

ORDINANCE No.

115994

COUNCIL BILL No.

108933

Public Department

The City of

AN ORDINANCE relating to street, sidewalk and waterway use; amending SMC 15.04.010, -.020, -.030, -.040, -.50-B and -.C, -.070, and -.080; SMC 15.06.020 and -.030; SMC 15.08.080; SMC 15.16.060; SMC 15.10.020 and -.030; SMC 15.12.010, -.030, and -.040F; SMC 15.14.010B, -.040, -.050, -.070, and -.080; SMC 15.22.020; SMC 15.24.020; SMC 15.28.060; SMC 15.30.010, -.020, -.030, and -.050; SMC 15.32.010 and -.020 -A, -B, -C, -D, -F, -G, -H and -J; SMC 15.34.010; SMC 15.42.030, -.050 and -.060; SMC 15.44.130A, -.140, -.150, and -.170B; SMC 15.50.010, -.020, and -.040; SMC 15.64.030, -.040, -.060, -.065A, -.070, and -.080; SMC 15.72.010, -.020, and -.040; SMC 15.74.030; SMC 15.78.010; and SMC 16.60.010, -.020, -.040, and -.050C to delete references to the City Engineer and Board of Public Works, transfer certain responsibilities thereof to other officials, establish a Street Use Appeals Board, specify the functions and required procedures of such Board, otherwise clarify legislative intent, and make other general modifications therein.

City President:

Committee on *Finance, &*

COMPTROLLER FILE No.

to which was referred the within Council report that we have considered the same

Introduced: DEC 2 1991	By: SIBONGA
Referred: DEC 2 1991	To: FINANCE, BUDGET & MANAGEMENT
Referred:	To:
Referred:	To:
Reported: DEC 9 1991	Second Reading: DEC 9 1991
Third Reading: DEC 9 1991	Signed: DEC 9 1991
Presented to Mayor: DEC 10 1991	Approved: DEC 17 1991
Returned to City Clerk: DEC 18 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

12/14/91 - Pass 2-0

Full Council



3-10-83

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Finance, Budget and Management

was referred the within Council Bill No. 100933

that we have considered the same and respectfully recommend that the same:

Pass 2-0

Full Council Vote 7-0

Committee Chair

ORDINANCE 115994

AN ORDINANCE relating to street, sidewalk and waterway use; amending SMC 15.04.010, -.020, -.030, -.040, -.50-B and -C, -.070, and -.080; SMC 15.06.020 and -.030; SMC 15.08.080; SMC 15.16.060; SMC 15.10.020 and -.030; SMC 15.12.010, -.030, and -.040F; SMC 15.14.010B, -.040, -.050, -.070, and -.080; SMC 15.22.020; SMC 15.24.020; SMC 15.28.060; SMC 15.30.010, -.020, -.030, and -.050; SMC 15.32.010 and -.020 -A, -B, -C, -D, -F, -G, -H and -J; SMC 15.34.010; SMC 15.42.030, -.050 and -.060; SMC 15.44.130A, -.140, -.150, and -.170B; SMC 15.50.010, -.020, and -.040; SMC 15.64.030, -.040, -.060, -.065A, -.070, and -.080; SMC 15.72.010, -.020, and -.040; SMC 15.74.030; SMC 15.78.010; and SMC 16.60.010, -.020, -.040, and -.050C to delete references to the City Engineer and Board of Public Works, transfer certain responsibilities thereof to other officials, establish a Street Use Appeals Board, specify the functions and required procedures of such Board, otherwise clarify legislative intent, and make other general modifications therein.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SMC 15.04.010 (§7 of Ordinance 90047, as last amended by §1 of Ordinance 109754) is further amended as follows:

15.04.010 Permit -- Required

It shall be unlawful for anyone to use any public place, for private purposes, without a written permit from the ((Board of Public Works of the City)) Director of Engineering or the Director of Construction and Land Use, and without complying with all the provisions of this subtitle in relation thereto; provided, that nothing herein ((contained)) shall apply to street maintenance work performed by the City, street or sewer installation and improvement work authorized by ordinance, or street improvement work authorized by ordinance, or street improvement projects under contract with the City.

Sec. 2. SMC 15.04.020 (§8 of Ordinance 90047, as last

1 amended by §1 of Ordinance 109754) is further amended as
2 follows:

3 **15.04.020 Permit -- Application.**

4 Except for those street use approvals which must be
5 requested from the Director of Construction and Land Use in
6 accordance with the applicable provisions of the Master Use
7 Permit Ordinance (~~((109438))~~ SMC Ch. 23.76), applications for
8 permits provided for by this subtitle shall be filed with the
9 Director of Engineering, upon a form supplied by him/her. Such
10 applications shall (~~(be directed to the Board of Public Works,~~
~~and shall)~~) contain:

11 A. An accurate description of the public place or portion
12 thereof desired to be used as herein specified;

13 B. The use desired to be made of such public place by the
14 applicant;

15 C. The plans and specifications for any utility or
16 structure desired to be constructed, erected or maintained by
17 the applicant in or on a public place; and

18 D. Where it is desired to construct a fuel opening,
19 sidewalk elevator or door, (~~(a certificate from the Director of~~
~~Engineering,)~~ documentation showing the applicant to be the
20 record owner of the premises abutting and in connection with
21 which such fuel opening, sidewalk elevator or door is to be
22 constructed.

23 Sec. 3. SMC 15.04.030 (§9 of Ordinance 90047 as last
24 amended by §2 of Ordinance 109754) is further amended as
25 follows:

26 **15.04.030 Processing of applications.**

27 A. The Director of Engineering shall examine each
28 application submitted (~~(to him)~~) for (~~(his)~~) review or approval
to determine if it complies with the provisions of this subtitle

1 ((relating thereto)). The Director of Engineering or the
2 Director of Construction and Land Use, according to the type of
3 permit for which application has been made, may inspect the
4 premises which are desired to be used in order to ascertain any
5 facts which may aid in determining whether a permit shall be
6 granted. ((The Director of Engineering shall endorse his
7 findings on such application and transmit the same to the Board
8 of Public Works.))

8 B. Any application for a permit to construct, erect or
9 maintain any awning, marquee, sign, or any structure in a public
10 place, shall be transmitted by the Director of Engineering to
11 the Director of Construction and Land Use, who shall ascertain
12 if the plans and specifications conform to the regulations per-
13 taining to safety, material and design of the Seattle Building
14 and Construction Codes in SMC Title 22. The Director of
15 Construction and Land Use shall then ((enforce)) endorse ((his
16 findings)) on the application findings with respect to such
17 conformance or non-conformance and transmit the same to the
18 Director of Engineering.

18 C. If the ((Board of Public Works, in regular session,))
19 Director of Engineering finds that the application presented
20 ((to it)) for approval conforms to the requirements of this
21 subtitle ((pertaining thereto)), and also that the proposed use
22 of such public place will not unduly interfere with the rights
23 of the public, said ((Board)) Director may approve ((thereof,
24 and, if approved, shall)) said application, fix the ((time))
25 duration for which the permit ((may)) shall be ((granted and
26 shall direct the Director of Engineering to issue a permit))
27 effective, and notify the applicant that, upon the applicant's
28 compliance ((as herein specified)) with the ((provisions of this
subtitle)) requirements of the Director of Engineering relative
to ((indemnity)) indemnification and insurance and payment of

1 all required fees, the permit shall be issued.

2
3 Sec. 4. SMC 15.04.040 (\$10 of Ordinance 90047, as last
4 amended by \$2 of Ordinance 108020) is further amended as
5 follows:

6 **15.04.040 Indemnity deposit -- Surety bond -- Liability
7 insurance.**

8 A. If the (~~City Engineer and/or the Board of Public~~
9 ~~Works~~) Director of Engineering determines that there is a
10 probability of injury, damage, or expense to the City arising
11 from an applicant's proposed use of any public place, the
12 applicant, upon notice from the Director of Engineering, shall
13 deposit with the City Treasurer or such official's functional
14 successor, for addition to (~~in~~) the Guarantee Deposit Fund,
15 and take his/her receipt therefor, a cash indemnity deposit.
16 The amount of the cash indemnity deposit shall be determined by
17 the (~~Board of Public Works or the City Engineer~~) Director of
18 Engineering at the time of approving the application (~~and shall~~
19 ~~be governed by~~) based upon the anticipated amount and extent of
20 injury, damage or expense to the City as determined by (~~the~~
21 ~~Board of Public Works and/or the City Engineer~~) said Director,
22 and shall be subject to appeal to the Street Use Appeals Board.
23 The applicant shall endorse the receipt to the City and deposit
24 the same with the (~~City Engineer~~) Director of Engineering
25 before receiving (~~his~~) the permit. Such indemnity deposit
26 shall be used to pay the cost plus fifteen percent (15%) thereof
27 (~~of~~) for inspections, surveys, plans and other services per-
28 formed by the City, of restoring the street and removing any
earth or other debris from the street, the replacement of any
utility interrupted or damaged, or the completion of any work
left unfinished, the cost of filing of an indemnity agreement
with the City Comptroller or such official's functional

1 successor, if such an agreement is required with the permit, and
2 any other expense the City may sustain in conjunction with the
3 permitted work. The balance of the cash indemnity deposit, if
4 any, after the foregoing deductions shall be returned to the
5 applicant. If the indemnity deposit be insufficient, the
6 applicant will be liable for the deficiency. If the ((City
7 ~~Engineer or the Board of Public Works~~) Director of Engineering
8 determines that engineering studies must be made prior to the
9 approval of any application for permit, the cost of such study
10 shall be paid for by the applicant, or deducted from his/her
11 indemnity deposit.

12 B. The applicant ((~~in lieu of, or in addition to the cash~~
13 ~~indemnity deposit~~) may((~~, as approved or required by the Board~~
14 ~~of Public Works or the City Engineer~~)) file with the City Comp-
15 troller or such official's functional successor, in lieu of, or
16 in addition to the cash indemnity deposit, as authorized or
17 required by the Director of Engineering, a surety bond approved
18 as to surety by the Mayor, and as to form by the City Attorney,
19 which bond shall assume all the requirements provided in
20 ((~~subsection~~)) SMC 15.04.040-A in relation to a cash indemnity
21 deposit, shall run for the full period of the permit, and shall
22 be in an amount to be fixed by the ((~~Board of Public Works or~~
23 ~~the City Engineer~~)) Director of Engineering, subject to appeal
24 to the Street Use Appeals Board, and conditioned that such
25 applicant shall faithfully comply with all the terms of the
26 permit and all the provisions of this subtitle and all other
27 ordinances of the City, and indemnify and save the City free and
28 harmless from any and all claims, actions or damages of every
kind and description which may accrue to, or be suffered by, any
person by reason of the use of any public place, as provided for
in the application.

C. An applicant for a permit shall maintain in full force

1 and effect during the full period of the permit, public
2 liability insurance in an amount sufficient to cover potential
3 claims for any bodily injury, death, or disability and for
4 property damage, which may arise from or be related to the
5 permit and naming the City as an additional insured. The ((City
6 Engineer)) Director of Engineering may establish the amount of
7 such insurance, subject to ((~~the applicant's right of~~)) appeal
8 to the ((~~Board of Public Works~~)) Street Use Appeals Board, and
9 may require that such insurance be provided prior to issuance of
10 the permit.

11 D. If the application shall be to construct, reconstruct,
12 repair, maintain, or remove any sidewalk, pavement, sewer((s)),
13 water main((s)), grading, street lighting, or appurtenance((s))
14 thereto, the applicant shall file with the City Comptroller or
15 such official's functional successor a surety bond approved as
16 to surety by the Mayor and as to form by the City Attorney,
17 which bond shall run for the full period of the permit plus one
18 (1) year after the acceptance of the permitted work by the
19 ((~~Board of Public Works or the City Engineer~~)) Director of
20 Engineering and shall be in an amount fixed by ((~~the City~~
21 Engineer)) said Director, subject to appeal to the Street Use
22 Appeals Board, and conditioned that the applicant shall
23 faithfully complete all portions of the work according to the
24 Standard Plans and Specifications of the City, and the special
25 plans approved by ((~~the City Engineer~~)) said Director.

26 Sec. 5. SMC 15.04.050-B and -C (parts of §11 of Ordinance
27 90047, as last amended by §2 of Ordinance 95832) are further
28 amended as follows:

B. If an applicant shall be periodically using public
places, the ((~~City Engineer and/or the Board of Public Works~~))
Director of Engineering may require the applicant to post a

1 surety bond of sufficient amount to cover the accumulated cost
2 or risk involved at any certain time in a calendar year for a
3 number of permits outstanding, as determined by (~~the Board of~~
4 ~~Public Works or the City Engineer~~) said Director, the bond to
5 be in force during the period of all outstanding permits, but in
6 no case for less than one (1) year. The bond shall be of a form
7 approved by the City Attorney, conditioned to assume all of the
8 requirements provided in the previous sections of this subtitle
9 in relation to a cash indemnity deposit. Licensed side sewer
10 contractors who post such a one (1) year bond under the
11 provisions of this subtitle shall not be required to post an
12 additional surety bond specifically covering work under separate
13 side sewer ordinances; and the surety bond shall contain all of
14 the requirements of side sewer ordinances in the same manner as
15 provided by bonds posted pursuant to the side sewer ordinances
16 and the License Code.

17 C. However, if at any time any applicant shall apply for
18 a permit to use a public place above or below the surface of the
19 same, and in the opinion of the (~~Board of Public Works or City~~
20 ~~Engineer~~) Director of Engineering the work or risk involved in
21 the application shall, together with that involved under other
22 permits outstanding in the name of the applicant, exceed the
23 amount of the then presently posted surety bond, the applicant
24 may be required to post an additional or separate surety bond in
25 an amount established by the Director of Engineering, subject to
26 appeal to the Street Use Appeals Board, to cover the additional
27 risk or work involved prior to the issuance of any new
28 permit(s). The bond shall remain in force during the period
of all outstanding permits, but in no case for less than one (1)
year from and after the date of the permit. Also, the (~~Board~~
~~of Public Works~~) Director of Engineering may require any
permittee to post a surety bond in the calendar year following

1 the period of a permit when the extent of possible damage to a
2 public place has not been completely determined.

3
4 Sec. 6. SMC 15.04.070 (§13 of Ordinance 90047, as last
5 amended by Ordinance [C.B. 108868]) is further amended
6 as follows:

7 **15.04.070 Permit -- Revocation -- Fee schedule.**

8 A. All street or sidewalk use authorizations approved
9 under the provisions of this subtitle or Seattle Municipal Code
10 Chapter 23.76, Procedures for Master Use Permits and Council
11 Land Use Decisions, shall be of a temporary nature and shall
12 vest no permanent right, and may in any case be revoked by the
13 ((~~Board of Public Works~~)) Director of Engineering upon thirty
14 (30) days' notice; or without notice, in case any such use or
15 occupation shall become dangerous or any structure or
16 obstruction permitted shall become insecure or unsafe, or shall
17 not be constructed, maintained, or used in accordance with the
18 provisions of this subtitle.

19 B. If any such structure or obstruction, or use or
20 occupancy, is not discontinued on notice to do so by the ((~~Board~~
21 ~~of Public Works, the~~)) Director of Engineering, said official
22 may forthwith remove such structure or obstruction from such
23 place, or make such repairs upon such structure or obstruction
24 as may be necessary to render the same secure and safe, at the
25 expense of the grantee of the permit, or ((~~his~~)) such grantee's
26 successor, and such expense may be collected in the manner
27 provided by law; and the ((~~Board of Public Works~~)) Director of
28 Engineering may require a surety bond in such connection.

29 C. The ((~~Board of Public Works~~)) Director of Engineering
30 is ((~~further~~)) authorized and directed to prepare and ((~~adopt~~))
31 recommend for adoption by the City Council, a schedule of fees
32 applicable to all such permits heretofore or hereafter issued

1 commensurate with the cost of administration, inspection and
2 policing involved in the issuance and continuance of such
3 permits and the use thereby granted, and any such schedule, when
4 ((approved)) adopted by the City Council by ((resolution)) ordi-
5 nance, shall govern the amount of the fee for any such permit,
6 which shall be collected by ((the Board)) said Director as a
7 condition to the issuance or continuance of any such permit; and
8 in order to effectuate collection of such fees ((the Board))
9 said Director shall promptly notify holders of outstanding
10 permits issued pursuant to previous ordinances of the City, from
11 time to time, to pay the applicable fee or the permit will be
12 revoked. The rate in the schedule for permits for filming shall
13 identify which, if any, of the factors identified in SMC
14 15.35.020 are taken into consideration in setting the rate and
15 which are to be determined with respect to particular
16 applications.

17 D. Upon petition by a public agency for a vacation of
18 street area, street use fees for such street area shall be
19 suspended if the ((Board of Public Works)) Director of
20 Engineering finds that such public agency, as a current prac-
21 tice, would convey((s)) to, or permits ((the City to)) use by,
22 the City of a portion of the public agency's property for street
23 or other public purpose without charge; provided, should the
24 street vacation petition be denied, street use fees shall be
25 payable for the full period of use.

26 E. When use requiring a permit is made of street
27 area((r)) without first obtaining the permit, the fee shall be
28 double that provided in the schedule of fees. The double fee
shall apply only to the first tenure of the permit.

Sec. 7. SMC 15.04.080 (§14 of Ordinance 90047, as last
amended by §4 of Ordinance 109754) is further amended as

1 follows:

2 **15.04.080 Issuance of permits.**

3 Upon approval of the Director of Engineering of an
4 application for the use or occupation of a public place(~~7~~
5 ~~except where applications require the approval of the Board of~~
6 ~~Public Works, as per resolution of the Board of Public Works~~)),
7 and except where final approval of the application is issued by
8 the Director of Construction and Land Use, the Director of
9 Engineering shall issue a permit therefor. The original permit
10 shall remain in the custody of the Director of Engineering and
11 a carbon copy shall be given to the grantee.

12 Sec. 8. SMC 15.06.020 (part of §16 of Ordinance 90047) is
13 amended as follows:

14 **15.06.020 Removal of driveway and reconstruction of curb.**

15 When driveways are no longer usable or needed to provide
16 vehicular access onto private property, the owner of the
17 adjacent property shall remove the driveway and restore the
18 concrete curb and gutter and the sidewalk and planting (parking)
19 strip. (~~Upon failure of the owner of the adjacent property to~~
20 ~~so do, the Board of Public Works may direct~~) If such
21 restoration work has not been completed by the sixtieth (60th)
22 calendar day after receipt by such owner of the Director of
23 Engineering's written order to perform such work by such
24 deadline, the Engineering Department may perform such
25 restoration and bill the cost thereof to the property owner.

26 Sec. 9. SMC 15.06.030 (part of §16 of Ordinance 90047) is
27 amended as follows:

28 **15.06.030 City's standards for construction.**

All driveways constructed on public places where paved
roadways and curbs exist shall be constructed according to the

1 City's Standard Plans and Specifications (~~of the Department of~~
2 ~~Public Works~~)).

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4 Sec. 10. SMC 15.08.010 (§17A of Ordinance 90047, as last
5 amended by part of §3 of Ordinance 108020) is further amended as
6 follows:

7 **15.08.010 Entrances and openings to areaways.**

8 All areaway entrances and areaway openings shall be
9 constructed in the following manner.

10 The walls shall be constructed of masonry or concrete of
11 sufficient strength safely to resist a pressure from without
12 equivalent to that exerted by a fluid weighing not less than
13 thirty (30) pounds per cubic foot, and having a depth equal to
14 that of the retained earth. Plans and specifications for such
15 structures shall be approved by the (~~Superintendent of Build-~~
16 ~~ings~~) Director of Construction and Land Use as heretofore
17 provided.

18 If the walls are reinforced by bracing, such reinforcements
19 shall be fireproof and protected against corrosion.

20 Sec. 11. SMC 15.08.080 (§17 of Ordinance 90047, as last
21 amended by part of §3 of Ordinance 108020) is further amended as
22 follows:

23 **15.08.080 Sidewalk elevators.**

24 Every sidewalk elevator shall be so constructed that when
25 in use, the sides of opening will be closed by sheet metal
26 guards, strengthened with an iron frame having a height equal to
27 that of the elevator door. The maximum overall size of a side-
28 walk elevator shall not exceed five feet (5') by seven feet
(7'), and where practicable it shall be placed seventeen inches
(17") from the curb, and if of less width than the maximum, the
lesser width shall be placed at right angles to the curb. No

1 sidewalk elevator shall be constructed without approval of the
2 ((~~Board of Public Works~~)) Director of Engineering and a permit
3 from the ((~~Superintendent of Buildings~~)) Director of Construc-
4 tion and Land Use to construct and operate the same.

5 Sec. 12. SMC 15.10.020 (§18(B) of Ordinance 90047, as last
6 amended by part of §1 of Ordinance 108846) is further amended as
7 follows:

8 **15.10.020 Lowest point.**

9 The lowest point of any part of any marquee, awning or
10 canopy shall be not less than eight feet (8'), or sixteen feet
11 (16') if in an alley, from the surface over which it is con-
12 structed, unless an exception to that requirement is approved by
13 the ((~~Board of Public Works~~)) Director of Engineering after a
14 showing that traffic considerations have been satisfied.

15 Sec. 13. SMC 15.10.030 (§18(C) of Ordinance 90047, as last
16 amended by part of §1 of Ordinance 108846) is further amended as
17 follows:

18 **15.10.030 Vertical depth.**

19 No marquee shall exceed thirty inches (30") in vertical
20 depth, unless an exception to that requirement is approved by
21 the ((~~Board of Public Works~~)) Director of Engineering after a
22 showing that the proposed marquee will not obscure the
23 visibility of any sign or traffic control devices in the
24 immediate area.

25 Sec. 14. SMC 15.12.010 (§19 of Ordinance 90047, as last
26 amended by §4 of Ordinance 108020) is further amended as
27 follows:

28 **15.12.010 Conformance to applicable regulations.**

A. All signs in public places and their supports shall be
approved as to structural strength and quality of materials, and

1 shall be checked for conformance to all applicable ordinances by
2 the (~~Superintendent of Buildings~~) Director of Construction &
3 Land Use prior to action by the (~~Board of Public Works~~)
4 Director of Engineering.

5 B. All signs, banners, barber poles and street clocks
6 constructed upon or projecting over a public place shall conform
7 to (~~Chapter 49 of the Seattle Building Code~~) SMC Ch. 23.55,
8 and the decisions and policies of the (~~Board of Public Works~~)
9 Director of Engineering.

10 Sec. 15. SMC 15.12.030 (§21 of Ordinance) is amended as
11 follows:

12 **15.12.030 Banners.**

13 It shall be unlawful for anyone to stretch, hang or
14 otherwise place any canvas or cloth sign or banner over or
15 across any public place except upon written permit issued by the
16 (~~Board of Public Works~~) Director of Engineering, and then only
17 upon such terms and conditions, and for such period of time as
18 (~~the Board~~) such official shall direct.

19 Sec. 16. SMC 15.12.040-F (part of §22 of Ordinance 90047)
20 is amended as follows:

21 F. No person shall permit a street clock of which he/she
22 is the owner, to incorrectly record the time unless all dials
23 thereof (~~be~~) are covered. The cover of such a clock shall not
24 have advertising matter thereon. Any clock not showing correct
25 time or which has been covered for more than fourteen (14) days
26 shall be removed upon order of the (~~Board of Public Works~~)
27 Director of Engineering.

28 Sec. 17. SMC 15.14.010-B (part of §19A of Ordinance 90047,
as last amended by §1 of Ordinance 106583) is further amended as

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1 follows:

2 B. The statement of purpose in ((subsection)) SMC
3 15.14.010-A shall guide the ((Beard)) Director of Engineering in
4 determining the overall public interest in regulating the
5 placement, construction, maintenance, size and appearance of
6 newsstands.

7 Sec. 18. SMC 15.14.040 (§19D of Ordinance 90047, as last
8 amended by §4 of Ordinance 106583) is further amended as
9 follows:

10 **15.14.040 When permit required -- Issuance**

11 A. Without a permit from the ((~~Board of Public Works or~~
12 ~~the City Engineer acting on its behalf~~)) Director of
13 Engineering, no newsstand shall:

14 1. Be placed or maintained so as to obstruct the use
15 of any crosswalk, wheelchair ramp, driveway, hydrant, call box,
16 or City emergency facility, or more than four feet (4') or less
than eighteen inches (18") from the curb;

17 2. Impair loading at any bus, taxi, passenger or
18 truck loading zone; hinder egress to parked vehicles in marked
19 parking stalls; obstruct sight lines of motorists at an
20 intersection; orient toward the roadway; or obscure any
regulatory sign;

21 3. Be fastened to any METRO ((~~facilities~~)) facility,
22 any utility pole or tree, or be permanently affixed to or
23 removed after affixation from the surface of any public place;

24 4. Contain advertising other than that which relates
25 exclusively to the publication or publications sold; or be used
26 for purposes other than the sale of such publications;

27 5. Exceed size limitations set by the ((Beard))
28 Director of Engineering;

6. Conflict with design policies adopted for

1 historical and special review districts or be placed within one
2 hundred twenty feet (120') of the limits of a street improvement
3 that provides for integration of newsstands into structures
4 located therein;

5 7. Conflict with a rule or regulation adopted by the
6 ((Board)) Director of Engineering pursuant to ((Section)) SMC
7 15.14.070 (~~provided that design standards adopted for~~
8 ~~newsstands shall not apply to those newsstands in place on July~~
9 ~~1, 1977 until January 1, 1982~~)).

10 B. The ~~((Board of Public Works may issue or authorize the~~
11 ~~City Engineer to))~~ Director of Engineering may issue a permit to
12 allow the location of a newsstand or to allow an action or
13 condition restricted by ~~((subsections 1 through 7,))~~ SMC
14 15.14.040-A.1-7 whenever the same constitutes a reasonable
15 accommodation that furthers the overall public interest.

16 Sec. 19. SMC 15.14.050 (§19E of Ordinance 90047, as last
17 amended by §5 of Ordinance 106583) is further amended as
18 follows:

19 **15.14.050 Congestion control.**

20 A. Without a permit from the ~~((Board of Public Works))~~
21 Director of Engineering no newsstand shall be placed within one
22 hundred twenty feet (120') of any corner or other location with
23 more than four (4) newsstands, or of any intersection with more
24 than twelve (12) newsstands, or the equivalent capacity in
25 multiple publication modular unit newsstands or attended
26 newsstands.

27 B. If application is made for a permit under this
28 section, the ((Board)) Director of Engineering shall determine
whether the totality of newsstands at such location will
conflict with the restrictions of subsections A1, 2, ~~((3,))~~ 5 or
6 of ((Section)) SMC 15.14.040 ~~((and if not,))~~ . If no such

1 conflict is evident, or if any such conflict would be allowed by
2 virtue of the Director of Engineering's issuance of a specific
3 permit therefor, or if ((the Board)) said Director finds that
4 the proposed newsstand together with the preexisting newsstands
5 represent a reasonable accommodation furthering the overall
6 public interest, the ((Board may issue or authorize the City
7 Engineer to)) Director of Engineering may issue a permit for
8 such proposed newsstand.

9 C. ((If)) Upon the timely appeal of the issuance or
10 denial by the Director of Engineering of a permit for a proposed
11 newsstand under this section ((be denied)), the Street Use
12 Appeals Board shall determine: (1) whether there is a
13 satisfactory alternate location for such newsstand in the
14 vicinity, ((or)) and, if no such location exists, (2) whether an
15 existing newsstand shall be displaced for such proposed news-
16 stand. When necessary, allocations of space for newsstands at
17 particular locations as provided herein shall be made in a
18 manner which:

19 (a) Offers the public convenient access to all publi-
20 cations, whether of large or small circulation;

21 (b) Guarantees to all publishers a reasonable repre-
22 sentation of their newsstands in public places;

23 (c) Provides opportunity for placement of newsstands
24 for new publications;

25 (d) Encourages efficient use of space through
26 attractive multiple-publication modular units; and

27 (e) Minimizes hardship to applicants denied permits
28 and to publishers whose newsstands are displaced.

Before allocating space at any location, the Street Use
Appeals Board shall afford the publishers affected a reasonable
opportunity to do so voluntarily.

1 and primary street uses;

2 5. Requiring any publisher to take such actions
3 respecting placement, maintenance, and repair of newsstands from
4 time to time as may be appropriate and to cooperate with City
5 officials in the implementation of this chapter;

6 B. Upon five (5) days' notice, or without notice if
7 emergency or unsafe conditions exist, impound newsstands unused
8 for thirty (30) days or left in place more than ten (10) days
9 after the publisher discontinues publication;

10 C. Upon five (5) days' notice, or with such notice as may
11 be practical if emergency or unsafe conditions exist, impound
12 newsstands in violation of this chapter, including newsstands
13 maintained without a permit where a permit is required;

14 D. Integrate newsstands into structures such as bus-stop
15 shelters and traffic-control devices in street areas in special
16 districts by local improvement district;

17 E. Recommend to the City's legislative authority for
18 adoption, by ordinance, of a schedule of fees for newsstands
19 under permit, for impounding and storage of newsstands, and for
20 relocating newsstands where authorized~~((, which fees shall take~~
~~effect upon approval of the Board's recommendation by the City~~
~~Council by resolution)); and~~

21 F. Dispose of, as abandoned property, any impounded
22 newsstand that is not claimed by the owner or other person
23 responsible within thirty (30) days from the date of
24 impoundment.

25 Sec. 21. SMC 15.14.080 (§19-H of Ordinance 90047, as last
26 amended by §1 of Ordinance 111214) is further amended as
27 follows:

28 **15.14.080 Review and hearings by Street Use Appeals Board.**

Any person or publisher aggrieved by the placement of a

1 newsstand in a public place or an action of the Director of
2 Engineering (~~(acting for and on behalf of the Board of Public~~
3 ~~Works)~~) with respect to a newsstand may seek review (~~(thereof)~~)
4 of such action by (~~(promptly)~~) filing within ten (10) days after
5 such action, a notice of appeal with the Street Use Appeals
6 Board(~~(, identifying)~~) on a form provided by said Director.
7 Such notice shall identify the action (~~(taken)~~) being appealed,
8 the appellant's objections (~~(made)~~) thereto, and the relief or
9 action desired from the Board (~~(and requesting a hearing~~
10 ~~thereon)~~). The Street Use Appeals Board shall then conduct a
11 hearing thereon. Unless an emergency or an unsafe condition
12 exists, a newsstand already in place shall remain in place
13 during a timely appeal until the Street Use Appeals Board makes
14 its decision. The (~~(decision of the)~~) Street Use Appeals Board
15 may sustain, modify, or prohibit or reverse any such newsstand
16 placement or action of the Director of Engineering, and its
17 decision shall be final and conclusive, subject to judicial
18 review.

19 Sec. 22. SMC 15.16.060 (§49-F of Ordinance 90047, as last
20 amended by §6 of Ordinance 109740) is further amended as
21 follows:

22 **15.16.060 Insurance.**

23 An applicant for a permit for a sidewalk cafe shall, prior
24 to issuance of such a permit, provide and maintain in full force
25 and effect while the permit is in effect, public liability
26 insurance in an amount specified by the (~~(Board of Public~~
27 ~~Works)~~) Director of Engineering sufficient to cover potential
28 claims for bodily injury, death, or disability and for property
damage, which may arise from or be related to the use of
sidewalk area for sidewalk cafe purposes, naming the City an
additional insured.

1 C. Upon completion of the investigation of street use as
2 applied for, the (~~Board of Public Works~~) Director of Engineer-
3 ing may (~~direct a permit be granted~~) grant the requested per-
4 mit, subject to the applicant's furnishing public liability
5 insurance and a cash deposit and/or surety bonds as (~~the City~~
6 ~~Engineer~~) said Director deems necessary to protect the City
7 from any claims for damages to persons or injury to public
8 utilities or any other cause arising out of the street use. The
9 (~~City Engineer~~) Director of Engineering may revise (~~such~~
10 ~~plans and application,~~) the applicant's or permittee's plans
11 and confine the use of street to the area (~~he~~) said Director
12 finds to be of the greatest safety for the public. (~~He~~) The
13 Director of Engineering may alter conditions of the permit any
14 time (~~he~~) said Director finds that such use may cause damage
15 to persons or things, or to any improvements of the City.
16 (~~He~~) The Director of Engineering shall judge the adequacy of
17 protective devices installed in street area to safeguard utility
18 and traffic facility devices.

17 D. All determinations of the Director of Engineering with
18 respect to the issuance or denial of permits for building
19 operations shall be subject to appeal to the Street Use Appeals
20 Board.

21 Sec. 24. SMC 15.24.020 (§26(B) of Ordinance 90047) is
22 amended as follows:

23 **15.24.020 Permit required.**

24 It shall be unlawful for any person to erect, hang, build
25 or maintain any scaffold over any public place without a permit
26 from the (~~Board of Public Works~~) Director of Engineering.
27 However, a general permit for the use of the public place while
28 building or remodeling a structure shall carry with the right
for such scaffolding.

1 Sec. 25. SMC 15.28.030 (§28-A(C) of Ordinance 90047, as
2 last amended by part of §2 of Ordinance 108382) is further
3 amended as follows:

4
5 **15.28.030 Application for permit.**

6 All applications for permit to move buildings through, or
7 across public places of the City shall be made to the Director
8 of Engineering on a form provided by the Director of
9 Engineering. Every such application shall state the location of
10 the building to be moved, its dimensions and its principal
11 materials; shall definitely describe the route over which the
12 building is to be moved, the length of time that will be
13 required to move it, and the proposed new location thereof.
14 Before any permit to move a building to a site within the City
15 is issued, specific written approval must be obtained from the
16 ((Building Department)) Department of Construction and Land Use.
17 The approval of all public utilities owned and operated by the
18 City is also necessary, if those utilities are to be disturbed.

19 Sec. 26. SMC 15.28.060 (§28-A(F) of Ordinance 90047, as
20 last amended by §2 of Ordinance 108382) is further amended as
21 follows:

22 **15.28.060 Determination of probable interference ((--
23 Public hearing)).**

24 A. The Director of Engineering shall ascertain the
25 probable interference with the rights of the public that such
26 moving will cause, and any other facts which may aid in deter-
27 mining whether or not such permit should be granted. The
28 Director of Engineering shall also prescribe the time such
moving shall be done, the route to be followed and such traffic
barricades and escorts and any other stipulations ((he/she))
such official may deem necessary for public safety and con-

1 venience. (~~He/she shall endorse his/her findings thereon and~~
2 ~~transmit the same to the Board of Public Works.~~)

3 B. If the Director of Engineering finds the injury and
4 inconvenience to the public, to owners of private property, and
5 to public utilities is minor, said Director may grant the permit
6 without a hearing. (~~The Board of Public Works may, i~~) If the
7 Director of Engineering finds that the injury or inconvenience
8 to the public, to public utilities or to owners of private
9 property is apparently (~~excessive as to~~) greater than the
10 value of the building to be moved, said Director shall notify
11 the owners or agents of the properties that the Street Use
12 Appeals Board will conduct a public hearing (~~will be held~~)
13 regarding such application, and set a date for this hearing. At
14 this hearing, all persons interested may appear and (~~object to~~
15 ~~the granting of~~) offer their opinion regarding whether or not
16 such permit should be granted. (~~If the Board of Public Works~~
17 ~~finds the injury and inconvenience to the public, to owners of~~
18 ~~private property, and to public utilities is minor, the permit~~
19 ~~may be granted without a hearing.~~)

18 C. Whenever the (~~Board of Public Works~~) Director of
19 Engineering determines that a public hearing must be held to
20 determine (~~the feasibility of moving a building~~) whether or
21 not a permit to move a building should be granted, the applicant
22 shall pay the cost to the City for advertising (~~a~~) the hear-
23 ing. Payment shall be made to the (~~Treasurer of the~~) City
24 Treasurer or such official's functional successor and the
25 receipt therefor shall be delivered to the Director of
26 Engineering. The receipt number for the sum shall be recorded
27 on the application for the permit.

27 D. Based upon the findings of the Director of Engineering
28 with respect to such application and the testimony received
 during its public hearing on such application, the Street Use

1 Appeals Board shall determine whether or not such permit shall
2 be granted.

3 Sec. 27. SMC 15.30.010 (§29 of Ordinance 90047) is amended
4 as follows:

5 **15.30.010 Construction work -- Permit required.**

6 It shall be unlawful for anyone holding a franchise(~~(7)~~)
7 from the City, or who may hereafter be granted such a franchise,
8 to use or occupy any public place, to go upon such public place,
9 or to perform any construction work therein (~~(which shall)~~) that
10 disturbs the surface of the street, planting (parking) strip or
11 sidewalk, without complying with all (~~(the)~~) provisions of this
12 subtitle in relation thereto and obtaining and having a permit
13 from the (~~(Board of Public Works so to do)~~) Director of
14 Engineering for such activity. (~~(7 provided, that the City~~
15 ~~Engineer may, without referring the application to the Board of~~
16 ~~Public Works, in his reasonable discretion, issue any permits~~
17 ~~necessary for the placing of crossarms, wires, transformers or~~
18 ~~other apparatuses, or poles already placed, or for the emergency~~
19 ~~repair of any existing construction or service connections.)~~)

19 Sec. 28. SMC 15.30.020 (Part of §29 of Ordinance 90047, as
20 amended by §1 of Ordinance 110258) is further amended as
21 follows:

22 **15.30.020 Permit -- Application and Issuance**

23 In order to obtain the permit provided for in (~~(Section)~~)
24 SMC 15.30.010, anyone desiring to do such work shall file with
25 the (~~(City Engineer)~~) Director of Engineering an application
26 (~~(therefor)~~), on a form furnished by (~~(the City Engineer)~~) such
27 official, which application therefor shall be accompanied by a
28 plat(~~(7)~~) drawn to an accurate scale, (~~(such plat being made~~
~~conformable)~~) conforming to such reasonable rules and regula-
tions as (~~(the City Engineer)~~) such official may prescribe, and

1 showing the exact location, character, position, dimension,
2 depth and height of the work proposed to be done. (~~The City~~
3 ~~Engineer shall note on such application his recommendation and~~
4 ~~shall transmit the application to the Board of Public Works,~~
5 ~~which p))~~ Prior to the granting of any permit, the Director of
6 Engineering may require such modifications or changes to the
7 proposed work as ((it)) such official deems necessary properly
8 to protect the public in the use of the public places, and shall
9 in the permit, if the same be granted, fix the time or times
10 within and during which such work shall be done. (~~When such~~
11 ~~application has been granted by the Board of Public Works a~~
12 ~~permit allowing such construction shall be issued from the~~
13 ~~office of~~ t)) The ((City Engineer, ~~who~~)) Director of
14 Engineering shall have the power to supervise, regulate and
15 direct the construction and ((~~who~~)) shall keep a record of
16 ((~~this~~)) each such permit and the work done thereunder. Permits
17 issued by the ((~~City Engineer or the Board of Public Works~~))
18 Director of Engineering may be revoked by ((~~the Board of Public~~
19 ~~Works~~)) such official on ten (10) days' notice.

19 Sec. 29. SMC 15.30.030 (Part of §29 of Ordinance 90047 as
20 last amended by §1 of Ordinance 110258) is further amended as
21 follows:

22 **15.30.030 Payment of fees.**

23 Anyone doing construction work under ((~~such~~)) a permit
24 ((~~either~~)) from the ((~~Board of Public Works or the~~)) Director of
25 Engineering shall, in addition to the permit fee authorized in
26 ((~~Section~~)) SMC 15.04.070, pay into the Engineering Department
27 Operating Fund such amounts as, in the judgment of the Director
28 of Engineering, are reasonably necessary to investigate any
application for construction work, to inspect such work, to
secure proper field notes of location, and to plat such location

1 on the permanent records of the City Engineering Department, or
2 to inspect or reinspect as to maintenance during the progress of
3 or after the repair of any construction placed under permits
4 previously issued; or shall pay permit fees specified by
5 ordinance when required.

6
7 Sec. 30. SMC 15.30.050 (Part of §29 of Ordinance 90047) is
8 amended as follows:

9 The (~~Board of Public Works~~) Director of Engineering may,
10 in (~~its~~) such official's reasonable discretion, defer the
11 action of (~~the~~) any permit provided for in this chapter, until
12 such time as (~~it~~) such official deems proper in all cases
13 where the public place on which the work is desired to be done
14 is occupied or about to be occupied in any work by the City, or
15 by some other person having a right to use the same in such
16 manner as to render it seriously inconvenient to the public to
17 permit any further obstruction thereof at such time, and (~~may~~)
18 in granting such permit, may so regulate the manner of doing
19 such work as shall cause least inconvenience to the public in
20 the use of such public place(~~(7)~~); and in all cases any work of
21 the City or its contractors or employees shall have precedence
22 over all work of every other kind.

23 Sec. 31. SMC 15.32.010 (§30 (part) of Ordinance 90047, as
24 last amended by part of §1 of Ordinance 96598) is further
25 amended as follows:

26 **15.32.010 Permit required.**

27 It shall be unlawful for anyone acting as a person, firm,
28 company, corporation or association having the right under the
Charter, any ordinance or franchise or under any other law to
construct, maintain and operate on, under or over the streets,
alleys or public places of the City, pipes, ducts, utility

1 tunnels, vaults, manholes, poles, fixtures, wires or any other
2 appurtenances necessary for the purpose of conducting any lawful
3 business, either public or private, to go upon any such public
4 place to perform any work therein which will disturb the surface
5 of the street, planting strip or sidewalk, or to occupy area
6 upon the surface or beneath the surface of the street, planting
7 strip or sidewalk without complying with all the provisions of
8 any ordinance in relation thereto and obtaining and having a
9 permit from the (~~Board of Public Works so to do~~) Director of
10 Engineering for such purpose (~~;~~ ~~provided, that the City Engineer~~
11 ~~may, without referring the application to the Board of Public~~
12 ~~Works, in his reasonable discretion, issue any permits necessary~~
13 ~~for the placing of crossarms, wires, transformers or other~~
14 ~~apparatuses, on poles already placed, or for the emergency~~
15 ~~repair of any existing construction, or for service~~
16 ~~connections)). Permits issued ((either)) by the ((~~City Engineer~~~~
17 ~~or the Board of Public Works)) Director of Engineering may be
18 revoked on ten (10) days' notice ((~~by the Board of Public~~
19 ~~Works)))).~~~~

19 Sec. 32. SMC 15.32.020 -A, -B, -C, -D, -F, -G, -H, and -J
20 (parts of §30 of Ordinance 90047, as last amended by part of §2
21 of Ordinance 110258) are further amended as follows:

22 **15.32.020 Terms of use and occupancy of streets.**

23 The terms and conditions of the use and occupancy of public
24 streets and alleys in the City by anyone constructing or
25 operating under authority of this chapter and ordinances
26 amendatory thereto shall be as follows:

27 A. Anyone desiring to place or maintain any of the
28 authorized facilities mentioned in ((~~Section~~)) SMC 15.32.010
shall, prior to the commencement of any construction work, file
with the Director of Engineering an application for a permit

1 therefor (~~as hereinbefore described. When permission has been~~
2 ~~granted by the Board of Public Works~~) If a permit allowing such
3 construction (~~shall be~~) is issued (~~from the office of the~~
4 ~~City Engineer~~), the Director of Engineering (~~who~~) shall have
5 power to supervise, regulate and direct the construction and
6 (~~who~~) shall keep a record of the permit and the work done
7 thereunder.

8 B. Anyone doing construction work under permit from
9 (~~either the Board of Public Works or~~) the Director of
10 Engineering shall, in addition to the permit fee authorized in
11 (~~Section~~) SMC 15.04.070, pay into the Engineering Department
12 Operating Fund such amounts as, in the judgment of the Director
13 of Engineering, are reasonably necessary to investigate and
14 process any application for construction work, (~~to~~) inspect
15 such work, (~~to~~) secure proper field notes for location, (~~and~~
16 ~~to~~) plat such locations on the permanent records of the
17 Engineering Department, (~~or to~~) and inspect or reinspect as to
18 maintenance, during the progress of or after the repair of, any
19 construction placed under permits previously issued.

20 C. Anyone constructing under authority of this chapter and
21 ordinances amendatory thereof (~~to~~) any underground ducts or
22 conduits, shall, when the number of main line ducts or conduits
23 exceeds two (2), reserve free of cost to the City for the
24 exclusive use of governmental communication, traffic signal, and
25 other governmental signal purposes, additional ducts in the
26 proportion of one (1) duct for every five (5) or less
27 constructed (~~to~~); provided, the (~~Board of Public Works~~)
28 Director of Engineering may, in (~~its~~) such official's
reasonable discretion, limit the number of ducts to be reserved.

D. Anyone erecting or maintaining poles under authority of
this chapter shall allow anyone constructing under authority of
this chapter and ordinances amendatory thereof, joint use of its

1 poles upon payment, except as provided in (~~subsection E of this~~
2 ~~section,~~) SMC 15.32.020-E, of a reasonable proportion of the
3 cost of such poles installed and shall obey any order issued by
4 the (~~Board of Public Works~~) Director of Engineering relative
5 to the joint use of poles.

6 F. Anyone erecting or maintaining poles under authority of
7 this chapter shall, upon order of the (~~Board of Public Works or~~
8 ~~the City Engineer~~) Director of Engineering, paint or repaint
9 its poles to such height and in such colors and at such times as
10 (~~the Board of Public Works or the City Engineer~~) said official
11 may direct.

12 G. Anyone having a franchise from the City, upon twenty-
13 four (24) hours' notice from the (~~Board of Public Works~~)
14 Director of Engineering, shall, at his, her or its own cost and
15 expense, disconnect or move his, her or its wires to allow for
16 the moving of buildings across or along any such street, alley,
17 or other public place; provided, that any cost to the (~~compa-~~
18 ~~nies~~) franchise holders affected exceeding, in the judgment of
19 the (~~Board of Public Works~~) Director of Engineering, a
20 reasonable percentage of the value of the building, shall be
21 borne by the person desiring to move the building.

22 H. Anyone upon order of the (~~City Engineer or the Board~~
23 ~~of Public Works~~) Director of Engineering, shall upon ten (10)
24 days' notice, at his, her or its own cost and expense, move any
25 underground, surface or overhead construction which interferes
26 with any local improvement district work or with any
27 construction for public purposes authorized or ordered by the
28 City.

J. Anyone accepting permits under the terms of this
chapter for the installation of any pipe((s)), duct((s)),
utility tunnel((s)), vault((s)), manhole((s)), pole((s)),
wire((s)) or any other appurtenance((s)) shall remove such

1 installation when it is no longer required or used and the
2 ((Board of Public Works)) Director of Engineering orders the
3 removal thereof.

4
5 Sec. 33. SMC 15.34.010 (§31 of Ordinance 90047) is amended
6 as follows:

7 **15.34.010 Temporary fence to protect plantings.**

8 Under a permit to improve a planting (parking strip by
9 grass, flowers, shrubs and trees, a fence with a one-inch (1")
10 by three-inch (3"), or wider, board along the top, and at least
11 thirty inches (30") high, may be temporarily maintained until
12 such grass, flowers, shrubs and trees shall become thoroughly
13 rooted. The ((Board of Public Works)) Director of Engineering
14 may order the removal of such fence if such official deems the
15 same to be ((considered)) hazardous to the public.

16
17 Sec. 34. SMC 15.42.030 (§35(C) of Ordinance 90047) is
18 amended as follows:

19 **15.42.030 Contact with telephone or electric wires.**

20 No trees shall be allowed to come in contact with
21 telephone, telegraph, electric or power wires of public service
22 companies or of the City((+ provided, however, that)) where such
23 wires are twenty-five feet (25') or more above the level of the
24 public place over which they pass. When the ((Board of Public
25 Works shall)) Director of Engineering finds that such trees are
26 coming in contact with ((the)) such wires of public service
27 companies or of the City, ((the Board)) said Director may order
28 the trees trimmed, and if not so trimmed within ten (10) days
after service of written notice upon the owner of such trees, or
the posting of written notice thereof upon the premises, the
((Board may direct the City Engineer to)) Director of Engineer-
ing may issue a permit to the owner(s) of the wires, authorizing

1 them to trim such trees at their own expense. If the work
2 ((be)) is done by the owner(s) of the wires, the ((City Engi-
3 neer)) Director of Engineering or his/her representative may
4 accompany ((them)) such owner(s) or the contractor therof and
5 have charge of the work, and the cost of ((supervision))
6 supervising such trimming shall be borne by the owner(s) of the
7 wires.

8 Sec. 35. SMC 15.42.050 (§35(E) of Ordinance 90047) is
9 amended as follows:

10 **15.42.050 Conformance to Street Tree Planting Standards.**

11 Tree planting shall conform to the Street Planting
12 Standards of the City of Seattle adopted by the Board of Public
13 Works and continued in effect pursuant to this ordinance or as
14 later modified by the Director of Engineering, insofar as
15 practical. Changes from those standards may not be granted
16 without approval of the ((Board)) Director of Engineering.

17 Sec. 36. SMC 15.42.060 (§35(F) of Ordinance 90047) is
18 amended as follows:

19 **15.42.060 Removal of hazards.**

20 If any such trees or shrubs are or become a hazard, the
21 ((Board of Public Works)) Director of Engineering may order the
22 same removed as provided by this subtitle.

23 Sec. 37. SMC 15.44.130(A) (§41(m) of Ordinance 90047 as
24 last amended by §1 Ordinance 109507) is further amended as
25 follows:

26 **15.44.130 Collection of Charges.**

27 A. The holder of ((the)) any permit provided for in
28 ((Section)) SMC 15.44.020, or contractor making the excavation
or fill described in ((Section)) SMC 15.44.020, or the owner of

1 the property upon which such excavation or fill is being made
2 shall pay all charges assessed pursuant to this subtitle on or
3 before thirty (30) days after mailing of a statement of charges
4 by the Director of Engineering. In event of an appeal pursuant
5 to (~~Sections~~) SMC 15.44.140 and 15.44.150, the Street Use
6 Appeals Board (~~of Public Works~~) may extend the time for
7 payment pending its determination of the appeal and for a
8 reasonable time thereafter.

9 Sec. 38. SMC 15.44.140 (§41(n) of Ordinance 90047 as last
10 amended by §1 Ordinance 109507) is further amended as follows:

11 **15.44.140 Appeal.**

12 A. An applicant for the permit provided for in (~~Section~~)
13 SMC 15.44.020, feeling aggrieved by any of the following
14 actions, charges or determination of the Director of Engineering
15 may within ten (10) days thereof appeal the same to the (~~Board~~
16 ~~of Public Works~~) Street Use Appeals Board by filing a written
17 notice of appeal with the Board:

18 1. The denial of a permit to excavate or fill
19 required by (~~Section~~) SMC 15.44.020;

20 2. The amount or insufficiency of the security to be
21 posted pursuant to (~~Section~~) SMC 15.44.030;

22 3. The amount and coverage of the insurance to be
23 supplied pursuant to (~~Section~~) SMC 15.44.030;

24 4. Requests for soil investigations made pursuant to
25 (~~Section~~) SMC 15.44.090;

26 5. Actions imposing conditions modifying, or
27 rejecting any special plans, specifications, shoring plans, and
28 proposed methods of construction required by (~~Sections~~) SMC
15.44.070 or 15.44.090;

Provided, no appeal may be made from such actions or determina-
tions after the applicant has accepted the permit to excavate or

1 fill. Unless otherwise directed by the Board, no such permit to
2 excavate or fill shall issue until after final determination of
3 any such appeal.

4 B. A holder of the permit provided for in ((Section)) SMC
5 15.44.020, feeling aggrieved by any of the following actions,
6 charges or determinations of the Director of Engineering may
7 within ten (10) days thereof appeal the same to the ((Board of
8 ~~Public Works~~)) Street Use Appeals Board by filing a written
9 notice of appeal with the Board:

10 1. A directive by the City Engineer to increase the
11 security required pursuant to ((Section)) SMC 15.44.030;

12 2. The amount of charges for actions taken pursuant
13 to ((Section)) SMC 15.44.120 or 15.22.090 to protect the
14 public;

15 3. Suspension or revocation of the permit pursuant to
16 ((Section)) SMC 15.44.110.

17 C. Any such permit holder feeling aggrieved by any action,
18 directive or determination of the Director of Engineering made
19 or taken pursuant to ((Section)) SMC 15.44.120, other than the
20 amount of charges made thereunder, may appeal from the same to
21 the ((Board of Public Works)) Street Use Appeals Board by filing
22 a written notice of appeal with the Board within three (3) days
23 (exclusive of Saturday, Sunday and holidays) from the date the
24 direction or determination was first made, or the action first
25 taken; provided, that the permit holder shall fully comply with
26 the Director of Engineering's direction or determination pending
27 the decision of the Board, and no compensation shall be paid or
28 allowed such permit holder for any expenses incurred in connec-
tion with compliance. The ((Board of Public Works)) Street Use
Appeals Board may sustain, modify or reverse any such action,
charge or determination of the Director of Engineering and its
decision shall be final.

1 Sec. 39. SMC 15.44.150 (§41(o) of Ordinance 90047 as last
2 amended by part of §1 Ordinance 109507) is further amended as
3 follows:

4 **15.44.150 Form of notice of appeal.**

5 The written notice of appeal required in ~~((Section))~~ SMC
6 15.44.140 shall be filed in triplicate, describe precisely the
7 action or determination appealed, explain the error alleged
8 therein, and propose the action desired from the ~~((Board))~~
9 Director of Engineering.

10 Sec. 40. SMC 15.44.170-B (§41(q) of Ordinance 90047 as
11 last amended by §1 Ordinance 109507) is further amended as
12 follows:

13 B. Should the Director of Engineering find:

14 1. The encroachment in a public place contemplated by
15 the soldier piles and other shoring materials will not interfere
16 with any of its present or prospective primary or secondary
17 uses; and

18 2. Should the need for the street area occupied
19 arise, it would be feasible to remove the encroachment without
20 expense to the public, he/she may by permit authorize the
21 portion of soldier piles and shoring materials situated four
22 feet (4') or more below the established grade of a public place
23 to remain in place until such time as ~~((the City, through its~~
24 ~~Board of Public Works, (or successor body))~~ such official or
25 his/her successor determines that the same obstructs a primary
26 or secondary street use and orders removal of the same.

26 Sec. 41. SMC 15.50.010 (§44 of Ordinance 90047) is amended
27 as follows:

28 **15.50.010 Notice calling for compliance.**

 The ~~((Board of Public Works or the City Engineer are))~~

1 Director of Engineering is authorized to post notice on private
2 property at or abutting the scene of any violation of this
3 subtitle, calling for the terms of this subtitle to be complied.

4
5 Sec. 42. SMC 15.50.020 (§45 of Ordinance 90047) is amended
6 as follows:

7 **15.50.020 Removing or destroying notices prohibited.**

8 It shall be unlawful for anyone to remove, mutilate,
9 destroy or conceal any notice issued or posted by the ((~~Board of~~
10 ~~Public Works or the City Engineer~~)) Director of Engineering
11 pursuant to the provisions of this subtitle.

12 Sec. 43. SMC 15.50.040 (§47 of Ordinance 90047) is amended
13 as follows:

14 **15.50.040 Violation -- Penalty.**

15 Anyone who shall violate or fail to comply with any of the
16 provisions of this subtitle, or who shall fail to remove any
17 obstruction or discontinue use or occupancy of any public place
18 when ordered to do so by the ((~~Board of Public Works~~)) Director
19 of Engineering, under authority of this subtitle, shall upon
20 conviction be punished by a fine in a sum not exceed Five
21 Hundred Dollars (\$500.00) or by imprisonment ((~~in the City~~
22 ~~Jail~~)) for a term not exceeding six (6) months or by both such
23 fine and imprisonment, and each day any person shall continue to
24 violate or fail to comply with the provisions of this subtitle
25 shall be deemed and considered a separate offense.

26 Sec. 44. SMC 15.64.030 (part of §1 of Ordinance 110311) is
27 amended as follows:

28 **15.64.030 Recommendation of Street Use Appeals Board ((~~of Public~~
~~Works~~)).**

The City Council shall refer each ((~~petition~~)) application

1 for a skybridge permit to the Street Use Appeals Board (~~of~~
2 ~~Public Works~~) for a recommendation. Thereafter, the Street Use
3 Appeals Board and the City Council shall follow the procedures
4 set forth in (~~Sections~~) SMC 15.64.040, et seq., of this
5 chapter.

6 Sec. 45. SMC 15.64.040 (part of §1 of Ordinance 110422) is
7 amended as follows:

8 **15.64.040 Preliminary application.**

9 At the time of filing the (~~petition~~) application, the
10 applicant shall also submit to the (~~Board of Public Works on a~~
11 ~~form supplied by the~~) Director of Engineering (~~a preliminary~~
12 ~~application for a skybridge permit.~~) on a form supplied by such
13 official, (~~The application shall include~~) the following:

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

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

19 C. Drawings of the proposed skybridge showing its visual
20 appearance.

21 D. Photographs of the location and immediately surrounding
22 area;

23 E. An environmental checklist as defined by WAC 197-10-365
24 and adopted by (~~Section~~) SMC 25.04.020 (~~of the Seattle~~
25 ~~Municipal Code~~);

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

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

Sec. 46. SMC 15.64.060 (part of §1 of Ordinance 110422) is

1 amended as follows:

2 **15.64.060 Preliminary conceptual approval.**

3 The Director of Engineering shall compile the comments and
4 recommendations of the Seattle Design Commission, the various
5 City departments, Executive Department offices, and utilities
6 and submit them, along with the preliminary application,
7 conceptual drawings and environmental documents, to the Street
8 Use Appeals Board (~~((of Public Works))~~) for conceptual approval
9 review of the proposed skybridge. Upon completion of review,
10 the Street Use Appeals Board shall recommend to approve, deny or
11 modify the application, and transmit the recommendation,
12 together with the preliminary application, conceptual drawings
13 and environmental documents, to the City Council or a committee
14 thereof for conceptual approval.

15 Sec. 47. SMC 15.64.065-A (part of §1 of Ordinance 110422)
16 is amended as follows:

17 A. The City Council or a committee thereof shall consider
18 the recommendation of the Street Use Appeals Board (~~((of Public~~
19 ~~Works))~~) and shall include in its consideration those elements
20 set out in (~~(Section)~~) SMC 15.64.050(~~(, subsection)~~)-B. Upon
21 completion of consideration of the recommendation of the Street
22 Use Appeals Board (~~((of Public Works))~~), the City Council shall by
23 resolution approve, deny, or approve with requirements or
24 conditions, the application for conceptual approval of the
25 skybridge.

26 Sec. 48. SMC 15.64.070 (part of §1 of Ordinance 110422) is
27 amended as follows:

28 **15.64.070 (~~((Final recommendation to the Board of Public~~
~~Works))~~) Submission of Construction Plans.**

If conceptual approval of the preliminary application is

1 obtained from the City Council, the applicant shall submit
2 construction plans to the Director of Engineering, the Director
3 of Construction and Land Use, and the Seattle Design Commission
4 for their final review and recommendation to the Street Use
5 Appeals Board (~~(of Public Works)~~).

6
7 Sec. 49. SMC 15.64.080 (part of §1 of Ordinance 110422) is
8 amended as follows:

9 **15.64.080 Council consideration of petition.**

10 A. The Street Use Appeals Board (~~(of Public Works)~~) shall
11 determine if the construction plans are in substantial con-
12 formance with the application which was given preliminary
13 conceptual approval, including any requirements or conditions
14 imposed by the Council.

15 B. Upon completion of its final review of the con-
16 struction plans, the Street Use Appeals Board (~~(of Public~~
17 ~~Works)~~) shall transmit its final recommendation to the City
18 Council for its decision to grant or deny the (~~(petition)~~)
19 application for a skybridge permit.

20 C. Approval of an (~~(petition)~~) application for a
21 skybridge and permit shall be granted only by ordinance.

22 Sec. 50. SMC 15.72.010 (§1 of Ordinance 45712) is amended
23 as follows:

24 **15.72.010 Notice to clear or clean sidewalk.**

25 Whenever, in the judgment of the (~~(Board of Public Works)~~)
26 Director of Engineering, the condition of any sidewalk, or any
27 portion thereof, in the City(~~(7)~~) is such as to render the same
28 unfit or unsafe for purposes of public travel, or require
clearing, cleaning, repair or renewal, (~~(the Board)~~) said
official is authorized, empowered and directed to serve upon the
owner of the property immediately abutting upon the sidewalk, a

1 notice advising such owner of the condition thereof and
2 instructing him/her to clear, clean, repair or renew the same.

3
4 Sec. 51. SMC 15.72.020 (§2 of Ordinance 45712) is amended
5 as follows:

6 **15.72.020 Notice -- Information.**

7 The notice provided for in ((Section)) SMC 15.72.010 shall
8 specify a reasonable time, to be stated therein, within which
9 such clearing, cleaning, repair or renewal shall be done, and
10 shall state that in case the owner shall fail to do such
11 clearing or cleaning or to make such repairs or renewals within
12 the time therein specified, the ((Board of Public Works))
13 Engineering Department will clear or clean the walk or make such
14 repairs or renewal forthwith, and will report to the City
15 Council at its next regular meeting, or as soon thereafter as
16 possible, the date to be definitely stated, an assessment roll
17 showing the lot or parcel of land immediately abutting on that
18 portion of the sidewalk so improved, the cost of such
19 improvement or repair, and the name of the owner if known; and
20 that the Council will hear any or all protests against the
21 proposed assessment.

22 Sec. 52. SMC 15.72.040 (§4 of Ordinance 45712) is amended
23 as follows:

24 **15.72.040 Work done by ((Board of Public Works))
25 Engineering Department -- Report to Council.**

26 In case any property owner fails or neglects to clear,
27 clean, repair or renew the sidewalk, or any portion thereof, in
28 accordance with the requirements of the notice provided for in
((Section)) SMC 15.72.010, the ((Board of Public Works))
Director of Engineering shall cause such sidewalk to be cleared,
cleaned, repaired or renewed, and thereupon shall report to the

1 City Council an assessment roll showing the lot of parcel of
2 land immediately abutting upon the portion of the sidewalk so
3 improved, the cost of such improvement or repair and the name of
4 the owner, if known.

5
6 Sec. 53. SMC 15.74.030 (§3 of Ordinance 95776 as last
7 amended by part of §11 of Ordinance 109754) is amended as
8 follows:

9 **15.74.030 Revocation of permit or alteration of driveway.**

10 Where the safe and efficient flow of vehicular and
11 pedestrian traffic require, (~~and upon the recommendation of~~)
12 the Director of Engineering(~~(, the Board of Public Works)~~) may
13 revoke any permit issued hereunder or order the alteration of a
14 driveway for which a permit has been issued. The notice of
15 alteration shall be in writing, be served upon the permittee, or
16 (~~his~~) the permittee's successor, and shall require compliance
17 within one hundred eighty (180) days of said notice.

18 Sec. 54. SMC 15.78.010 (§1 of Ordinance 2532) is amended
19 as follows:

20 **15.78.010 Notice of street closure for repairs or pipe
21 laying.**

22 Whenever the (~~Board of Public Works~~) Director of
23 Engineering shall begin, or cause to be begun, any work of
24 grading, repairing or altering any street, or altering any
25 street, or laying water or sewer pipe therein so as to prevent
26 the free passage of vehicles over the same, (~~it~~) said
27 Director shall give immediate notice to the Chief of the Fire
28 Department and the Superintendents of Water and City Light of
the street, or streets, or parts thereof, affected, together
with a statement of the probable length of time that the
obstruction will continue; and when such street shall be in

1 condition for travel the ((Board)) Director of Engineering shall
2 notify ((~~the Chief of the Fire Department~~)) those same City
3 department heads of such fact.

4
5 Sec. 55. A new chapter, Ch. 15.90, is hereby added to the
6 Seattle Municipal Code as follows:

7 Chapter 15.90

8 Street Use Appeals Board

9 **15.90.010 Street Use Appeals Board Established - Membership.**

10 A. There is hereby established a Street Use Appeals Board
11 composed of the following officials:

- 12 1. The Superintendent of Parks & Recreation;
- 13 2. The Director of Engineering;
- 14 3. The Director of Construction & Land Use;
- 15 4. The Director of Neighborhoods; and
- 16 5. The Superintendent of Water or the Superintendent
17 of City Light, as determined by the chair of the Board
18 for each matter coming before the Board.

19 B. Each such member may designate, on an annual basis,
20 such member's alternate, who shall be a senior administrator
21 within such member's department who has knowledge of the con-
22 cerns of that department and City policies and interests regard-
23 ing matters coming before the Board.

24 C. The members of such Board other than the Superinten-
25 dents of Water and City Light shall elect from among themselves,
26 on an annual basis, a chair who shall preside over all meetings
27 of such Board in addition to exercising the right to vote in all
28 matters coming before such Board.

15.90.020 - Functions.

In addition to the advisory and quasi-legislative decision-
making specified in SMC 11.16.315, and -.317, the Street Use

1 Appeals Board may hear and decide appeals of the determinations
2 and actions of the Director of Engineering and Traffic Engineer
3 listed below:

4 A. The closure, or authorization to close, pursuant to
5 SMC 11.16.125-A, of any street or alley or portion thereof to
6 any or all traffic;

7 B. The designation of which streets shall be used for one
8 (1) way traffic, and the allowable direction thereof, under SMC
9 11.16.125-B;

10 C. The addition or deletion, pursuant to SMC 11.16.317,
11 of streets or street segments within a residential parking zone
12 along which parking shall be restricted;

13 D. The issuance or revocation, pursuant to SMC 11.73.200,
14 of permits for parking in a residential parking zone;

15 E. The approval or denial of a street use permit, gener-
16 ally, pursuant to SMC 15.04.010;

17 F. The determination, pursuant to SMC 15.04.040, of the
18 amount of any cash indemnity deposit, or surety bond in lieu
19 thereof or in addition thereto, that is required of an applicant
20 for a street use permit;

21 G. The determination, pursuant to SMC 15.04.040, of the
22 amount of public liability insurance coverage that is required
23 of an applicant for a street use permit;

24 H. The determination, pursuant to SMC 15.04.050, of the
25 amount of any surety bond that is required of an applicant for
26 a street use permit;

27 I. The revocation, pursuant to SMC 15.04.070, of any
28 street use permit;

J. The approval or denial, pursuant to SMC 15.08.080, of
a request to construct a street elevator;

K. The approval or denial, pursuant to SMC 15.10.020, of
a request for exception to minimum height requirement applicable

1 to marquees, awnings and canopies;

2 L. The approval or denial, pursuant to SMC 15.10.030, of
3 a request for exception to vertical depth requirement applicable
4 to marquees;

5 M. The approval or denial, pursuant to SMC 15.12.030, of
6 a request for a permit to hang a banner;

7 N. The approval or denial, pursuant to SMC 15.14.040 and
8 -.050, of a request for a permit for a newsstand location not
9 generally permitted by ordinance; and

10 O. The issuance or denial, under SMC Ch. 16.60, of a
11 permit to use or occupy any part of a waterway or any part of
12 the land portion of a waterway.

13 **15.90.030 - Procedures**

14 Any person aggrieved by a determination or action of the
15 Director of Engineering or Traffic Engineer listed in SMC
16 15.90.020 may seek review thereof by filing with the Street Use
17 Appeals Board, a notice of appeal on a form provided by the
18 Director of Engineering therefor, within ten (10) days after the
19 determination or action that is to be the subject of such
20 appeal. The notice of appeal shall identify the action(s) taken
21 and determination(s) made that are being appealed, the appel-
22 lant's objection(s) thereto, the specific relief or alternative
23 action that is sought by the appellant and whether or not an
24 immediate stay of any authorization granted by the Traffic
25 Engineer or Director of Engineering is desired. The Street Use
26 Appeals Board shall conduct a hearing regarding such appeal
27 within thirty (30) days after receipt of any such appeal,
28 according to hearing rules adopted by such Board pursuant to the
City's Administrative Code (SMC Ch. 3.02). The Street Use
Appeals Board may affirm, modify, prohibit or reverse any action
or determination listed in SMC 15.90.020; and such Board action

1 shall be final and conclusive, subject to judicial review.

2
3 Sec. 56. SMC 16.60.010 (§65 of Ordinance 87983, as last
4 amended by §9 of Ordinance 100171) is further amended as
5 follows:

6 **16.60.010 Use of land portions of waterways**

7 It shall be unlawful for anyone to use or occupy the land
8 portion of a waterway for private purposes without a written
9 permit from the (~~Board of Public Works~~) Director of
10 Engineering so to do other than for access to or immediate
11 loading and unloading of vessels, watercraft or obstructions
12 then in the navigable portions thereof or launching or landing
13 the same.

14 Sec. 57. SMC 16.60.020 (§67 of Ordinance 87983, as last
15 amended by part of §11 of Ordinance 100171) is further amended
16 as follows:

17 **16.60.020 Use of waterways.**

18 A. All use and occupation of waterways, whether by permit
19 or otherwise, shall be subject to the following terms and
20 conditions:

21 1. An unobstructed channel of at least fifty feet
22 (50') width must be preserved at all times; provided, that the
23 (~~Board of Public Works~~) Director of Engineering may authorize
24 a lesser unobstructed channel when both sides of a waterway are
25 owned or controlled through lease by the same person, firm, or
26 corporation and (~~the Board~~) said official finds it to be in
27 the public interest.

28 2. All vessels, watercraft or obstructions shall be
anchored, moored or secured in such a manner as to minimize
interference with navigation in the waterway, and shall be
promptly removed upon order of the Port Warden in the event

1 clearance of the waterway be necessary for navigation or in an
2 emergency.

3 3. The owner or master of any vessel, watercraft or
4 obstruction anchored or moored in the navigable portions of nay
5 waterway shall be responsible for the safe anchorage and
6 fastening of the same, and for any actions necessary to prevent
7 sinking.

8 4. It shall be unlawful to use any vessel, watercraft
9 or obstruction as a place of abode while moored or anchored in
10 the navigable portions of a waterway, unless so authorized by
11 permit from the City.

12 5. No use of a waterway shall unreasonably restrict
13 water access to adjacent privately owned or controlled property;
14 or conflict with a use of a waterway permitted by any public
15 body pursuant to the terms of RCW 79.01.540 or 79.16.190.

16 Sec. 58. SMC 16.60.030-A, -B, -D, -E, -F and -G (parts of
17 §68 of Ordinance 87983, as last amended by part of §1 of
18 Ordinance 109250) are further amended as follows:

19 **16.60.030 Permits for use of waterways.**

20 A. Authorization. The (~~Board of Public Works~~) Director
21 of Engineering may authorize the use and occupancy of all of or
22 any portion of a waterway, including land and water parts, by a
23 written use and occupation permit as provided in this section,
24 and may (~~authorize the City Engineer to~~) issue (~~in its name~~)
25 an interim permit pending the final determination (~~of the~~
26 ~~Board~~) regarding the permit application. Such a permit may
27 authorize use of either a specific area of waterway or use of a
28 particular waterway by specified vessels, watercraft or obstruc-
tions, and shall be processed in the same manner as permits
pursuant to (~~Ordinance 90047, as now existing or hereafter~~
~~amended,~~) SMC Title 15, Subtitle 1 unless otherwise specified

1 in this chapter. The issuance or denial of any such permit
2 shall be appealable to the Street Use Appeals Board.

3 B. Application. Any person seeking the use and occupation
4 of a waterway or a portion thereof for a period in excess of
5 twenty-one (21) consecutive days, a longer period than that
6 allowed by regulations or posted notice of the Port Warden for
7 a particular waterway, or an occupancy for a vessel, watercraft
8 or obstruction in excess of seven (7) consecutive days within
9 sixty (60) days of a prior occupancy, shall apply in writing to
the ((~~Board of Public Works~~)) Director of Engineering therefor.

10 D. Notice. In the event that the application shall seek
11 a usage in excess of three hundred sixty-five (365) days, the
12 ((~~City Engineer~~)) Director of Engineering shall mail notice of
13 the application and the date, time and place at which ((~~the~~
14 ~~Board of Public Works~~)) such official will consider such
15 application, at least ten (10) days prior thereto to the State
16 of Washington. Commissioner of Public Lands, and the Port of
17 Seattle, publish such notice in a newspaper of general
18 circulation in the county and post a copy of the same in
19 prominent places in the immediate vicinity of the waterway. The
cost of such publication shall be borne by the applicant.

20 E. Issuance. The ((~~Board of Public Works~~)) Director of
21 Engineering may issue a permit for the use and occupancy of a
22 waterway with appropriate terms and conditions upon finding that
23 the use and occupation sought is compatible with use of the
24 waterway as public ways for watercraft and the convenience of
25 commerce, is consistent with the City's land use planning in the
26 immediate vicinity, and does not deprive adjacent properties of
27 reasonable water access. The ((~~Board~~)) Director of Engineering
28 may waive compliance with the terms and conditions of this
section with permit applications by the United States of America
and its agencies, by the state and by municipal corporations,

1 and in the case of an application for moorage of a vessel listed
2 upon the national historic register maintained by the United
3 States, with the bond requirements in subsection G of this
4 section.

5 Among other terms and conditions, the ((~~Board~~)) Director of
6 Engineering may but need not require that the vessel or
7 watercraft connect its plumbing system to the nearest available
8 City sanitary sewers; that the vessel or watercraft permit the
9 anchorage or fastening of vessels or watercraft alongside and
10 access thereto; or that the vessel or watercraft be removed as
11 soon as privately owned or privately controlled moorage space
12 becomes available. The applicant shall comply with the terms
13 and conditions of the permit, shall pay the fees prescribed in
14 advance of each month, and shall cease the use and occupancy of
15 the waterway on expiration of the permit, unless an additional
16 permit be issued.

17 F. Insurance. An applicant for a permit shall, prior to
18 issuance of the permit, provide and maintain in full force and
19 effect while the permit is in force, public liability insurance
20 in an amount specified by the ((~~City Engineer or the Board of~~
21 ~~Public Works~~)) Director of Engineering sufficient to cover
22 potential claims for bodily injury, death or disability and for
23 property damage, which may arise from or be related to the
24 applicant's use of the waterway, naming the City as an
25 additional insured.

26 G. Bond. An applicant for a permit shall provide prior to
27 issuance of the permit ((~~provide~~)) and thereafter maintain
28 during the period of the permit, a bond or cash deposit in an
amount specified by the ((~~City Engineer or the Board of Public~~
~~Works~~)) Director of Engineering sufficient to cover the
potential cost of removal of watercraft, vessel(s), or
obstruction(s) to be located therein in the event of sinking,

1 and in the event of adjacent publicly owned structures, to cost
2 of repair thereof in event of collision; and in the event of
3 fixed structures, ~~((to))~~ the estimated cost of removal upon
4 expiration of the permit.

5 H. Indemnity. The applicant shall execute and deliver to
6 the City upon a form supplied by the ~~((City Engineer))~~ Director
7 of Engineering an agreement in writing and acknowledge by th
8 applicant to hold and save harmless the City from any and all
9 claims, actions or damages of every kind and description which
10 may accrue to, or be suffered by, any persons by reason of or
11 related to the use and occupation of the waterway by the permit
12 holder.

13 Sec. 59. SMC 16.60.040 (§69 of Ordinance 87983, as last
14 amended by part of §13 of Ordinance 100171) is further amended
15 as follows:

16 **16.60.040 Fixed structure in waterway.**

17 No fixed structure of any kind shall be built or placed in
18 any waterway unless approved by the ~~((Board of Public Works))~~
19 Director of Engineering, the State of Washington, Commissioner
20 of Public Lands, the Port of Seattle and the United States of
21 America, Department of Army, Corps of Engineers; or approved by
22 the ~~((Board of Public Works and))~~ Director of Engineering where
23 the other agencies have declined jurisdiction or expressed in
24 writing no objection to the erection of such a structure.

25 Sec. 60. SMC 16.60.050C (part of §70 of Ordinance 87983,
26 as last amended by §1 of Ordinance 105239) is further amended as
27 follows:

28 C. In order to cover the costs of administration,
inspection, and policing involved in the issuance and
continuance of such permits and to avert interference with

1 commerce or navigation and unauthorized or unduly prolonged use
2 and occupation of waterways, the ~~((Board of Public Works))~~
3 Director of Engineering is further authorized and directed to
4 prepare and ~~((adopt))~~ recommend to the City Council for
5 adoption, a schedule of fees applicable to all such permits,
6 which fees shall be commensurate with fees established by
7 ordinance for the use and occupation of public places of similar
8 character in the vicinity~~((7))~~; provided, no fees shall be
9 charged the United States and its agencies, and the state or any
10 municipal corporation; and provided, further, that waterway area
11 used exclusively for youth activities related to navigation and
12 water safety, without charge to participants, by a non-profit
13 corporation or an organization that is open to public membership
14 by eligible youth shall not be considered in calculating the
15 amount of fees for use and occupation of waterways whenever the
16 ~~((City Engineer))~~ Director of Engineering and the Port Warden
17 ~~((shall certify to the Board of Public Works))~~ determine that no
18 substantial administration or policing would be involved and the
19 usage would not interfere with commerce or navigation nor be
20 unduly prolonged; and any such schedule, when approved by the
21 City Council by ~~((resolution))~~ ordinance shall govern the amount
22 of the fee for any such permit, which fee shall be collected as
23 a condition to the issuance or continuance of any such permit
24 other than permits issued to the United States and its agencies,
25 the state, or any municipal corporation. Fees shall be computed
26 according to the area actually included in the permit or area
27 obstructed by the vessel, watercraft or obstruction and shall
28 not include any charge for the area within an unobstructed
fifty-foot (50') channel maintained pursuant to ~~((Section))~~ SMC
16.60.020.

Sec. 61. SMC 22.802.20 (§ 5 of Ordinance 108080, as

1 last amended by § 5 of Ordinance 111043) is further amended as
2 follows:

3 **22.802.020** **When submission of a drainage control plan**
4 **is required.**

5 A. A drainage control plan shall accompany and be a part
6 of the application for any of the following permits and/or
7 approval of a planned unit development or City (~~Board of Public~~
8 ~~Works~~) construction contract under the conditions stated.

9 1. Master use and Construction Permit.

10 a. Where the permit application contemplates the
11 addition of more than two thousand (2,000) square feet of
12 developmental coverage within the subject property.

13 b. Where the permit application contemplates new
14 construction of a building, structure or surface with more than
15 two thousand (2,000) square feet of developmental coverage,
16 after the demolition of an existing building structure or
17 impervious surface.

18 c. Where the permit application contemplates the
19 construction of a one (1) or two (2) family dwelling. In such
20 cases, the drainage control plan may consist of a standard
21 design as provided in (~~Section~~) SMC 22.802.030 D;

22 2. Grading Approval. All grading approvals, unless
23 alternate information is required in lieu of a drainage control
24 plan as provided in (~~Section~~) SMC 22.802.050;

25 3. Street Use Permit. Where the permit application
26 contemplates the addition of more than two thousand (2,000)
27 square feet of developmental coverage within the subject
28 property;

 4. Planned Unit Developments. All planned unit
developments;

 5. City Construction Contracts. Where a City
construction contract contemplates the addition of more than two

1 thousand (2,000) square feet of developmental coverage to the
2 subject property, the contract plans and specifications
3 submitted for approval to the ((~~Board of Public Works~~)) Director
4 of Administrative Services must include the drainage control
5 plan.

6 B. Submission of a drainage control plan where required
7 shall be a condition precedent to the processing of any of the
8 above listed permits or approvals and approval of a drainage
9 control plan shall be a condition precedent to issuance of any
10 of the above listed permits or approval of a planned unit
11 development or ((~~Board of Public Works~~)) proposed City
12 construction project plans, specifications and estimates. The
13 approved drainage control plan shall be a part of the permit or
14 approval.

15 Sec. 62. SMC 22.802.100G (part of §13 of Ordinance
16 108080, as last amended by Ordinance 111043) is further amended
17 as follows:

18 G. The Director of Engineering shall prepare a
19 certification of the amount of the expenditure of the City in
20 doing such work or abating the nuisance, and shall submit the
21 same together with a statement and demand for payment of the
22 amount of such expenditure to the individuals named in the
23 drainage facility deficiency notice and order or abatement
24 order. If payment is not made to the City Treasurer or such
25 official's functional successor within thirty (30) days after
26 receipt of such notice individuals named therein, the Director
27 of Engineering shall forward a certification as to the amount of
28 the expenditure of the City in doing the work or abating the
nuisance to the Street use Appeals Board ((~~of Public Works~~)).
Such certification shall include a description of the premises
on which such work was done corresponding as nearly as possible

1 to the description used for the same property on the rolls of
2 the County (~~Comptroller~~) Assessor. The Street Use Appeals
3 Board (~~of Public Works~~) within thirty (30) days after the
4 receipt of such certificate shall personally or by certified
5 mail to the last known address notify the owner or reputed owner
6 of the property according to the records of the County
7 (~~Comptroller~~) Assessor of the City's intent to assess the
8 amount of the City's expenditures in doing the work or abating
9 the nuisance against the property. Such notice shall describe
10 the property as nearly as possible as it is described on records
11 of the County (~~Comptroller~~) Assessor, describe briefly the
12 work done, state the cost to the City thereof, and require the
13 persons named in the notice to appear before the Street Use
14 Appeals Board (~~of Public Works~~) at a time fixed, not less than
15 fifteen (15) days from the date of such notice and make any
16 objection they may have to such assessment. The notice shall
17 also state that objections must be in writing and that they may
18 be filed during the hearing. Such notice shall also be
19 published in the official newspaper of the City for two (2)
20 consecutive issues. The Street Use Appeals Board (~~of Public~~
21 ~~Works~~) shall at the time fixed meet and consider any and all
22 objections made, make such corrections, if any, in the amount of
23 such cost as it deems just and equitable and determined whether
24 the full amount of the assessment should be paid in one (1)
25 payment or whether it may be paid in installments and shall
26 prescribe the time and amount of such payments and the rate of
27 interest on the unpaid balance, and shall thereafter transmit
28 the record of such proceedings and its findings and
recommendations to the Legislative Authority with a request
that, by ordinance, levy and assess the amount of such
expenditures against the lot or lots of land on which the same
was expended, declare the same a lien thereon and require

1 payment thereof to be made to the City Treasurer within thirty
2 (30) days after the taking effect of such ordinance unless
3 provision is to be made for installment payments, in which case
4 a payment schedule shall be specified and interest on the unpaid
5 balance provided for. Immediately upon approval of the
6 ordinance, the City Treasurer or such official's functional
7 successor shall post such assessment on ~~((the))~~ such official's
8 records ~~((of his department))~~ and the same shall become a lien
9 on the property described in the ordinance. Publication of such
10 ordinance in the City official newspaper ~~((as required by the~~
11 ~~City Charter))~~ shall be sufficient notice of such assessment and
12 the lien thereof.

13 Sec. 63. Every rule of the Board of Public Works
14 relating to street, sidewalk, and waterway use shall remain in
15 full force and effect as if the same had been adopted by the
16 Director of Engineering, until such time as it is amended or
17 repealed by said Director.

18 Sec. 64. Any act consistent with the authority but
19 prior to the effective date of this ordinance is ratified and
20 confirmed.

21 Sec. 65. The provisions of this ordinance are
22 declared to be separate and severable. The invalidity of any
23 clause, sentence, paragraph, subdivision, section or portion of
24 this ordinance, or the invalidity of the application thereof to
25 any person or circumstance shall not affect the validity of the
26 remainder of this ordinance, or the validity of its application
27 to other persons or circumstances.

(To be used for all Ordinances except Emergency.)

Section 4... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 9th day of December, 1991,
and signed by me in open session in authentication of its passage this 9th day of
December, 1991.

[Signature]
President of the City Council.

Approved by me this 17th day of December, 1991
[Signature]
Mayor.

Filed by me this 18th day of December, 1991.

[Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....
By *[Signature]* Deputy Clerk.

STATE OF WASHINGTON - KING COUNTY

12268
City of Seattle

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115994

was published on
12/27/91

The amount of the fee charged for the foregoing publication is the sum of \$ _____ which amount has been paid in full.

K. Kelly

Subscribed and sworn to before me on
12/27/91

J. M. Richardson

Notary Public for the State of Washington,
residing in Seattle

ble by your PC with DIC
Online
Contact John Elliott at
(206) 622-8272 for info.

91-9-27109-2 Harvested A Food Co Inc
91-9-27110-6 Braden A Braden
91-9-27111-4 Fernichtjansen & Chas
\$1,000 DOM
\$2,500 DOM

91-4-05222-8 Estate, William L Green
91-4-05222-9 Estate, Robt Barton
91-4-05223-4 Estate, Wm A Eicht
Mary Ellen Dubec Kamey
Law & Law
James George & Robt
Edwards Prose
Lawrence A Talley &

cond
noti
dang

15.14.020 When permit required
A. Without a permit from the ~~Board of Public Works or~~
~~the City Engineer acting on its behalf~~ Director of

2. Requiring that every newstand in any public place
have the name, address, and telephone number of the owner or
other responsible party affixed thereto in a place where it may

City of Seattle

ORDINANCE 115894

AN ORDINANCE relating to street, sidewalk and waterway use; amending SMC 15.04.010, -.020, -.030, -.040, -.050 and -.070, and -.080; SMC 15.06.020 and -.030; SMC 15.08.080; SMC 15.16.060; SMC 15.10.020 and -.030; SMC 15.12.010, -.030, and -.040; SMC 15.14.010B, -.040, -.050, -.070, and -.080; SMC 15.22.020; SMC 15.24.020; SMC 15.26.060; SMC 15.30.010, -.020, -.030, and -.050; SMC 15.32.010 and -.020 -A, -B, -C, -D, -E, -F, -G, -H and -I; SMC 15.34.010; SMC 15.42.030, -.050 and -.060; SMC 15.44.130A, -.140, -.150, and -.170B; SMC 15.50.010, -.020, and -.040; SMC 15.64.030, -.040, -.060, -.085A, -.070, and -.080; SMC 15.72.010, -.020, and -.040; SMC 15.74.030; SMC 15.78.010; and SMC 18.60.010, -.020, -.040, and -.050C to delete references to the City Engineer and Board of Public Works, transfer certain responsibilities thereof to other officials, establish a Street Use Appeals Board, specify the functions and required procedures of such Board, otherwise clarify legislative intent, and make other general modifications therein.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SMC 15.04.010 (§7 of Ordinance 90047, as last amended by §1 of Ordinance 109754) is further amended as follows:

15.04.010 Permit -- Required

It shall be unlawful for anyone to use any public place, for private purposes, without a written permit from the ~~(Board of Public Works of the City)~~ Director of Engineering or the Director of Construction and Land Use, and without complying with all the provisions of this subtitle in relation thereto; provided, that nothing herein ~~(contained)~~ shall apply to street maintenance work performed by the City, street or sewer installation and improvement work authorized by ordinance, or street improvement work authorized by ordinance, or street improvement projects under contract with the City.

Sec. 2. SMC 15.04.020 (§8 of Ordinance 90047, as last amended by §1 of Ordinance 109754) is further amended as follows:

15.04.020 Permit -- Application.

Except for those street use approvals which must be requested from the Director of Construction and Land Use in accordance with the applicable provisions of the Master Use Permit Ordinance ~~(199439)~~ SMC Ch. 23.76, applications for permits provided for by this subtitle shall be filed with the Director of Engineering, upon a form supplied by him/herself. Such applications shall ~~(be directed to the Board of Public Works, and shall)~~ contain:

- A. An accurate description of the public place or portion thereof desired to be used as herein specified;
- B. The use desired to be made of such public place by the applicant;
- C. The plans and specifications for any utility or structure desired;

deposit with the City Treasurer or such official's functional successor, for addition to ~~(the)~~ the Guarantee Deposit Fund, and take his/hers receipt therefor, a cash indemnity deposit. The amount of the cash indemnity deposit shall be determined by the ~~(Board of Public Works or the City Engineer)~~ Director of Engineering at the time of approving the application ~~(and shall be governed by)~~ based upon the anticipated amount and extent of injury, damage or expense to the City as determined by ~~(the Board of Public Works and/or the City Engineer)~~ said Director, and shall be subject to appeal to the Street Use Appeals Board. The applicant shall endorse the receipt to the City and deposit the same with the ~~(City Engineer)~~ Director of Engineering before receiving ~~(his)~~ the permit. Such indemnity deposit shall be used to pay the cost plus fifteen percent ~~(15%)~~ thereof ~~(for)~~ for inspections, surveys, plans and other services performed by the City, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the City Comptroller or such official's functional successor, if such an agreement is required with the permit, and any other expense the City may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the ~~(City Engineer or the Board of Public Works)~~ Director of Engineering determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his/hers indemnity deposit.

B. The applicant ~~(in lieu of, or in addition to the cash indemnity deposit)~~ may ~~(if, as approved or required by the Board of Public Works or the City Engineer)~~ file with the City Comptroller or such official's functional successor, in lieu of ~~(and in addition to the cash indemnity deposit, as authorized and required by the Director of Engineering, a surety bond approved as to surety by the Mayor, and as to form by the City Attorney, which bond shall assume all the requirements provided (in subsection) SMC 15.04.040-A in relation to a cash indemnity deposit, shall run for the full period of the permit, and shall be in an amount to be fixed by the (Board of Public Works or the City Engineer) Director of Engineering, subject to appeal to the Street Use Appeals Board, and conditioned that the applicant shall faithfully comply with all the terms of the permit and all the provisions of this subtitle and all other ordinances of the City, and indemnify and save the City free~~