsection C1a of this section, combined with the pass-through of the cost of a specific power supply contract provided to the Department by a third party, as in subsection C1b of this section;
  - d. Pass through of the costs, in whole or in part, of the Department's equity position in a new generation resource;
  - e. A power price based upon the Department's estimated cost of purchasing power for the new large load over an identified period, including an appropriate risk premium for the power price risk that the Department would be assuming;
  - f. A rate based on the new resources rate charged by the Bonneville Power Administration for that portion of the customer's power needs the Department is able to purchase from the Bonneville Power Administration under Bonneville's current or future contract provisions for serving new large loads.
  - g. Supplementing purchased power with the Department's own generation resources, provided the price of utilizing those resources is related to market value; or
  - h. Other power purchase arrangements and associated prices that may be proposed as a result of discussions between the Department and a new large load customer.
2. Such a tailored power delivery package shall also include:
- a. Energy and demand charges which reflect the incremental cost of providing energy and capacity to meet the requirements of the new large load, including the costs of transmitting energy to the Department's service area and the cost of transmission losses, taxes, ancillary services and administrative services directly related to the provision of new large load service;
  - b. The cost of mitigating greenhouse gas emissions associated with the provision of energy to serve the new large load in accordance with Resolution 30144;
  - c. A delivery charge which reflects the incremental costs, other than costs incurred in connecting the customer to the electrical delivery system, of delivering power to the customer through the Department's transmission and distribution systems; and
  - d. Charges to recover the costs of customer service, billing, public purpose programs and streetlighting services;
  - e. A term of five (5) years, or less, except when exceptional circumstances or power purchase arrangements justify a longer term.
3. Any such tailored power delivery package shall be adopted by ordinance.

D. In addition to installation costs under SMC Section 21.49.110T, a new large load customer shall reimburse the Department for all costs incurred in extending distribution lines and providing substation capacity to supply three-phase service to the new large load.  
(Ord. 120111 § 3, 2000.)

**21.49.060 Contract street and area lighting rates (Schedules F and T).**

A. Schedule F is available to all customers, including but not limited to water and sewer districts and King County, who privately contract with the Department for floodlights operating from dusk to dawn. Schedule T is available to all customers, including but not limited to water and sewer districts and King County, who privately contract with the Department for dusk-to-dawn lighting of streets, alleys, and other public thoroughfares.

**Schedule F-Floodlights**

RATES EFFECTIVE DECEMBER 24, 1999:

Option E:

- 200 Watt Sodium Vapor, 22,000 lumens \$2.27 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$4.29 per month

Option M:

- 200 Watt Sodium Vapor, 22,000 lumens \$6.05 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$7.55 per month

RATES EFFECTIVE MARCH 1, 2002:

Option E:

- 200 Watt Sodium Vapor, 22,000 lumens \$2.30 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$4.36 per month

Option M:

- 200 Watt Sodium Vapor, 22,000 lumens \$6.32 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$7.82 per month

RATES EFFECTIVE DECEMBER 24, 1999:

Seattle Municipal Code  
December 2006 code update file  
Text provided for historic reference only.

Option M:

- 100 Watt Sodium Vapor, 9,000 lumens \$3.73 per month
- 150 Watt Sodium Vapor, 16,000 lumens \$4.35 per month
- 200 Watt Sodium Vapor, 22,000 lumens \$4.71 per month
- 250 Watt Sodium Vapor, 27,500 lumens \$5.46 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$6.96 per month

Option C:

- 100 Watt Sodium Vapor, 9,000 lumens \$5.17 per month
- 150 Watt Sodium Vapor, 16,000 lumens \$5.88 per month
- 200 Watt Sodium Vapor, 22,000 lumens \$6.31 per month
- 250 Watt Sodium Vapor, 27,500 lumens \$7.07 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$8.63 per month

RATES EFFECTIVE MARCH 1, 2002:

Option M:

- 100 Watt Sodium Vapor, 9,000 lumens \$3.89 per month
- 150 Watt Sodium Vapor, 16,000 lumens \$4.52 per month
- 200 Watt Sodium Vapor, 22,000 lumens \$4.88 per month
- 250 Watt Sodium Vapor, 27,500 lumens \$5.65 per month
- 400 Watt Sodium Vapor, 50,000 lumens \$7.18 per month

Option C:

- 100 Watt Sodium Vapor, 9,000 lumens \$5.44 per month
- 150 Watt Sodium Vapor, 16,000 lumens \$6.17 per month
- 200 Watt Sodium Vapor, 22,000 lumens \$6.60 per month

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250 Watt Sodium Vapor, 27,500 lumens \$7.38 per month

400 Watt Sodium Vapor, 50,000 lumens \$8.97 per month

B. The monthly charge for Option E floodlights covers energy only; charges for lamp replacement and fixture maintenance are in addition to the monthly charge. The monthly charge for Option M floodlights and for Option M streetlights includes energy, lamp replacement, fixture maintenance costs and scheduled pole maintenance costs. For Option C streetlights, the monthly charge includes the Option M charges as well as the capital costs of fixtures.

C. A construction charge will be applied when a utility pole and/or a secondary circuit is not available for the installation of a streetlight.

D. Installation charges for alley lighting, decorative lighting, and other special lighting shall be established through the Administrative Code process.<sup>1</sup> These installation charges are set out in Department Policy and Procedure 500 P III-401.

E. Lamps will be replaced on burn-out as soon as reasonably possible after notification by the customer.

F. Rates for incandescent and mercury-vapor streetlighting and floodlighting are limited to existing installations. No new installations will be made nor will existing fixtures be moved to new locations.

G. City Light will not install new or relocate existing customer-owned floodlights on City Light poles.

H. The customer shall execute a written service agreement to take service for a minimum of two (2) years at the rates and terms prescribed from time to time by ordinance.

I. All installations of customer-owned streetlights for billing on Schedule T shall be subject to the approval of the Department. An estimate of installed cost will be furnished upon request.

J. The Department shall have the authority to determine and establish charges for other types and sizes of streetlights and floodlights by the same method used in the determination of the charges established in Schedules F and T.

K. The Department shall have the authority to determine and establish, by departmental policy, the minimum distances required to be maintained between all streetlights located in residential, commercial or industrial areas. Any customer requesting streetlighting at a location which is less than the minimum distance between lights or requesting streetlighting for private purposes shall be charged, by the Department, at the rate set out in Schedule T and shall pay such additional installation cost as determined by Department policy. (Ord. 119747 § 1(part), 1999; Ord. 118475 § 9, 1997; Ord. 117490 § 11, 1995; Ord. 116619 § 10, 1993; Ord. 114835 § 8, 1989; Ord. 114459 § 9, 1989; Ord. 112738 § 5, 1986; Ord. 112441 § 4, 1985; Ord. 111615 (part), 1984; Ord. 110733 (part), 1982.)

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

#### **21.49.065 Duct, vault and pole rental rates.**

A. General Rental Provisions. Rental rates shall be charged on an annual basis based on the installations and attachments existing as of January 1st of each year. The full annual rental rate shall be charged for the year in which an installation or attachment is made, regardless of what point in the year use of City Light facilities commences.

Each lessee shall submit annually to City Light an inventory listing the amount of duct and vault space and the number of poles used, together with the location of all ducts, vaults and poles used. This inventory shall be effective as of January 1st of each year and submitted to City Light no later than February 1st of each year. Rental charges shall be due within thirty (30) days of invoice by City Light.

Any installations or attachments not identified in the lessee's inventory shall be charged at three (3) times the rental rates set forth below. In addition, in the event the lessee fails to submit an annual inventory, the lessee shall also reimburse City Light for all costs associated with performing an inventory of lessee's use of City Light facilities.

RATES EFFECTIVE DECEMBER 24, 1999:

Duct Rental:

\$4.37 per duct-foot per year

When a customer installs an innerduct in a rented duct, the rental rate shall be:

\$4.37 per innerduct-foot per year

Vacant innerducts shall be available to the Department for rental to other parties.

Vault Rental:

\$16.16 per square foot of wall space per year

\$4.37 per square foot of ceiling space per year

Wall space and ceiling space include clearance required by the Safety Standards for Electrical Construction. WAC 296-44.

Pole Attachment Rental:

\$14.19 per pole per year for poles owned solely by the Department

\$7.09 per pole per year for poles owned jointly by the Department and one (1) other party

\$4.73 per pole per year for poles owned jointly by the Department and two (2) other parties

RATES EFFECTIVE MARCH 1, 2002:

Duct Rental:

\$4.52 per duct-foot per year

When a customer installs an innerduct in a rented duct, the rental rate shall be:

\$4.52 per innerduct-foot per year

Vacant innerducts shall be available to the Department for rental to other parties.

Vault Rental:

\$16.74 per square foot of wall space per year

\$4.52 per square foot of ceiling space per year

Wall space and ceiling space include clearance required by the Safety Standards for Electrical Construction, WAC 296-44.

Pole Attachment Rental:

\$14.70 per pole per year for poles owned solely by the Department

\$7.35 per pole per year for poles owned jointly by the Department and one (1) other party

\$4.90 per pole per year for poles owned jointly by the Department and two (2) other parties  
(Ord. 119747 § 1(part), 1999: Ord. 118540 § 1, 1997: Ord. 118475 § 10, 1997: Ord. 117490 § 12, 1995.)

**21.49.080 Power factor rate (Schedule PF).**

A. When any inductive load causes unsatisfactory conditions on the Department's system due to induction, the Department may, at its discretion, install reactive kVA-hour meters and make a monthly charge in addition to demand and energy charges whenever electricity delivered to the customer has an average monthly power factor of less than 0.97.

**Schedule PF (Power Factor)**

The monthly charge for average monthly power factors below 0.97 shall be as follows:

0.14¢ per kVarh

B. Unless specifically otherwise agreed, the Department shall not be obligated to deliver electricity to the customer at any time at a power factor below 0.85.

C. The average power factor is determined as follows:

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$$\text{Average Power Factor} = \frac{kWh}{\sqrt{(kWh)^2 + (kVarh)^2}}$$

For application of the Power Factor Rate, the Average Power Factor calculated with this formula will not be rounded.

- D. The meter for measurement of reactive kVA hours shall be ratcheted to prevent reverse registration.
- E. All installations of power factor corrective equipment shall be subject to the approval of the Department. The customer's corrective equipment shall be switched with the load so that at no time will it supply leading reactive kVAs to the Department's distribution system unless written Department approval is obtained to do so.
- F. This monthly charge may be waived in whole or in part to the extent that the Department determines that a power factor of less than 0.97 would be advantageous to the Department or if the addition of corrective equipment would be detrimental to the operation of the Department's distribution systems.

G. Customers who install new or enlarged arc furnaces shall install static var generators for flicker control and power factor correction for the entire arc furnace load. The generators shall have one-half cycle response time and independent phase control, supply sufficient reactive power to prevent objectionable flicker at the common connection point of the arc furnace with other utility customers, maintain a minimum power factor of 0.97, and be filtered to limit the total harmonic current to no more than the percentage of fundamental current given in "IEEE Recommended Practices and Requirements for Harmonic Control in Electric Power Systems, IEEE-519," latest revision.

(Ord. 119747 § 1(part), 1999: Ord. 118475 § 11, 1997: Ord. 117490 § 13, 1995: Ord. 116619 § 11, 1993: Ord. 114459 § 10, 1989: Ord. 112441 § 6, 1985: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

**21.49.081 Automatic BPA cost adjustment.**

City Light will calculate the difference (in dollars) between what City Light would have paid for its BPA purchases for a twelve (12) month period beginning October 1, 2001 under the rates contained in the BPA Final Proposal of May 2000 and what City Light will actually pay for the same period under the BPA rates in effect October 1, 2001. The dollar difference will then be multiplied by 1.1095, which is the effective tax rate, and the product divided by forecast load (in kWh) over the twelve (12) month period beginning October 1, 2001 to calculate a number (in dollars/kWh rounded to the nearest ten thousandth of a dollar) which will be called the "BPA increment."

For example, if the increase in BPA contract costs equaled Eighteen Million, Four Hundred Twenty-two Thousand, Five Hundred Forty-three Dollars (\$18,422,543) per year (a seventeen (17) percent increase), this cost increase would be multiplied by the 1.1095 effective tax rate to get required additional customer revenue of Twenty Million, Four Hundred Thirty-nine Thousand, Eight Hundred Eleven Dollars (\$20,439,811). This additional revenue required would then be divided by the forecast nine billion, one hundred thirty-six million, four hundred seven thousand (9,136,407,000) kWh load to calculate a BPA increment of \$.0022/kWh.

Energy charges in effect on October 1, 2001 under all rate schedules except Schedules T, F, and VRC and energy charges scheduled to take effect on March 1, 2002 under all rate schedules except T, F, and VRC will be increased by the BPA increment, provided that for customers served under Schedules REC, RLC, RES, and RLS, energy charges shall be increased by one-half ( 1/2) of the BPA increment. The BPA increment will increase equally first block and second block charges in residential rates and peak and off-peak rates for large and high demand general service customers as well as the single energy charges for small and medium general service customers.

If at any time after October 1, 2001 BPA announces an adjustment in the rates to be charged for sales of power to City Light, then City Light shall recompute the BPA increment for the purpose of ensuring that only the increase in costs under City Light's contract with BPA will be passed through to City Light's customers. City Light's rates shall be adjusted to give effect to the recomputed BPA increment, and the adjusted rates shall take effect on the same date as the adjusted BPA rates.  
(Ord. 120385 § 7, 2001; Ord. 120247 § 6, 2001.)

#### **21.49.082 Net metering program.**

A. The Department shall offer a net metering program in accordance with Revised Code of Washington Chapter 80.60 and Seattle Municipal Code Chapter 21.49. The Department shall develop and enter into net metering agreements, consistent with such laws, with customers desiring to participate in the new metering program. Customers are required to enter into net metering agreements and to comply with their terms as a condition of participation in the net metering program. The Department is authorized to establish policies and procedures for implementing the net metering program.

B. The net metering program shall be available to customers that have net metering systems on a first come, first served basis until such time as the cumulative nameplate capacity of such systems exceeds 1.9 megawatts (0.1 percent of the Department's peak demand during 1996); provided that the net metering program shall not be available to new customers using fuel cells once the aggregate nameplate capacity of fuel cells in the net metering program equals 0.9 megawatts (0.05 percent of the Department's peak demand during 1996), and provided further that the net metering program shall not be available to customers served by an underground distribution network, unless safety concerns can be adequately addressed.

C. Net metering program customers shall be metered, billed and credited as follows:

1. In accordance with its normal metering practices, the Department shall measure the net electricity produced or consumed by each net metering program customer during the billing period applicable to that net metering program customer's rate schedule for electric service.
2. If the electricity supplied to a net metering program customer by the Department exceeds the electricity generated by that customer and fed back to the Department during the billing period, that customer shall be billed in accordance with its then-current rate schedule for the net electricity supplied by the Department. If electricity generated by a net metering program customer and fed back to the Department exceeds the electricity supplied by the Department during a billing period, that net metering program customer shall be billed for all charges (including any minimum charges) applicable to that customer's rate schedule, and shall be credited for the excess kilowatt-hours generated and fed back to the Department. A kilowatt-hour

credit shall appear on the bill for the following billing period, shall be applied only to reduce the metered amount of kilowatt-hours billed by the Department to that customer, and shall be carried forward until the end of each calendar year. At the beginning of the next calendar year, any unused kilowatt-hour credit accumulated during the previous year shall be granted to the Department, without any compensation to the net metering program customer.  
(Ord. 120111 § 5, 2000.)

#### **21.49.083 Voluntary Green Power Program.**

The Department shall offer a Voluntary Green Power Program in accordance with RCW Chapter 19.29A.

A. The new Green Power Program shall be voluntary and shall be available to all General Service and Residential customers beginning January 1, 2002. Customers may voluntarily begin or terminate their participation in any of the Voluntary Green Power Program options offered to their customer class at any time on or after January 1, 2002, by notifying the Department of their choice.

B. The new Voluntary Green Power Program shall offer three (3) voluntary fixed monthly payment options which, if chosen by any customer, will be added to that customer's bill computed with current rate schedules as follows:

1. All customers in the residential rate schedules: \$3, \$7 and \$10.
2. All customers in the small general service rate schedules: \$8, \$12 and \$16.
3. All customers in the medium general service rate schedules: \$15, \$20 and \$30.
4. All customers in the large general service rate schedules: \$30, \$40 and \$50.
5. All customers in the high-demand general service rate schedules: \$50, \$100 and \$150.

In addition, any participating customer may send in an additional payment for the Voluntary Green Power Program. The Department will provide for such an option on customer bills or via other promotional materials.

C. Resources acquired by City Light under the Voluntary Green Power Program will be solar or fuel cell demonstration projects on public or not-for-profit facilities within City Light's direct customer service territory or regional renewable power projects that generate electricity from small-scale wind turbines, landfill gas, waste treatment plant gas, or dairy biogas, and shall be in addition to renewable resources that City Light is acquiring to satisfy other policy directives or resource commitments. Among the qualifying types of power resources, strong preference will be given to solar energy projects. The Department is authorized to establish policies and procedures for implementing the Voluntary Green Power Program that are consistent with this ordinance. In selecting resources to be acquired, the Department shall favor resources which:

1. Add to the region's renewable resource electric generating capacity;

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December 2006 code update file  
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2. Provide opportunities to gain operating experience with types of resources which comprise less than one (1) percent of City Light's total power resources;
  3. Provide opportunities to build customer awareness of and support for Green Power resources;
  4. Can be brought on line in a timely manner so that customer support for and interest in the Voluntary Green Power Program is maintained and enhanced;
  5. Provide opportunities to create partnerships or to leverage outside funding to acquire Voluntary Green Power Program resources;
  6. Provide opportunities to assist in effecting market transformation, that is, to help create demand for new or evolving technologies that will drive improvements in availability, reliability and reductions in cost; and
  7. Benefit the local economy through the use of local goods and services to implement the project. (Ord. 121355 § 1, 2003; Ord. 120623 § 1, 2001.)

#### **21.49.084 Voluntary Green Power, Green-Up Program.**

The Department shall offer a Voluntary Green Power, Green-Up Program, in accordance with RCW Chapter 19.29A.

A. The Green-Up Program shall be voluntary and shall be available to all customers beginning July 1, 2005. Customers may voluntarily begin or terminate their participation at any time on or after July 1, 2005 by notifying the Department of their choice.

B. The Green-Up Program shall allow each customer to designate a voluntary green power payment level which, at the customer's discretion, may be added to the customer's monthly or bimonthly electricity bill or paid one time in full.

C. The voluntary Green-up Program payments, less the costs of administering the program ("Net Green-up Revenue"), will be used to purchase qualified alternative energy resources including renewable resources from Northwest wind, biomass, and landfill gas projects. Subject to the provisions of the ordinances authorizing issuance of the City's municipal light and power revenue obligations, the Department shall make available from its budgeted funds, for the purchase or development of new qualified alternative energy resources, an amount equal to the Net Green-up Revenue allocated to existing Department qualified alternative energy resources. (Ord. 121847 § 1, 2005.)

#### **21.49.090 Rate, meter reading, and billing provisions.**

A. Prohibition of Departures from Adopted Rates and Rate Discrimination. The Department shall have no authority, by express contract or otherwise, to change or vary the schedule of rates and charges established by ordinance or to act in any way that would violate RCW 80.28.080. It shall be the responsibility of the Department to collect any undercharge, whether intentionally or inadvertently made, to prevent preferential

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treatment in violation of RCW 80.28.090 or rate discrimination in violation of RCW 80.28.100.

B. **Single Meter, Single Service.** All rates in this chapter apply to electricity supplied through a single meter to individual customers at each building or premises not separated by intervening property, streets, or alleys commonly used as public thoroughfares. At the option of the Department, however, two (2) or more physically and mechanically connected buildings used for a single business function under one (1) ownership may be supplied through one (1) point of delivery and one (1) meter even though they are separated by intervening property or a street or alley. Two (2) buildings merely joined by a walkway or mall across the street, alley, or public thoroughfare will not be allowed a single service and meter for both. In the event two (2) or more premises under one (1) ownership that are physically and mechanically connected, used for a single business function, and supplied through one (1) point of delivery and one (1) meter, undergo a change in ownership, so that each premises is separately owned, each premises will require a single service pursuant to this chapter. Each building owner(s) will be responsible for the conversion to a single meter at its sole expense. Such conversion will be subject to the installation charges set out in Section 21.49.110 T.

C. **Added Service.** At the discretion of the Department, any additional service supplied to the same customer in the same structure at different voltage or phase shall be separately metered and billed, and the customer shall pay for the installation of the service.

D. **Totalizing Multiple Meters.** The Department may waive the application of rates to each meter and permit the reading of two (2) or more meters at a single contiguous location to be totaled for billing purposes when the Department determines that the maintenance of adequate service and/or that the Department's convenience requires more than one (1) meter for each type of service or load classification.

E. **Single Meter, Multiple Units: Owner/Tenant Billing.** An account with one (1) meter serving more than one (1) unit will be billed to the property owner at City Light's option. When such services are identified, the Department will place the account in the owner's name effective the date of identification, unless the Department determines that another date would be more appropriate. It is the responsibility of the owner/manager to give City Light written notice that the account premises has a split load (i.e., one (1) meter serves multiple units). Any terms and conditions contained in a lease or rental agreement for payment of electric services are not binding on the Department. In the event there is a dispute relating to such lease or rental agreement, the owner/manager shall be responsible for the timely payment for the electric service provided to the account premises. Failure to make such payments shall result in immediate termination of such service.

F. **Rate Schedule Switching.** No more than one (1) change to or from a rate schedule shall be made by the same customer during a twelve (12) month period unless the nature of the customer's electrical equipment or use of electricity changes.

G. **Demand Intervals.** Billing demand shall be the highest recorded demand (expressed in kW) during any fifteen (15) minute interval of the billing period, as determined at the Department's option by demand meter with either a fixed or sliding fifteen (15) minute interval, periodic load test, or assessment.

H. **Seasonal Proration.** All seasonal rates shall be prorated.

I. **Meter Records; Estimated Meter Reads.** Meters shall be read and bills rendered either monthly or bimonthly as scheduled by the Department. A record of meter readings will be kept by the Department, and the

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Seattle Municipal Code  
December 2006 code update file  
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records shall be the basis for determination of bills rendered for metered service. It shall be the customer's responsibility to notify the Department of the date the customer began using the electric service. If the customer fails to notify the Department, the Department shall designate a date for billing purposes. If an accurate meter reading is not obtained for any reason, including, but not limited to, the customer's failure to notify the Department, meter failure, meter reading error, clerical error and/or accounting system malfunction, the meter reading may be estimated by the Department. In estimating meter reading (electrical consumption) it is not necessary that the estimate be made with mathematical certainty. In developing an estimate the Department shall use standard engineering practices, which may include but are not limited to regression analysis, customer loads, load comparison, meter conditions and test readings. In cases where estimates cannot be made using standard engineering techniques, the longest periods before and/or after the period of usage may be averaged to arrive at an estimated rate of consumption. In the event a constant margin of error is identified the bill may be adjusted accordingly.

J. Prorating Nonstandard Meter Reads. The rate schedules in this chapter indicate the charges for one (1) month's service. If usage is billed for longer or shorter intervals than normal billing periods, customer bills will be prorated. For purposes of applying demand charges in general service rate schedules, twenty-eight (28) to thirty-five (35) days shall be considered a normal billing period. Energy charges in residential rate schedules and minimum charges and base service charges in all rate schedules are prorated on a daily basis. For these charges, thirty (30) days shall be considered a normal monthly billing period.

K. Billings When the Meter Malfunctions. If the Department's seal on a meter, meter enclosure, current transformer enclosure, current limiter enclosure, or a terminal box is broken, or if for any reason as determined by the Department a meter does not properly register the electricity used, the customer shall be charged for usage, estimated by the Department pursuant to subsection I of this section above and billed accordingly.

L. When Service Is Interrupted. If the operation of the Department's generating, transmission, or distribution system is suspended, interrupted, or interfered with for any cause including but not limited to suspension or interruption due to planned or unplanned maintenance, Department equipment failure, suspension, interruption, or interference due to droughts, lightning and rain storms, wind storms, floods, fires, strikes, earthquakes, accidents, acts of God, the public enemy, war, governmental regulations, orders or proclamations, laws, mobs, riots, and transportation difficulties, the Department need not deliver electricity and the customer need not accept or pay for electric service for such period of time and to the extent that the suspension, interruption, or interference makes it reasonably impractical to deliver or use electricity. If the operation of the customer's work, plant or establishment is suspended, interrupted or interfered with for any cause reasonably beyond the customer's control, including but not limited to suspension or interruption due to droughts, floods, fires, strikes, accidents, acts of God, the public enemy, war, governmental regulations, orders or proclamations, laws, mobs, riots and transportation difficulties, the customer need not accept or pay for electric service for such period of time and to the extent that the suspension, interruption or interference makes it reasonably impractical to use electricity. Bills for any period including any suspension, interruption, or interference of departmental systems or customer plant or establishment, as described above, shall be prorated exclusive of minimum charges. Within one (1) week of any interruption, suspension, or interference the customer shall give written notice to the Department to read meters in order to make it possible to prorate billings.

M. Special Minimum Charges. A minimum monthly charge other than that specified under a

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particular rate schedule may be established by the Department to protect the Department's investment and to recover the fixed operating cost associated with providing an electric service.

N. **Average Payment Plan.** Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02) the Department shall establish an average payment plan whereby a residential customer's expected billings for the next year may be averaged throughout the year in equal installments which normally shall be adjusted no more than once per calendar year. The Department, however, may adjust the payment level during the year to account for certain exigent circumstances, such as a rate change or a customer's deficit exceeding a certain level. The average payment plan shall be made available upon request to any residential customer of the Department who has established a twelve (12) month billing history on his or her current account, or on the basis of an estimate of consumption satisfactory to the Department. The average payment plan, however, shall cease to be available one (1) year from the date of enrollment in the average payment plan to those residential customers who own their dwelling unit and who use electric heat as defined in Seattle Municipal Code Section 21.52.210 (Ordinance 109675, Section 2) but who have not completed or who are not in the process of completing the energy conservation measures required for participation in the Comprehensive Residential Weatherization Program described in Seattle Municipal Code Section 21.52.260 (Ordinance 109675, Section 8) as of that date.

O. **Overdue Bills and Disconnection.** All charges shall become payable by the due date shown on individual bills. If the charges are not paid, service may be disconnected following reasonable and appropriate notice to the customer by the Department.

(Ord. 119747 § 1(part), 1999: Ord. 118475 § 12, 1997: Ord. 117490 § 14, 1995: Ord. 116619 § 12, 1993: Ord. 114459 § 11, 1989: Ord. 112738 § 7, 1986: Ord. 111615 (part), 1984: Ord. 111104 § 1, 1983: Ord. 110733 (part), 1982.)

#### **21.49.100 Application and contract provisions.**

A. **Sole Provider.** In order to ensure safety and system integrity, the customer shall be required to purchase all electricity from the Department or from sources approved by the Department.

B. **Service Contracts and Agreements: Customers' Obligations.** Applicants or customers desiring electric service shall make application to and may be required to sign an application furnished by the Department before service is supplied. Failure to notify the Department of use of service or to sign a contract when requested shall constitute sufficient cause for the Department to disconnect or refuse to provide electric service. Upon acceptance by the Department, the application shall constitute a contract between the Department and the applicant by which the Department agrees to furnish and the applicant agrees to accept and pay for electric service for the premises specified under the rates, terms, and provisions prescribed from time to time by ordinance. In the absence of an application for service or signed contract, the furnishing of electric service by the Department and the use of such service by the customer shall constitute a contract and the customer agrees to pay for such electric service under the rates, terms and provisions of the applicable rate ordinance as amended from time to time. The acceptance of application for service by the Department or the use by the customer of electric service provided by the Department will constitute an open and continuous contract for electric services between the Department and the customer.

The receipt and acceptance of a payment of a periodic billing by the Department does not constitute payment in full for electric service unless it reflects the actual amount of service provided. In

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Seattle Municipal Code  
December 2006 code update file  
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the event the bill reflects an amount that is less than the amount of electric service provided, the customer shall be liable for such difference. The customer is liable for all services rendered at the published rate and failure of the utility to bill does not release the customer from such liability. The open and continuing contract remains in effect until terminated by the customer or the Department and the customer will be required to pay any unbilled or underbilled service costs that are billed or rebilled within six (6) years of the date of termination. In the event that a customer uses the electric service provided by the Department but fails to receive billing for service, it shall be the customer's responsibility to notify the Department of the failure to receive a bill. It shall be the customer's responsibility to notify the Department in writing within sixty (60) days from the billing date, if a customer receives a bill on which the customer believes that the wrong rate schedule has been applied or that any other defect in billing exists. The Department assumes no responsibility for retroactive adjustments prior to the bill for which the Department has been provided such written notice.

C. Department's Obligation to Serve; Customers' Obligation to Pay. The Department, within its capabilities and under the rates, terms, and provisions of applicable City ordinances, shall supply electric service to all customers upon approval of application for electric service. The customer shall be responsible for all charges under the conditions of the contract and the rates and terms prescribed by ordinance or written Department rules and regulations, and shall be responsible for all charges to the time specified in the application or for the period of occupancy and/or control of the premises. Notice to close an account or disconnect service to any premises shall be given by the customer at any business office of the Department. If the customer does not give prior written notice to the Department to close an account or disconnect service to a premises on a certain date, the Department may bill the customer to a closing date determined by the Department, unless the customer is able to substantiate to the Department's satisfaction that the customer terminated the use of the Department's electric service at an earlier date. If a tenant properly closes an account and is no longer occupying the space, the closing date will not change regardless of any owner/tenant lease agreement. If a customer fails to close an account, the customer will be responsible up to the date the Department closes the account.

D. Joint Accounts and Guarantors. Where more than one (1) person (joint account or guarantor) is named on an electric account, both parties shall be jointly and severally liable for the payment of the electric bill incurred on that account. It shall be the responsibility of a party named on the account to pay in full any existing bill prior to removal of that person's name from that electric service account. In the event a person (husband, wife, roommate, partner, etc.) is residing at a premises receiving electric service from the Department, that person will be presumed to have used the electric service and will be equally responsible for payment of the electric service bills accumulated during the period of residency. It shall be the responsibility of the person denying responsibility to prove to the satisfaction of the Department that he/she was living elsewhere during the billing period. Such acceptable proofs shall be a combination of the following documents: a properly executed lease or rental agreement, and utility bills (water, telephone, gas) for the time period in question and in the name of the person seeking to avoid responsibility.

E. Condominium Disconnections. The Department shall not disconnect service to a customer at the request of a Condominium Association for the purpose of implementing RCW 64.32.200(1), the Horizontal Property Regimes Act. In the event a facility is operated as a condominium association pursuant to the Horizontal Property Regimes Act (RCW Chapter 64.32) all units will be separately metered.

It shall be the condominium association's responsibility to provide, at its sole cost, the necessary entrance service and meter bases required by this chapter and the Department's Service Requirements.

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F. Contract Violations. If a customer violates the contract with the Department or orders the closure of an account or service disconnect to any premises, the customer shall be responsible for all loss or damage incurred by the City by reason thereof.

G. Prohibition of Submetering. The customer shall not install or use equipment or devices to submeter electricity for the purpose of reselling or otherwise apportioning the costs of electric energy usage except as provided for in Section 21.49.100 H.

H. Prohibition of Submetering: Exceptions. The Department shall not provide electricity to any customer who submeters any part of the electricity for the purpose of resale or apportionment or who otherwise apportions the costs of electric energy use to any other consumer, except that the Department shall permit such resale or apportionment for the following purposes:

1. Boat Mooring Establishments. New or upgraded service to boat mooring establishments shall be master metered. The Department will not provide meters for individual moorage spaces nor directly bill individual boat moorage tenants at a boat moorage establishment where a new service has been installed or an existing service has been upgraded after September 25, 1982.

Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the boat moorage tenant is responsible.

2. Mobile Home Parks. This exception applies to only those mobile home park operators submetering and reselling electricity as of August 1, 1980. New or upgraded services to mobile home parks will be provided in accordance with written Department rules and regulations.

Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the mobile home park tenant is responsible.

3. Other Purposes. On a case-by-case basis, the Department may permit a customer, subject to the provisions of Section 21.49.110 J, to submeter for the purpose of apportioning the cost of electric energy; provided, however, such determination must be based on an objective review and must relate to an economic imbalance relating to service and/or protection of each customer's rights under this chapter and RCW 80.28.

I. Applicant and Customer Deposits. Applicants and customers may be required by the Department to deposit an amount of money to be held as security for payment of all bills and claims during the period of service. The Department may refuse to connect an applicant's service for failure to pay a deposit when requested, and may disconnect a customer's service for failure to pay a deposit when requested. The deposits may be required upon the Department's determination that the financial status or record of the applicant or customer warrants a deposit. Such deposit may not exceed the amount of the bill it is estimated will accrue during two (2) typical billing periods. Upon termination of service, or after twelve (12) billing periods if the customer's credit warrants, the deposits, less any amount owed by the customer, may be returned to the customer. When the deposit is returned, interest will be paid at the rate of six (6) percent per annum on a deposit

held longer than six (6) months. Interest payable shall be computed from the first day of the month following the date of deposit to the last day of the month the deposit is refunded.

J. Vacant Premises. Property owners shall be responsible for electricity used when the premises are vacant. Owners of leased or rented premises shall be responsible for electricity used by the premises until the Department is notified to open an account for a tenant. Owners shall be responsible for electricity used by the vacant premises whether the account is in the name of the owner or a tenant.

K. Account Service Charge. An applicant or a customer shall be charged an account service charge for establishing an account. The charge shall be included in the initial billing to the first permanent occupant after the establishment of an account. The schedule of charges shall be established through the Administrative Code process.<sup>1</sup> The account service charge shall not apply in the following cases:

1. For a name, address, or rate schedule change involving the same premises and account, or the addition of names to existing accounts;
2. For temporary service used for the purpose of new construction;
3. For meters or other charges added to an existing account;
4. For customers billed on Schedules REC, RES, RLC and RLS;
5. For the transfer of responsibility for an existing account for service to an existing premises from the occupant of record to another party, and the assumption by that other party of the obligation to pay for the service, when no opening or closing of the account is involved;
6. For billing of vacancy current to property owners or authorized agent;
7. For a change in status between vacant and occupied.

L. Authority to Surcharge. During periods of system energy deficiencies, the Department may bill and the customer may be required to pay any additional charges and/or surcharges necessary to recover the cost of electricity acquired for the purpose of eliminating the system energy deficiency; the additional charges and/or surcharges may be imposed on all electric services whether rendered or to be rendered during the period of energy deficiency; provided, that no charges and/or surcharges will be billed, nor will the customer be required to pay them, until the charges and/or surcharges have been authorized by ordinance.

(Ord. 119747 § 1(part), 1999: Ord. 118475 § 13, 1997: Ord. 117490 § 15, 1995: Ord. 116619 § 13, 1993: Ord. 114459 § 12, 1989: Ord. 112738 § 8, 1986: Ord. 112441 § 7, 1985: Ord. 111615 (part), 1984: Ord 110733 (part), 1982.)

Cases: City Light may cut off services to premises until delinquent and unpaid charges are paid. *Union Enterprises, Inc. v. Seattle*, 77 Wn.2d 190, 460 P.2d 285 (1969).

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

#### **21.49.110 Electric service connection provisions.**

A. Rule-making Authority. The Department shall have the authority to adopt and enforce rules and regulations, consistent with this chapter and the provisions of the Administrative Code (Seattle Municipal Code

Chapter 3.02, Ordinance 102228, as amended), for the purpose of carrying out the provisions of this chapter governing availability of service and materials from the Department. Notwithstanding the repeal of Seattle Municipal Code Chapter 21.48 (Ordinance 109218, as amended), all existing rules and regulations adopted by the Department shall remain in effect until modified or revoked.

B. Confirmation of Meters. In buildings with multiple accounts, it shall be the responsibility of each customer (whether building owner, tenant, or agent) to confirm the number of meters installed at the customer's premises and check all meter numbers with the meter numbers on the electric service bill. It is the customer's responsibility to notify the Department in writing within sixty (60) days of any discrepancy in meter numbers. The Department will assume no responsibility for retroactive adjustments due to incorrect meter number where such timely notice has not been received.

It shall be the responsibility of owners of buildings with multiple accounts, or their agents, to assure that all electric meters are connected to the appropriate apartment, housing unit, or business establishment. Apartments or dwelling unit addresses, including apartment numbers, shall not be changed or reordered without notifying the Department in writing at least thirty (30) days prior to such change or reordering. In the event apartment or dwelling unit numbers or addresses are changed or reordered, the owner or the owner's agent shall notify the Department thirty (30) days in advance of any such change. The Department may visit the site to verify such changes and confirm that each apartment or dwelling unit is connected to the proper meter. For such meter check by the Department, the building owner shall be billed the actual cost required to perform such meter check.

C. Service Entrance Requirements. On initial installations or modifications to initial installations, the customer shall provide service entrance equipment which meets applicable Seattle and King County electrical codes and the Department's written rules and regulations. In the event a customer's electric service was installed before Seattle or King County enacted the current electrical code the customer may not be required by the electrical code to upgrade his/her service. It shall be the responsibility of the owner/customer to determine if changes to the electrical system are necessary to receive the safety benefits of the new or amended electrical codes and the National Electrical Code. It shall be a violation of this chapter to connect a building's electrical wiring to the Department's electrical system if the wiring of the building was not authorized by a proper City or county permit, does not meet the applicable existing electrical codes or was not inspected by the proper authority.

D. Authority and Responsibility for System Design and Construction. The design and construction of the Department's transmission and distribution system shall be within the sole discretion of the Department; such design and construction shall consider public and employee safety, system efficiency, system uniformity, and the economic impact of such design and construction on electric rates. In the event a customer wants any system (distribution) change for its own convenience or for aesthetics, the utility may at its sole discretion make such system change or modification, provided that the customer shall pay, in advance of construction, the estimated cost of time and materials and the final actual cost when the construction is completed.

E. Prohibition of Master Metering. The Department shall not supply electricity for any new service to a duplex or multiple-dwelling building for the purpose of master metering the energy usage of the dwelling units, a central space heating system, or a central domestic water heating system. The Department shall not supply electricity for any larger service to an existing duplex or multiple-dwelling building for the purpose of master metering new central or individual space heating systems.

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December 2006 code update file  
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Accessory Housing Exception. An owner occupied dwelling unit also containing an additional "accessory housing unit" meeting all provisions as defined in Seattle Municipal Code Chapter 23.44 and approved by The City of Seattle shall be exempt from the master metering provisions of this chapter.

F. Efficiency Standards. Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended) the Department shall adopt rules and regulations to promote conservation of The City of Seattle's electric energy resources by the designation of end-use efficiency standards to limit energy waste from all new or enlarged electric service connections. The Department may also designate end-use efficiency standards to limit energy waste from conversions to electric space heat at existing electric service connections. For the purpose of this section, "end-use" shall be defined as the final conversion of electric energy on the customer's premises into lighting, heating, cooling, and/or other mechanical processes.

The Department may require compliance with the rules and regulations as a condition for the supply or continued supply of electric service.

Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended) the Department shall:

1. Give notice of any public hearings held on proposed efficiency standards;
2. Afford all interested persons an opportunity to present data, views or arguments in regard to proposed efficiency standards;
3. Give appropriate consideration to economic values, along with any environmental, social, health, and safety factors affecting proposed efficiency standards.

The Department shall also apply the following specific criteria in developing, reviewing, and adopting all efficiency standards:

4. Efficiency standards must be cost effective. An efficiency standard shall be considered cost effective if the life cycle costs of complying with the standard are below the incremental system costs of generating, transmitting, and distributing electricity from the least-cost alternative new source of supply.
5. Efficiency standards must apply equitably to all customers in a customer class.
6. Efficiency standards must be no more stringent than the City's requirements for new construction.

In adopting any new or amended efficiency standards after August 1, 1984, the Department may consider including the following requirements:

7. A requirement that an electric energy analysis be performed;
8. A requirement that the customer implement the electric energy analysis recommendations;

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9. A requirement that the size of service be limited to that required to serve the intended use of electricity in order to prevent oversizing the service;

10. A requirement that a customer provide the Department with advance notice of any request for a new or enlarged service connection.

In the development of each efficiency standard the Department shall solicit technical assistance from the customer class affected by the standard. In addition, the Department shall periodically review and evaluate all efficiency standards designated pursuant to this chapter and shall revise them as necessary to reflect the changing needs of the Department's generation, transmission, and distribution systems.

G. Protective Devices. The Department may require customers to provide on their premises, at their own expense, additional protective devices deemed necessary by the Department to protect the Department's property or personnel, or the property or personnel of the Department's other customers. However, failure to require such protective devices does not relieve the customer of its responsibility to provide the necessary protective devices to protect itself, its property and/or equipment from electrical transients, surges and/or loss of power.

It is the responsibility of customers using sensitive electronic equipment, computers, and computer peripheral equipment to provide, at their own expense, all protective devices necessary to protect such equipment against electro-magnetic fields, natural and switching transients, power surges, planned power outages, emergency power outages and any other occurrence which occurs on the Department's electrical system that is not within the control of the Department or is due to the natural mechanical failure of any of the equipment utilized to support and operate the Department's electrical system. It is also the customer's responsibility to provide the necessary emergency backup electrical system sufficient to protect the customer's sensitive electronic equipment and provide emergency electrical power as necessary to operate essential personal, business and medical equipment.

H. Three (3) Phase Motors: Protective Devices. Customers shall have the responsibility to provide suitable devices adequate to protect their three (3) phase motors and other equipment against reversal of phase rotation and single phasing.

I. Devices to Control Quality of Energy. Where the customer's use of electrical equipment results in an interference with the quality of the customer's own service or that of neighboring customers, or where the customer requires voltage control within unusually close limits, the Department may require the customer to provide at the customer's own expense such special or additional equipment as is required. This may apply to cases of extreme unbalance of single and three (3) phase loads. Customer loads which cause voltage fluctuation, harmonic current distortion, or harmonic voltage distortion shall not exceed the values given in "IEEE Recommended Practices and Requirements for Harmonic Control in Electric Power Systems, IEEE-519," latest revision.

J. License Requirements. It shall be unlawful for any person other than a duly authorized Department employee or agent of the Department to make an electrical connection between the Department's electrical system and any customer's wiring. With the written approval of the Department, a customer may

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December 2006 code update file  
Temporary Provisions for Emergency Use Only.  
contract with a qualified electrical contractor licensed under Chapter 19.28 RCW to install any material or equipment in lieu of having Department personnel perform the installation. The qualified electrical contractor shall be solely responsible for any damages resulting from the installation of any temporary service, permanent service, or expanded service and the Department shall be immune from any tortious conduct actions as to that installation.

K. Authorized Service Connections. No customer shall connect their service with that of any other customer, or in any way supply any other person or premises with electricity through their service, except as approved by the Department after the filing of a written application with the Department for the connection and receipt of a permit from the Department for connection.

Master-metered services approved prior to October 5, 1978 are exempt.

New or enlarged services to a duplex or multiple-dwelling building shall have common areas and common equipment supplied through a separate house meter.

L. Hazardous Wiring. The Department may refuse to connect the applicant's service conductors to the Department's electrical system or may disconnect an existing service if in the Department's judgment the applicant's wiring or electrical equipment is hazardous to life or property, or the Department's written rules and regulations have not been followed.

M. Maintenance of Safe Wiring. Customers shall at all times keep their wiring and electrical equipment in such condition that the wiring and equipment can be used without causing damage to the Department, its property, or personnel. The Department shall have the authority at any time to disconnect its electrical system from any wiring or electrical equipment which is defective or dangerous and refuse to reconnect its electrical system until the defective or dangerous wiring or electrical equipment is properly repaired or restored.

N. Access to Meters. Any duly authorized Department employee shall have free and safe access at any reasonable time to any and all premises furnished with electricity by the Department, for the purpose of reading, inspecting, repairing, installing or removing meters, electrical devices, or wiring of the Department, for the connection or disconnection of service, or for any other reasonable purpose connected with the performance of the contract for the provision of electric service. The owner, tenant or person in control of the premises shall restrain and control all dogs or animals of any kind that limit or appear to limit safe access to the premises for any of the purposes cited above. It shall be the responsibility of the owner, its agent or the tenant to remove all safety hazards that might in any way harm or injure authorized City employees performing their duties. Such safety hazards shall include, but not be limited to, booby traps of any kind, construction hazards, sharp or falling objects or debris that may cause injury. The determination of whether a condition is safe will be in the sole discretion of the City employee seeking entry to the premises.

For the Department's systems in underground network areas, twenty-four (24) hour personnel access shall be provided to all vaults and switchgear rooms on customer property. Upon request, the customer shall correct any condition that limits or restricts free and safe access to the Department's meters or service. Failure of the customer to comply within a reasonable time specified shall subject the customer to disconnection of service.

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No customer shall convert any room or other building area containing electrical meters, or other devices or wiring of the department, to a dwelling unit or other type of living quarters.

If a room or other building area containing electrical meters or other department equipment is partitioned, the area containing such equipment shall have separate access to common areas or to the outside. All other adopted requirements and regulations for access, clearance, locations, etc., shall apply.

Upon request the customer shall separate electrical meters or other department equipment from living quarters in accordance with the provisions above. Failure of the customer to comply within a reasonable time specified shall subject the customer to disconnection of service.

O. Meter Seals. The Department may install sealable locking devices on certain enclosures containing unmetrated conductors, including but not limited to meter sockets, meter enclosures, current transformer enclosures, test switch enclosures, wire troughs, bus gutters, and terminal boxes.

P. Meter Tampering Protection. When current has been diverted around the Department's metering equipment or when the Department's metering equipment has been tampered with to adversely affect metering registration, the Department may require the customer or property owner at his/her expense to repair, relocate or replace his/her service entrance equipment in a manner determined by the Department to prevent future incidents of current diversion.

Q. Customers' Responsibility. Notwithstanding any other provisions of any other code or ordinance:

1. It is the responsibility of customers to protect themselves, life, and property from the use, misuse, and/or availability of electrical current on their premises and from the consequences of the use, misuse, and/or availability of electrical current on their premises.
2. It is the responsibility of customers to provide, install, use, inspect, and maintain suitable protection and protective devices to protect themselves, life, and property from any defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which they may own, operate, install, or maintain; and to protect themselves, life, and property from the consequences of any defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which they may own, operate, install, or maintain, including protection from surge voltages generated within their premises and generated by lightning, switching, and arcing on the Department's system to the full range of parameters described in "IEEE Recommended Practice on Surge Voltages in Low-Voltage AC Power Circuits, C62.41-1991," or latest revision.

Customers may consult with Department personnel, but such consultation shall not absolve customers from any of the responsibilities in this chapter, nor shall such consultation be relied upon as providing any substitute for professional advice from the customer's own engineers or contractors. It is the responsibility of customers to maintain their electrical systems and to ensure that their electrical service equipment meets all current electrical codes and standards. City Light's responsibility ends and the customer's responsibilities begin at the weatherhead or other point of service as specified by the most recent version of Requirements for

Electric Service Connection.

The customer's service includes, but is not limited to, electrical service panels and entrance equipment (including meter sockets and enclosures), and ducts, vaults, and handholds on the customer's side of the point of service connection. In the case of failure of or damage to direct buried service conductor, the customer is responsible for digging a trench to facilitate repair of the conductor.

R. Customer's Liability. Nothing in this chapter shall be construed as placing upon the Department any responsibility for the condition, maintenance, or safety of customers' electrical wiring or current-consuming devices or other equipment; and the Department shall not be responsible for any loss or damage resulting from defects, failures, malfunctions, or electrical faults in or originating in any electrical wiring, current-consuming devices, or other equipment which customers may own or operate, install or maintain. The Department shall not be responsible for damage to persons or property arising from the use of electric service on the premises of the customer.

S. Notification of Added Load. In order to prevent damage to the Department's equipment and impairment of its service, customers shall give the Department notice before making any additions to their connected load so that the Department, at its option, may provide the facilities which may be necessary for furnishing the increased service. The customer shall be liable for any damages to the Department that may occur and for any additional charges that may accrue as a result of the failure to so notify the Department.

T. Installation Charges. Any applicant or customer receiving a new or an enlarged service installation or converting an existing service from an overhead connection to an underground connection shall be charged the material and labor costs incurred by the Department in making the installation less the material and labor costs of transformers and associated network protectors supplied by the Department. The Department shall have the authority to establish standard installation charges representing the average material and labor costs for customers who receive basic service installations which do not require a vault as specified in the Department's Requirements for Electric Service Connection manual. Such standard charges shall be developed pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended). All applicant(s) or customer(s) receiving the conversion of an existing overhead electrical distribution system to an underground system shall:

1. Reimburse the utility in full for all materials and labor costs in excess of the salvage value of the existing overhead system and conversion costs, if any, from four (4) to twenty-six (26) kV;
2. Reimburse the utility in full for material and labor costs, if any, to underground and/or replace/install streetlights.

Installation charges are not rates for electrical service and reflect only costs incurred by the Department for new and expanded services.

U. Losses from Interruptions of Service. The Department shall not be liable for any loss, injury, or damage resulting from the interruption, fluctuation, restoration, or reduction of electric service from any cause beyond the control of the Department, including, but not limited to, fire, flood, drought, winds, acts of elements, court orders, interruptions or riots, generation failures, lack of sufficient generation capacity, breakdowns or

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December 2006 code update file  
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damage to facilities of the Department or of third parties, acts of God or public enemy, strikes or other labor disputes, civil, military, or governmental authority, electrical disturbances originating on or transmitted through the electrical systems with which the Department system is interconnected, and acts or omissions of third parties.

In the event of electric service interruption, fluctuation, or reduction resulting from damage to or failure of Department equipment or facilities, the Department has the sole authority to determine the order of repairs. In making the determination of the order of repairs, the Department may consider, but is not bound to, the following order of repair and energization: substations, feeders to police and hospital facilities, and feeders to residential and industrial facilities.

Moreover, the Department shall not be liable for any such loss resulting from repair, maintenance, improvement, renewal, or replacement work on the Department's electrical system, which work, in the sole judgment of the Department, is necessary or prudent. To the extent practical, work shall be done at such times as will minimize inconvenience to the customer and the customer shall be given notice of such work in accordance with the rules and policies of the Department. Further, the Department's liability shall be limited for failure of generation and distribution, inadequacy of energy supply, implementation of emergency plans, or temporary disconnection for repairs and maintenance or for failure to pay for service rendered.

V. Emergencies. During an emergency declared by appropriate civil authority, the Department shall have the authority to curtail electric service to any customer. The Department shall have the authority to restrict the use of loads and/or services during periods of emergency when the Department, in its sole judgment, determines that the continued use of the loads would jeopardize the Department's generation, transmission, or distribution system. Operation of the Department's automatic relay/breaker system is sufficient cause to terminate service. The Department shall prioritize its repair responses during declared emergencies or during system outages caused by weather conditions. In the event of a declared emergency, the Department shall prioritize the restoration of its electrical system, first by responses to directions or orders of the Mayor and Emergency Control Center, and next by restoration of power to the Department's electrical system as the Department's electrical system judgment dictates.

W. No Express or Implied Warranty. The Department provides no express or implied warranties involving the electrical service provided by the Department, including the design and construction of the Department's electrical system, or its transmission and distribution systems.  
(Ord. 119747 § 1(part), 1999; Ord. 118475 § 14, 1997; Ord. 117490 § 16, 1995; Ord. 116619 § 14, 1993; Ord. 114835 § 9, 1989; Ord. 114459 § 13, 1989; Ord. 112738 § 9, 1986; Ord. 112441 § 8, 1985; Ord. 111615 (part), 1984; Ord. 110919 § 3, 1982; Ord. 110733 (part), 1982.)  
Cases: 21.49.110S. Subsection S (renumbered to be subsection T by Ordinance 117490) of Section 21.49.110 was declared invalid as in conflict with state law. *Employno Personnel Services, Inc. v. Seattle*, 117 Wn.2d 606, 817 P.2d 1373 (1991).

#### **21.49.120 Equipment and facilities provisions.**

A. Source of Meters. All meters and other equipment used for billing purposes shall be furnished by the Department.

B. Ownership of Meters. All equipment furnished by the Department shall be and remain the Department's property, and the right to remove, replace, or repair it is expressly reserved.

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C. Vandalism and Disconnection of Electrical Equipment. Unless authorized by the Department, no person shall commit the following acts or cause others to commit the following acts: in any manner damage, mutilate, destroy, remove, connect, disconnect, or in any way interfere or tamper with any machinery, poles, wires, meters, seals, or other equipment belonging to, or in any manner connected with, the light and power plant of the Department. Whenever it becomes necessary to disconnect, remove, or relocate any poles, wires, underground facilities, or other equipment belonging to the Department, the work shall be done by or under the direction of the Department. Prior notice shall be given to the Department by the person desiring the work done, stating when and where the work is required. The person desiring the work may be required to pay the cost of labor and material required to do the work.

D. Contractor Work in Vaults. No contractor or any other person may enter a City Light owned electrical handhold or vault without first notifying the Department in writing twenty-four (24) hours prior to such entry and having in hand written permission to enter such handhold or vault and having present a Department safety watch during the entire contractor operation. All such work performed in the electrical handhold or vault shall be performed by the contractor pursuant to the safety requirements of the Washington Administrative Code. No contractor shall connect, disconnect, remove or relocate any Department-owned wires, facilities or other equipment located in an electrical handhold or vault. Any such connection, disconnection, removal or relocation of the Department's facilities shall be done by or under the direction of the Department. The contractor requesting such Department assistance shall pay all cost of labor, materials and administration. Failure to comply with this provision shall be a violation of this chapter and subject to the penalties of Section 21.49.140.

E. Illegal Reconnection. Whenever the Department disconnects a customer's service for failure to pay or any other violation of this chapter, the customer is prohibited from reconnecting such service. Upon discovery of an illegal reconnection, the customer's service shall be disconnected at the pole, hand hole, alleycan, or terminal can. The service shall be reconnected by the Department only when all service charges, reconnect fees, and administrative and investigative charges, including interest, have been paid in full or payment arrangements acceptable to the Department have been made.

F. Penalty for Damage. Persons who in any way damage Department property, facilities, or equipment may be prosecuted and/or charged for replacement, repair, revenue loss, and administrative costs. In the event the damage occurs on private property, the customer, owner, or person in control of the premises will be presumed to be responsible for the damage.

G. Current Diversion. When electricity is diverted around the Department's meter, or when the meter is tampered with or affected so that the meter will not measure and record the full amount of electricity supplied to the customer, owner, or person in control of the premises, the customer, owner, or person will be presumed to be responsible for payment for the electricity which is determined by the Department to have been diverted improperly to his/her own use, and to be in violation of this chapter. The Department may commence actions for three (3) times the amount of actual damages, if any, plus the cost of the suit and reasonable attorney's fees, plus the costs incurred by the Department on account of meter bypassing, tampering or unauthorized reconnections, as provided in RCW 80.28.

H. Notification of Defective Service. The Department shall be notified in case of defective service by the customer, owner, or person in control of the premises.

I. Phase, Voltage, and Frequency Standard. Electric service furnished under this chapter shall be alternating current at sixty (60) Hertz, available at the phase and voltage which may be prescribed by the Department. The variation in steady state average voltage shall not be more than six (6) percent above or five (5) percent below the nominal voltage.

A greater variation of voltage than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where the revenues received do not justify close voltage regulation. In such cases the best voltage regulation that is practicable under the circumstances shall be provided. Variations in voltage in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuation of short duration due to system operation, by regional voltage collapse, or by the operation of power apparatus on the customer's premises that necessarily requires large starting currents and only affects the user of such apparatus, shall not be considered a violation of this rule.

Where the utility's distribution facilities supplying customers are adequate and of sufficient capacity to carry actual loads normally imposed, the utility may require that equipment on customers' premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four (4) percent of the nominal voltage or cause objectionable flicker in other customers' lights.

The nominal sixty (60) Hertz frequency is maintained within two (2) percent above and two (2) percent below for normal operating conditions and may have excursions to ten (10) percent above or ten (10) percent below under severe operating conditions.

J. KWh Pulse Data. Subject to charge and the capability of metering equipment, the Department will provide a connection to its metering facilities to supply kWh data pulses to customers. Demand interval timing pulses will not be provided to customers.

K. The Department shall continue to incorporate arts funding into its capital projects constructed within the municipal boundaries of the City, however, the Department shall not be permitted to fund any such program from the Light Fund on any capital project outside the City limits.  
(Ord. 119747 § 1(part), 1999: Ord. 118475 § 15, 1997: Ord. 117490 § 17, 1995: Ord. 116619 § 15, 1993: Ord. 114459 § 15, 1989: Ord. 112738 § 10, 1986: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

#### **21.49.130 Authority.**

A. The Department shall have the authority to interpret the provisions of this chapter where necessary to implement and enforce its terms and provisions, provided, however, such interpretation shall be consistent with the intent of the City Council in setting the rates and terms and conditions for the use of the electric service provided under this chapter and shall not expand the scope and authority contained therein.

B. Rule-making and Contract Authority.

1. The Department shall have authority to adopt and file as appropriate rules, regulations, policies, and procedures relating to its performance of the provisions of this chapter and to the operation

of the Department's light and power system. The Department may require compliance with such rules, regulations, policies and procedures as a condition for the supply or continued supply of electric service.

2. Upon determining availability or necessity for purchase, or a short-term surplus of nonfirm energy, the Department may enter into contracts with any city or town, public utility district, governmental agency, municipal corporation, mutual association, broker, agent, or with any person, firm, or corporation, or any other member of the general public, outside its service area, terminable on not more than eighteen (18) months' notice, providing for the acquisition, exchange or sale of energy on terms most favorable to the Department under such circumstances and in compliance with state law, including RCW 43.09.210. Such sale or exchange shall be made on a basis representing the value of such energy under existing market conditions.
3. The Department may enter into or amend agreements with the Bonneville Power Administration providing for reimbursements from Bonneville of some or all of the costs of operating energy conservation programs authorized by the City Council. The Department shall determine that such agreements or amendments to such agreements shall not incur any indebtedness or the acceptance of moneys imposing any duties or obligations on the City which are inconsistent with the Department's budget appropriation for such energy conservation programs. The Department shall provide a written notification prior to the execution of such contracts and a copy of such contracts to the appropriate authorizing committee of the City Council.
4. In addition to the authority provided in subsection B2 above, the Department, upon approval of each such contract by Council resolution, also shall have the authority through April 1, 2002, to enter into longer-term power sales, purchase or exchange contracts with any city or town, public utility district, governmental agency, municipal corporation, mutual association, broker, agent, or with any person, firm, or corporation, or any other member of the general public, either inside or outside its service area. Each such contract shall have a term of not more than seven (7) years. The combined total of all long-term contracts entered into by the Department pursuant to the authority of this subsection may not exceed an average of 100 (one hundred) MW at any one time.

C. **Contracts and Authorized Agents.** The Department may also enter into contracts of a general nature relating to the utility system. No promise, agreement, or representation of any employee or agent of the Department with reference to furnishing electricity shall be binding on the Department unless it is embodied in writing and signed by a duly authorized agent of the Department in accordance with the provisions of this chapter.

D. **Authority to Interrupt Service.** The Department shall have the authority to restrict the use of loads and/or services during scheduled maintenance outages and during periods of emergency when the Department determines that the continued use of the loads would jeopardize the Department's generation, transmission, or distribution system.

E. **Special Service Charges and Interest Charges.** The Department may add service charges or may separately bill customers to recover certain administrative, investigative and collection expenses in addition to any civil fine or forfeiture imposed under Section 21.49.140. These may include but are not limited to

dishonored checks; field calls on delinquent accounts; service disconnections and reconnections resulting from City ordinance violations or failure to pay; and field calls, lab tests and office work involved in detecting, reporting, investigating and correcting cases of current diversion. The Department may also add interest charges on delinquent customer accounts and for other services including, but not limited to, C-bills and bills for damage. The Department may develop a standard per month charge for accounts that are too small to economically calculate interest. Such interest charges or standard charges may be added to the bill for each month or part thereof that the bill is delinquent. The Department shall have authority to bill for interest charges applied to the value of diverted current or unbilled service used during a billing period or periods, with interest charges beginning to run on the established due date for each billing period during which current was diverted or unbilled. Interest charged is to be at the statutory nominal percentage rate, compounded monthly.

F. Recovery of Service Disconnection Costs. The Department shall have the authority to establish and collect service disconnection charges based on cost when such charges are adopted pursuant to and in accordance with the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended). If service is disconnected for any violation of the provisions of this chapter, a service disconnection charge shall be added to the account. If service is disconnected at the request of a customer or property owner, a service disconnection charge shall be billed to the customer or property owner making the request, unless the service is disconnected when the purpose is to maintain service entrance equipment or enhance its safety. If service is disconnected for failure to pay bills when due, the service shall not be restored until payment in full has been received by the Department, or satisfactory arrangements have been made for payment of all charges. Reconnection cannot be assured on the same day payment is made.

G. Equipment Rental. The Department shall have authority to sell, rent, lease, construct, install, operate, and/or service material, supplies, facilities, appliances, or equipment for the use or conservation of electricity. The Department may also establish and collect charges based on cost, conservation, and/or the use of electricity and enter into related agreements. Any agreements entered into or charges made prior to the effective date of the ordinance codified in this chapter<sup>1</sup> are ratified and confirmed.

(Ord. 120413 § 1, 2001: Ord. 120340 § 1, 2001: Ord. 119747 § 1(part), 1999: Ord. 118475 § 16(part), 1997: Ord. 117490 § 18(part), 1995: Ord. 116619 § 16, 1993: Ord. 114459 § 15, 1989: Ord. 112738 § 11, 1986: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

1. Editor's Note: Ordinance 111615 was passed by the City Council on April 9, 1984; Ordinance 112738 was passed on March 17, 1986; Ordinance 114459 was passed on April 17, 1989; Ordinance 116619 was passed on March 29, 1993; Ordinance 117490 was passed on January 30, 1995; Ordinance 118475 was passed on January 27, 1997; Ordinance 119747 was passed on November 22, 1999; Ordinance 120340 was passed on April 23, 2001; Ordinance 120413 was passed on June 25, 2001.

#### **21.49.140 Offenses and penalties.**

Violation of any provision of this chapter constitutes a civil offense and a violation of any provision of this chapter will subject the violator to a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500) for each separate offense in addition to the City's cost of investigating and establishing such violation. Violators of this chapter are also subject to the provisions of RCW Chapters 9 and 9A and RCW Chapter 80.28 and a conviction or judgment under these RCW chapters will not relieve the violator of the payment of a fine and cost imposed under this section of the chapter.

(Ord. 119747 § 1(part), 1999: Ord. 118475 § 16(part), 1997: Ord. 117490 § 18(part), 1995: Ord. 116619 § 17(part), 1993: Ord. 114459 § 16, 1989: Ord. 111615 (part), 1984: Ord. 110733 (part), 1982.)

#### **21.49.160 Continuity.**

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No action or proceedings now pending, civil or criminal, and no cause of action heretofore arising or offense heretofore committed under ordinances heretofore enacted shall be affected in any way by the passage of the ordinance codified in this chapter<sup>1</sup> but any such action or proceedings shall be conducted to final judgment and all such causes of action and offenses shall be prosecuted in the same manner as if this chapter had not been enacted.

(Ord. 119747 § 1(part), 1999; Ord. 118475 § 17(part), 1997; Ord. 117490 § 18(part), 1995; Ord. 116619 § 17(part), 1993; Ord. 111615 (part), 1984; Ord. 110733 (part), 1982.)

1. Editor's Note: Ord. 111615 was passed by the City Council on April 9, 1984; Ordinance 116619 was passed on March 29, 1993; Ordinance 117490 was passed on January 30, 1995; Ordinance 118475 was passed on January 27, 1997; Ordinance 119747 was passed on November 22, 1999.

#### **21.49.180 Ratification and confirmation.**

Any act pursuant to the authority and prior to the effective date of the ordinance codified in this chapter is hereby ratified and confirmed.<sup>1</sup>

(Ord. 119747 § 1(part), 1999; Ord. 118475 § 17(part), 1997; Ord. 117490 § 18(part), 1995; Ord. 111615 (part), 1984; Ord. 110733 (part), 1982; Ordinance 119747 was passed on November 22, 1999.)

1. Editor's Note: Ordinance 111615 was passed by the City Council on April 9, 1984; Ordinance 117490 was passed on January 30, 1995; Ordinance 118475 was passed on January 27, 1997; Ordinance 119747 was passed on November 22, 1999.

### **Chapter 21.52**

#### **CONSERVATION MEASURES**

Sections:

**21.52.210 Definitions.**

**21.52.220 Goals and policies.**

**21.52.230 Program components.**

**21.52.250 Low-income Electric Program (LIEP).**

**21.52.260 Low-Income Multifamily Electric Program.**

**21.52.270 Liability limitations.**

#### **21.52.210 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

A. "Dwelling unit" means a room or rooms located within a building designed, arranged, occupied, or intended to be occupied by not more than one (1) household with or without roomers and boarders as living accommodations independent from any other household. The existence of a food-preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

B. "Electric heat" means permanently installed electric heat, which is the sole source of space heating of the dwelling unit, or which is a partial source of space heating of the dwelling unit, if at least thirty-five (35) percent of the reduction in energy consumption would be electricity, as determined by The City of Seattle ("the City").

C. "Energy conservation" means reduction in energy consumption as a result of increases in the efficiency of energy use. It includes weatherization and other measures such as installation of more efficient

lighting.

D. "Household" means one or more persons occupying a dwelling unit on a non-transient basis.

E. "Low-income" means:

1. For owner-occupied dwelling units: owner households at or below eighty (80) percent of the Seattle-Bellevue-Everett Metropolitan Statistical Area median income adjusted for household size as defined by the United States Department of Housing and Urban Development;

2. For renter-occupied buildings: renter households at or below sixty (60) percent of the Seattle-Bellevue-Everett Metropolitan Statistical Area median income adjusted for household size as defined by the United States Department of Housing and Urban Development.

F. "Superintendent" means the Superintendent of the City Light Department.

G. "Weatherization" means the installation of energy conservation measures, resulting in a reduction of heat loss.

(Ord. 120538 § 1, 2001: Ord. 120335 § 1, 2001: Ord. 112608 § 1, 1985: Ord. 109675 § 2, 1981.)

#### **21.52.220 Goals and policies.**

The low-income residential energy conservation goals and policies for the City are:

A. To conserve energy from all sources;

B. To reduce the direct and indirect costs of energy to low-income persons;

C. To implement residential energy conservation assistance programs, in the form of grants or loans for low-income households, with primary emphasis on electrically heated dwelling units and secondary emphasis on dwelling units heated by natural gas or oil;

D. To address the energy conservation needs of renters and landlords by seeking financial resources to encourage energy conservation in rental properties;

E. To distribute equitably the energy conservation benefits among Seattle's residents and customers of the City Light Department; and

F. To develop and implement strategies assuring that the City's housing rehabilitation and energy conservation programs are complementary and effectively coordinated.

The City will not require any energy conservation measures which pose a risk to public health. (Ord. 120538 § 1, 2001: Ord. 109675 § 3, 1981.)

#### **21.52.230 Program components.**

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the Office of the City Clerk

The Low-Income Residential Energy Conservation Program ("LIRECP"), which applies only to residential structures, consists of the programs administered by the Office of Housing which provide financial assistance for energy conservation for low-income households. The Office will establish and administer procedures to screen residents of the City and customers of the City Light Department to determine eligibility for the LIRECP. The LIRECP consists of the following three (3) programs:

A. Low-income Electric Program ("LIEP"). LIEP shall provide grants to low-income customers of the City Light Department and to owners of rental properties within the City Light service territory whose tenants are primarily low-income customers (whose primary source of heat is electricity) for the supply and installation of certain energy conservation measures. The Light Fund shall provide the source of funds for LIEP. LIEP shall be available only for residential structures of one (1) through four (4) dwelling units, in which fifty (50) percent or more of the dwelling units are occupied by low-income households.

B. Low-income Weatherization Assistance ("LIWA") Program. The LIWA program shall provide grants for the supply and installation of energy conservation measures to low-income, frail or elderly Seattle residents whose income is equal to or less than limits defined by the State of Washington and whose primary heat source is natural gas or oil. The LIWA program shall be funded from non-City sources.

C. Low-Income Multifamily Electric Program ("LIMEP"). LIMEP shall provide grants to the owners of buildings within the City Light service territory for the supply and installation of energy conservation measures. Energy conservation measures shall be limited to buildings whose primary source of heat is electricity. The Light Fund shall provide the source of funds for LIMEP. LIMEP shall be available only for residential structures of five (5) or more dwelling units in which more than fifty (50) percent of the dwelling units are occupied by households that qualify as low-income. (Ord. 120538 § 1, 2001; Ord. 120181 § 141, 2000; Ord. 119273 § 32, 1998; Ord. 118397 § 122, 1996; Ord. 115958 § 21, 1991; Ord. 115450 § 2, 1990; Ord. 112488 § 1, 1985; Ord. 111030 § 1, 1983; Ord. 109675 § 4, 1981.)

#### **21.52.250 Low-income Electric Program (LIEP).**

A. The Superintendent and the Director of Housing are authorized to enter into an agreement to implement the LIEP, on terms and conditions deemed appropriate by the Superintendent and the Director.

B. The Director of Housing is authorized to provide energy conservation assistance grants to owners of buildings in which fifty (50) percent or more of the dwelling units are occupied by low-income households with electric heat, for the supply and installation of energy conservation measures by qualified contractors, consistent with this chapter. An energy audit shall be conducted by City personnel to determine what energy conservation measures are needed in the dwelling unit. Following installation of the energy conservation measures by a qualified contractor, the work shall be inspected by City personnel for compliance with federal standards and additional City Light standards. As a condition of participation in LIEP, the Office of Housing shall require each building owner to sign a covenant to limit the rent charged to tenants, in language determined by the Superintendent and Director of Housing with the length of the covenant to be determined based on the amount and terms of energy conservation assistance provided.

C. The Director of Housing is authorized to enter into contracts with qualified contractors for the supply and installation of energy conservation measures on terms and conditions deemed appropriate by the

Director.

(Ord. 120538 § 1, 2001; Ord. 120181 § 142, 2000; Ord. 119273 § 33, 1998; Ord. 118397 § 123, 1996; Ord. 115958 § 22, 1991; Ord. 115450 § 2, 1990; Ord. 109675 § 7, 1981.)

### **21.52.260 Low-Income Multifamily Electric Program**

A. The Superintendent and the Director of Housing are authorized to enter into an agreement to implement the LIMEP, on terms and conditions deemed appropriate by the Superintendent and the Director.

B. The Director of Housing is authorized to provide energy conservation grants to owners of residential buildings in which fifty (50) percent or more of the dwelling units are occupied by low-income households with electric heat, for the supply and installation of energy conservation measures by qualified contractors, consistent with this chapter. An energy audit shall be conducted by City personnel to determine what energy conservation measures are needed in the building. Following installation of the energy conservation measures by a qualified contractor, the work shall be inspected by City personnel for compliance with federal standards and additional City Light standards. As a condition of participation in LIMEP, the Office of Housing shall require each building owner to sign a covenant to limit the rent charged to tenants, in language determined by the Superintendent and Director of Housing with the length of the covenant to be determined based on the amount and terms of assistance provided.

C. The Director of Housing is authorized to enter into contracts with qualified contractors for the supply and installation of energy conservation measures on terms and conditions deemed appropriate by the Director.

(Ord. 120538 § 1, 2001; Ord. 119273 § 34, 1998; Ord. 115958 § 23, 1991; Ord. 112488 § 2, 1985; Ord. 111030 § 2, 1983; Ord. 109675 § 8, 1981.)

### **21.52.270 Liability limitations.**

No provision of nor term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation of this chapter shall be discretionary and not mandatory. Nothing contained in this chapter or any agreement or act authorized hereunder is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the implementation of the chapter, or by reason of any action or inaction on the part of the City, or its officers, employees, or agents, related in any manner to the implementation of this chapter.

(Ord. 120538 § 1, 2001; Ord. 109675 § 19, 1981.)

## **Chapter 21.56**

### **MISCELLANEOUS PROVISIONS**

Sections:

**21.56.010 Application for membership in Washington Public Power Supply System.**

**21.56.020 Financial obligations incurred under System.**

**21.56.030 Charges for electricity in Newhalem community.**

Cases: The City may participate with other public and privately owned utilities in construction and operation of coal-powered electric generating plant near Centralia. PUD No. 1 of Snohomish County v. Taxpayers, 78 Wn.2d 724, 479 P.2d 61 (1971).

For current SMC, contact  
the Office of the City Clerk

**21.56.010 Application for membership in Washington Public Power Supply System.**

The Superintendent of City Light is authorized on behalf of the City to make application for membership in the Washington Public Power Supply System, a joint operating agency formed pursuant to RCW Chapter 43.52, and upon acceptance of the City's application for membership the Superintendent of City Light is designated as the City's representative to serve on the System's Board of Directors. The Superintendent of City Light is authorized to designate an alternate representative to serve on the Board of Directors in his absence. All prior acts of alternate representatives to the System's Board of Directors are ratified and confirmed, provided that such person was designated by the Superintendent of City Light.  
(Ord. 107442 § 1, 1978; Ord. 99685 § 1, 1971.)

**21.56.020 Financial obligations incurred under System.**

Any financial obligations incurred by the City in connection with its membership in said System while a member thereof shall be payable solely out of the gross revenues of its municipal light and power plant and system and from no other source whatever and shall not constitute a general indebtedness of the City.  
(Ord. 99685 § 2, 1971.)

**21.56.030 Charges for electricity in Newhalem community.**

As requested by the Superintendent of City Light in C.F. 274449 all consumers of electric energy from the City's system in the Newhalem community other than Lighting Department facilities or employees shall be charged the rates set forth from time to time in the Lighting Department Rate Ordinance (Ordinance 100163 as the same may be amended or superseded.)<sup>1</sup>  
(Ord. 101870 § 1, 1973.)

1. Editor's Note: Ordinance 100163 has been repealed. The current lighting and power rates are codified in Chapter 21.49 of this Code.

**Subtitle V.**

**CATV**

**Chapter 21.60**

**CABLE COMMUNICATIONS**

Sections:

**Subchapter I In General**

- 21.60.010 Short title.
- 21.60.020 Purpose.
- 21.60.030 Definitions.
- 21.60.040 Cable Communications.
- 21.60.050 Office of Cable Communications--Duties.
- 21.60.060 Citizens' Telecommunications and Technology Advisory Board--Membership and duties.
- 21.60.080 Franchise to install and operate.
- 21.60.090 Basic services.
- 21.60.100 Nonbasic services.
- 21.60.110 Subscriber complaints.
- 21.60.120 Educational and municipal service.
- 21.60.130 Compatibility and interconnection.

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- 21.60.140 Uses permitted.  
21.60.150 Franchise term.  
21.60.160 Termination of franchise.  
21.60.170 Proceeding before Hearing Examiner.  
21.60.180 Determinations by Hearing Examiner.  
21.60.190 Declaration of termination of franchise.  
21.60.200 City rights not affected.  
21.60.210 Cable districts and access areas.  
21.60.220 Applications for franchise.  
21.60.230 When applications accepted--Notification.  
21.60.240 Report and recommendation on application.  
21.60.250 Public hearing on application.  
21.60.260 Considerations at public hearing.  
21.60.270 Council determinations--Rejection or further consideration of application.  
21.60.280 Procedure for grant or renewal of franchise.  
21.60.290 Franchise grant for entire cable district or entire City--Exception.  
21.60.295 Regulation of cable television rates and charges.  
21.60.300 Subscriber rates and charges--Approval required.  
21.60.310 Subscriber rates and charges--Determination of Hearing Examiner.  
21.60.320 Subscriber rates and charges--Purpose of hearing.  
21.60.330 Bonds.  
21.60.340 Indemnity.  
21.60.350 Insurance.  
21.60.360 Penalties.  
21.60.370 Acceptance of franchise.  
21.60.380 Construction--Approval of plan--Rate or extension of service.  
21.60.390 Erection of poles and wires--Undergrounding.  
21.60.400 Undergrounding requirements.  
21.60.410 City rights to make improvements--Use of grantee's poles.  
21.60.420 Excavation--Application--Deposit with Board of Public Works.  
21.60.430 Moving building--Raising or removing wires.  
21.60.440 Compliance with chapter.  
21.60.450 Connection point.  
21.60.460 Council may require construction in previously excluded area.  
21.60.470 Permission from property owner.  
21.60.480 Consumer protection.  
21.60.490 Franchise to be nonexclusive.  
21.60.500 Privileges as stated in chapter.  
21.60.510 Subordinate to City and prior lawful occupancy.  
21.60.520 Transfers or assignment.  
21.60.530 Obligation to comply promptly.  
21.60.540 Transfer of powers to other City officers or employees.  
21.60.550 No recourse against City for loss or expense.  
21.60.560 Grantee subject to City laws.  
21.60.570 Franchise in lieu of other rights and powers of grantee.  
21.60.580 Grantee not to sell, rent or repair radio or TV sets.  
21.60.590 Grantee not to control program content.  
21.60.600 Right of Council or people to repeal or amend grant.  
21.60.620 Rights reserved to City.  
21.60.630 Right to require technical improvements.  
21.60.640 Use of facilities for emergency purposes.  
21.60.650 Rules and regulations.  
21.60.660 Equal opportunity employment and affirmative action plan.  
21.60.670 Interpretation.  
21.60.680 Effective date.  
21.60.690 Incorporation by reference into each franchise.  
21.60.700 Interim permits pending franchise grant and transition rule.  
21.60.710 Transition rule.

#### Subchapter II Cable Customer Bill of Rights

- 21.60.800 Policy.  
21.60.810 Definitions.

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the Office of the City Clerk

**21.60.820 Customer service.**

**21.60.830 Complaint procedure.**

### **Cable Television Glossary of Terms**

Severability:

A. If any portion of this chapter shall be held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

B. If any portion of this chapter should be inconsistent with any rule or regulation now or hereafter adopted by the Federal Communications Commission, then to the extent of the inconsistency, the rule or regulation of the Federal Communications Commission shall control for so long, but only for so long, as such rule or regulation shall remain in effect, but the remaining portions of this chapter shall not thereby be affected.

(Ord. 105427 § 22, 1976.)

## **Subchapter I**

### **In General**

#### **21.60.010 Short title.**

This chapter shall constitute the "Cable Communications Ordinance" of the City and may be referred to as such.

(Ord. 105427 § 2, 1976.)

#### **21.60.020 Purpose.**

It is the purpose of this chapter to regulate in the public interest the operation of cable communications systems and their use of the public streets by establishing procedures for the granting and termination of franchises and the fixing of subscriber rates and charges, by prescribing rights and duties of operators and users of cable communications systems, and by providing generally for cable communications service to the citizens of Seattle.

(Ord. 105427 § 1, 1976.)

#### **21.60.030 Definitions.**

For the purposes of this chapter the following terms, phrases, words, abbreviations and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

A. "Access channels" means those channels designated and maintained by a cable communications system for programming not originated or procured by the system, including, but not limited to, the local government, the educational, and the public access channels described in and required by Sections 21.60.090 through 21.60.140.

B. "Advisory Board" means the Citizens' Advisory Board created in Sections 21.60.060 and 21.60.070.

C. "Basic services" shall be as defined in Section 21.60.090.

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D. "Cable communications system" or "CATV system," which words are used interchangeably for the purpose of this chapter, are terms describing a system employing antennae, microwave, wires, wave-guides, coaxial cables or other conductors, equipment, or facilities designed, constructed, or used for the purpose of:

1. Collecting and amplifying local and distant broadcast, television, or radio signals and distributing and transmitting them;
2. Transmitting original cablecast programming not received through television broadcast signals;
3. Transmitting television pictures, film and video-tape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; and
4. Transmitting and receiving all other signals: digital, voice, audio-visual.

E. "City" means The City of Seattle, a municipal corporation of the State of Washington in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

F. "Council" means the City Council of The City of Seattle or any future body constituting the legislative body of the City.

G. "Franchise" means and includes any authorization granted under this chapter in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable communication system within all or a specified area in the City. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

H. "Grantee" means any person, firm or corporation granted a franchise by the City under this chapter and the lawful successor, transferee or assignee of such person, firm or corporation.

I. "Mayor" means the Mayor of The City of Seattle or any other person however designated who shall be the chief executive officer of the City.

J. "Nonbasic services" shall be as defined in Section 21.60.100.

K. "Person" means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business and common law trusts and societies.

L. "Property of grantee" means all property owned, installed and used within the City by a grantee in the conduct of a cable communications system business under the authority of a franchise grant pursuant to this chapter.

M. "Street" for the purpose of this chapter means the surface, the air space above the surface, and the area below the surface of any public street under the jurisdiction of the City.

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N. "Subscriber" or "user" means any person or entity receiving for a consideration, direct or indirect, any service of a grantee's cable communications system.

O. "Office of Cable Communications" means and shall refer to the Department of Information Technology.  
(Ord. 120181 § 143, 2000; Ord. 118397 § 124, 1996; Ord. 105427 § 3, 1976.)

#### **21.60.040 Cable Communications.**

The Department of Information Technology shall constitute an Office of Cable Communications for the administration and enforcement of this chapter and any other City ordinances relating to cable communications. The head of the Office of Cable Communications shall be the Chief Technology Officer. The Chief Technology Officer shall succeed without interruption to all the rights, duties, assets, responsibilities, contracts, and enforcement proceedings heretofore belonging to or exercised by the Executive Services Director in connection with cable communications.

(Ord. 120181 § 144, 2000; Ord. 118397 § 125, 1996; Ord. 116308 § 3, 1992; Ord. 107614 § 1(part), 1978; Ord. 105427 § 4(a), 1976.)

#### **21.60.050 Office of Cable Communications--Duties.**

The duties of the Office of Cable Communications are as follows:

- A. To process applications for the granting or renewal of franchises;
- B. To furnish the Council information, recommendations and technical assistance in connection with granting and renewing franchises;
- C. To process applications for approval of initial or increased subscriber rates and to participate in rate hearings;
- D. To administer the City's Cable Customer Bill of Rights, including investigating complaints, auditing compliance with customer service standards, and requiring payment of rebates as authorized in the Cable Customer Bill of Rights;
- E. To review generally the adherence by grantees to the terms of their respective franchises and to regulations of the Federal Communications Commission;
- F. To serve as liaison for the distribution of information among public agencies, private firms and individual property owners with respect to: (1) the undergrounding of utility wires, (2) leasing of poles and pole space, and (3) the scheduling of construction whenever such undergrounding, leasing or construction affects existing or potential CATV facilities, whether or not the public improvement involved is limited in scope to the undergrounding of overhead wiring;
- G. To promote the use of cable communications, the use of local government, education and public access channels, the procurement of grant funds to satisfy such uses, and community involvement in the formulation of City policy with respect to cable communications; and

H. To furnish to the Advisory Board such information and such staff, secretarial and other assistance as the Advisory Board may require to carry out its duties.

(Ord. 119402 § 2, 1999; Ord. 107614 § 1(part), 1978; Ord. 105427 § 4(b), 1976.)

**21.60.060 Citizens' Telecommunications and Technology Advisory Board--Membership and duties.**

A. There is hereby created a Citizens' Telecommunications and Technology Advisory Board consisting of fifteen (15) members:

1. The Advisory Board shall include one (1) member representing public access to telecommunications; one (1) member representing education; thirteen (13) members-at-large, and shall be staffed by a designee of the Executive who shall serve as Secretary to the Board.
2. Eight (8) members shall be appointed by the Mayor, subject to approval by the Council, including the representatives of public access and education. Seven (7) members shall be appointed by the Council. All members shall serve without compensation.
3. Of the members appointed initially, the Mayor shall appoint four (4) members to terms of two (2) years each and four (4) members to terms of one (1) year each and the Council shall appoint four (4) members to terms of two (2) years each and three (3) members to terms of one (1) year each. Thereafter, the term of each member shall be two (2) years. Each member shall be eligible for reappointment to one (1) additional two (2) year term. A member may serve again after a hiatus of ten (10) years.
4. Pursuant to the Get Engaged program, SMC Chapter 3.51, one (1) designated young adult position shall be added to this Board. The terms of service related to a young adult member's role on this Board shall be as set forth in that chapter.

B. The duties of the Telecommunications and Technology Advisory Board are as follows:

1. To study and make recommendations to the Mayor and the Council on issues referred to the Board by the Mayor or Councilmembers, of community-wide interest relating to telecommunications and technology, including such issues as cable television access, technology access, and regulatory issues within the City's authority regarding wire and wireless communication systems;
2. To conduct hearings and workshops upon, and to make written recommendations regarding telecommunications and technology issues as referred above, and report its findings and recommendations to the Mayor and Council; and
3. To perform such other duties as may from time to time be appropriate and approved by resolution of the Seattle City Council.

(Ord. 120325 § 5, 2001; Ord. 118006 § 1, 1996; Ord. 117703 § 1, 1995; Ord. 116308 § 4, 1992; Ord. 105427 § 5(a), 1976.)

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the Office of the City Clerk

**21.60.080 Franchise to install and operate.**

A. The Council may grant to any person a nonexclusive franchise to install, construct, operate and maintain a cable communications system on streets within one (1) or more cable districts as defined in this chapter, or may grant a nonexclusive franchise for the entire City as a single cable district. The award of such franchises shall be made pursuant to the procedures, terms and conditions set forth in this chapter, and only to such persons who offer to provide a cable communications system under and pursuant to the terms and conditions of this chapter. No provision of this chapter shall be deemed or construed to require the granting of a franchise with respect to any cable district when, in the opinion of the Council, the granting of an additional franchise is not in the public interest.

B. It shall be unlawful for any person to install, construct, operate or maintain a cable communications system on streets within all or any part of the City without first obtaining a franchise under and pursuant to the terms and provisions of this chapter, except as provided in Sections 21.60.290 and 21.60.680 A. (Ord. 120138 § 1, 2000; Ord. 105427 § 6, 1976.)

**21.60.090 Basic services.**

Any cable communications system permitted to be installed and operated under this chapter shall, unless additional requirements are contained in the approved franchise:

A. Be operationally capable of relaying to subscriber drops (i.e., terminals) if technically practicable those television or radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

B. If technically and economically practicable be constructed with technical capacity for nonvoice return communication such that: (1) return communications are capable of being received and processed both at the head-end for the cable district in which the communication originates and at a main head-end for all cable districts served by the grantee; (2) return communications will be transmitted on a band width below the lowest band width used by the grantee to transmit television broadcast signals; (3) at the option of the subscriber, no return signals will be communicated; and (4) the system will include technical safeguards calculated to deter interception of return communications by third parties;

C. Distribute color television signals which it receives in color;

D. Provide in each cable district with a twelve (12) channel capacity one (1) composite channel for local government, educational and public access uses, and in cable districts that have or are expanded to twenty (20) channel capacity provide one (1) channel each for local government, educational and public access such that:

1. All access channels will be made available without charge,
2. Access channel assignments shall be made by the Office of Cable Communications in consultation with the grantees and shall be made uniform throughout the City,
3. The requirement of this chapter that there be such access channels shall be reviewed periodically

as established in the franchise,

4. Programs on any access channel shall be available to all subscribers within a single access district and to the extent technically practicable, cable district head-ends shall be interconnected to permit transmission to all cable districts of signals transmitted on any access channel,
5. There shall be provided, without charge, facilities sufficient to originate live or videotaped programs on the public access channel, which shall be available to the public on a nondiscriminatory basis.

Provided, however, that with respect to this subsection D the grantee shall not be required to provide access facilities in excess of those required by the rules and regulations of the Federal Communications Commission unless, upon application of the City, such access facility requirements are waived by the Federal Communications Commission; and

- E. Have a minimum capacity of twenty (20) channels.

(Ord. 120138 § 2, 2000; Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(a), 1976.)

#### **21.60.100 Nonbasic services.**

Any cable communication system permitted to be installed and operated under this chapter may also if technically practicable engage in the business of:

- A. Transmitting original cablecast programming not received through television broadcast signals;

- B. Transmitting television pictures, film and videotaped programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers; and

- C. Transmitting and receiving all other signals: digital, voice, audio-visual.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(b), 1976.)

#### **21.60.110 Subscriber complaints.**

In providing the services designated in Sections 21.60.090 and 21.60.100, and excepting circumstances beyond grantee's control such as riots, civil disturbances and acts of God, the grantee shall:

- A. Limit system failures to a minimum time duration by locating and commencing correction of malfunctioning equipment promptly, but in no event longer than twenty-four (24) hours after occurrence irrespective of holidays or other nonbusiness hours;

- B. Upon complaint by a subscriber and at the request of the Office of Cable Communications, demonstrate to the satisfaction of the Office of Cable Communications that a signal being delivered meets the technical and performance standards of strength and quality set forth in the rules and regulations of the Federal Communications Commission;

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C. Render efficient service, making system repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of the system;

D. Maintain an office in or near the City which shall be so operated that complaints and requests for repairs or adjustments may be received at any time. The current local telephone number(s) for the office and complaint service shall be listed in telephone directories distributed in grantee's area of service;

E. Maintain a written record or "log" listing date of system failures and specific customer complaints other than those concerning system failures, and describing the nature of the complaint and when and what action was taken by grantee in response thereto. Records relating to each complaint shall be kept at grantee's local office for a period of three (3) years and shall be available for public inspection during regular business hours by the Office of Cable Communications.  
(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(c), 1976.)

### **21.60.120 Educational and municipal service.**

A. With respect to the local government and educational access channels:

1. On condition of reimbursement of grantee's actual cost for installation and periodic maintenance, the grantee shall provide a cable return length if technically practicable permitting transmission of originated program material between the head-end of the grantee and:

- a. Each building designated by the Office of Cable Communications and located within a cable district for which the grantee holds a franchise and which is owned and controlled by the City and used for public purposes and not for residential use (fire and police stations excepted), and
- b. Each state-accredited public or private educational institution located within a cable district for which the grantee holds the franchise and which requests such installation; and

2. If the grantee elects to provide facilities for production of program materials for use on the local government or educational access channels, the grantee shall charge no more than reasonable production costs, a schedule of which charges shall be filed with the Office of Cable Communications on January 2nd of each year.

B. With respect to basic cable services: the grantee shall provide if technically practicable all subscriber services and a tie-in connection without cost (except for actual cost of installation in the case of an underground connection), to each state-accredited public or private educational institution and each building designated by the Office of Cable Communications which is owned and controlled by the City and used for public purposes and not residential use (fire and police stations excepted), when the cable system passes any such institution or building.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(d), 1976.)

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the Office of the City Clerk

**21.60.130 Compatibility and interconnection.**

A. It is the desire of the City in enacting this chapter that all cable communication systems franchised under this chapter shall, insofar as financially and technically feasible, be compatible one with another and with systems adjacent to the City.

B. Whenever it is financially and technically feasible, the grantee shall so construct, operate, and modify the system as to be able to tie the same into all other systems within and adjacent to the City. (Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(e), 1976.)

**21.60.140 Uses permitted.**

Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable communications system in the City, and for that purpose to erect, install, construct, prepare, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street such poles, wire, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the cable communications system and in addition, so to use, operate, and provide similar facilities by means of properties (i.e., systems of components thereof) rented or leased from other persons, including but not limited to, any public utility or other grantee franchised or permitted to do business in the City; provided, however, that nothing contained in this section shall relieve the grantee from the requirements of Ordinance 90047<sup>1</sup> relating to the use of public streets or from the requirements of any other ordinance, rule or regulation enacted or promulgated by or on behalf of the City in connection with the exercise of the City's police powers.

(Ord. 107025 § 1(part), 1977; Ord. 105427 § 7(f), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

**21.60.150 Franchise term.**

Each franchise granted by the City under this chapter shall be for a term of fifteen (15) years from the date of its acceptance by the grantee.

(Ord. 105427 § 8(a), 1976.)

**21.60.160 Termination of franchise.**

The City may terminate by ordinance enacted for such purpose any franchise granted pursuant to the provisions of this chapter in the event of the wilful failure, refusal, or neglect by grantee to do or comply with any material and substantial requirement contained in this chapter or rule or regulation of the Office of Cable Communications validly adopted pursuant to this chapter. System failure in all or a major part of any cable district shall constitute noncompliance with a material requirement of this chapter if such failure continues for a period of ten (10) consecutive days or for a period of twenty-four (24) consecutive hours on thirty (30) or more occasions during any period of twelve (12) consecutive calendar months.

(Ord. 105427 § 8(b), 1976.)

**21.60.170 Proceeding before Hearing Examiner.**

The Office of Cable Communications shall initiate a proceeding before a Hearing Examiner pursuant to the Administrative Code of the City<sup>1</sup> for the purpose of having the Examiner make the determinations

contemplated by Section 21.60.180 if:

- A. The Office of Cable Communications determines that by reason of system failure not resulting from circumstances beyond its control the grantee has failed to comply with any material or substantial requirement of this chapter; or
- B. The Office of Cable Communications determines that the grantee has failed or refused or neglected to do or comply with any material or substantial requirement or limitation contained in this chapter or other ordinance (other than system failure) or any rule or regulation of the Office of Cable Communications validly adopted pursuant to this chapter; and such failure, refusal, or neglect has continued for a period of thirty (30) days following written demand by the Office of Cable Communications to do or comply with such requirement, limitation, term, condition, rule or regulation; or
- C. The Office of Cable Communications has received a petition requesting institution of such proceedings and signed by at least twenty-five (25) percent of the subscribers within the cable district served by the grantee; provided however, that this subsection shall not be so interpreted as to preclude consideration by the Office of Cable Communications of complaints by nonsubscribers concerning matters in which such nonsubscriber(s) have a material interest.

(Ord. 105427 § 8(c), 1976.)

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

#### **21.60.180 Determinations by Hearing Examiner.**

In any proceeding as set out in Section 21.60.170, it shall be the duty of the Hearing Examiner after receiving testimony and evidence from all interested parties:

- A. To determine whether any such failure, refusal or neglect by grantee to do or comply with any such material requirement, limitation, term, condition, rule or regulation has occurred; and
- B. If so, to determine whether such failure, refusal or neglect by grantee was with just cause; and
- C. If such failure, refusal or neglect by the grantee was with just cause, to direct compliance within such time and upon such terms and conditions as are reasonable;

Provided, however, if the issue before the Hearing Examiner involves noncompliance with Section 21.60.380 he shall make a recommendation to the Council regarding a time certain for compliance by grantee. (Ord. 105427 § 8(d), 1976.)

#### **21.60.190 Declaration of termination of franchise.**

If the Hearing Examiner shall determine that such failure, refusal or neglect by the grantee was without just cause, he shall report such determination to the City Council whereupon the City may by ordinance declare that the franchise of such grantee shall be terminated and forfeited as of a date to be specified in such ordinance unless there be compliance by the grantee within such period as the City may also fix in such ordinance. Such ordinance shall be published once in the City official newspaper within three (3) days after the same shall have become a law.

(Ord. 105427 § 8(e), 1976.)

**21.60.200 City rights not affected.**

The termination and forfeiture of any franchise shall in no way affect any other rights of the City under the franchise or any provision of law.  
(Ord. 105427 § 8(f), 1976.)

**21.60.210 Cable districts and access areas.**

A. Cable district boundaries and designations shall be as depicted on Exhibit "1"--"CABLE DISTRICTS" attached to Ordinance 121148.<sup>1</sup>

B. Access districts shall be as depicted on Exhibit "B"--"ACCESS AREAS" attached to Ordinance 105427.<sup>1</sup>  
(Ord. 121148 § 2, 2003; Ord. 105427 § 9, 1976.)

1. Editor's Note: Exhibits "1" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

**21.60.220 Applications for franchise.**

Each application for the granting or renewal of a franchise to construct, operate or maintain any cable communications system in this City shall be filed with the Office of Cable Communications, be accompanied by a processing fee in the amount of Twenty Thousand Dollars (\$20,000) and shall also contain or be accompanied by the following:

- A. The name, address and telephone number of the applicant;
- B. A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent may reasonably be required by the Office of Cable Communications:
  - 1. The names, residence and business addresses of all officers and directors of the applicant,
  - 2. The names and addresses of all persons having, controlling, or being entitled to have or control, five (5) percent or more of the ownership of the applicant, either directly or indirectly, and the respective ownership share of each such person,
  - 3. A detailed description of all previous experience of the applicant or the owners of the applicant in providing cable communications and in related or similar fields,
  - 4. A detailed and complete recent financial statement prepared by or under the supervision of certified public accountants, and of any corporation owning a majority or more of the voting stock of the applicant,
  - 5. A detailed financial plan showing the financial resources required to construct and operate the proposed system together with satisfactory evidence of the availability to applicant of funding requirements in excess of applicant's own cash resources not otherwise committed;

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C. A detailed statement of the proposed plan of operation of the applicant, which shall include:

1. A statement of the cable district proposed to be served and a proposed time schedule, not in conflict with this chapter, for installation in each neighborhood or portion of the district of all equipment necessary to complete energization throughout the entire area to be served,
2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of the classifications including installation charges and service charges and which shall remain in effect for not less than twelve (12) months following the grant of the franchise; provided grantee by this requirement shall not be precluded from initiating an application for a rate revision prior to the twelfth month, to be effective thereafter if allowed,
3. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant, including when applicable administrative and technical procedures for interconnection of access channels and for safeguarding the privacy of return signals. In no event shall the operational and performance standards be less than those contained in Title 47, Subpart K (Section 76.601 et seq.) Rules and Regulations, Federal Communications Commission adopted February 2, 1972, and as amended,
4. A copy of any agreement proposed to be entered into between the applicant and any subscriber,
5. A statement setting forth the substance of, and names of persons party to, all agreements existing or proposed between the applicant and any other person which materially relate to or depend upon the granting of the franchise;

D. A copy of any agreement with respect to the franchise area existing between the applicant and any public utility providing for the use of any facilities of the public utility; and

E. Any other reasonable information requested by the Office of Cable Communications or the Council, or required by any provision of any other ordinance of the City or its Charter, or deemed pertinent by the applicant.

(Ord. 120138 § 3, 2000: Ord. 105427 § 10, 1976.)

#### **21.60.230 When applications accepted--Notification.**

A. For a period of one hundred eighty (180) days immediately preceding the expiration date of a franchise for any given cable district the Office of Cable Communications will accept for filing applications for franchises for such cable district. At least ten (10) days but not more than thirty (30) days in advance of the aforementioned date on which applications will first be accepted, the Office of Cable Communications shall give written notice thereof to each person who is then the holder of an existing CATV cable franchise from the City and to any person who has requested such notice in writing, and by publication of notice for one (1) day in a newspaper of general circulation throughout the City, which published notice shall include a copy of the table of contents of this chapter.

B. In the event that the Office of Cable Communications, upon the advice and recommendation of

the Advisory Board, determines that an area not a part of a cable district is to be designated a cable district and is to be served, the Chief Technology Officer shall publish notice in a newspaper of general circulation throughout the City that applications for a franchise to serve such area will be received until a designated date which date shall be not less than ninety (90) days nor more than one hundred eighty (180) days after publication of such notice. Such published notice shall contain a copy of the table of contents of this chapter. (Ord. 120181 § 145, 2000; Ord. 118397 § 126, 1996; Ord. 116308 § 5, 1992; Ord. 110038 § 1, 1981; Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(a), 1976.)

#### **21.60.240 Report and recommendation on application.**

Upon receipt of any application for franchise, the Office of Cable Communications shall prepare a written analysis or report upon such application and thereafter in consultation with the Advisory Board make recommendations respecting such application. Any such analysis or reports and recommendations shall be completed and filed with the Council within ninety (90) days following the close of the period for filing of the application.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(b), 1976.)

#### **21.60.250 Public hearing on application.**

Upon receipt of the reports or analysis and recommendations of the Office of Cable Communications, the Council shall promptly schedule a public hearing upon the application reported, and shall cause the City Clerk to publish notice thereof in at least two (2) newspapers of general circulation within the City at least once a week for each of the two (2) weeks preceding such hearing, provided, however, that no two (2) or more applications shall be considered at any one (1) hearing except by consent of the applicants and no applications shall be considered at any one (1) hearing which do not relate to the same cable district. The notice shall state the name of each proposed grantee for each cable district and the place where applications and relevant material are available to the public, and shall set forth the day, hour and place when and where any interested persons may file written comments pertaining thereto and/or appear before the Council and be heard.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(c), 1976.)

#### **21.60.260 Considerations at public hearing.**

At the hearing so scheduled or any adjournments thereof, all citizens and other interested parties shall have an opportunity to express their views orally or in writing to the Council, and the Council shall consider all the views expressed at the public hearing in determining its action upon each franchise application. Written comments if responsive to written or oral statements of any person filed or made at the hearing, but not otherwise, shall be received up to the conclusion of the fifth business day following the conclusion of the hearing, and be considered by the Council. The Council shall also give due consideration to the quality of the service proposed; the experience, character, background, and financial responsibility of each applicant and its management and owners; the technical and performance quality of equipment; the program proposed for construction; and the applicant's ability to meet construction and physical requirements and to abide by the terms and requirements of the franchise generally. The Council shall also give weight to local ownership and to ownership representing minorities within the larger public.

(Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(d), 1976.)

#### **21.60.270 Council determinations--Rejection or further consideration of application.**

If the Council should determine to reject any application, such determination shall be final and the application shall be deemed rejected. If the Council shall determine further to consider an application, then:

A. (Reserved subsection.)

B. The reasonableness of the subscriber rates and charges proposed by the applicant shall be inquired into at a hearing before a Hearing Examiner pursuant to the Administrative Code of the City (Ordinance 102228)<sup>1</sup> and Sections 21.60.300 through 21.60.320. The Hearing Examiner shall make a determination concerning the reasonableness of the proposed rates and charges and forward such determination to the City Council. In the event that the Hearing Examiner determines that an independent audit of applicant's accounts and records by certified public accountants is essential to a determination of the fairness of applicant's proposed rates and charges he may direct applicants to cooperate in such respect. If an applicant is already operating under an existing franchise and does not propose to increase its rates and charges, no such hearing shall be required.

C. If the Council shall determine that a franchise be granted to the applicant upon the terms proposed by the applicant with respect to the applicant's construction program and subscriber rates and charges or upon different terms, such determination shall be expressed in the ordinance granting a franchise to the applicant.

D. No bill granting a franchise shall be finally passed within thirty (30) days after its introduction, nor until it has been published in the official newspaper of the City at the expense of the applicant for ten (10) consecutive press days. Any ordinance granting a franchise shall be published once in the official newspaper of the City at the expense of the applicant therefor within three (3) days after the same shall have become law. (Ord. 107025 § 2(part), 1977; Ord. 105427 § 11(e), 1976.)

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

### **21.60.280 Procedure for grant or renewal of franchise.**

The procedure for granting any franchise other than those contemplated by Section 21.60.230 and for renewing any franchise granted pursuant to this chapter shall be as follows:

A. Upon receipt of any application for the granting or renewal of a franchise, the Office of Cable Communications shall prepare a written analysis or report upon such application and thereafter in consultation with the Advisory Board, make recommendations respecting such application and cause the same to be completed and, together with the application, filed with the Council within ninety (90) days.

B. On receipt of such report or analysis and recommendation, the Council shall schedule a public hearing and cause notice thereof to be published at least once a week for each of two (2) weeks preceding the hearing in each of the two (2) newspapers of general circulation within the City, which notice shall contain the same information described in Section 21.60.250. In addition, if the application is for renewal of a franchise for a cable district then served by a local access channel, the applicant shall broadcast notice of the hearing over all such channels at least once each working day between the hours of nine (9:00) a.m. and eleven (11:00) p.m. during the two (2) weeks immediately preceding the hearing.

C. The procedures followed at and subsequent to the hearing shall be the same as those described in

Sections 21.60.260 and 21.60.270.

(Ord. 107025 § 2(part), 1977: Ord. 105427 § 11(f), 1976.)

**21.60.290 Franchise grant for entire cable district or entire City--Exception.**

No grantee shall be awarded a franchise for less than an entire cable district. A grantee shall provide cable service in the entire franchise district(s) consistent with the grant of the franchise, unless:

A. The provider of cable service is operating under the provisions of SMC Section 21.60.700 in lieu of a franchise;

B. The grantee has not yet completed the construction of the physical plant to provide service throughout the entire franchise area, provided the grantee is in compliance with the build-out requirements of the franchise;

C. The grantee has received an administrative waiver based on a determination that effective competition is available in the area of the waiver. For the purpose of granting an administrative waiver, the presence of three (3) cable services franchise grantees providing services throughout the area of the waiver shall constitute effective competition. When a cable district is served by more than one (1) system, the systems shall be interconnected at the expense of the grantee operating under a franchise initially granted pursuant to this chapter in such a way as to provide common access channels throughout the cable district.  
(Ord. 120138 § 4, 2000: Ord. 107025 § 2(part), 1977: Ord. 105427 § 11(g), 1976.)

**21.60.295 Regulation of cable television rates and charges.**

A. The Office of Cable Communications shall regulate the rates charged by local cable television franchises in conformance with, and to the extent permitted by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460, 47 U.S.C. Section 521 et seq. (1992), and implementing regulations of the Federal Communications Commission.

B. The Office of Cable Communications is authorized to take all steps necessary to become certified by the Federal Communications Commission to regulate cable television rates.

C. The Office of Cable Communications shall adopt such rules and regulations as necessary to regulate cable television rates.  
(Ord. 116917 § 1, 1993.)

**21.60.300 Subscriber rates and charges--Approval required.**

A. No grantee shall impose or be permitted to impose upon subscribers or users rates or charges for installation or for basic services, approved by the Federal Communications Commission (FCC) and the City, until it has first been determined in the manner provided in this section and Section 21.60.295. The determination of the Hearing Examiner in such respect shall be made in accordance with the Administrative Code of the City (Seattle Municipal Code Chapter 3.02) and shall constitute a final order or decision; provided, however, that in connection with the original grant of a franchise pursuant to this chapter the reasonableness of rates or charges shall be determined according to Sections 21.60.230 through 21.60.290.

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B. Any applicant for the granting or renewal of a franchise (except an applicant who already provides cable service to all or part of the cable district for which the franchise or renewal is sought and who proposes no increase in rates and charges for installation and basic services) and any grantee proposing any increase in rates and charges for installation or basic services shall first file with the Office of Cable Communications a schedule of the proposed increased rates and charges together with supporting financial data presented in a manner susceptible of meaningful comparison among all grantees, as prescribed by rules adopted pursuant to Section 21.60.650. Such supporting data shall include a statement covering the period since the last previous rate adjustment showing clearly what total proceeds were derived from the system in terms of ratepayers payments and users charges and the proportion of those proceeds devoted to operation and maintenance of the system and construction of capital plant in the cable district. The Office of Cable Communications shall examine and investigate the material submitted by the applicant or grantee and, in consultation with the Advisory Board, make a recommendation to the Council with respect thereto within thirty (30) days after receipt.  
(Ord. 116917 § 2, 1993; Ord. 105427 § 12(a), 1976.)

### **21.60.310 Subscriber rates and charges--Determination of Hearing Examiner.**

The application of the applicant or grantee and the report of the Office of Cable Communications and recommendations of the Advisory Board and the Office of Cable Communications shall be submitted to a Hearing Examiner, and the reasonableness of the proposed rates and charges shall be determined after notice and a hearing by a Hearing Examiner pursuant to the Administrative Code of the City.<sup>1</sup> Notice of the hearing shall briefly describe the proposed rates and charges and the recommendation of the Office of Cable Communications with respect thereto and shall state the place where the application and relevant facts are available to the public, the time and place of the hearing, and the date by which written comments must be submitted. Notice of the hearing will be sufficient if published at least once a week during each of the two (2) weeks preceding the hearing in a newspaper of general circulation within the City and in one (1) or as many more community newspapers within the cable district or franchise areas, as may be necessary to cover the entire district and if broadcast over the local access channels of the applicant or grantee (if any) in the cable district or districts affected at least once each working day between the hours of nine (9:00) a.m. and eleven (11:00) p.m. during the two (2) weeks immediately preceding the hearing.  
(Ord. 105427 § 12(b), 1976.)

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

### **21.60.320 Subscriber rates and charges--Purpose of hearing.**

The purpose of the hearing before a Hearing Examiner shall be to determine whether the rates and charges proposed by the applicant or grantee are not in excess of the rates permitted by FCC rate regulations as now or hereafter amended and franchise requirements, if any. In the event that the Hearing Examiner determines that an independent audit of applicant's accounts and records by certified public accountants is necessary to the above determination, he/she may direct applicants to cooperate in such respect, and failure to consent to such audit without just cause shall be a ground for rejection of the applicant's application. The applicant or grantee shall have the burden of persuasion.  
(Ord. 116917 § 3, 1993; Ord. 105427 § 12(c), 1976.)

### **21.60.330 Bonds.**

Seattle Municipal Code  
December 2006 code update file  
This source file.  
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Upon being granted a franchise and upon the filing of the acceptance required under SMC Section 21.60.370, a grantee shall deliver to the City Clerk for filing, and thereafter maintain continuously in effect a good and sufficient bond in the penal sum of One Hundred Thousand Dollars (\$100,000), executed by a surety company authorized and qualified to do business in the state as a surety or by other sureties acceptable to the Office of Cable Communications and in a form approved by the City Attorney, which bond shall stipulate that grantee shall strictly comply with each and every condition and covenant of its franchise; provided, that whenever in the judgment of the Chief Technology Officer any bond or bonds filed by a grantee pursuant to the provisions of this section shall be deemed insufficient to satisfy the conditions of the bond, the grantee shall upon demand furnish a new or additional bond in such amount as may be specified by the Chief Technology Officer and with such sureties as are acceptable to the Chief Technology Officer, and maintain such new or additional bond continuously in effect; and provided further that the bond shall include the obligation of the surety to guarantee payment to the City of the penalty provided for in SMC Section 21.60.360 should such penalty become applicable.

(Ord. 120181 § 146, 2000; Ord. 118409 § 127, 1996; Ord. 116308 § 6, 1992; Ord. 107614 § 2(part), 1978; Ord. 105427 § 13(a), 1976.)

#### **21.60.340 Indemnity.**

By acceptance of a franchise granted pursuant to this chapter and the rights and privileges thereby granted, grantee does covenant and agree with the City for itself, its successors and assigns, to at all times protect and save harmless the City from all claims, actions, suits, liability, loss, cost, expenses or damages of every kind or description which may accrue to or be suffered by any person or persons or property, and to appear and defend at its own cost and expense any action instituted or begun against the City for damages by reason of the construction, reconstruction, readjustment, repair, maintenance, operation or use of the streets of the City, or any act(s) or omission(s) of grantee, its successors or assigns, exercising any privilege conferred by this chapter or by such franchise, and in case judgment shall be rendered against the City in any such suit or action, the grantee shall fully satisfy such judgment within ninety (90) days after such action or suit shall have been finally determined if determined adversely to the City. Such indemnity shall include, but not be limited to, any liability as may arise or occur, or be alleged to arise or occur, from concurrent, contributing or joint acts or omissions of grantee and the City, but not attributable to the sole negligence of the City.

(Ord. 107614 § 2(part), 1978; Ord. 105427 § 13(b), 1976.)

#### **21.60.350 Insurance.**

So long as grantee shall possess any right or privilege granted pursuant to this chapter or franchise, and before the commencement of any work under this agreement, the grantee shall deliver to the Office of Cable Communications for filing with the City Clerk a policy of insurance (or a copy thereof) showing that it has procured and is maintaining at all times a policy of public liability insurance, in a form approved by the City Attorney, naming the City as an insured, protecting and holding the City harmless from any and all damages of any kind whatsoever which may arise in connection with the services or work to be performed under this chapter, whether or not such damages are alleged to arise or result from acts or omissions which are the sole negligence of the City, its officers, employees and/or agents or the combined negligence of the City and others, in at least the principal amount of One Million Dollars (\$1,000,000) for bodily injury or death to any one (1) person or for bodily injury or death to any number of persons in any one (1) incident, and/or One Million Dollars (\$1,000,000) for all property damage occurring during any one (1) incident, and/or One Million Dollars (\$1,000,000) for deprivation of civil rights and civil liberties, defamation of character, libel, slander, invasion of

contractual rights, inverse condemnation, or similar or other causes of action, provided the Director of Cable Communications may increase the minimum policy limits and coverage from time to time as the Director deems appropriate to adequately protect the City and the public. The policy shall provide for at least thirty (30) days' notice to the Director of Cable Communications of any change, cancellation or lapse thereof, and that "This policy is issued and intended to comply with the conditions and requirements of Section 21.60.350 of the Seattle Municipal Code."

(Ord. 116368 § 290, 1992: Ord. 116308 § 7, 1992: Ord. 107614 § 2(part), 1978: Ord. 105427 § 13(c), 1976.)

#### **21.60.360 Penalties.**

It is the intent of this chapter that the citizens of Seattle who have contracted with a cable television franchise grantee for basic cable services be provided uninterrupted service and, if any grantee abandons or wilfully ceases to serve any cable district or portion thereof, the grantee, after a hearing before the Chief Technology Officer, upon a determination and findings of such abandonment or wilful cessation of service shall be subject to a penalty of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100), in the discretion of the Director, for each day such wilful cessation of service or abandonment continues, but not to exceed a total sum of Fifty Thousand Dollars (\$50,000). Operation by a temporary substitute operator by permission of the grantee and the City shall stay the penalty provision of this section for so long as the system is thereby maintained in operation.

(Ord. 120181 § 147, 2000: Ord. 118397 § 128, 1996: Ord. 116308 § 10, 1992: Ord. 107614 § 3, 1978: Ord. 105427 § 13A, 1976.)

#### **21.60.370 Acceptance of franchise.**

A. No franchise granted under this chapter shall become effective for any purpose unless and until an acceptance in writing thereof shall have been filed with the City Clerk. Such written acceptance, which shall be in form and substance approved by the City Attorney, shall also be and operate as an acceptance of each and every term and condition and limitation contained in this chapter or in such franchise, or otherwise specified as provided in this section.

B. The written acceptance shall be filed by the grantee not later than thirty (30) days following the effective date of the ordinance granting such franchise.

C. In default of the filing of such written acceptance as required in this section, the grantee shall be deemed to have rejected and repudiated the franchise and the City may invite and thereafter receive applications from persons desiring to serve the subject cable district.

D. In any case, all rights, remedies and redress which may or shall be available to the City under this chapter, shall at all times be available to the City and shall be preserved and maintained and shall continuously exist in and to the City and shall not be in any manner or means modified or abridged, altered, restricted or impaired by reason of this chapter or otherwise.

E. By acceptance of a franchise granted pursuant to this chapter any and all grantees specifically acknowledge that nothing in this chapter contained or in any franchise granted pursuant thereto constitutes an abrogation by the City of its police powers in any respect whatsoever.

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F. If for the purpose of documenting his compliance with federal regulations for federal authorities, any person operating a CATV system within any cable district or districts pursuant to a franchise outstanding on the effective date of the ordinance codified in this chapter<sup>1</sup> desires to accomplish such documentation by electing to accept the terms and conditions of this chapter he may do so by filing with the Office of Cable Communications a written acceptance of the terms and conditions of such ordinance which shall be in form and substance approved by the City Attorney and shall specify the cable district or districts to which the acceptance relates. Such an acceptance shall have the effect of conforming such outstanding franchise to this chapter for the district or districts specified except that such outstanding franchise shall terminate on its original expiration date.

(Ord. 107614 § 4, 1978; Ord. 105427 § 14, 1976.)

1. Editor's Note: Ord. 105427 became effective on April 25, 1976.

### **21.60.380 Construction--Approval of plan--Rate or extension of service.**

The construction of new cable facilities or the extension of existing cable facilities by a grantee shall be done in accordance with a plan or design first submitted to and approved by the Chief Technology Officer with respect to the requirements of this chapter, and then submitted to and approved by the Director of Transportation with respect to the requirements of SMC Title 15. The grantee shall at all times comply with this chapter and with SMC Title 15 (commonly called the Street Use Ordinance) as the same now reads or is hereafter amended, except that if this chapter and SMC Title 15 are in any respect inconsistent the provisions of the latter shall control. To the end, unless otherwise specified in the grant of franchise, an entire cable district shall be served within seven (7) years from the date of the awarding of the franchise, and the franchise shall specify milestones for the extension of cable service throughout the district for each year; provided, however, that the legislative authority may by ordinance and pursuant to a specific application by the grantee, extend the time for a grantee's performance to a date certain after receiving findings and a recommendation from the Hearing Examiner and after a hearing by the Hearing Examiner upon the facts as to whether the failure to extend the time would cause the grantee to suffer an unreasonable rate of return in its investment in the cable district, or as to whether delay is caused by strikes, acts of God, or other unforeseen circumstances beyond the control of the grantee.

(Ord. 120181 § 148, 2000; Ord. 120138 § 5, 2000; Ord. 118397 § 129, 1996; Ord. 116308 § 11, 1992; Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(a), 1976.)

### **21.60.390 Erection of poles and wires--Undergrounding.**

All poles, cables, wires, antennae, conduits or appurtenances shall be constructed and erected in a neat, workmanlike manner and shall be of such height and occupy such position in compliance with the provisions of the pole attachment permit(s) and street use permit(s) authorizing its installation. Whenever it is practicable to make use of poles already in the streets of the City, the grantee shall make use of such poles as provided in SMC Chapter 15.32, provided that in any district in which telephone, telegraph and electric power wires and cables have been placed underground, the grantee shall not be permitted to erect poles or to run or suspend wires, cables or other conductors thereon but shall lay such wires, cables or conductors underground in such manner as is required by the City, and if, prior to the passage of any ordinance creating a local improvement district or utility local improvement district which involves placing overhead utilities underground grantee shall have erected poles and suspended wires, cables and other conductors thereon, grantee shall participate in such underground project and shall remove poles, cables and wires from the surface of the streets within such district and shall place the same underground in conformity with the requirements of the Director of Transportation.

(Ord. 120138 § 6, 2000; Ord. 107614 § 5(part), 1978; Ord. 107025 § 3(part), 1977; Ord. 105427 § 15(b), 1976.)

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**21.60.400 Undergrounding requirements.**

If in any part of the cable district for which the grantee has been awarded a franchise and where no cable facilities have been installed, the City or a local improvement district proposes to place telephone, telegraph and electric power wires and cables underground, or to require the same, grantee may place facilities in the underground project, but if grantee does not do so and subsequently enters the area to serve the same, grantee shall place its facilities underground. In areas where all other utilities have their facilities underground the grantee shall underground its facilities within a reasonable period of time, as directed by the City Council. (Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(c), 1976.)

**21.60.410 City rights to make improvements--Use of grantee's poles.**

Nothing in this chapter shall be construed to prevent the City or any local improvement district or utility local improvement district from sewerage, paving, grading, altering or otherwise improving or reimproving any of the streets of the City, including the installation of City-owned utilities, and the City shall not be liable for any damages resulting to the grantee by reason of the performance of such work or by exercise of such rights of the City. This chapter shall not be so construed so as to deprive the City of any rights or privileges which it now has, or which may hereafter be conferred upon it to regulate and control the use of the streets. Whenever and to whatever extent any street shall be improved or the grade thereof changed, modified, raised or lowered, or the size, position or location of any City-owned public utilities changed, modified or altered, any of the installations belonging to the grantee which may be affected by or shall conflict with any such changes, alterations or modifications shall be promptly adjusted, removed, altered, raised, lowered or otherwise modified to conform to the improvements or changes made, by and at the cost and expense of grantee and in conformity with the requirements of the Board of Public Works. The City shall at all times have the right to make use of any or all of the poles of the grantee for wires, cables and conductors to carry any City-owned systems or facilities requiring such use. (Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(d), 1976.)

**21.60.420 Excavation--Application--Deposit with Board of Public Works.**

Whenever it shall be necessary, in the erection of poles or in the construction of underground pipes or conduits, to excavate in any portion of any street, the grantee shall file with the Board of Public Works an application for permission to do such work, together with plans, designs and drawings on a reasonable scale setting forth the streets to be disturbed, and obtain a permit from or approval of the Board of Public Works for so doing before beginning such work, all as contemplated by Ordinance 90047,<sup>1</sup> as it now exists and may hereafter be amended. After any poles are erected or such pipes or conduits constructed, grantee shall promptly replace any portion of the street disturbed by such work in a neat and workmanlike manner to its original condition and as required and approved by the Board of Public Works. The grantee at the discretion of the Board of Public Works shall keep on deposit in the City Treasury to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000) in cash to be used by the Board as necessary for the purpose of restoring streets in the manner prescribed by the Board, to pay the reasonable costs of any City inspection necessitated by grantee's actions pursuant to this franchise, and to pay the cost of raising or removing of any wires, cables or conductors as provided in Section 21.60.430.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(e), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

**21.60.430 Moving building--Raising or removing wires.**

Whenever permission is obtained from the Board of Public Works for use of any streets of the City for the purpose of moving any building or structure, grantee, upon forty-eight (48) hours' notice from the Board of Public Works, shall raise or remove any wires, cables or conductors which may obstruct the removal of such building or structure, and in the case of grantee's refusal or failure to comply with such notice, the Board of Public Works may raise or cause to be raised or remove or cause to be removed such wires, cables or conductors at the expense of grantee for the purpose aforesaid.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(f), 1976.)

**21.60.440 Compliance with chapter.**

Construction, maintenance and operation of grantee's system, including house connections, shall be in accordance with the provisions of this chapter and in accordance with the provisions of all other applicable codes and ordinances, including the Electrical Code (Ordinance 103501),<sup>1</sup> and grantee shall comply with all applicable state and federal laws and the rules and regulations of the Federal Communications Commission relating to CATV systems.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(g), 1976.)

1. Editor's Note: The Electrical Code is codified in Title 22 of this Code.

**21.60.450 Connection point.**

Except in areas of the cable district in which, by the terms of the grantee's franchise, no construction is required, the grantee shall, on payment of the installation charge prescribed in accordance with Sections 21.60.300 through 21.60.320, provide a connection, overhead or underground in the discretion of the Board of Public Works, to any point located not more than three hundred feet (300') from grantee's nearest distribution cable, and shall not accept payment for an installation charge unless there is a distribution cable within three hundred feet (300') of the subscriber's property or a specific written agreement has been entered into with the subscriber regarding the cost of a connection over a distance greater than three hundred feet (300').

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3 (part), 1977: Ord. 105427 § 15(h), 1976.)

**21.60.460 Council may require construction in previously excluded area.**

Notwithstanding any limitation to the contrary contained in grantee's franchise, the Council by ordinance may require grantee to construct cable facilities in any part of the cable district where by the terms of the franchise no such construction was originally required, if the Council determines on recommendation of the Office of Cable Communications or on petition by residents of the excluded area that because of changed economic circumstances since the granting of the franchise it has become feasible to require construction in such area.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(i), 1976.)

**21.60.470 Permission from property owner.**

It shall be grantee's sole responsibility when cable passes over or under private or publicly owned property to obtain all necessary permission from the owner thereof.

(Ord. 107614 § 5(part), 1978: Ord. 107025 § 3(part), 1977: Ord. 105427 § 15(j), 1976.)

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**21.60.480 Consumer protection.**

Subscribers and users in each cable district shall have the protection described in this section in addition to all other rights conferred in this chapter. A copy of this section shall be furnished by the grantee, at grantee's expense, to each new subscriber.

A. The Office of Cable Communications shall, in addition to receiving and investigating subscriber complaints, furnish timely information to the public regarding proceedings with respect to proposals to change the terms of this chapter or other City ordinances relating to cable communications, the terms of any franchise, subscriber rates and charges in any cable district, or relating to renewal or termination of any franchise or the transfer of control of any grantee.

B. Each grantee shall furnish to the Office of Cable Communications, and the Office of Cable Communications shall compile and maintain for public inspection during regular business hours, copies of:

1. All applications and other communications submitted by franchise applicants or grantees to the City, the Federal Communications System or any other federal, state, or local regulatory body having jurisdiction in respect of cable communications within this City;
2. Current information on ownership and management of the grantee;
3. Current information on forms of subscriber agreements used by the grantee; complaint procedures followed by the grantee; and nonbasic services offered by the grantee and the rates and charges therefor; and
4. Records of all requests for use of public access channels and leased channel time and the disposition of such requests, and records of all signals and programs carried (other than radio and television broadcast signals).

C. The Office of Cable Communications shall also compile and maintain for public inspection during regular business hours copies of:

1. All federal, state, and local laws and regulations applicable to cable communications within this City;
2. Records of all complaints filed with the Office of Cable Communications and the disposition thereof; and
3. Policy statements and administrative and staff operating procedures of the Office of Cable Communications and the Advisory Board;
4. All reports and recommendations to the Council by the Office of Cable Communications or the Advisory Board, or both.

D. Each grantee shall make available to the public, at such hours of the day and at such places and in such manner as the grantee shall determine with the approval of the Advisory Board, current information

pertaining to schedules of rates and charges for basic and nonbasic services, the address and telephone number of the grantee's local office, instructions for operating subscriber terminal equipment, an emergency service telephone number, a description of complaint procedures, a description of subscriber rights, and schedules for programs on the local government, educational, and public access channels (to the extent such program content is known to the grantee).

E. In the operation of a CATV system under a franchise granted pursuant to this chapter, no grantee shall make or grant any undue preference or advantage to any subscriber or user or other person, nor discriminate against any person or group; provided that this subsection shall not be construed to prohibit trade promotions customary in the industry, provided such trade promotions are not otherwise prohibited by law.

F. If a grantee should for any reason cancel service to a subscriber without cause within a period of thirty-six (36) months from the commencement of furnishing service to that subscriber and prior to the termination or expiration of the grantee's franchise, the grantee shall refund to that subscriber a fraction of the installation charge paid by that subscriber, the numerator of which shall be the number of months remaining until completion of the thirty-six (36) month period, and the denominator of which shall be thirty-six (36).

G. No grantee shall cause or permit the viewing habits of any subscriber to be monitored without the subscriber's express consent.

H. Whenever a grantee shall offer a new service or facility, or changes in channel allocation or assignment, the grantee shall give notice thereof to the general public, to the Office of Cable Communications and through the Office of Cable Communications to each educational institution and to the person in charge of each City-owned building in the cable district to which the grantee provides basic service without charge pursuant to Sections 21.60.090 through 21.60.140, whereupon such new service or facility shall be made available to all subscribers if technically practicable, and without discrimination.

I. A grantee shall give to subscribers advance written notice of any hearing concerning grantee's franchise or any proposed change in subscriber rates and charges, such notice to contain all information contained in the published notice of hearing, and shall prior to such hearing file an affidavit by one (1) of its officers attesting to the fact that such written notice to subscribers has in fact been given.  
(Ord. 105427 § 16, 1976.)

#### **21.60.490 Franchise to be nonexclusive.**

Every franchise granted pursuant to this chapter shall be nonexclusive.  
(Ord. 105427 § 17(a), 1976.)

#### **21.60.500 Privileges as stated in chapter.**

No privilege shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed in this chapter.  
(Ord. 105427 § 17(b), 1976.)

#### **21.60.510 Subordinate to City and prior lawful occupancy.**

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Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to the City's police powers and to any prior lawful occupancy of the streets or other public property.

(Ord. 105427 § 17(c), 1976.)

#### **21.60.520 Transfers or assignment.**

Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of in whole or in part, either by forced or involuntary sale or by voluntary sale, merger, consolidation or otherwise, without prior approval of the City expressed by ordinance, and then only under such conditions as may therein be prescribed. An application for any approval required by this section shall be filed with the Office of Cable Communications and a hearing thereon shall be conducted by the Council in the same manner as an application for granting or renewal of a franchise as provided in Section 21.60.280. A recommendation by the City Council for such approval may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the Council, must demonstrate to the Council's satisfaction its ability to comply with the provisions of this chapter and must agree to comply with all provisions of this chapter; and provided further that in case of a transfer or assignment as security by mortgage or other hypothecation in whole or in part to secure indebtedness, such consent shall not be required unless and until the secured party elects to realize upon the collateral. In the event grantee is a corporation, an assignment of the franchise shall be deemed to occur if there is an actual change in control or where ownership of more than fifty percent (50%) of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of the voting stock singly or collectively. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale or similar document, a duly executed copy of which shall be filed in the Office of Cable Communications within thirty (30) days after such transfer or assignment.

(Ord. 105427 § 17(d), 1976.)

#### **21.60.530 Obligation to comply promptly.**

Time shall be of the essence of any franchise granted under this chapter. The grantee shall not be relieved of its obligation to comply promptly with any of the provisions of this chapter by any failure of the City to enforce prompt compliance.

(Ord. 105427 § 17(e), 1976.)

#### **21.60.540 Transfer of powers to other City officers or employees.**

For purposes of the administration of this chapter any right or power conferred or impressed upon any officer, employee, department or board of the City shall be subject to transfer by the City to any other officer, employee, department or board of the City.

(Ord. 105427 § 17(f), 1976.)

#### **21.60.550 No recourse against City for loss or expense.**

Grantees shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or for any franchise issued under this chapter or because of its enforcement.

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(Ord. 105427 § 17(g), 1976.)

**21.60.560 Grantee subject to City laws.**

Grantees shall be subject to all requirements of City laws, rules, regulations and specifications heretofore or hereafter enacted or established.

(Ord. 105427 § 17(h), 1976.)

**21.60.570 Franchise in lieu of other rights and powers of grantee.**

Any franchise granted under this chapter shall be in lieu of any and all other rights, privileges, powers, immunities and authorities owned, possessed, controlled or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation or maintenance of any cable communications system in the cable district to which the franchise relates; and the acceptance of any franchise under this chapter shall, as of the effective date of such franchise, operate between grantee and the City as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the cable district, to the effect that, as between grantee and the City, all construction, operation and maintenance by the grantee of any cable communication system in such district or districts shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to the franchise and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever.

(Ord. 105427 § 17(i), 1976.)

**21.60.580 Grantee not to sell, rent or repair radio or TV sets.**

No grantee nor any major stockholder of a grantee shall directly or indirectly engage within the City in the business of selling, leasing, renting, servicing or repairing radio or television sets or other receivers or parts thereof which make use of standard broadcast entertainment signals, provided that nothing therein shall prevent grantee from making modifications to the tuner input circuit of the subscribers' television receivers and the fine tuning of the customers' operating controls only, to insure proper operation under conditions of cable connection at the time of installation or in response to subscriber complaints, or from the selling, servicing or repairing receivers and other equipment belonging to other CATV system operators for use in the conduct of their businesses.

(Ord. 105427 § 17(j), 1976.)

**21.60.590 Grantee not to control program content.**

No grantee may exercise any control over program content on any access channel, except to the extent necessary to prevent the presentation of program material prohibited by rules and regulations of the Federal Communications Commission.

(Ord. 105427 § 17(k), 1976.)

**21.60.600 Right of Council or people to repeal or amend grant.**

Every franchise, right or privilege granted pursuant to this chapter shall be subject to the right of the Council, or the people of the City acting for themselves by the initiative and referendum, at any time, subsequent to the grant, to repeal, amend or modify the grant with due regard to the rights of the grantee and the

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interest of the public; and to cancel, forfeit and abrogate any such grant if the franchise granted thereby is not operated in full accordance with its provisions, or at all; and at any time during the life of the franchise grant to the right of the people acquire, by purchase or condemnation, for the use of the City itself, all the property of the grantee within the limits of the public streets, at a fair and just value, which shall not include any valuation of the franchise itself, which shall thereupon terminate; and every ordinance making such grant shall contain a reservation of these rights of the Council, and of the people of the City acting for themselves by the initiative and referendum, to so repeal, amend or modify said ordinance, and to so cancel, forfeit and abrogate the grant, and to so acquire the property of the grantee in the public streets, as set forth in this section.  
(Ord. 105427 § 18(a), 1976.)

**21.60.620 Rights reserved to City.**

There is reserved in the City every right and power which is required to be herein reserved or provided by any law, and a grantee by its acceptance of a franchise agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or powers heretofore or hereafter enacted or established.  
(Ord. 105427 § 18(c), 1976.)

**21.60.630 Right to require technical improvements.**

There is reserved in the City the power to amend at intervals of five (5) years or more each and any section of this chapter so as to require additions or improved specifications pertaining to construction, operation, maintenance or otherwise on the part of the grantee, to reflect technical and economic changes occurring during the franchise term and to enable the City and the grantee to take advantage of new developments in the cable communications industry so as to serve the public more effectively, efficiently and economically, without the consent of the grantee, provided such amendments do not materially alter the contents of any franchise and provided further that this provision shall not be interpreted as a limitation in any manner whatsoever or at any time whatsoever upon the exercise by the City of its police powers.  
(Ord. 105427 § 18(d), 1976.)

**21.60.640 Use of facilities for emergency purposes.**

A grantee shall upon request of the Mayor make its facilities immediately available to the City for emergency use during the period of any emergency or disaster declared by the Mayor or the Council.  
(Ord. 105427 § 18(e), 1976.)

**21.60.650 Rules and regulations.**

A. Prior to receiving any applications for franchises, the Office of Cable Communications shall adopt rules, regulations and standards governing the operation of cable communication systems in the City which rules, regulations and standards shall be consistent with this chapter and all other applicable ordinances of the City. Such rules, regulations and standards shall apply to and govern the operations of the grantee of any franchise under this chapter and are expressly declared to be a part of any franchise granted pursuant to this chapter.

B. Provided the same do not materially alter the contents of any franchise, the Office of Cable

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Communications may at any time adopt new rules or regulations or standards and may amend, modify, delete or otherwise change rules, regulations or standards previously adopted, provided, however, this section shall not be interpreted as a limitation upon the exercise by the City of its police powers.

C. Any rules, regulations or standards proposed to be adopted pursuant to this section shall be adopted in accordance with the procedures prescribed by the Administrative Code of the City.<sup>1</sup> (Ord. 105427 § 19, 1976.)

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

#### **21.60.660 Equal opportunity employment and affirmative action plan.**

A. During the performance of a franchise, the grantee agrees as follows: The grantee will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin, unless based upon bona fide occupational qualification. The grantee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

B. Grantee also agrees that it will, prior to commencement of operations pursuant to its franchise and during the term of the franchise, furnish to the Chief Technology Officer of the City, upon his or her request and on such form as may be provided by the Chief Technology Officer therefor, a report of the affirmative action taken by the grantee in implementing the terms of this provision, and will permit access to his or her records of employment, employment advertisements, application forms, other pertinent data and records by the Chief Technology Officer for the purpose of investigation to determine compliance with this provision.

C. If upon investigation the Chief Technology Officer finds probable cause to believe that the grantee has failed to comply with any of the terms of this section, the grantee and the Council shall be so notified in writing. The Council shall give the grantee an opportunity to be heard, after ten (10) days' notice. If the Council concurs in the findings of the Chief Technology Officer, it may suspend the franchise, pending compliance by the grantee with the terms of this provision.

D. Failure to comply with any of the terms of this section shall be a material breach of the franchise.

E. Comparable provisions shall be inserted in all subcontracts for work covered by any franchise. (Ord. 120181 § 150, 2000; Ord. 118397 § 130, 1996; Ord. 117407 § 22, 1994; Ord. 105427 § 20, 1976.)

#### **21.60.670 Interpretation.**

This chapter and any franchise granted pursuant to it shall at all times be so interpreted as to require the grantee to comply with all pertinent rules, regulations and requirements of the Federal Communications Commission, or any other federal or state body or agency having jurisdiction in regard to CATV systems. Such interpretation of this chapter shall not be deemed to diminish, impair, alter or affect any contractual benefit to the City or grantee, nor any contractual obligation of the grantee under any franchise issued under this chapter. (Ord. 105427 § 21, 1976.)

**21.60.680 Effective date.**

The ordinance codified in this chapter shall become effective thirty (30) days from and after its passage and approval by the Mayor<sup>1</sup> except as follows:

A. Nothing contained in this chapter shall abridge, impair, alter, modify or in any way affect any right, privilege or immunity of either the grantee or the City conferred by or arising under any cable franchise granted prior to and remaining in effect on the effective date of the ordinance codified in this chapter;<sup>1</sup> provided, that the acceptance of a franchise granted under this chapter for any cable district shall be deemed to constitute the surrender by the grantee of the right to operate a CATV system in that cable district under any prior franchise.

B. Subsections B, D and E of Section 21.60.090 shall become effective when 47 C.F.R. § 76.251, as now in effect or as hereafter amended, becomes applicable to systems that commenced operations before March 31, 1972.

(Ord. 105427 § 23, 1976.)

1. Editor's Note: Ord. 105427 was passed and approved on March 26, 1976. Its effective date is April 25, 1976.

**21.60.690 Incorporation by reference into each franchise.**

The Cable Communications Ordinance codified in this chapter shall be incorporated in its entirety by reference into and become a part of each and every cable television franchise granted by the City.

(Ord. 105427 § 24, 1976.)

**21.60.700 Interim permits pending franchise grant and transition rule.**

Prior to the approval of a franchise for the Central Business Franchise District or a City-wide franchise, the Director of the Department of Information Technology shall propose a transition rule for Council adoption to balance the desire to have cable television services provided by franchise holders for the district in which services are provided, to minimize customers who desire cable service from being denied such service, and to have current cable services customers protected from a reduction in service or increase in cost as a result of the issuance of the franchise for the Central Business Franchise District or City-wide franchise.

(Ord. 120138 § 7, 2000; Ord. 111262 § 1, 1983.)

**21.60.710 Transition rule.**

A. Upon the issuance of a franchise for the Central Business Franchise District (CBFD) the holders of street use permits issued subject to SMC Section 21.60.700 to provide cable television service in the CBFD shall be governed by this section. The Office of Cable Communications shall notify permit holders of their right to seek a franchise for the CBFD consistent with the provisions of 47 U.S.C. Section 546. Permit holders shall notify the Office of Cable Communications within ninety (90) days of this notice as to whether they will pursue a franchise for the CBFD and if so, whether they wish to follow the procedure in 47 U.S.C. Sections 546(b) through (g), or the alternative procedure in 47 U.S.C. Section 546(h).

B. Once a franchise is issued for the Central Business Franchise District (CBFD) or a City-wide Franchise District (CFD), the Director of Transportation may issue temporary and revocable street use (utility)

permits for the provision of cable television services within the Cbfd, to other than the holder of a franchise which covers the Cbfd, only if the following conditions are met:

1. The applicant has previously obtained a permit pursuant to the provisions of SMC Section 21.60.700 to provide service in the Cbfd;
2. Within ninety (90) days of receipt of the notice from the Office of Cable Communications of its right to seek a franchise for the Cbfd as provided in subsection A of this section, the applicant has notified the Office of Cable Communications that it will pursue a franchise for the Cbfd, and there is not a final determination, including judicial review under 47 U.S.C. Sections 546 and 555, on a franchise application.
- C. Ninety (90) days after the final determination in subsection B2 of this section, that a holder of a permit to provide cable television service under Section 21.60.700 has failed to obtain a franchise for the Cbfd pursuant to this section, the permit holder must terminate the provision of cable television service within the Cbfd consistent with 47 U.S.C. Section 547.  
(Ord. 120263 § 1, 2001.)

## **Subchapter II**

### **Cable Customer Bill of Rights**

#### **21.60.800 Policy.**

The Cable Operator shall be permitted option and autonomy to first resolve Customer inquiries and complaints without delay and interference from the City.

Where a given Complaint is not addressed by the Cable Operator to the Customer's satisfaction, the City may intervene. In addition, where a pattern of, or unremedied, noncompliance with the Standards is identified, the City may prescribe a cure and establish a thirty (30) day deadline for implementation of the cure. If the noncompliance is not cured within thirty (30) days, monetary sanctions of up to five hundred dollars (\$500.00) may be imposed to encourage compliance.

These Standards are intended to be of general application; however, the Cable Operator shall be relieved of any obligations hereunder if it is unable to perform due to a force majeure event affecting a significant portion of the franchise area. The Cable Operator is free to exceed these Standards to the benefit of its Customers, and such shall be considered performance for the purpose of enforcing these Standards.

These Standards are supplementary to any Customer service requirements in any existing franchise agreements between a Cable Operator and the City. The provisions contained in this subchapter and in existing franchise agreements should be interpreted consistently wherever possible. Where the provisions of this subchapter and any existing franchise agreement are inconsistent, the provisions of the franchise agreement will control for purposes of assessing fines, penalties and compliance with the City's franchise; however, the requirements for maintaining in-City service centers as specified in SMC Section 21.60.820 B, the privacy provisions of SMC Section 21.60.830 F, and for assessing credits, refunds, or other specific remedies under Schedule A of this subchapter, shall control over any inconsistent franchise provisions.

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(Ord. 120775 § 1(part), 2002; Ord. 119402 § 1 (part), 1999.)

**21.60.810 Definitions.**

When used in these Customer Service Standards (the "Standards"), the following words, phrases, and terms shall have the meanings given below:

"Cable Operator" shall have the meaning set forth in Section 602(5) of the federal Communications Act., 47 U.S.C. 522(5).

"Cable Services" shall mean (a) the one-way transmission to Customers of video programming, or other programming service, and (b) Customer interaction, if any, which is required for the selection and use of such video programming or other programming service.

"Cable System" shall have the meaning set forth in Section 602(7) of the federal Communications Act, 47 U.S.C. § 522(7).

"City" means the City of Seattle, Washington.

"Complaint" shall mean any issue raised by a Customer that is a violation of the Cable Customer Bill of Rights.

"Customer" means any person who lawfully receives Cable Services or Other Services from the Cable Operator.

"Customer Service Representative" ("CSR") means any person employed by the Cable Operator to assist, or provide service to Customers, whether by answering public telephone lines, writing service or installation orders, answering Customers' questions, receiving and processing payments, or performing other Customer service related tasks.

"Other Service" means any wire or radio communications service, including, but not limited to, any interactive television or Internet Service, provided through the use of any of the facilities of a Cable Operator that are used in the provision of a Cable Service.

"Non-Standard Installation" means any installation of cable services that requires the installation of facilities from a point more than one hundred twenty-five (125) feet from the Customer's property line to: (1) for a prewired dwelling unit, the federal demarcation point; or (2) for an unwired dwelling unit, a point not less than twelve (12) inches from the exterior wall of the dwelling unit; or (3) any underground installation in an area where plant facilities are not underground; or (4) any installation calling for multiple outlets in a dwelling unit; or (5) a commercial installation.

"Normal Business Hours" means the hours of 8:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m., Saturday, excluding legal holidays.

"Normal Operating Conditions" means service conditions within the control of the Cable Operator. Those conditions that are not within the control of the Cable Operator include, but are not limited to, natural

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disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions that are ordinarily within the control of the Cable Operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

"Standard Installation" means (1) for an unwired dwelling unit, an installation of cable service to the Customer's dwelling unit located up to one hundred twenty-five (125) feet from the existing distribution system, plus additional inside wire and at least one (1) outlet sufficient to receive cable services; and (2) for a prewired dwelling, the installation of cable service to the federal demarcation point located on the Customer's property up to one hundred twenty-five (125) feet from the Customer's property line, sufficient to receive cable services and where the prewired equipment will allow the Cable System to meet all Federal Communications Commission (FCC) technical requirements.  
(Ord. 120775 § 1(part), 2002; Ord. 119402 § 1 (part), 1999.)

### **21.60.820 Customer service.**

A. **Courtesy.** All employees of the Cable Operator shall be courteous, knowledgeable and helpful and shall provide effective, timely and satisfactory service in all contacts with Customers.

B. **Accessibility.** The Cable Operator shall provide at least one (1) service center for each seventy-five thousand (75,000) Customers served, located at a safe, visible site within the City of Seattle, that is handicapped accessible, and located along mass transit routes. Except as otherwise approved by the City, all service centers shall be open Monday through Friday, 8:00 a.m. to 7:00 p.m., and Saturdays from 9:00 a.m. to 5:00 p.m., excluding legal holidays, and shall be fully staffed on-site with CSRs offering the following services to Customers who come to the service center: bill payment (including the ability to provide change and Customer receipts), equipment exchange, processing of change of service requests, and response to Customer inquiries and requests. The City may approve alternatives for service centers that provide substantially equivalent services. The Cable Operator shall post a sign at each service center advising Customers of its hours of operation and of the addresses and telephone numbers to contact the City and the Cable Operator if the service center is not open at other than Normal Business Hours. The Cable Operator shall provide free exchanges of faulty converters at the Customer's address.

CSRs will be available to respond to Customer inquiries during Normal Business Hours. The Cable Operator shall maintain local or toll free telephone access lines that shall be available during Normal Business Hours for service/repair requests and billing inquiries.

The Cable Operator shall have dispatchers and technicians on call twenty-four (24) hours a day, seven (7) days a week, including legal holidays, for emergency purposes.

The Cable Operator shall retain sufficient Customer Service Representatives and telephone line capacity to ensure that telephone calls to service/repair and billing inquiry lines are answered by a CSR within thirty (30) seconds or less, and that any transfers are made within thirty (30) seconds. The Customer shall be able to speak with a Customer Service Representative within five (5) minutes. These standards shall be met no less than ninety (90) percent of the time, measured on a quarterly basis under Normal Operating Conditions. Compliance with this standard shall be reported on a quarterly basis.

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The total number of calls receiving busy signals shall not exceed three (3) percent of the total telephone calls. This standard shall be met ninety (90) percent or more of the time, measured on a quarterly basis under Normal Operating Conditions.

The Cable Operator shall also retain sufficient Customer Service Representatives and telephone line capacity to ensure that a Customer shall make contact with a human being within five (5) minutes.

C. Responsiveness.

1. Guaranteed Seven-day Standard Installation and Service. The Cable Operator shall complete all Standard installations and Service Repairs requested by Customers within seven (7) business days after an order has been placed, unless otherwise requested by the Customer. This standard must be met ninety-five (95) percent of the time under Normal Operating Conditions measured on a quarterly basis. If the Customer requests a Non-Standard Installation, or the Cable Operator determines that a Non-Standard Installation is required, the Cable Operator shall provide the Customer in advance with a total installation cost estimate and an estimated date of completion.

All underground cable drops from the curb to the home shall be buried at a depth of no less than twelve (12) inches, and within no more three (3) calendar weeks from the initial installation, or at a time mutually agreed upon between the Cable Operator and Customer.

2. Residential Installation and Service Appointments. Customers requesting installation of cable service or repair service to an existing installation may choose any available four (4) hour block of time for the installation appointment during Normal Business Hours. The Cable Operator shall provide Customers the option of service or installation appointments weekday evenings until 7:00 p.m. and a minimum of four (4) hours on Saturdays at the request of and for the convenience of the Customer. The Cable Operator may not cancel an appointment with a Customer after 5:00 p.m. on the day before the scheduled appointment.

The Cable Operator shall contact new Customers by telephone, mail, e-mail or in person within two (2) weeks after installation or provide a self-addressed stamped response postcard to all Customers in its installation materials to assure overall Customer satisfaction with the work completed. The Cable Operator shall maintain records of a reasonable sample of Customer responses.

The Cable Operator shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives within the agreed upon time. If the Customer is absent when the technician arrives, the technician shall verify the appointment with his/her dispatcher by telephone while at the Customer's door and leave written notification of timely arrival. A copy of that notification shall be kept by the Cable Operator. In such circumstances, the Cable Operator shall contact the Customer within forty-eight (48) hours. In the event that a technician arrives without a prior appointment, and the Customer must be present for service to proceed, and the Customer is absent, it shall not be deemed that the Cable Operator has responded to a request for service.

If a Cable Operator representative fails to keep an installation or service appointment for

any reason, the Cable Operator will contact the Customer before the end of the scheduled appointment, and reschedule the appointment at a time convenient for the Customer.

3. Outages. In the event of system outages (loss of reception of sound or video or interactive television, or failure of Internet or e-mail connections) resulting from Cable Operator equipment failure affecting five (5) or more Customers, the Cable Operator shall initiate repairs within two (2) hours after the third Customer call is received. All Customers who call the Cable Operator to report an outage shall receive credit for the entire day on which the outage occurred and for each additional day the outage continues. The Cable Operator shall notify the City of any outage of at least four (4) continuous hours that affects at least ten (10) percent of its Customers.

The Cable Operator shall initiate repairs to all other service interruptions resulting from Cable Operator equipment failure within twenty-four (24) hours.

A Cable Operator shall initiate repairs to Customer reported outages and service interruptions, for any cause beyond the control of the Cable Operator, within twenty-four (24) hours after the conditions beyond its control have been corrected.

4. TV Reception and Cable Modem Internet Connection. The signal quality provided by the Cable Operator shall meet or exceed technical standards established by the United States Federal Communications Commission (FCC). Cable modem Internet connections shall meet performance specifications advertised by the Cable Operator. The Cable Operator shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions that the Cable Operator anticipates will last more than four (4) hours shall be preceded by at least twenty-four (24) hour's notice to affected Customers, and shall occur during periods of minimum use of the system, preferably between midnight and 6:00 a.m. Such notification of a planned outage may take the form of a door hanger, a message or insert into the monthly bill, a telephone call, or supplemented with on-screen messages announcing the planned outage. Cable modem Internet Customers may receive notification by e-mail.

If a Customer experiences poor signal quality or interruptions of Cable or Other Services attributable to the Cable Operator's equipment, the Cable Operator shall respond and repair the problem no later than the day following the Customer call provided that the Customer is available and the repair can be made within the allotted time. If an appointment is necessary, the Customer may choose a four (4) hour block of time during Normal Business Hours. At the Customer's request, the Cable Operator shall repair the problem at a later time convenient to the Customer. The Cable Operator shall provide Customers the Option of service or installation appointments weekday evenings until 7:00 p.m. and a minimum of four (4) hours on Saturdays.

5. Problem Resolution. A Cable Operator's CSRs shall have the authority to provide credit for interrupted service or any of the other credits listed in Schedule A, to waive fees, to schedule service appointments and to change billing cycles, where appropriate. Any difficulties that cannot be resolved by the CSR shall be referred to the appropriate supervisor who shall make best efforts to contact the Customer within four (4) hours and resolve the problem within forty-eight (48) hours or within such other time frame as is acceptable to the Customer and the

Cable Operator.

6. Billings, Credits, Refunds, and Deposits. Customers will receive a clear and concise bill every month. To be considered clear and concise, due dates shall be required, and a bill shall be issued. The Cable Operator shall respond to a Customer's billing inquiry, general question, or comment made by telephone or e-mail within forty-eight (48) hours. The Cable Operator shall respond in writing to a written billing inquiry, general question or comment within two weeks of the date of receipt of the letter. The Cable Operator shall provide the option of a mailed bill and payment to Customers upon request.

The Cable Operator shall allow at least thirty (30) days from the beginning date of the applicable billing cycle for payment of a Customer's service bill for that period. If a Customer's service bill is not paid within that period of time the Cable Operator may apply an administrative fee to the Customer's account. If the Customer's service bill is not paid within forty-five (45) days of the beginning date of the applicable service period, the Cable Operator may perform a "soft" disconnect of the customer's service. If a Customer's service bill is not paid within fifty-two (52) days of the beginning date of the applicable service period, the Cable Operator may disconnect the Customer's service; provided, it has provided ten (10) days notice to the Customer that such disconnection may result.

If a Customer requests disconnection of any or all services, billing for affected services shall end on the same day, or on the future date for which the disconnect is ordered. The Customer shall not be responsible for Cable Services delivered after the request. The Cable Operator must refund any credit balance owed the Customer, less any owed or disputed amounts, within fifteen (15) business days after the close of the Customer's billing cycle following the return of the equipment and request for disconnection. The Cable Operator shall issue a credit or refund to a Customer within fifteen (15) business days after the close of the billing cycle following the return of the equipment and request for disconnection.

Deposits shall accrue interest at a fair market rate. Within ten (10) days after termination of service, the Cable Operator shall repay any deposit with a statement showing accrued interest to the Customer, less any sums owed to the Cable Operator.

7. Treatment of Property Owner's Property. Trees and shrubs or other landscaping on a Customer's property that are damaged by the Cable Operator, or any employee or agent during installation or construction for the Customer or in the process of serving adjacent structures, shall be restored to their prior condition or replaced. Trees and shrubs shall not be removed without the prior permission of the owner of the property on which they are located.

The Cable Operator shall, at its own cost and expense, and in a manner approved by the property owner and the City, restore any property to as good condition as before the work causing such disturbance was initiated. The Cable Operator shall repair, replace or compensate all property owners for damages resulting from the Cable Operator's installation, construction, service or repair activities for a Customer.

Except in the case of an emergency involving public safety or service interruption to a

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December 2006 code update file  
Text prepared for reference only.  
See ordinances and code sections for details, and to confirm accuracy of this source file.

large number of Customers, the Cable Operator shall give reasonable notice to property owners or legal tenants prior to entering upon private premises, and the notice shall specify the work to be performed; provided that, in the case of construction operations such notice shall be delivered or provided at least twenty-four (24) hours prior to entry. Nothing herein shall be construed as authorizing access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law. If damage is caused by Cable Operator activity, the Cable Operator shall reimburse the property owner one hundred (100) percent of the cost of the damage or replace the damaged property. For the installation of pedestals or other major construction or installation projects, property owners shall also be notified by mail or door hanger notice at least one (1) week in advance. In the case of an emergency, the Cable Operator shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made.

The Cable Operator shall clean all areas surrounding any work site of debris caused by the Cable Operator's activities and ensure that all cable materials are disposed of properly.

D. Services for Customers with Disabilities. For any Customer with a disability, the Cable Operator shall at no charge deliver and pick up converters at the Customer's home. In the case of malfunctioning equipment, the technician shall provide and install substitute equipment, ensure that it is working properly, and return the defective equipment to the Cable Operator.

The Cable Operator shall provide TDD/TYY service with trained operators who can provide every type of assistance rendered by the Cable Operator's CSR for any hearing-impaired Customer at no charge.

The Cable Operator shall provide free use of a converter remote control unit to mobility-impaired Customers.

Any Customer with a disability may request the special services described above by providing the Cable Operator with a letter from the Customer's physician stating the need, or by making the request to the Cable Operator's installer or service technician, where the need for the special services can be visually confirmed.

E. Customer Information. Upon (1) installation; (2) annually; and (3) at any time the Customer requests, the Cable Operator shall provide the following information, in clear, concise written form:

Products and services offered by the Cable Operator, including its channel lineup. Thirty (30) days prior to the Cable Operator changing its channel lineup, the Cable Operator shall provide subscribers with the revised channel lineup;

The Cable Operator's prices and options for programming services, conditions of subscription to programming and Other Services, and policies concerning changes in services offered, notification of changes, disconnection and service downgrades. Thirty (30) days prior to the Cable Operator changing any of the above, the Cable Operator shall provide subscribers with the changes;

These Standards, with Schedule A, and any other applicable Customer service standards. A

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written copy of these Standards or a summary approved by the City shall be provided to Customers at installation and annually; an on-line version shall be considered acceptable annual dissemination of the standards to cable modem Internet Customers;

Installation and service maintenance policies, including the Customer's responsibilities for equipment;

Instruction on the use of cable TV service, remote control and on standard VCR hookups;

Instruction on the use of interactive television if provided by the cable operator;

Instruction on the use of cable modem service;

Billing and complaint procedures, including the address and telephone number of the Cable Operator's offices, the Cable Operator's policies on deposits and credit balances, returned check charges, refunds for disruption of service or poor reception, and telephone numbers and descriptions of services of the FCC and the City's Office of Cable Communications;

Policies concerning protection of Customer privacy. The Cable Operator shall include a postage paid self-addressed mail back postcard for opt-out purposes;

Use and availability of parental control/lock out device;

Special services for Customers with disabilities including any other discounts required by the franchises;

Days, hours of operation, and locations of the service centers;

A sample of all notices provided to the Customer shall be filed (by fax acceptable) concurrently with the City;

The Cable Operator shall provide Customers with written notification of any changes in programming, services or channel positions as soon as possible in writing and, when it becomes technologically feasible, through announcements on the Cable System. Customers shall be given a description of the changes, their options for changing services they receive, phone number for questions and effective date. Notice must be given to Customers a minimum of thirty (30) days in advance of such changes if the change is within the control of the Cable Operator. In addition, the Cable Operator shall notify Customers thirty (30) days in advance of any significant changes in the other information required by the preceding subsection. Channel lineup changes that result from Cable Operator's rebuild of its Cable System are exempt from the thirty (30) day notice requirement;

All officers, agents, and employees of the Cable Operator, its contractors and subcontractors who are in personal contact with Customers shall have visible identification cards bearing their name and photograph. The Cable Operator shall account for all identification cards at all times. Every vehicle of the Cable Operator used for providing services to Customers shall be clearly visually identified to the public as working for the Cable Operator. All CSRs shall identify themselves orally to callers

immediately following the greeting during each telephone contact with the public. Officers, agents, and employees of the Cable Operator, its contractors and subcontractors shall identify themselves to the Customer when making a service call or installation;

All CSRs, technicians and employees of the Cable Operator in every contact with a Customer shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, and shall provide the Customer with an oral statement of the total charges before terminating the telephone call or before leaving the location at which the work was performed;

All promotional materials advertising cable services shall accurately disclose price terms. For non-automated orders, the CSRs shall make clear the price of pay-per-view and pay-per-event programming before an order is taken. The Cable Operator shall distribute promotional material in multi-unit buildings only with the approval of the building owner. The Cable Operator shall not condition the provision of Cable Services on the receipt of such approval;

The Cable Operator shall not charge Customers for any services they have not affirmatively requested; provided that, this subsection shall not prevent a Cable Operator from adding programming to an existing tier.

F. Cable Customer Privacy. In addition to complying with the requirements in this subsection, a Cable Operator shall fully comply with all obligations under 47 U.S.C. § 551.

1. Definitions.

"Affiliate," for purposes of this subsection F, shall mean any person or entity that is owned or controlled by, or under common ownership or control with, a Cable Operator, and provides any Cable Service or Other Service.

"Necessary," for purposes of this subsection F, shall mean required or indispensable.

"Non-cable-related purpose," for purposes of this subsection F, means any purpose that is not necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service provided by the Cable Operator to a Customer. Market research, telemarketing, and other marketing of services or products shall be considered Non-cable-related purposes.

"Personally Identifiable Information," for purposes of this subsection F, means specific information about a Customer, including, but not be limited to, a Customer's (a) login information, (b) extent of viewing of video programming or Other Services, (c) shopping choices, (d) interests and opinions, (e) energy uses, (f) medical information, (g) banking data or information, (h) web browsing activities, or (i) any other personal or private information.

"Personally Identifiable Information" shall not mean aggregate information about Customers which does not identify particular persons.

2. Collection and Use of Personally Identifiable Information.

a. A Cable Operator shall not use the Cable System to collect, record, monitor or observe

Personally Identifiable Information without the prior affirmative written or electronic consent of the Customer unless, and only to the extent that such information is: (a) used to detect unauthorized reception of cable communications, or (b) necessary to render a Cable Service or Other Service provided by the Cable Operator to the Customer.

b. A Cable Operator shall take such actions as are necessary to prevent any Affiliate from using the facilities of the Cable Operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit an Affiliate unauthorized access to Personally Identifiable Information on the computer or other equipment of a Customer (regardless of whether such equipment is owned or leased by the Customer or provided by a Cable Operator) or on any of the facilities of the Cable Operator that are used in the provision of Cable Service. This subsection F2b shall not be interpreted to prohibit an Affiliate from obtaining access to Personally Identifiable Information to the extent otherwise permitted by this subsection F.

c. A Cable Operator shall take such actions as are reasonably necessary to prevent a person or entity (other than Affiliates) from using the facilities of the Cable Operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit such person or entity unauthorized access to Personally Identifiable Information on the computer or other equipment of a Customer (regardless of whether such equipment is owned or leased by the Customer or provided by a Cable Operator) or on any of the facilities of the Cable Operator that are used in the provision of Cable Service.

3. Disclosure of Personally Identifiable Information. A Cable Operator shall not disclose Personally Identifiable Information without the prior affirmative written or electronic consent of the Customer, except as follows:

a. A Cable Operator may disclose for a Non-cable-related purpose the name and address of a Customer to any general programming tiers of service and other categories of Cable and Other Service provided by the Cable Operator if the Cable Operator has provided the Customer the opportunity to prohibit or limit such disclosure in accordance with this subsection F and Section 631 of the Federal Communications Act, 47 U.S.C. § 551, and such disclosure does not directly or indirectly disclose:

i. A Customer's extent of viewing of a Cable Service or Other Service provided by the Cable Operator;

ii. The extent of any other use by a Customer of a Cable Service or Other Service provided by the Cable Operator, including, but not limited to a disclosure of the particular viewing selections by a person subscribing to a Cable Service or Other Service, or the particular web sites visited by a Customer to cable modem service (i.e., a Cable Operator may only disclose the fact that a person subscribes to cable modem service); or

iii. The nature of any transactions made by a Customer over the Cable System of the

Cable Operator.

- iv. The nature of programming or sites that a Customer subscribes to or views (i.e., a Cable Operator may only disclose the fact that a person subscribes to a general tier of service or a package of channels with the same type of programming).

A minimum of thirty (30) days prior to making any disclosure of Personally Identifiable Information of any Customer as provided in this subsection P3a, the Cable Operator shall notify in writing the Office of Cable Communications and each Customer (that the Cable Operator intends to disclose information about) of the specific information that will be disclosed, to whom it will be disclosed, and notice of the Customer's right to prohibit the disclosure of such information for Non-cable related purposes. The notice to Customers may be included with or made a part of the Customer's monthly bill for Cable Service or Other Service or may be made by separate mailed notice. Each time that this notice is given to a Customer, the Cable Operator also shall provide the Customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms: a postage paid, self-addressed post card provided by the Cable Operator; a box that may be checked by the Customer on the Customer's monthly bill for Cable Services or Other Services; a toll-free number that the Customer may call; or such other equivalent methods as may be approved by the Office of Cable Communications.

Additionally, within forty-five (45) days after each disclosure of Personally Identifiable Information of any Customer as provided in this subsection F3a, the Cable Operator shall notify in writing the Office of Cable Communications and each Customer (that the Cable Operator has disclosed information about) of the specific information that has been disclosed, to whom it has been disclosed, and notice of the Customer's right to prohibit the disclosure of such information for non-cable related purposes. The notice to Customers may be included with or made a part of the Customer's monthly bill for Cable Service or Other Service or may be made by separate mailed notice. Each time that this notice is given to a Customer, the Cable Operator also shall provide the Customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms: a postage paid, self-addressed post card provided by the Cable Operator; a box that may be checked by the Customer on the Customer's monthly bill for Cable Services or Other Services: a toll-free number that the Customer may call: or such other equivalent methods as may be approved by the Office of Cable Communications.

- b. A Cable Operator may disclose Personally Identifiable Information only to the extent that it is necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service provided by the Cable Operator to the Customer.
- c. To the extent required by federal law, a Cable Operator may disclose Personally Identifiable Information pursuant to a subpoena or valid court order authorizing such disclosure, or to a governmental entity.

4. Access to Information. Any Personally Identifiable Information gathered and maintained by a Cable Operator shall be made available for Customer examination within thirty (30) days of receiving a request by a Customer to examine such information at the local offices of the Cable Operator or other convenient place within the City designated by the Cable Operator. Upon a reasonable showing by the Customer that the information is inaccurate, a Cable Operator shall correct such information.

5. Privacy Notice to Customers.

a. A Cable Operator shall annually mail a separate, written privacy statement to Customers consistent with 47 U.S.C. § 551(a)(1), and shall provide a Customer a copy of such statement at the time the Cable Operator enters into an agreement with the Customer to provide Cable Service or Other Service. The written notice shall be in a clear and conspicuous format and be printed in ten point type or larger.

b. In the statement required by subsection F5a, a Cable Operator shall state substantially the following regarding the disclosure of Customer information: "Unless a Customer affirmatively consents electronically or in writing to the disclosure of personally identifiable information, any disclosure of personally identifiable information for purposes other than to the extent necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service, is limited to:

- i. Disclosure pursuant to a subpoena or valid court order authorizing such disclosure; or to a governmental entity, but only to the extent required by applicable federal law.
- ii. Disclosure of the name and address of a Customer to any general programming tiers of service and other categories of cable and Other Services provided by the Cable Operator that do not directly or indirectly disclose:
  - (A) A Customer's extent of viewing of a Cable Service or Other Service provided by the Cable Operator,
  - (B) The extent of any other use by a Customer of a Cable Service or Other Service provided by the Cable Operator, including, but not limited to, a disclosure of the particular viewing selections by a person subscribing to a Cable Service or Other Service, or the particular web sites visited by a Customer of cable modem service (i.e., a Cable Operator may only disclose the fact that a person subscribes to cable modem service); or
  - (C) The nature of any transactions made by a Customer over the Cable System.
  - (D) The nature of programming or sites that a Customer subscribes to or views (i.e., a Cable Operator may only disclose the fact that a person subscribes to a general tier of service, or a package of channels with the same type of

programming).

The notice shall also inform the Customers of their right to prohibit the disclosure of their names and addresses in accordance with Subsection b for non-cable related purposes. This opportunity will be presented in the form of both a toll-free telephone number and a postage paid, self-addressed post card, provided by the Cable Operator with the privacy notice or other manner acceptable to the Office of Cable Communications. If a Customer exercises his/her right to prohibit the disclosure of name and address as provided in subsection F3a or this subsection, such prohibition against disclosure shall remain in effect permanently, unless the Customer subsequently notifies the Cable Operator in writing that s/he wishes to permit the Cable Operator to disclose his/her name and address.

6. Privacy Reporting Requirements. The Cable Operator shall include in its quarterly report to the City required by SMC 21.60.830 D information summarizing:

1. a. The type of Personally Identifiable Information that was actually collected or disclosed during the reporting period;
  - b. For each type of Personally Identifiable Information collected or disclosed, a statement sufficient to demonstrate that the Personally Identifiable Information collected or disclosed was: (A) collected or disclosed only to the extent Necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service provided by the Cable Operator; (B) used only to the extent Necessary to detect unauthorized reception of cable communications; (C) disclosed pursuant to a subpoena or valid court order or to a governmental entity to the extent required by federal law; (D) names and addresses disclosed in compliance with subsection 3a of this section; or (E) a disclosure of personally identifiable information of particular subscribers, but only to the extent affirmatively consented to by such subscribers in writing or electronically.
  - c. The names of all entities to whom such Personally Identifiable Information was disclosed, except that a Cable Operator need not provide the name of any court or governmental entity to which such disclosure was made if such disclosure would be inconsistent with applicable federal law;
2. Describe measures that have been taken, or could be taken, to prevent the unauthorized access to Personally Identifiable Information by a person other than the Customer or the Cable Operator, including, among other things, a description of the technology that is or could be applied by the Cable Operator to prohibit unauthorized access to Personally Identifiable Information by any means.
7. Nothing in this subsection F shall be construed to prevent the City from obtaining Personally Identifiable Information to the extent not prohibited by Section 631 of the Communications Act, 47 U.S.C. § 551.

8. Any aggrieved person may commence a civil action for damages for invasion of privacy against any Cable Operator.

9. Destruction of Personally Identifiable Information. A Cable Operator shall destroy, within ninety (90) days, any Personally Identifiable Information if the Personally Identifiable Information is no longer Necessary for the purpose for which it was collected and there are no pending requests or orders for access to such Personally Identifiable Information under subsection 3 of this subsection, pursuant to a court order, or pursuant to Section 631 of the Communications Act, 47 U.S.C. § 551.

10. Rulemaking. The Office of Cable Communications shall adopt such rules as it deems necessary or advisable to implement these privacy provisions of the Customer Cable Bill of Rights.

G. Safety. The Cable Operator shall install and locate its facilities, Cable System, and equipment in compliance with all federal, state, local, and company safety standards, and in such manner as shall not unduly interfere with or endanger persons or property. Whenever the Cable Operator receives notice that an unsafe condition exists with respect to its equipment, the Cable Operator shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition.

H. Satisfaction Guaranteed. The Cable Operator shall guarantee Customer satisfaction for every Customer who requests new installation of Cable Service, video, interactive television or Cable modem Internet or adds any additional programming service to the Customer's cable subscription. Any such Customer who adds expanded basic or other higher tier of video service, interactive television, or cable modem service to his or her account, and then requests discontinuation of such upgraded service within thirty (30) days due to dissatisfaction with the service shall receive a credit to his/her account in an amount equal to the pro rata charge for the remaining days of service following the request to disconnect. If a Customer subscribes to a service under a promotion that provides free service and chooses to disconnect during the promotion window, there shall be no charge of any kind for the service or for disconnection of the service.  
(Ord. 120775 § 1(part), 2002: Ord. 119402 § 1 (part), 1999.)

### **21.60.830 Complaint procedure.**

A. Complaints to the Cable Operator. The Cable Operator shall establish written procedures for receiving, acting upon, and resolving Customer Complaints, and crediting Customer accounts in accordance with company policies or Schedule A, "Credits to Customers," herein, whichever is greater, and shall publicize such procedures through printed documents at the Cable Operator's sole expense. For violations of the ordinance codified in Sections 21.60.800 through 21.60.830, credits shall be made to the Customer's account. In the event that the Customer no longer receives Cable Service or Other Services from the Cable Operator, the Cable Operator shall issue a check to the Customer within thirty (30) days of the resolution of the Complaint.

Said written procedures shall prescribe a simple process by which any Customer may submit a Complaint in person or by telephone, electronic mail or in writing to the Cable Operator regarding an alleged violation of any provision of these Customer Service Standards, any terms or conditions of the Customer's contract with the Cable Operator, or reasonable business practices.

The Cable Operator will make best efforts to resolve Customer concerns or Complaints at the

Seattle Municipal Code  
December 2016 code update file  
Text prepared for review and amending  
See Ordinance 2016-11 to confirm accuracy of  
sections for complete text, graphics,  
and tables.

first contact The City will make best efforts to redirect to the Cable Operator all Cable Customers who have contacted the City first with a Cable or Other Service inquiry, concern, or Complaint. Within fifteen (15) calendar days after receiving a Complaint, the Cable Operator shall notify the Customer of the results of its investigation and its proposed action or credit. If the Complaint is in writing, a written response shall be sent to the Customer within two (2) weeks of receipt.

The Cable Operator shall also notify the Customer of the Customer's right to file a Complaint with the City in the event the Customer is dissatisfied with the Cable Operator's decision, and shall explain the necessary procedures for filing such Complaint with the City.

The Cable Operator's Complaint procedures shall be filed with the City prior to implementation.

B. Security Fund. Within thirty (30) days of the effective date of these Standards<sup>1</sup> or the effective date of any franchise granted by the City, whichever occurs first, the Cable Operator shall deposit with an escrow agent approved by the City a security deposit of fifty cents (\$.50) per Customer. The escrowed funds shall constitute the security funds for ensuring compliance with these standards for the benefit of the City and Customers. The escrowed funds shall be reviewed and maintained annually by the Cable Operator at the level of fifty cents (\$.50) per Customer per year, and will be replenished within fourteen (14) days in the event that amounts greater than ten (10) percent of the required fund are withdrawn.

The security fund shall serve as security for the payment of any penalties, fees, charges or credits as provided for herein and for the performance by the Cable Operator of all its obligations under these Customer Service Standards.

The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by any applicable franchise agreement or authorized by law, and no action, proceeding or exercise of a right with respect to same shall in any way affect, or diminish, any other right the City may otherwise have.

C. Complaints to the City. Any Customer who is dissatisfied with any proposed disposition of a Complaint by a Cable Operator or who has not received a decision within the required fifteen (15) day period shall be entitled to have the Complaint reviewed by the City.

The Customer may initiate the review either by calling the City or by filing a written Complaint, by letter or in electronic form, together with the Cable Operator's written decision, if any, with the City.

The Customer shall make such filing and notification within twenty (20) days of receipt of the Cable Operator's decision or, if no decision has been provided, within thirty (30) days after filing the original Complaint with the Cable Operator.

If the City decides that further evidence is warranted, the City may require the Cable Operator and the Customer to submit, within ten (10) days of notice thereof, a written statement of the facts and arguments in support of their respective positions.

The Cable Operator and the Customer shall produce any additional evidence, including any reports from the Cable Operator, which the City may deem necessary to an understanding and

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determination of the Complaint.

The City shall issue a determination within fifteen (15) days after examining the materials submitted, setting forth the basis for its determination.

The City may extend these time limits for reasonable cause and may intercede and attempt to negotiate an informal resolution.

If the City determines that the Customer's Complaint is valid and that the Cable Operator did not provide the complaining Customer with the proper solution and/or credit, the City may reverse any decision of the Cable Operator in the matter and/or require the Cable Operator to grant a specific solution as determined by the City in its sole discretion, and/or any credit provided for in these standards; or the City may provide the Customer with the amount of the credit (as set forth in Schedule A) by means of a withdrawal from the security fund.

D. **Verification of Compliance.** The Cable Operator shall maintain, in a manner consistent with the privacy rights of Customers, an accurate and comprehensive file of (1) any and all Complaints regarding the Cable System or the Cable Operator's operation of the Cable System, by number and type and their disposition; (2) service request, identifying the number and nature of the requests and their disposition; (3) service interruptions and their disposition; (4) required Cable Operator contacts with Customers after installation, and (5) Customer privacy information as per SMC Section 21.60.820 F6.

Reports detailing compliance with the standards herein shall be provided by the Cable Company on a quarterly basis, within thirty (30) days of the end of the quarter and shall be in a format consistent with the output capabilities of a Cable Operator's call tracking technology sufficient for the City to monitor the Cable Customer Bill of Rights. If the Cable Operator fails to provide such reports on a timely basis, or if they are incomplete, monetary sanctions of up to five hundred dollars (\$500.00) for the first quarter, up to one thousand dollars (\$1000.00) for the second consecutive quarter of noncompliance, up to one thousand five hundred dollars (\$1500.00) for the third consecutive quarter of noncompliance and up to two thousand (\$2,000.00) for all subsequent consecutive non-complaint quarters may be imposed to encourage compliance. The Cable Operator shall permit the City to review and audit the information at any time during Normal Business Hours upon reasonable notice.

E. **Overall Quality of Service.** The City may evaluate the overall quality of Customer service provided by the Cable Operator to Customers, in conjunction with any performance review provided for in the franchise agreement; or at any other time, at its sole discretion, based on the number of Customer Complaints received directly by the City or reported by the Cable Operator in its quarterly reports.

F. **Procedure for Remediating Violations.** If the City has reason to believe that the Cable Operator has failed to comply with any of these Standards, or has failed to perform in a timely manner, the City may require in writing that the Cable Operator remedy the alleged noncompliance and provide an opportunity to cure. If the alleged noncompliance is denied or not cured to the satisfaction of the City, the City may impose monetary sanctions or follow other procedures set forth in individual franchise agreements.

G. **Notice.** At the City's request, the Cable Operator shall include on its billing statement, in a clear and conspicuous manner, information on how to contact the City's Office of Cable Communications. At the

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City's discretion, such information may include, but shall not be limited to, the address, telephone number and e-mail address of the Office of Cable Communications.

At least annually, the Cable Operator shall notify its Customers through a bill insert of the existence, location and function of the City's Office of Cable Communications, and shall provide a summary of Cable Customer Bill of Rights codified in this subchapter and the remedies and procedures available to its Customers. Cable modem Internet Customers may receive such notification via e-mail if the Customer does not receive a written bill.

(Ord. 120775 § 1(part), 2002: Ord. 119402 § 1(part), 1999.)

1. Editor's Note: The standards enacted by Ordinance 119402, the Cable Customer Bill of Rights, are effective on April 22, 1999.

**Schedule A--Credits to Customers**

Standards of Customer Service	Minimum Compensation for Noncompliance
<b>Courtesy</b>	
All Cable Operator employees shall be friendly, knowledgeable and helpful and provide timely services.	\$5.00 credit
<b>Responsiveness</b>	
<b>Guaranteed Seven (7) Day Residential Installation and Service</b>	
Cable Operators shall complete Standard Installations and service requested by a Customer within seven (7) business days after order has been placed.	Free installation, or one (1) month's basic service, if the fee has been waived for promotional reasons; for a service violation, \$10.00 credit
Cable Operator shall provide Customers seeking Non-Standard Installations with a total installation cost estimate and an estimated date of completion.	Free installation, or one (1) month's basic service, if the fee has been waived for promotional reasons
All underground cable drops shall be buried no less than twelve (12) inches deep and work shall be completed in no more than three (3) calendar weeks from the installation.	\$5.00 credit
<b>Residential Installation and Service Appointments</b>	
All Cable Operator Customers wanting installation of cable or service may choose any available four (4) hour time block during Normal Business Hours.	\$10.00 credit
The Cable Operator may not cancel an appointment with a Customer after 5:00 p.m. on the day before the scheduled appointment.	\$10.00 credit or the guarantee offered by the Cable Operator, whichever is greater

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<p>If a Cable Operator cannot make an appointment for any reason, the Cable Operator shall contact the Customer before the end of the scheduled appointment and reschedule at the convenience of the Customer.</p>	<p>\$10.00 credit or the guarantee offered by the Cable Operator, whichever is greater</p>
<p>If a Cable Operator technician arrives within the agreed upon time, and the Customer is absent, the technician shall leave written notification of arrival and return time, and the Cable Operator shall contact the Customer within forty-eight (48) hours to reschedule.</p>	<p>\$5.00 credit if the Customer is not contacted within forty-eight (48) hours</p>
<p><b>Outages and Service Interruptions</b></p>	
<p>System outages resulting from Cable Operator equipment failure affecting five (5) or more Customers, the Cable Operator shall initiate repairs within two (2) hours after the third Customer call is received.</p>	<p>One (1) day's free service for each day in which there is an outage for each Customer who reports an outage</p>
<p>Repairs shall be initiated for all other interruptions resulting from Cable Operator equipment failure within twenty-four (24) hours.</p>	<p>One (1) day's free service for each day in which there is an outage for each Customer who reports an outage</p>
<p>Initiate repairs for all service outages or interruptions beyond the control of Cable Operators within twenty-four (24) hours after the Cable Operator regains control.</p>	<p>One (1) day's free service for each day in which there is an outage for each Customer who reports an outage</p>
<p><b>TV Reception Difficulties and Cable Modem Internet Connection</b></p>	
<p>All Cable Operators shall make repairs promptly, and interrupt service only for good cause, during periods of minimum use of the system, and for no more than twenty-four (24) hours, except where unavoidable.</p>	<p>One (1) day's free service for each day in which there is an outage for each Customer who reports an outage</p>
<p>All Cable Operators shall provide clear television reception that meets or exceeds FCC technical standards.</p>	<p>One (1) day's free service for each day in which reception falls below FCC standards for Customers who report reception that does not meet FCC standards</p>

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All Cable Operators shall meet all specifications advertised for Internet services	One (1) day's free service for each day in which any advertised specification is not met for affected Customers
If a Customer experiences poor video or audio reception due to Cable Operator's equipment, the Cable Operator shall repair the problem no later than the next day, unless otherwise agreed to with the Customer.	One (1) day's free service for each day after the Customer has called and the problem remains uncorrected
<b>Problem Resolution</b>	
All Cable Operators Customer Service Representatives shall be able to provide credit, waive fees, schedule appointments and change billing cycles. Any difficulties that cannot be resolved by the Customer Service Representatives shall be referred to a supervisor who shall make best efforts to contact the Customer within twenty-four (24) hours.	\$5.00 credit
In the case of difficulties that cannot be resolved, the supervisor shall make best efforts to contact the Customer within four (4) hours and resolve the problem within forty-eight (48) hours or within such other time frame as is acceptable to the Customer and the Cable Operator.	\$5.00 credit
<b>Billing, Credits and Refunds</b>	
Customers shall receive a clear and concise bill monthly. The Cable Operator shall respond to a Customer's billing inquiry made by telephone or e-mail within forty-eight (48) hours, and to a written billing inquiry within two (2) weeks of receipt of the inquiry.	\$5.00 credit

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<p>All Cable Operators shall allow thirty (30) days from the beginning date of the applicable billing cycle before imposing an administrative fee. If the bill is not paid within forty-five (45) days from the beginning date of the applicable service period, the Cable Operator may perform a "soft" disconnect.</p>	<p>\$5.00 credit</p>
<p>If a Customer's bill is not paid within fifty-two (52) days of the beginning date of the applicable service period, the Cable Operator may disconnect the Customer's service, but only upon showing that it has provided ten (10) day's notice to the Customer that such disconnect may result.</p>	<p>\$5.00 credit</p>
<p>If a Customer requests disconnection of any or all services, billing for affected services shall end on the same day, or on the future date for which the disconnect is ordered. All Cable Operators shall issue a credit or refund within fifteen (15) business days after the close of the Customer's billing cycle following the return of the equipment and request for disconnection.</p>	<p>\$5.00 credit or refund if the Customer's account has closed</p>
<p>Deposits shall accrue interest at a fair market rate. Within ten (10) days after termination of service for any reason, the Cable Operator shall repay any deposit with a statement showing accrued interest to the Customer, less any sums owed to the Cable Operator.</p>	<p>\$5.00 credit or refund if the Customer's account has closed</p>
<p><b>Respectful Treatment of Property</b></p>	
<p>Cable Operators shall replace any trees or shrubs damaged during any installation or repair</p>	<p>\$10.00 credit plus any additional repairs or reimbursement if the Cable Operator fails to replace or repair the damage</p>
<p>Cable Operators shall restore any damage property to the same condition it was before damage occurred.</p>	<p>\$10.00 credit plus any additional repairs or reimbursement if the Cable Operator fails to replace or repair the damaged property</p>

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Cable Operators will give notice to property owners before entering premises, specifying the work to be done. In the event of an emergency, the Cable Operator shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made.	\$10.00 credit if the Cable Operator fails to provide notice or enters premises without permission, plus any additional repairs or reimbursement
All Cable Operator personnel shall clean up debris caused by the Cable Operator's activities at a work site and properly dispose of cable materials.	\$10.00 credit plus cleanup and disposal of debris
<b>Services for Customers With Disabilities</b>	
All Cable Operators will deliver and pick up converters at the home of Customers with disabilities. In the case of a malfunctioning converter, the technician shall provide another converter, hook it up and ensure that it is working properly, and shall return the defective converter to the Cable Operator.	\$5.00 credit
All Cable Operators will provide TDD/TYY service through trained operators who can provide any assistance regularly available from a CSR at no charge.	\$5.00 credit
Cable Operators will install, at no charge, any closed captioning device purchased by a hearing-impaired Customer.	\$5.00 credit
Cable Operators will provide free use of a converter remote control unit to mobility-impaired Customers.	\$5.00 credit and provision of remote control unit
<b>Customer Information</b>	
Upon installation, or at a Customer's request, Cable Operators will provide the following requested information and credit information:	Provide Customer with the requested information. \$5.00 credit for failure to provide
A. Products and services offered;	
B. Complete range of service options and prices;	

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C. Customer service standards;	
D. Instruction on use of cable TV, interactive TV, Internet service, remote and on standard VCR hookups;	
E. Billing, collection and disconnect policies;	
F. Customer privacy requirements;	
G. Complaint procedure, containing the City or the designated agency to whom the Complaints should be addressed;	
H. Use and availability of A/B switch;	
I. Use and availability of parental control/lockout device;	
J. Special services for Customers with visual, hearing or mobility disabilities;	
K. Days, times of operation, and locations of the service centers.	
Cable Operators shall provide Customers and the City with written notification of any change in rates, programming, or channels at least thirty (30) days before the date of the change.	\$5.00 credit for each affected Customer
All officers, agents, and employees of the Cable Operator, its contractors and subcontractors in personal contact with the Customer shall have a visible identification card with their name and photograph and shall orally identify themselves upon first contact with the Customer.	\$5.00 credit
All CSRs shall identify themselves orally to callers immediately following the greeting during each telephone contact with the public.	\$5.00 credit

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Each CSR, technician, or employee of the Cable Operator in each contact with a Customer shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, and shall provide the Customer with an oral statement of the total charges before terminating the telephone call or before leaving the location at which the work was performed.	\$5.00 credit
<b>Customers Privacy</b>	
For any violation of privacy per SMC 21.60.820 F of the Cable Customer Bill of Rights	The Customer has the choice of either a check for \$100.00, or a credit to Customer account in the same amount.
<b>Safety</b>	
When the Cable Operator receives notice that an unsafe condition exists with respect to its equipment, the Cable Operator shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition.	At least Twenty-five Dollars (\$25) a day for each twenty-four (24) hour delay in responding to Customer safety concerns
<b>Satisfaction Guaranteed</b>	
Cable Operators will guarantee Customer satisfaction for every Customer who requests new or upgraded Cable Service or Other Service.	The Customer will have the opportunity to cancel upgraded Cable Service or Other Service within thirty (30) days of receiving the service and receive a pro rata credit in an amount equal to the pro rata charge for the remaining days of service being disconnected if the Customer is dissatisfied with the service, except where a free promotion has been offered, there shall be no charge of any kind for the service or for disconnection of the service.

(Ord. 120775 § 1(part), 2002: Ord. 119402 § 1 (part), 1999.)

**CABLE TELEVISION GLOSSARY OF TERMS<sup>1</sup>**

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"All-channel antenna" means an antenna which receives signals equally well over a wide band of frequencies.

"Amplifier" means a device consisting of electronic components used to increase power, voltage or current of a signal.

"Amplitude modulated link" means a form of microwave which uses amplitude modulation of a microwave carrier rather than the conventional frequency modulation usually used for microwave television links. This is usually accomplished by heterodyne conversion from conventional TV channels.

"Antenna array" means a radiating or receiving system composed of several spaced radiators or elements.

"Attenuation loss" means the actual power loss in a cable, attenuator, coupling, or other device when electrical energy is transmitted through it, usually expressed in decibels.

"Attenuator" means a device for reducing the power of a signal.

"Automatic gain control" (AGC) means a circuit which automatically controls the gain of an amplifier so that the output signal level is virtually constant for varying input signal level.

"Automatic tilt" means automatic correction of change in tilt, or the relative level of signals of different frequencies.

"Back matched tap" means a cable tap device which employs transformer isolation and also employs impedance matching at the tap-off points.

"Bridger" means an amplifier connected directly into the main trunk line to feed distribution cables with minimum insertion loss in the main trunk line.

"Cablecasting" means origination of programming by a CATV system, usually other than automated services such as scanning weather dials, and exclusive of broadcast signals.

"Cable powering" means a method of supplying power through the coaxial cable to system amplifiers.

"Capacitive tap" means a tap device with a capacitor network providing the desired amount of loss and isolation between the feeder cable and the subscriber drop cable.

"Cascade" means the operation of devices (usually amplifiers) in sequence in a cable system with the output of one device feeding the input of the next.

"Cascadeability" means the performance capability of amplifiers used to reamplify the same signal along a cable system without noticeable degradation.

"Channel combiner" means an electronic or passive device which accepts the RF signals from many

sources and combines them for delivery to the cable.

"Coaxial cable" means a cylindrical outer conductor (shield) surrounding a central conductor held centrally in place by an insulating material referred to as the dielectric. It is the most commonly used means of CATV signal distribution.

"Co-channel" means a form of TV signal distortion where the same frequency is received from two different transmitters simultaneously. It generally appears as horizontal bars in the picture.

"Conduit" means a tube, manufactured of an environment protective material, through which CATV cable is conveyed in an underground system.

"Converter" means an electronic device that will shift any television channel(s) from one (1) channel to another.

"Cross modulation" means a form of signal distortion in which the visual content from one channel is superimposed on the visual content of another channel.

"Dielectric" means the material, usually an electrical insulator, which separates two conductors between which an electric potential exists; usually, the insulating material separating the center conductor and outer shield of a co-axial cable.

"Directional coupler" means a passive device that divides signal power between two paths with a greater degree of attenuation in one (1) direction than in the other.

"Directional tap" means a passive line tapping device based on directional coupler principles which diverts a portion of the signal from the line to the drop cable. The directional quality attenuates signals from the drop line, reducing reflections in the distribution cable.

"Distribution amplifier" means an amplifier used with the main trunk cable at a point from which one (1) or more feeder cables are extended (branched out).

"Distribution system" means the part of a CATV system used to carry signals from the head-end to the subscriber's receivers.

"Drop" means the cable which connects the tap on the feeder line to the subscriber's house.

"Feeder line" means the coaxial cable running from bridgers, to line-extenders and taps; sometimes called a distribution cable.

"Field strength meter" means a frequency selective heterodyne receiver capable of tuning the frequency band of interest, as used for TV, 54 to 216 Mhz, with indicating meter showing the magnitude input of voltage and a dial indicating the approximate frequency.

"Frequency" means the number of complete cycles or vibrations per unit of time (example: 60 cycles per second).

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"Gain" means a measure of the signal level increase in an amplifier usually expressed in dB.

"Head-end" means the electronic equipment located at the start of a cable system, usually including antennas, preamplifiers, frequency converters, demodulators, modulators and related equipment. Both the building and the equipment which receives the television signals and processes them before application to the cable system are known as the "head-end."

"Insertion loss" means additional loss in a system when a device such as a directional coupler is inserted; equal to the difference in signal level between input and output of such a device.

"Line extender" means feeder line amplifiers used to provide signals at a sufficiently high level to the more distance subscribers.

"Log periodic antenna" means a form of antenna with intrinsic broadband and directional characteristics; characterized by low response to the back and sides.

"Major television market" means the specified zone of a commercial television station licensed to a Top-100 community, or a combination of such specified zones where more than one community is listed.

"Marker generator" means an electronic instrument providing variable or fixed signals and used in conjunction with frequent sweep testing to determine a specific frequency in the RF spectrum.

"Messenger" means a steel cable, strung between poles or other supporting structures which supports the CATV coaxial cable. The coaxial cable is usually attached to the messenger by lashing with stainless steel wire.

"Modulation" means the process, or result of the process, whereby some characteristic on one wave is varied in accordance with another wave.

"Noise" means, in general, any unwanted signal or interference. It usually refers to unwanted signals of a random nature arising from thermal effects in the input circuits of amplifiers. This form of noise is known as "snow."

"Parabolic antenna" means an antenna that has a folded dipole or feed horn mounted at the focal point of a metal or mesh dish having a concave shape known as a parabola.

"Preamplifier" means an electronic device, usually having superior input noise figure, designed to strengthen or boost a weak off-air signal to a level where it will be sufficient to drive succeeding amplifiers.

"Pressure tap" means a device which connects to the center conductor and shield of a distribution cable to extract television signals; tap does not require cutting of cable to make contact for a subscriber drop.

"Resolution" means a measure of picture resolving capabilities of a television system determined primarily by band width, scan rates and aspect ratio; relates to fineness of details perceivable.

"Return loss" means the ratio of incident to reflected power, usually applied to measure the reflected

signal at an interface between cable and equipment or to measure reflections arising from structural imperfections within a cable.

"Semiconductor" means a material having conductivity characteristics intermediate between conductors and insulators. Junctions between certain types of semiconductors permit electric current to flow more easily in one (1) direction than the other.

"Share of viewing hours" means the total hours that non-cable television households viewed the subject station during the week, expressed as a percentage of the total hours these households viewed all stations during the period.

"Spacing" means length of cable between amplifiers based on the amount of gain required to overcome cable losses in dB at the highest TV channel carried in the system.

"Splitter" is usually a hybrid device, consisting of an RF transformer, capacitors and resistors, that divides the signal from an input cable equally to two or more output cables.

"Stacked antenna array" means a group of identical antenna physically grouped and connected electrically for greater gain and directivity.

"Tap" means a device that diverts a small part of the TV signal energy to the subscriber's drop line, from the feeder cable.

"Television demodulator" means a television receiver designed to recover the video modulation from a television channel and make it available as an electronic signal without displaying it on a picture tube.

"Television modulator" means a low-powered television transmitter usually used in local origination.

"Terminator" means a resistive load for a coaxial cable designed to absorb the remaining energy at the end of a line eliminating reflection of energy which would appear as "ghosts." It is usually coupled through a blocking capacitor which prevents short circuiting of the cable power system.

"Tilt" means the difference in cable attenuation or amplifier gain between lower and higher frequencies on the cable system.

"Trunk line" means the main coaxial line of a CATV system which feeds signals from the head-end to the community being served.

"Trunk line amplifier" means an amplifier specifically designed for service in CATV trunk lines, usually provided with cable powering, AGC, and minimum distortion characteristics to optimize system performance in cascaded systems.

1. Editor's Note: This glossary of terms is contained in the Comptroller's File relating to Cable television and is for public information purposes.

## **Subtitle VI.**

### **Private Utilities**

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Chapter 21.64

FRANCHISES

Sections:

21.64.010 Compliance with Sections 21.64.020 through 21.64.070.

21.64.020 Information required.

21.64.030 Annual reports.

21.64.040 Notification of lease, sale or transfer.

21.64.050 Report upon purchase or assignment of franchise.

21.64.060 Recordkeeping.

21.64.070 Violation--Penalty.

21.64.080 Payment of costs of publication.

**21.64.010 Compliance with Sections 21.64.020 through 21.64.070.**

Any person or persons, firm or corporation which has heretofore received or which may hereafter receive a franchise from the City, for any purpose whatsoever, shall enjoy the franchise subject to the provisions of Sections 21.64.020 through 21.64.070.

(Ord. 4953 § 1, 1898.)

**21.64.020 Information required.**

Within thirty (30) days from and after the passage and approval of the ordinance codified in this chapter,<sup>1</sup> the owner or owners of each and any franchise granted by the City shall file with the City Clerk, under oath, and upon blanks furnished by the City Clerk, a written (or printed) statement and exhibit setting forth:

- 1st. The name of the person or persons, firm or corporation owning, holding and enjoying such franchise;
- 2nd. The character of the franchise;
- 3rd. The period of years for which the franchise was granted;
- 4th. The date of the grant of the franchise;
- 5th. The name of the person or persons, firm or corporation to whom the same was originally granted;
- 6th. The date upon which the franchise was transferred to and became the property of the present claimants;
- 7th. A statement as to whether the claimant or claimants be or are a person, persons, firm or corporation;
- 8th. The name of the person or persons or the members of the firm claiming to own the same, or, in the case of a corporation, the name of the president, vice-president and the secretary thereof;
- 9th. The number of the ordinance or ordinances of the City granting or amending the franchise.

(Ord. 4953 § 2, 1898.)

1. Editor's Note: Ord. 4953 was approved on June 20, 1898.

#### **21.64.030 Annual reports.**

In the month of January of each year, between the first and the fifteenth days thereof, if there has been any change from the previous year's report, each claimant to a franchise shall file with the City Clerk a statement in all respects similar to that required in Section 21.64.020: provided, the City Clerk shall not be required to retain any such statement for more than ten (10) years.

(Ord. 106346 § 1, 1977: Ord. 91058 § 1, 1962: Ord. 4953 § 3, 1898.)

#### **21.64.040 Notification of lease, sale or transfer.**

Whenever any parties owning or claiming any franchise shall lease, sell, assign or otherwise transfer the title or control of the same, they shall notify the City Clerk of the date of such sale and the name of the person or persons, firm or corporation to whom the franchise shall have been leased, sold, assigned or otherwise transferred.

(Ord. 4953 § 4, 1898.)

#### **21.64.050 Report upon purchase or assignment of franchise.**

Any person or persons, firm or corporation purchasing or becoming the assignee of any franchise granted in the city shall, forthwith, and within ten (10) days after the purchase or assignment of the franchise report the same to the City Clerk in form and in the manner prescribed in Section 21.64.020.

(Ord. 4953 § 5, 1898.)

#### **21.64.060 Recordkeeping.**

All such statements and reports made as provided in Sections 21.64.020 through 21.64.050 shall be properly entered in a book kept for that purpose by the City Clerk and shall be subject to like public inspection as are other public records.

(Ord. 4953 § 7, 1898.)

#### **21.64.070 Violation--Penalty.**

Any person or persons, firm or corporation claiming to own or enjoy any such franchise who shall violate or fail to comply with the provisions of Sections 21.64.010 through 21.64.060 shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the city jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

(Ord. 66799 § 1, 1936: Ord. 4953 § 6, 1898.)

#### **21.64.080 Payment of costs of publication.**

The applicant for the grant of any franchise or private privilege within the City, or for the alteration, amendment, enlargement or extension of an existing franchise or private privilege within the City, shall prior to the passage of the ordinance granting, altering, amending, enlarging or extending such franchise or private

privilege, pay to the publisher of the official newspaper of the City the full cost and expense of publishing the proposed ordinance in the newspaper in accordance with the City Charter and no ordinance granting such a franchise or private privilege shall be deemed effective until such payment shall have been made and such publication completed.

(Ord. 97358 § 1, 1968: Ord. 1466 § 1, 1890.)

## **Subtitle VII.**

### **Miscellaneous Provisions**

#### **Chapter 21.68**

#### **UNDERGROUND UTILITY DISTRICTS**

Sections:

##### **Subchapter I Central City Area--University District**

- 21.68.010 Statement of fact.
- 21.68.020 Area described.
- 21.68.030 Undergrounding required.
- 21.68.040 Commencement of work.
- 21.68.050 Restoration of pavement and public utility equipment.
- 21.68.060 Maintenance and replacement of wires.

##### **Subchapter II First Hill**

- 21.68.070 Statement of fact.
- 21.68.080 Area described.
- 21.68.090 Undergrounding required--Restoration of pavement and public utility equipment.
- 21.68.100 CATV connections.
- 21.68.110 Exemptions.

##### **Subchapter III South Seattle Redevelopment Project Area**

- 21.68.120 Statement of fact--Purpose.
- 21.68.130 Area described.
- 21.68.140 Undergrounding required--Restoration of pavement and public utility equipment.
- 21.68.150 CATV connections.
- 21.68.160 Exemptions.

##### **Subchapter IV Northwest Leschi Project Area**

- 21.68.170 Statement of fact--Purpose.
- 21.68.180 Area described.
- 21.68.190 Undergrounding required--Restoration of pavement and public utility equipment.
- 21.68.200 CATV connection.
- 21.68.210 Exemptions.

#### **Subchapter I**

##### **Central Area--University District**

#### **21.68.010 Statement of fact.**

The installation and maintenance of overhead wires carrying any electrical energy including telephone, telegraph or other electrical service, in certain streets in areas in the City within the boundaries set forth in

Section 21.68.020 has been, now is, and will hereafter continue to be a possible source of danger to the inhabitants of the City and persons using such streets, and public necessity, convenience, safety and the general welfare require that all such wires be placed underground at the expense of those owning the same or any interested therein.  
(Ord. 90695 § 1, 1961.)

**21.68.020 Area described.**

Everyone engaged in the distribution of electrical energy for light, heat or power by wires or using or maintaining wires for telephone, telegraph or other electrical service in the City, shall have all wires and appliances used for the purposes stated in this section, and situated on, in, or over the streets, alleys and other public places within the boundaries of the areas described in this section, placed underground and all poles removed when and as directed by the Board of Public Works of the City so to do; said areas being bounded and described as follows:

Beginning at the intersection of the south line of South Jackson Street and the west line of Alaskan Way South; thence north along said west line to the westerly line of Alaskan Way; thence northerly along said westerly line to the north line of West Denny Way; thence east along said north line and along the north line of Denny Way to the centerline of Second Avenue North; thence north along said centerline to the centerline of Thomas Street; thence west along last described centerline to the centerline of First Avenue North; thence north along last described centerline to the centerline of Republican Street; thence east along last described centerline to the centerline of Warren Avenue North; thence north along last described centerline to the centerline of Mercer Street; thence east along last described centerline to the centerline of Third Avenue North; thence north along last described centerline to the centerline of Roy Street; thence east along last described centerline to the centerline of Fourth Avenue North; thence south along last described centerline to the centerline of Mercer Street; thence east along last described centerline to the centerline of Fifth Avenue North; thence south along last described centerline to the north line of Denny Way; thence east along said north line to the easterly line of the Central Freeway; thence southerly along said easterly line to the south line of South Jackson Street; thence west along said south line to the east line of Occidental Avenue South; thence south to the south line of South King Street; thence west to the east line of Occidental Avenue South; thence south to the south line of South Connecticut Street; thence west to the west line of Occidental Avenue South; thence north to the north line of South King Street; thence east to the west line of Occidental Avenue South; thence north to the south line of South Jackson Street; thence west along said south line to beginning; also all of the Central Freeway inside the limits of the City lying within the area of limited access as approved by the City by Ordinance No. 86152 and such resolutions as have hereto or which may hereafter be approved, defining specifically the limits of the Freeway;

as illustrated by the blueprint map marked Exhibit "A" attached to Ordinance 90695<sup>1</sup> and by this reference made a part of this subchapter and

Beginning at the intersection of the west margin of 15th Avenue N.E. and the south margin of N.E. 50th Street; thence northerly along the westerly margin of 15th Avenue N.E. to the south margin of N.E. 55th Street; thence westerly along the south margin of N.E. 55th Street to the east margin of University Way N.E.; thence southerly along the east margin of University Way N.E. to the south margin of N.E. 50th Street; thence westerly along the south margin of N.E. 50th Street to the northwest corner of Lot 1,

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Block 1 of McGuire and Holden Addition; thence southerly along the platted centerline of said Block 1 to the north margin of N.E. 47th Street; thence southerly across N.E. 47th Street to the northwest corner of Lot 1, Block 2 of said Addition; thence southerly along the platted centerline of said Block 2 to the north margin of N.E. 45th Street; thence southerly across N.E. 45th Street to the northwest corner of Lot 1, Block A of Brooklyn Supplemental Addition; thence southerly along the platted centerline of said Block A to the north margin of N.E. 43rd Street; thence southerly across N.E. 43rd Street to the northwest corner of Lot 1, Block B of said Supplemental Addition; thence southerly along the platted centerline of said Block B to the north margin of N.E. 42nd Street; thence southerly across N.E. 42nd Street to the northwest corner of lot 1, Block C of Brooklyn Supplemental Addition; thence southerly along the platted centerline of said Block C to the northerly margin of N.E. Campus Parkway; thence easterly along the north margin of N.E. Campus Parkway to the west margin of 15th Avenue N.E.; thence northerly along the westerly margin of 15th Avenue N.E. to the south margin of N.E. 50th Street, the point of beginning; all in the City of Seattle;

as illustrated by the blueprint map marked Exhibit "B" attached to Ordinance 90695<sup>1</sup> and by this reference made a part of this subchapter.

(Ord. 106157 § 1, 1977; Ord. 105265 § 1, 1976; Ord. 96131 § 1, 1967; Ord. 90695 § 2, 1961.)

1. Editor's Note: Exhibits "A" and "B" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

#### **21.68.030 Undergrounding required.**

Everyone owning, using or maintaining any such wires be, and they are directed, ordered and required to place the same underground as their interest therein may appear, and at their own cost and expense, and thereafter, at their own cost and expense, to maintain and replace the underground wires as public interest may require and to the satisfaction, and subject to the supervision, of the Board of Public Works of the City. (Ord. 90695 § 3, 1961.)

#### **21.68.040 Commencement of work.**

Everyone owning, using or maintaining such wires be, and they are directed, ordered and required to commence forthwith and to diligently prosecute the work of placing such wires underground at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works; provided, however, that in any part of the areas where streets are being paved or repaved, the work shall be completed before such paving or repaving. (Ord. 90695 § 4, 1961.)

#### **21.68.050 Restoration of pavement and public utility equipment.**

The owners of such wires shall, at their own cost and expense, cause to be restored to good condition and repair to the satisfaction of the Board of Public Works, any pavement, sidewalk, sewer, water main, or public utility equipment or facilities disturbed in connection with the work of removing any existing poles supporting the wires referred to in this subchapter in said areas, or in connection with the placing of such wires underground; such restoration and repair to be made pursuant to ordinances relating thereto. (Ord. 90695 § 5, 1961.)

#### **21.68.060 Maintenance and replacement of wires.**

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Those owning said wires shall, after the same shall have been placed underground, in accordance with this subchapter, maintain, remove, move or replace the same or apparatus or the conduits containing the same or used in connection therewith on order of the Board of Public Works as the public interest may require and to the satisfaction of the Board.  
(Ord. 90695 § 6, 1961.)

## Subchapter II

### First Hill

#### 21.68.070 Statement of fact.

The installation and maintenance of overhead wires, and appurtenances carrying any electric energy, including telephone, telegraph, CATV, and other electric service in certain streets, public areas, and areas of the City in the First Hill area within the boundaries set forth in Section 21.68.080 has been, now is and will hereafter continue to be a possible source of danger to the inhabitants of the City and the persons using such streets and areas and the public necessity, convenience, safety and the general welfare require that all such wires and appurtenances be removed and placed underground at the expense of those owning the same or any persons interested therein.  
(Ord. 96796 § 1, 1968.)

#### 21.68.080 Area described.

Everyone engaged in the distribution of electrical energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV or other electrical service shall at their own expense remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys, and other public places within the boundaries of the district described in this section and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Seattle City Council, said district being bounded and described as follows:

Starting at the intersection of the centerline of Pike Street and the east margin of Boren Avenue; thence south along the east margin of Boren Avenue to the north margin of Columbia Street; thence west along the north margin of Columbia Street to the east margin of 7th--8th alley; thence south along the east margin of 7th--8th alley to the south margin of Cherry Street; thence west along the south margin of Cherry Street to the east boundary of the Freeway; thence north along the east boundary of the Freeway to the centerline of Pike Street; thence east along the centerline of Pike Street to the point of beginning;

and as illustrated by the blueprint map marked Exhibit "A,"<sup>1</sup> attached to Ordinance 96796 and by this reference made a part of this subchapter.

Also starting at the intersection of the west margin of Broadway and the north margin of East Union Street; thence north along the west margin of Broadway and Broadway East to the south margin of East Roy Street; thence west along the south margin of East Roy Street to the west margin of Belmont Avenue East; thence northerly along the west margin of Belmont Avenue East to the east margin of the State Freeway right-of-way; thence south along the Freeway right-of-way to the centerline of Pike Street; thence easterly along the centerline of Pike Street to the east margin of Boren Avenue; thence

southerly along the east margin of Boren Avenue to the north margin of East Union Street; thence easterly along the north margin of East Union Street to the point of beginning;

and as illustrated by the map marked Exhibit "B,"<sup>1</sup> attached hereto and by this reference made a part hereof.

Also beginning at the west line of Broadway and the south line of East Pine Street; thence, east along the south line of East Pine Street to the west line of 13th Avenue; thence, south to the north line of East Madison Street; thence, southwesterly along said north line of East Madison Street and Madison Street to the intersection with the east line of Boren Avenue; thence, northwesterly along the east line of Boren Avenue to the east line of SR5; thence along said east line of SR5 to the northeasterly line of Minor Avenue; thence, southeasterly along the northeasterly line of Minor Avenue to the north line of East Union Street; thence, along said north line of East Union Street to the west line of Broadway; thence, north along the west line of Broadway to the point of beginning.

and as illustrated by the map marked as Exhibit "C"<sup>1</sup> attached hereto and by reference made a part hereof.

(Ord. 118955 § 1, 1998; Ord. 112590 § 1, 1985; Ord. 96796 § 2, 1968.)

1. Editor's Note: Exhibits "A", "B" and "C" are not reproduced in this Code. Copies are on file in the office of the City Clerk.

#### **21.68.090 Undergrounding required--Restoration of pavement and public utility equipment.**

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.

(Ord. 96796 § 3, 1968.)

#### **21.68.100 CATV connections.**

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.080, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety (90) days of receipt of such notice, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.

(Ord. 96796 § 4, 1968.)

#### **21.68.110 Exemptions.**

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand (26,000) volts.

(Ord. 96796 § 5, 1968.)

### Subchapter III

#### South Seattle Redevelopment Project Area

##### **21.68.120 Statement of fact--Purpose.**

Removal of overhead wires and appurtenances carrying any electric service in streets, public areas, and areas of the City within the boundaries of the South Seattle Redevelopment Project set forth in Section 21.68.130 is required to implement the urban renewal plan for such project approved by Ordinance 94326,<sup>1</sup> the purpose of which is to eliminate and prevent the recurrence of blight; and the general public necessity, convenience, health, safety and welfare require that all such wires and appurtenances be removed and placed underground by those owning the same or any persons interested therein.

(Ord. 96797 § 1, 1968.)

1. Editor's Note: Ord. 94326 is not included in this Code. Copies are on file in the office of the City Clerk.

##### **21.68.130 Area described.**

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV, or other electric service shall at their own expense, subject to the aid and assistance of urban renewal project funds if, or to the extent that, such funds are legally available for such work, remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section, and at the direction, under the supervision of, and in accordance with plans and specifications approved by the Board of Public Works, said district being bounded and described as follows:

Beginning at the intersection of the west margin of United States Interstate Highway No. 5 and the south margin of South Dakota Street; thence westerly along the south margin of South Dakota Street to the east margin of 5th Avenue South; thence southerly along the east margin of 5th Avenue South to the south margin of South Alaska Street; thence easterly along the south margin of South Alaska Street to the west margin of United States Interstate Highway No. 5; thence northerly along the west margin of United States Interstate Highway No. 5 to the south margin of South Dakota Street, the point of beginning; all in the City of Seattle;

and as illustrated by the blueprint map marked Exhibit "A-1"<sup>1</sup> attached to Ordinance 96797 and by this reference made a part of this subchapter.

(Ord. 96797 § 2, 1968.)

1. Editor's Note: Exhibit "A-1" is not reproduced in this Code. Copies are on file with Ordinance 96797 in the office of the City Clerk.

##### **21.68.140 Undergrounding required--Restoration of pavement and public utility equipment.**

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board

any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.  
(Ord. 96797 § 3, 1968.)

#### **21.68.150 CATV connections.**

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.130, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety (90) days of receipt of such notice, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and the above notices shall so provide.  
(Ord. 96797 § 4, 1968.)

#### **21.68.160 Exemptions.**

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand (26,000) volts.  
(Ord. 96797 § 5, 1968.)

### **Subchapter IV**

#### **Northwest Leschi Project Area**

#### **21.68.170 Statement of fact--Purpose.**

The removal of overhead wires and appurtenances carrying any electric service in streets, public areas, and areas of the City within the boundaries of the Northwest Leschi Project set forth in Section 21.68.180 is required to implement the urban renewal plan for such project approved by Ordinance 98162,<sup>1</sup> the purpose of which is to eliminate and prevent the recurrence of blight; and the general public necessity, convenience, health, safety and welfare require that all such wires and appurtenances be removed and placed underground by those owning the same or any persons interested therein.  
(Ord. 99641 § 1, 1971.)

1. Editor's Note: Ord. 98162 is not included in this Code. Copies are on file in the office of the City Clerk.

#### **21.68.180 Area described.**

Everyone engaged in the distribution of electric energy by overhead wires and appurtenances or using or maintaining wires and appurtenances for telephone, telegraph, CATV, or other electric service shall at their own expense, subject to the aid and assistance of urban renewal project funds if, or to the extent that, such funds are legally available for such work, remove and place underground all wires and appurtenances used for the purposes stated in this section in the streets, alleys and other public places within the boundaries of the district described in this section, and at the direction, under the supervision of, and in accordance with plans and

specifications approved by the Board of Public Works, said district being bounded and described as follows:

Beginning at the intersection of the centerline of East Yesler Way and a line drawn midway between 28th Avenue and 29th Avenue; thence north along last described midway line to its intersection with the south line of Lots 1 and 2, Block 11, Gamma Poncin's Addition, as recorded in Volume 20 of Plats, page 51, Records of King County, Washington; thence west along said south line and same produced west to its intersection with the centerline of 28th Avenue; thence north along last described centerline to its intersection with the centerline of East Cherry Street; thence east along last described centerline to its intersection with a line drawn midway between 32nd Avenue and 33rd Avenue; thence south along last described midway line to its intersection with the centerline of East Alder Street; thence east along last described centerline to its intersection with the production northwesterly of the northeasterly line of Lot 3, Block 3, Dodge and Dodge Addition, as recorded in Volume 3 of Plats, page 106, Records of King County, Washington; thence southeasterly along said produced and northeasterly line and same produced southeasterly to its intersection with the centerline of Lake Dell Avenue; thence southerly along last described centerline to its intersection with the production north of the centerline of the vacated alley as platted adjoining Block 49 in Yesler's Third Addition as recorded in Volume 6 of Plats, page 41, Records of King County, Washington; thence south along last described centerline and same produced south to its intersection with the centerline of East Yesler Way; thence west along last described centerline to the beginning;

and as illustrated by the blueprint map marked Exhibit "A"<sup>1</sup> attached to Ordinance 99641 and by this reference made a part of this subchapter.

(Ord. 99641 § 2, 1971.)

1. Editor's Note: Exhibit "A" is not reproduced in this Code. Copies are on file with Ordinance 99641 in the office of the City Clerk.

#### **21.68.190 Undergrounding required--Restoration of pavement and public utility equipment.**

Everyone owning, using or maintaining such wires and appurtenances in said streets, alleys, and other public places be and they are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such wires and appurtenances underground and of removing overhead facilities at the direction, under the supervision of and in accordance with plans and specifications approved by the Board of Public Works, and to thereafter cause to be restored to good condition and repair to the satisfaction of the Board any pavements, sidewalks, sewer, water main or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move or replace such underground facilities on order and to the satisfaction of the Board as the public interest may require.

(Ord. 99641 § 3, 1971.)

#### **21.68.200 CATV connection.**

When electrical, telephone, telegraph or CATV or other electric services are available to customers from underground facilities within the district described in Section 21.68.180, or a part thereof, the owners of the facilities or services shall notify the Board of Public Works, and, under the Board's direction and supervision shall then notify each such customer and/or property owner within the district, or such part thereof, that such services shall be thereafter available only from such underground facilities. Property owners and/or customers desiring continued electric services within said district, or part thereof, shall within ninety (90) days of receipt of such notice, provide space on their own property for installation of the necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property, and

the above notices shall so provide.  
(Ord. 99641 § 4, 1971.)

#### **21.68.210 Exemptions.**

The provisions of this subchapter shall not apply to transit system trolley wires or to electric power lines carrying more than twenty-six thousand (26,000) volts.  
(Ord. 99641 § 5, 1971.)

### **Chapter 21.72**

#### **UTILITY CHARGE STATEMENTS**

Sections:

**21.72.010 Use of City Directors' names prohibited.**

**21.72.010 Use of City Directors' names prohibited.**

Statements for the collection of City utility charges shall not use or direct the use of the personal name of the Director of Finance or the Director of Executive Administration for or in connection with the payment of such charges.

(Ord. 120794 § 287, 2002; Ord. 117242 § 24, 1994; Ord. 106352 § 1, 1977.)

### **Chapter 21.76**

#### **LOW-INCOME RATE CREDITS AND EMERGENCY ASSISTANCE FOR QUALIFIED UTILITY CUSTOMERS<sup>1</sup>**

Sections:

**21.76.010 Low Income Rate Credit Program established--Purpose--Administration.**

**21.76.020 Definitions.**

**21.76.030 Low Income Rate Credit Qualification.**

**21.76.040 Low Income Rate Credits.**

**21.76.050 Method of receiving credit.**

**21.76.060 Authority of Director of Executive Administration.**

**21.76.065 Low income emergency assistance program.**

**21.76.070 Violation--Penalty.**

1. Cross-reference: For provisions regarding eligibility of low-income elderly for the Conservation Investment Assistance Program, see Chapter 21.52 of this Code.

**21.76.010 Low Income Rate Credit Program established--Purpose--Administration.**

A program for credits to partially offset the billings for water, wastewater, drainage, solid waste, and street utility services for qualified low-income customers is established in order to provide necessary support for the poor and infirm. Such reductions are intended to offset recent rate increases for such utilities. The Human Services Department is authorized and directed to administer the program and in such connection may promulgate administrative regulations from time to time in the manner provided in the Administrative Code (Seattle Municipal Code Chapter 3.02) to carry out the intent and purpose of this chapter.

(Ord. 122174, § 2, 2006; Ord. 119273 § 35, 1998; Ord. 116455 § 2, 1992; Ord. 115958 § 24, 1991; Ord. 115424

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December 2006 code update file  
Text provided for historic reference only.  
§ 3(part), 1990: Ord. 111243 § 3, 1983: Ord. 110243 § 1, 1981: Ord. 104472 § 1, 1975.)

**21.76.020 Definitions.**

As used in this chapter, the words and terms "duplex dwelling," "dwelling unit," "multiple dwelling" and "single-family dwelling" and "townhouse dwelling" shall have the meanings set forth in Article 3 of the Zoning Code (Ordinance 86300).<sup>1</sup>

(Ord. 104472 § 2, 1975.)

1. Editor's Note: Article 3 of the Zoning Code is codified in Chapter 24.08 of this Code.

**21.76.030 Low Income Rate Credit Qualification.**

A. To implement the program provided for in Section 21.76.010, water, wastewater, drainage, and solid waste credits shall be issued to each household that is directly served by the City's water, drainage, wastewater or solid waste services upon satisfactory proof that a member of the household is billed by City Light or Seattle Public Utilities, or, if not so billed, has resided for a period of not less than ninety (90) consecutive days in a rental unit in which the amount of a Seattle Public Utilities rate increase affects the amount of rent charged and:

1. Receives Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383; or
2. Has annual income that when combined with the annual income of all household members does not exceed two hundred (200) percent of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City; or
3. Has annual income that when combined with the annual income of all household members does not exceed seventy (70) percent of the Washington State median income for the number of individuals in the household as computed annually by the state or the City and:
  - a. Is blind, or
  - b. Is sixty-five (65) years of age or older, or
  - c. Is disabled and receives funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 USC Section 401 et seq., or
  - d. Requires medical life-support equipment which utilizes mechanical or artificial means to sustain, restore, or supplant a vital function; or
4. Notwithstanding household income, requires medical life-support equipment which utilizes mechanical or artificial means to sustain, restore or supplant a vital function, and which uses a disproportionate amount of water or generates a disproportionate amount of solid waste, provided that the rate assistance issued on the basis of this qualification shall be limited to water and wastewater service where a significant proportion of the water use is for medical purposes or limited to solid waste service where a significant proportion of the solid waste is generated from medical purposes.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.  
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B. Applicants shall verify such information, and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the Human Services Department. (Ord. 122174, § 3, 2006; Ord. 120876 § 1, 2002; Ord. 119273 § 36, 1998; Ord. 119269 § 1, 1998; Ord. 118396 § 166, 1996; Ord. 117813 § 3, 1995; Ord. 117386 § 3, 1994; Ord. 116455 § 3, 1992; Ord. 115958 § 25, 1991; Ord. 115529 § 3(part), 1991; Ord. 115424 § 3(part), 1990; Ord. 111243 § 4, 1983; Ord. 110243 § 2, 1981; Ord. 106045 § 2, 1976; Ord. 105537 § 1, 1976; Ord. 104472 § 3, 1975.)

**21.76.040 Low Income Rate Credits.**

A. Drainage, Wastewater, and Water. Persons qualified by the Human Services Department as eligible recipients of low income utility credits provided for in Section 21.76.010 (eligible recipients) shall be granted low income billing credits in the following amounts:

1. Wastewater. Eligible recipients billed directly by Seattle Public Utilities for wastewater services and residing in single-family dwellings shall receive a credit equal to 0.5 times the current billing. Eligible recipients not billed directly by Seattle Public Utilities for wastewater services shall receive the following credits based on dwelling type:

Effective Date	Single-family and duplex	Multifamily dwelling
January 1, 2003	\$16.58 per month	\$8.29 per month
January 1, 2004	\$15.34 per month	\$10.62 per month
January 1, 2005	\$17.12 per month	\$11.52 per month

At the time of a change to the wastewater volume charge described in SMC 21.28.040, the Director of Seattle Public Utilities shall calculate new credits based on dwelling type for eligible recipients not billed directly by Seattle Public Utilities. The credit for Single-family and duplex customers shall be 0.5 times the wastewater volume charge multiplied by 5.2 CCF, which is typical single family residential sewer billed consumption. The credit for Multifamily dwelling customers shall be 0.5 times the wastewater volume charge multiplied by 3.6 CCF, which is typical multifamily sewer billed consumption.

2. Drainage. Eligible recipients residing inside The City of Seattle shall receive the following credits for drainage services based on dwelling type:

	Effective January 1, 2004	Effective January 1, 2005	Effective January 1, 2006
Single-family	\$4.60 per month	\$5.07 per month	\$5.67 per month
Duplex	2.30 per month	2.54 per month	2.84 per month
Multifamily	0.49 per month	0.54 per month	0.61 per month

3. Water. Eligible recipients billed directly by Seattle Public Utilities for water delivery and residing in single-family dwellings shall receive a credit equal to 0.5 times the current billing. Eligible recipients not billed directly by Seattle Public Utilities for water delivery and residing in single-family or duplex dwellings shall receive the following credits:

Effective June 1, 2006	\$12.20 per month
Effective January 1, 2007	\$12.50 per month

Effective January 1, 2008	\$13.35 per month
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Eligible recipients not billed directly by Seattle Public Utilities for water delivery and residing in multifamily dwellings shall receive the following credits:

Effective June 1, 2006	\$5.70 per month
Effective January 1, 2007	\$5.65 per month
Effective January 1, 2008	\$6.10 per month

B. Solid Waste. Persons qualified by the Director of the Human Services Department as eligible recipients of Low Income Rate Assistance (LIRA) shall be granted low income billing credits or rates as follows:

1. Eligible recipients who are billed directly by Seattle Public Utilities for garbage container, as defined in SMC Section 21.36.014, services shall receive a credit equal to one-half (0.5) times the current billing.
2. Eligible recipients with twice weekly garbage container, as defined in SMC Section 21.36.014, service shall be charged one-half (0.5) times the rate calculated in subsection B of SMC Section 21.40.050.
3. Effective through December 31, 2006, eligible recipients who are billed directly by Seattle Public Utilities for yardwaste service shall be charged per month or a portion thereof for each dwelling unit, billed directly to the owner or occupant, of Two Dollars and Fifteen Cents (\$2.15) for up to four (4) bundles-of-yardwaste, as defined in SMC Section 21.36.010, per collection plus an additional charge of Seventy-five Cents (\$0.75) for each extra bundle-of-yardwaste beyond four (4) per collection. Effective January 1, 2007, eligible recipients who are billed directly by Seattle Public Utilities for yardwaste service shall be charged per month or a portion thereof for each dwelling unit, billed directly to the owner or occupant, of Two Dollars and Fifty Cents (\$2.50) for up to four (4) bundles-of-yardwaste, as defined in SMC Section 21.36.010, per collection plus an additional charge of Seventy-five Cents (\$0.75) for each extra bundle-of-yardwaste beyond four (4) per collection.
4. Eligible recipients not billed directly by Seattle Public Utilities for solid waste services and receiving garbage container, as defined in SMC Section 21.36.014, yardwaste, as defined in SMC Section 21.36.016, or detachable container, as defined in SMC Section 21.36.012, service shall receive the following credits:

	Effective Through December 31, 2006	Effective January 1, 2007
Garbage container customers	\$8.20 per month	\$8.30 per month
Detachable container customers	\$6.10 per month	\$6.45 per month
Yardwaste customers	\$2.15 per month	\$2.50 per month

C. Qualified persons receiving drainage, wastewater, water, or solid waste credits through their City Light bills or through vouchers will receive credits for the full period covered by the City Light bill or voucher. The credit amount given will be based solely on the credit levels in effect at the time the City Light bill or voucher is issued.

(Ord. 122262, § 6, 2006; Ord. 122174, § 5, 2006; Ord. 122091 § 4, 2006; Ord. 121735 § 1, 2005; Ord. 121675 § 2, 2004; Ord. 121639 § 2, 2004; Ord. 121328 § 2, 2003; Ord. 121327 § 3, 2003; Ord. 120971 § 6, 2002; Ord. 120970 § 2, 2002; Ord. 120969 § 2, 2002; Ord. 120876 § 1, 2002; Ord. 120615 § 2, 2001; Ord. 120178 § 3, 2000; Ord. 120177 § 2, 2000; Ord. 120176 § 2, 2000; Ord. 119769 § 3, 1999; Ord. 119768 § 2, 1999; Ord. 119737 § 6, 1999; Ord. 119273 § 37, 1998; Ord. 119268 § 4, 1998; Ord. 119267 § 3, 1998; Ord. 118803 § 2, 1997; Ord. 118433 § 1, 1996; Ord. 118396 § 167, 1996; Ord. 117391 § 3, 1994; Ord. 117265 § 2, 1994; Ord. 117184 § 5, 1994; Ord. 116928 § 1, 1993; Ord. 116455 § 4, 1992; Ord. 116423 § 3, 1992; Ord. 116187 § 5, 1992; Ord. 116185 § 5, 1992; Ord. 115958 § 26, 1991; Ord. 115955 § 2, 1991; Ord. 115529 § 3(part), 1991; Ord. 115424 § 3(part), 1990; Ord. 115376 § 2, 1990; Ord. 114898 § 4, 1989; Ord. 114782 § 4, 1989; Ord. 114370 § 3, 1989; Ord. 114205 § 12, 1988; Ord. 114156 § 2, 1988; Ord. 113729 § 1, 1987; Ord. 113374 § 4, 1987; Ord. 113165 § 1, 1986; Ord. 112942 § 6, 1986; Ord. 112549 § 1, 1985; Ord. 11974 § 1, 1984; Ord. 111675 § 1, 1984; Ord. 111550 § 1, 1984; Ord. 111438 § 1, 1983; Ord. 110447 §§ 1, 2, 1982; Ord. 110243 § 3, 1981; Ord. 110199 § 1, 1981; Ord. 109398 § 4, 1980; Ord. 109132 § 1, 1980; Ord. 109021 § 1, 1980; Ord. 108236 § 1, 1979; Ord. 106220 § 1, 1977; Ord. 105537 § 2, 1976; Ord. 104472 § 4, 1975.)

#### **21.76.050 Method of receiving credit.**

Qualified persons receiving drainage, wastewater, water, or solid waste services shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should the billing period be other than monthly; provided, that no qualified person shall receive or accept utility credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

A. For qualified persons who receive a wastewater, water, or solid waste bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which would otherwise be payable.

B. For qualified persons who do not receive a drainage, wastewater, water, or solid waste bill directly, but who may pay such utility charges indirectly as part of their rental payment, the proper credit shall be made in the manner determined by the Director of Seattle Public Utilities, which may include, but is not limited to:

1. A reduction in the amount otherwise payable on the electricity service bills of those qualified persons who do not receive drainage, wastewater, water, solid waste bills but who do receive an electricity services bill;
2. The issuance of credit vouchers in the names of qualified persons, provided that the credit vouchers shall not be redeemable for cash and shall be honored by the City only when applied to the account through which utility services received by the qualified person are paid;
3. The issuance of combined utility credits in the name of each not-for-profit corporation that owns a residential building, requests such credits, and meets the following criteria:
  - a. Income eligible households, as defined in SMC Section 21.76.050C, are among the

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residents of the building for which the voucher is sought;

- b. Residents are not directly billed for any City utility service but pay for such service in their rent;
- c. The building for which the credit is sought receives retail service from Seattle Public Utilities;
- d. The building owner agrees to reduce the rent payment due from each income eligible household residing in such building in an amount equal to the combined utility credits of such eligible household; and
- e. The building owner annually reports the actual rent reductions during the previous year and certifies that it shall make the rent reductions described in subsection B3d of this section during the next year.

C. Combined utility credits shall not be redeemable for cash, and shall be honored by the City only when applied to the City utility account through which the building owner pays for utility services provided to income eligible households. No combined utility credit shall be issued unless the building owner agrees to report the information requested when and in the form requested by the Human Services Department (HSD) and otherwise to meet all requirements set forth by HSD for the certification of the combined utility credit program. In the event that a building owner ceases to meet the requirements set forth herein, the Director of HSD shall advise City Light and/or Seattle Public Utilities to cease to provide combined utility credits to such building owner.

D. An "income eligible household" means any person or related persons who: (1) lease a dwelling unit in a residential building in The City of Seattle that is owned by a not-for-profit corporation and (2) who meet the income qualifications under SMC Section 21.76.030A1 through A4. The unit may have its own bathroom and/or cooking facility or share bathrooms and/or cooking facilities with other units. Based on the requirements contained in SMC Chapter 21.76 and those developed by the Director of HSD, participating building owners will determine, on an annual basis, the eligibility of households for rent reduction.

E. For purposes of this Section 21.76.050, "combined utility credit" means the reduction in the amount otherwise payable for water, drainage and wastewater or solid waste services on behalf of income eligible households.

(Ord. 120220 § 2, 2000; Ord. 120177 § 3, 2000; Ord. 119273 § 38, 1998; Ord. 118396 § 168, 1996; Ord. 116455 § 5, 1992; Ord. 116423 § 3, 1992; Ord. 115958 § 27, 1991; Ord. 115955 § 3, 1991; Ord. 115424 § 3(part), 1990; Ord. 110243 § 4, 1981; Ord. 105537 § 3, 1976; Ord. 104472 § 5, 1975.)

#### **21.76.060 Authority of Director of Executive Administration.**

A. The Director of Executive Administration is authorized to apportion the total amount of utility credits made to bills as provided for in Sections 21.76.010, 21.76.040 and 21.76.050.

B. To reimburse the Light Fund for utility credits made to lighting bills as provided for in Section 21.76.050, the Director of Executive Administration is authorized to make the necessary transfers from the

Seattle Municipal Code  
Draft for code update file  
Text provided for historical reference only.  
Water, Sewer, Solid Waste Fund and Street Utility Sub-Fund in accordance with Section 21.76.040.  
(Ord. 120794 § 288, 2002: Ord. 116455 § 6, 1992: Ord. 116368 § 291, 1992: Ord. 110243 § 5, 1981: Ord.  
105537 § 4, 1976: Ord. 104472 § 8, 1975.)

**21.76.065 Low income emergency assistance program.**

A. Qualification. Upon satisfactory proof, emergency assistance shall be issued to each household for which a member of the household is billed, by SPU, for water, drainage, wastewater or solid waste services and:

1. Has annual income that, when combined with the annual income of all household members, does not exceed one hundred twenty-five (125) percent of the poverty level for the number of individuals in the household as computed annually by the U.S. Government; and
2. Has received notice from SPU that payment or payment arrangements must be made to prevent disconnection; and
3. Has made a payment arrangement for the remainder of any unpaid balance.

B. Application. Applicants shall provide the information required by the Human Services Department, on forms and in the manner determined by the Human Services Department.

C. Emergency Credit. Customers with SPU residential accounts, metered for a single family residence, and determined by the Human Services Department to be eligible under SMC 21.76.065.A, shall receive an emergency credit of fifty (50) percent of the customer's delinquent bills up to a maximum credit defined in paragraph D, but may only receive such credit once each twelve (12) months.

D. Maximum Credit Defined. In 2006, the maximum credit shall be Two Hundred Dollars (\$200). In 2007 and subsequent years, the maximum amount from 2006 shall be adjusted annually by SPU to reflect the average growth in combined water, sewer and solid waste bills for residential customers.  
(Ord. 122174, § 6, 2006.)

**21.76.070 Violation--Penalty.**

Any person knowingly making any false statement or representation to the Human Services Department with intent to secure benefits to which he or she is not entitled under this chapter shall be guilty of an offense constituting a violation subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and upon conviction thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500).

(Ord. 119273 § 39, 1998: Ord. 115958 § 28, 1991: Ord. 104472 § 9, 1975.)

**Subtitle VIII.**

**Street Utility**

**Chapter 21.100**

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## STREET UTILITY

### Sections:

#### 21.100.010 Definitions.

#### 21.100.020 Establishment.

#### 21.100.030 Street Utility charges.

#### 21.100.040 Street Utility Subfund created.

#### 21.100.050 Use of Street Utility funds and other funds.

#### 21.100.060 Administration of Utility.

Severability: The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable, the remainder of the ordinance shall continue in full force and effect.

(Ord. 116451 § 2, 1992.)

#### 21.100.010 Definitions.

As used in this chapter:

A. "Street facilities" means and includes all city streets, alleys, areaways, street lighting, traffic-control devices, bridges, sidewalks, curbs, gutters, and parking facilities owned by The City of Seattle and now and hereafter within the jurisdiction of the Seattle Department of Transportation, except those facilities, property rights, and interests owned by the City and placed under the jurisdiction of the Drainage and Wastewater Utility or the Solid Waste Utility.

B. "Transportation purposes" means and includes but shall not be limited to the following:

1. The operation and preservation of streets and other transportation improvements;
2. New construction, reconstruction and expansion of City streets, and other transportation improvements;
3. Development and implementation of public transportation and high-capacity transit improvements and programs;

4. Planning, design, and acquisition of right-of-way and sites for such transportation purposes.

(Ord. No. 121420 § 6, 2004; Ord. 118409 § 146, 1996; Ord. 116451 § 1(part), 1992.)

#### 21.100.020 Establishment.

A Street Utility is hereby established within the Seattle Department of Transportation, and the Director of Transportation shall manage, control, and operate the Street Utility pursuant to RCW 82.80.040 through 82.80.060. The Street Utility shall have jurisdiction of all street facilities as defined in this chapter.

(Ord. No. 121420 § 6, 2004; Ord. 118409 § 147, 1996; Ord. 116451 § 1(part), 1992.)

#### 21.100.030 Street Utility charges.

The City may impose, and the Street Utility may collect, periodic street utility charges for the use or availability of the streets. The Street Utility may use other authorized funding sources to raise revenues for

transportation purposes. Pursuant to RCW 82.80.050, the total annual amount of periodic street utility charges imposed by the City shall not exceed fifty (50) percent of the actual costs of operation, maintenance and preservation of the street facilities. The Director of Transportation is authorized to negotiate and, upon execution, implement agreements with other utilities or local government entities to provide for billing and collection of street utility charges.

(Ord. 118409 § 148, 1996; Ord. 116451 § 1(part), 1992.)

#### **21.100.040 Street Utility Subfund created.**

A special subfund known as the "Street Utility Subfund" shall be created within the Transportation Fund. All street utility charges collected pursuant to RCW 82.80.050 and any other funds assessed or generated and designated for the Street Utility pursuant to RCW 82.80.060 shall be credited to the Street Utility Subfund, and interest accrued on such charges shall be credited to the Street Utility Sub-Fund.

(Ord. 116451 § 1(part), 1992.)

#### **21.100.050 Use of Street Utility funds and other funds.**

Money in the Street Utility Subfund shall be used strictly for transportation purposes as defined by this chapter and as required by RCW 82.80.060. Pursuant to RCW 82.80.060, the Seattle Department of Transportation may, in addition to funds in the Street Utility Subfund, expend other funds from other sources for street facilities and for transportation purposes.

(Ord. No. 121420 § 6, 2004; Ord. 118409 § 149, 1996; Ord. 116451 § 1(part), 1992.)

#### **21.100.060 Administration of Utility.**

The Director of Transportation shall maintain a system of accounts to ensure all revenues collected pursuant to RCW 82.80.050 and other funds designated for the Street Utility Subfund are used strictly for transportation purposes. Pursuant to RCW 82.80.050, the Director shall maintain a system of accounts that enables the Director to determine the actual costs of operation, maintenance, and preservation of the street facilities, and the Director shall calculate the annual limitation on the total amount of periodic street utility charges based upon fifty (50) percent of the actual costs of operation, maintenance, and preservation of the street facilities.

(Ord. 118409 § 150, 1996; Ord. 116451 § 1(part), 1992.)

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